

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Tuesday, 4 May 2010

(Extract from book 6)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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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 Elasmarr 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 Elasmarr, 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.

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

Parliamentary Services — Secretary: Mr P. Lochert

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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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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Kosky, Ms Lynne Janice ⁶	Altona	ALP	Weller, Mr Paul	Rodney	Nats
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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, 4 May 2010

The SPEAKER (Hon. Jenny Lindell) took the chair at 2.05 p.m. and read the prayer.

BUSINESS OF THE HOUSE

Broadcasting of proceedings

The SPEAKER — Order! Before calling questions can I advise members that the video broadcasting has commenced, and I take this opportunity on behalf of all members to sincerely thank the staff of the Parliament and the contractors from AVI for their efforts over the last several months. An enormous amount has gone into making this possible today, and I pass on to them the thanks of all members for a great job.

QUESTIONS WITHOUT NOTICE

Child safety commissioner: report

Ms WOOLDRIDGE (Doncaster) — My question is to the Minister for Community Services. I refer the minister to the case of the father who molested his daughter for 28 years and who was sentenced to more than 22 years in jail on 15 February 2010 and to the fact that at the time the child safety commissioner, Bernie Geary, said he would give his report on the case to the minister within a month, and I ask: given that the child safety commissioner's review assesses why repeated reports of abuse were not notified or investigated, will the minister immediately release the full report or will this be another case of secrecy and cover-up?

Ms NEVILLE (Minister for Community Services) — I thank the member for her question. As the member has indicated, this is a case that has spanned a period of almost 30 years. It is a very concerning and distressing case, particularly for the young woman and children involved in it. At the time these allegations came to light I requested that the child safety commissioner have a look at all the files that were available to see what had happened over that period of 30 years and to see whether there would be opportunities for that review to assist with any current practice and highlight issues that may have arisen in the past.

The child safety commissioner continues to undertake that work. It is quite extensive. If people remember back 30 years they will recall that at that point the child protection system was contracted out, with services provided by church and charity organisations, so there are files and information spanning that period of time

that are contained in a range of areas. The child safety commissioner continues to undertake that work and has indicated to me that that work should be completed shortly. However, as I said at the time I requested this report, it is likely to contain extremely detailed, sensitive information in relation not just to the woman involved but also to her children, and my priority in this instance will be to ensure the protection of their privacy and that they are able to move on, recover and get the support they need to rebuild their lives.

Climate change: government initiatives

Ms RICHARDSON (Northcote) — My question is to the Premier. I refer to Labor's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the Premier update the house on actions Labor is taking to position Victoria not only to reduce its impact on the climate but to secure new jobs and investment for Victoria?

Dr Napthine — On a point of order, Speaker, I ask you to rule the question out of order. The question asked what action Labor was taking to do certain things. I thought question time was about asking the government what it was doing, not what the Labor Party was doing. You cannot ask a question of the Premier about what the Labor Party is doing; it is about what the government is doing. Therefore the question is out of order, and I ask you, Speaker, to rule it out of order.

Mr Batchelor — On the point of order, Speaker, I put it to you that the question was directed to the Labor government. If you find that that is not acceptable, Speaker, you should ask the member to rephrase her question.

The SPEAKER — Order! I ask the member for Northcote to rephrase her question.

Ms RICHARDSON — I refer to Labor's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the Premier update the house on actions the Labor government is taking to position Victoria not only to reduce its impact on the climate but to secure new jobs and investment for Victoria?

Mr BRUMBY (Premier) — I thank the member for Northcote for her question and for her strong support of policies in this area to ensure the sustainability of our state and to tackle climate change. I am pleased to say that we were the first state to have a mandatory renewable energy target. We were the first state to have a mandatory energy efficiency for energy retailers, and

we were the first state to put in place the 5-star standard for new homes. In April at the opening of the Healthy Parks, Healthy People world congress I also announced that from 1 July this year entry to all our national parks across Victoria would be free.

In relation to climate change, I have always said that while we need to be mindful of the threat posed by global warming and need to tackle it in a constructive way, we should also see this debate as a climate of opportunities — opportunities for new investment, opportunities for new industries and opportunities for new jobs. That is why last week, in partnership with the Minister for Environment and Climate Change, the Minister for Skills and Workforce Participation and the Minister for Regional and Rural Development, I launched Jobs for the Future Economy: Green Jobs Action Plan, which is Victoria's action plan for green jobs.

This is a \$175 million plan. It aims to support those aspects of industry that are now ready to embrace change. It helps to build the green skills that we need to meet rising demand, and it offers support to those in the community who want to get on with the business of sustainable living. Within this \$175 million plan there is \$60 million to upgrade schools, hospitals and government buildings, thus reducing emissions and securing something like 250 direct new jobs. It will cover things like retrofitting the Heidelberg Repatriation Hospital, the Royal Talbot Rehabilitation Centre, Scienceworks, the Immigration Museum, campuses operated by Kangan Batman TAFE and South West TAFE, and 62 regional public schools to make them more energy efficient.

There will be \$60 million for more resource recovery and recycling, securing up to 700 new jobs. There is \$10 million to train the workforce that we need to accelerate the transition to a low-carbon future, with a focus on young people as well as on workers who are currently in the building industry. There is \$5 million to create 10 new solar hubs across the state delivering community-based solar power. This is a fantastic initiative across country Victoria, creating more job opportunities and generating more green energy. There is \$1.3 million for the world's largest trial of individual household-scale ceramic fuel cells in public housing, which will make this the biggest trial of ceramic fuel cells anywhere in the world. By the way, these cells are being produced in our state of Victoria.

We received a great response to the initiatives we outlined. It is probably worthwhile mentioning to the house the response we have had from across the community. One response stated:

Today's announcement shows both vision and leadership — Victoria is now in front of other Australian states on the issue of green transformation.

That is from Cam Walker from the Friends of the Earth. Another one stated:

Today's announcement is a great win for the building industry, as thousands of builders and tradies will now be able to improve their sustainability credentials through subsidised green skill training courses.

That is from Brian Welch, the executive director of the Master Builders Association, so he is on board.

Then there was another response, which stated:

This strategy represents a pragmatic way forward in responding to some of our environmental and economic challenges and opportunities...

That was from Wayne Kayler-Thomson, the chief executive officer of the Victorian Employers Chamber of Commerce and Industry.

There were many more commentaries supporting the initiatives we released, but I think the real story about this package is that it is \$175 million; it is about tackling climate change; it is about generating new jobs, innovation and new opportunities; and it is about a partnership between the government and the whole community to do those things. I thank the member for Northcote for her support for the package and for her commitment to tackling climate change, and I commend this package to the house.

Croydon South Primary School: funding

Mr DIXON (Nepean) — My question is to the Minister for Education. I refer to the government's 'Working Victoria' website, which states that Croydon South Primary School will receive \$500 000 for the refurbishment and renewal of existing classroom facilities, and I ask: as the government closed this school in 2008, why is the government funding the refurbishment and renewal of classrooms which are now used only by vandals?

Ms PIKE (Minister for Education) — I thank the member for his question. I particularly thank the member for reminding the house that this government is in the midst of one of the biggest school rebuilding programs this state has ever seen.

Honourable members interjecting.

The SPEAKER — Order! The minister will not be shouted down. I ask opposition members for some cooperation.

Ms PIKE — Wherever you go right around this great state of ours, whether it be country Victoria, whether it be regional Victoria, whether it be the metropolitan area, what you will see is brand-new facilities — —

Mr McIntosh — On a point of order, Speaker, the minister is debating the question. It was a clear question about Croydon South Primary School and \$500 000 going to a closed school. She should be addressing that question, not speaking generally.

The SPEAKER — Order! I uphold the point of order.

Ms PIKE — I find it interesting that the opposition would raise the issue of closing schools. This government has been very clear that — —

Honourable members interjecting.

The SPEAKER — Order! I ask the minister not to debate the question. I ask members of the opposition to cease interjecting in that manner.

Ms PIKE — The member asked me about a school that was ‘closed’ in the member’s words, when in fact this government does not close schools — unlike those opposite, who unilaterally closed 300 schools during the time they were in government.

Honourable members interjecting.

The SPEAKER — Order! I ask members of the opposition for some cooperation. The minister will not be shouted down. I ask the minister to address the question as asked.

Ms PIKE — Croydon South Primary School has made a decision. Its school council, whose decision we respect — —

Dr Napthine interjected.

The SPEAKER — Order! I warn the member for South-West Coast.

Ms PIKE — This school has made a decision to join forces with another school nearby to improve the educational opportunities for the young people in its community. We support school councils. We support them with their decision making. We do not unilaterally ride roughshod over their desires. We do not go out to close schools and actually sell them off and derive benefit from them. We work with schools, because our ultimate aim is to achieve what is in the best interests of schoolchildren right across Victoria.

Children: early childhood services

Mr BROOKS (Bundoora) — My question is for the Minister for Children and Early Childhood Development. 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 inform the house of how the Brumby Labor government is ensuring that all children, including those with a disability or developmental delay, can access the quality education and care services they need?

Ms MORAND (Minister for Children and Early Childhood Development) — I thank the member for Bundoora for his question and his longstanding interest in and advocacy for families with children with a disability or developmental delay. This government believes all Victorian children, including children with a developmental delay or a disability, can get the best start in life and access quality education services through their lifetime. Families with children with a disability or a developmental delay obviously face additional challenges, especially in the early years. This government understands the importance of intervention in the early years and of ongoing support. That is why we have increased funding for those services over many years.

Today I am pleased to inform the house that we will continue this massive investment with a funding boost of \$108 million to increase the range and the quality of services and support for these children. This funding will include an additional \$38 million to be provided to early childhood intervention services. These services provide support for preschool-age children, including speech therapy, physiotherapy and special education. We currently support around 12 000 children through early intervention services. This funding support will mean that each child will get additional hours of the quality services they need to get the best and the earliest intervention possible. When fully implemented this investment will represent an overall increase of 40 per cent in funding support for children needing early childhood intervention services.

In addition we have around 20 000 students attending Victorian government schools who are supported through a program for students with a disability. That includes around 9000 students who are in 77 special schools. Today I am pleased to announce a new model of funding support: satellite units and inclusion support units. These will be purpose-built, specialised facilities. They will be constructed on the grounds of existing primary and secondary schools. This model will allow those units to be staffed by specialists, and it will also

allow the children to participate in the mainstream schools. The importance of this new model is that it will provide a another option for families — enabling them to send their child with a disability to a local school but at the same time enabling them to get the support they need, when they need it, from the specialised support staff.

I am also pleased to announce \$9 million for a new deaf education institute that will support and train teachers working with the deaf and hard of hearing. This new institute will be based in Melbourne and will significantly increase the teaching and allied health expertise to support students with a hearing impairment right across Victoria. I believe this institute will play a leading role in deaf education in Australia.

In summary, we are delivering better quality services, better infrastructure, greater choice and increased professional development. All these things together support Victoria's children in getting the best possible start in life.

Police: cross-cultural training

Mr KOTSIRAS (Bulleen) — My question is to the Minister for Police and Emergency Services. Will the minister advise the house how many hours of cross-cultural training serving police officers undertake, and how often?

Mr CAMERON (Minister for Police and Emergency Services) — I thank the member for his question. I have to say that to see him on his feet in question time comes as a little bit of a shock, but he will know that Labor is the party of policing in this great state, and he will also know, or rather he should know, that when it comes to cultural issues, this is something the chief commissioner and Victoria Police take seriously. It is picked up from the very start when police join the academy and it is part of the culture of Victoria Police.

Crime: government response

Dr HARKNESS (Frankston) — My question is to the Minister for Community Services. I refer to the Brumby Labor government's commitment to make Victoria a safe place to live, work and raise a family, and I ask: can the minister inform the house of what steps the government is taking to address the causes of crime by supporting vulnerable young people?

Ms NEVILLE (Minister for Community Services) — I thank the member for Frankston for his question. The Brumby Labor government recognises the need to continue to act to keep our streets safe and

to intervene earlier with our young people to divert them away from a cycle of crime. Even though Victoria is the safest state, we acknowledge that the community is concerned about an emerging knife culture and alcohol-related violence amongst our young people. I am pleased to advise the house that last week the Brumby Labor government, through the Premier, committed to an additional \$22 million to tackle crime and to help young people get back on track. Our program will address the underlying causes of youth crime and bolster our diversion efforts, early intervention programs and support services for vulnerable young people. Our package draws on what experts tell us about the best way to help at-risk young people, to get them back on track and to prevent and stop them offending. It will have a strong focus on responding to young people carrying knives and other weapons.

Our suite of new initiatives will strengthen the response to youth crime across the state by providing 55 new on-the-ground youth workers; a rapid response team to work with police dealing with young people in crime hotspots; a new behaviour change program for young people who are found carrying knives; and an intensive bail support pilot.

The new youth workers will be part of a mix of government and non-government organisations. They will work with a range of service providers like drug and alcohol, mental health and education services, and they will work in partnership with police to give young people the support they need to divert them away from offending.

The rapid response team of youth workers will work with police in crime hotspots and respond quickly to incidents. In addition, the new behaviour change program we are introducing will act to prevent violence and to shift attitudes to knives. Young people will be referred by the police or can be ordered by the courts to participate in the program. It is a tough program that aims to break down the growing knife and violence culture on our streets.

What this government has done for public safety is to promise more police and to deliver more police. We have promised more youth workers, and we will deliver more youth workers. The alternative is to cut police and cut workers across human services, which is exactly what those opposite did when they were in government.

These initiatives have been welcomed by organisations right across the state. They were welcomed by the Victorian Council of Social Service, we were congratulated and applauded by Jesuit Social Services

and Les Twentyman also offered his congratulations to the Brumby government for taking this step. We aim to make sure that children and young people do not progress to the criminal justice system. We are committed to taking action against knife crime to keep our families safe. Our record is about hiring police and youth workers, unlike those opposite, who slashed jobs, and we will make our streets safer and our communities safer by hiring an additional 1966 police and 55 youth workers.

National Ice Sports Centre: access

Mr DELAHUNTY (Lowan) — My question is to the Minister for Sport, Recreation and Youth Affairs. I refer the minister to his media release on 12 February 2010 in which he billed the new Docklands Icehouse as ‘a great pathway for our next crop of winter athletes’. I also refer to a letter from the Victorian professional skating association which shows that elite skaters have been barred from training with their coaches at this facility, and I ask: is it not a fact that the government has committed \$10 million of taxpayers funds on an Olympic facility that refuses access to our future champions with their Olympic coaches?

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — I thank the member for Lowan for his question. The \$58 million Icehouse is a great addition to the sweep of sporting and recreational facilities across Melbourne and is one of the reasons why we are the world’s sporting capital. This was a project long in the making; it was a project that we, in partnership with ING, fought long and hard to make a reality. We did that through a commitment from the Brumby Labor government of more than \$10 million and a commitment from ING of over \$48 million.

ING has been required to enter into agreements with the Olympic Winter Institute of Australia and Ice Hockey Victoria and to provide access to Ice Hockey Australia; Ice Hockey Victoria; Ice Skating Victoria, which is for figure skating; the Victorian Curling Association; and the Victorian Ice Racing Association, which is predominantly for speed skating. The Olympic Winter Institute of Australia will base its administration and training programs for ice sports at the Icehouse to facilitate training access for elite and high-level ice skaters and coaches. In addition each of Victoria’s state ice sports associations has been allocated requested hours of ice time at the Icehouse, providing an opportunity for Victoria’s elite and high-level skaters to train and compete at a world-class Olympic training centre and opportunities for grassroots ice sport clubs and members as well.

In relation to the question, my department has met with both Icehouse management and state sports associations and coaches interested in using the facility, and as a result a policy is currently being developed with Ice Skating Victoria for coaches to use the Icehouse.

Only the Brumby government was able to deliver this facility. The reason this is such a wonderful facility is that it contains two icerinks. In the past the only facility available for both recreational users and those involved in the various ice sports has been one icerink, which has meant that because the revenue has been gained through recreational use, the recreational uses rather than the sports activities such as training, coaching and elite sports development have got the majority of the available time. You would have an ice hockey team training at 11 o’clock at night. They were completely unsociable hours, and it was difficult to support those sports.

The beauty of having two rinks is that you have got one rink devoted to recreational use and the other rink devoted to sport. Only the Brumby government has been able to deliver this project. It is a great addition to the Docklands precinct and a great addition to the suite of major sporting and recreational facilities in Melbourne.

Courts: funding

Mr HOWARD (Ballarat East) — My question is for the Attorney-General. I refer to the Brumby Labor government’s commitment to make Victoria a safe place to live, work and raise a family, and I ask: can the Attorney-General update the house on the government’s continued commitment to be not only tough on crime but tough on the causes of crime?

Mr HULLS (Attorney-General) — I thank the honourable member for his question and for his ongoing support for the safety of those who live in his electorate as well as in Victoria more generally. As a government we will not tolerate violence in this state, and we will take decisive action in relation to police, police numbers, courts and the justice system as a whole to protect members of our community. We are tough on crime and tough on the causes of crime.

An effective and efficient court system is absolutely essential to achieving these twin aims. I advise the house that radical reforms we have made to criminal procedures to slash paperwork and streamline court proceedings are not only getting alleged offenders before the courts more quickly but are also allowing police to spend hundreds of thousands of extra hours a year on the streets. As we know, that is good for

victims as well. An estimated benefit of the changes, which are based on early and meaningful disclosure and therefore increase the ability to make decisions early in the court process, is that they are enabling police to spend an extra 200 000 hours on the beat each year.

Since 1999 the government has provided a massive boost to resources for our courts to improve efficiency and effectiveness through funding for new judges, opening and improving court facilities and developing new ways to deal with the causes of crime and reduce reoffending. This investment continues with an extra \$62.3 million over the next five years, which includes the appointment of six new judicial officers across the Supreme, County and Magistrates courts, including the Children's Court. That will bring the number of additional judicial officers since we came to government in 1999 to a total of 43.

As members of this house would know, particularly members on this side, legal aid is not only vital to ensure that our system of justice is fair but is also absolutely critical to the effective operation of our courts. We will be continuing our investment in legal aid with a massive \$50 million increase in legal aid over the next two years. I might say this additional funding for legal aid has been welcomed by a range of organisations, including the Victorian Council of Social Service, which said in relation to the announcement that:

Today is a victory for what is just and right. Legal aid funding is a key basis for ensuring access to justice for disadvantaged Victorians.

The president-elect of the Law Institute of Victoria, Caroline Counsel, said that additional funding for legal aid, foreshadowed in advance of this week's state budget, was welcomed and put additional pressure on the federal government to increase funding. I certainly hope the federal government steps up to the mark in relation to its contribution to legal aid.

I might remind the house that our contribution to legal aid as a state stands in stark contrast to that of those opposite, who when last in government conspired with the federal government to hack into legal aid funding.

Honourable members interjecting.

The SPEAKER — Order! I ask the Attorney-General to confine his remarks to the question as asked.

Mr HULLS — From the Neighbourhood Justice Centre through the court integrated services program, which members would know targets offenders with

complex social, economic and health needs, to the recently announced and launched assessment and referral list, which specifically addresses issues of mental health or cognitive impairment to increase funding for legal aid and increase court resources, we are as a government ensuring a holistic approach to our justice system. Lazy and simplistic lock-them-up-and-throw-away-the-key policies might be easy and give some a warm inner glow, but such an approach does not solve complex problems and does not reduce recidivism — and indeed it does not help victims. It just does not work.

I conclude on this note, and it is a very important —

Honourable members interjecting.

The SPEAKER — Order! I ask the member for Malvern and the member for Narre Warren North to cease interjecting in that manner.

Mr HULLS — As Nicholas Cowdery, the New South Wales DPP, said just last week — on *Lateline*, I think it was — when talking about a law and order debate in New South Wales:

It's one of the enduring mysteries, why Victoria has a much smaller prison population per head and why it has shorter sentences per head, but not a burgeoning crime rate.

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Narre Warren North. I ask members of the opposition to cease interjecting in that manner.

Mr HULLS — He goes on to say:

They must be doing something right in Victoria; if only we could learn and apply the lessons here.

And he is dead right.

Geelong Investment and Innovation Fund: allocations

Mr R. SMITH (Warrandyte) — My question is to the Premier. I refer to the \$24 million Geelong Investment and Innovation Fund (GIIF) and the fact that applications for grants from the fund closed in May 2009, and I ask: is it not a fact that roughly only half of the announced funds have been allocated, leaving Geelong industry unfairly short-changed?

Mr BRUMBY (Premier) — I thank the honourable member for his question. I do not have all the details with me about the Geelong investment fund, the GIIF, and I do not think members would expect me to. What I do know is that it was a very effective

partnership between the state government, the federal government and the City of Greater Geelong.

Members will recall that the fund came about after the decision by the Ford Motor Company to close its engine plant. As a result of the formation of the fund and the support through the new federal government — it was Senator Kim Carr — the Ford Motor Company changed its decision in relation to the engine plant and has subsequently announced significant new investment.

Honourable members interjecting.

The SPEAKER — Order! Can I suggest to the member for Bass that that is not parliamentary behaviour.

Mr BRUMBY — I am advised that the successful applicants for round 1 GIIF funding were announced on 8 June 2008 and successful applicants for round 2 were announced on 7 May 2009, and those successful applications resulted in 326 investments worth more than \$20 million. I might say, Speaker — —

The SPEAKER — Order! The Leader of the Opposition, on a point of order.

Mr Robinson interjected.

The SPEAKER — Order! I warn the Minister for Gaming.

Mr Baillieu — On a point of order, Speaker, the Premier was quoting from a document, and I ask him to table the document.

The SPEAKER — Order! Is the Premier quoting from a document?

Mr BRUMBY — I do not believe I quoted; I said, 'I have been advised'. They are personal notes.

The reality is that when Ford announced that decision — —

Mr Baillieu — On a further point of order, Speaker, the Premier was quite clearly reading from a document that was handed to him. They were not his personal notes. There was a document provided to him, and I ask him to table the document.

Mr Batchelor — On the point of order, Speaker, the position put by the Leader of the Opposition is preposterous. The Premier was referring to notes. Members cannot refer to notes without reading them. Referring to notes by reading is not against the parliamentary requirements. The requirement is to

provide the document from which you are quoting if you are quoting from a document, but if you have got notes, you are able to look at those and provide information from them. The Premier was not quoting the whole document — he was reading from it, and he is entitled to do that. If the Leader of the Opposition cannot distinguish between quoting and referring, then he should take some lessons.

Honourable members interjecting.

The SPEAKER — Order! I suggest to all members that the level of interjection across the chamber is far too great. I will hear the member for Warrandyte on his point of order in silence. I suggest to all members that my patience has gone for the day. The member for Warrandyte, on the point of order.

Mr R. Smith — On the point of order, Speaker, I would just question, if the Premier has notes, why he said at the outset that he did not have any of the facts to hand.

The SPEAKER — Order! There is no point of order. It is my understanding that the practice of this house is that if a member quotes from a document and a member asks that the document be tabled, then that happens, but members are able to refer to their notes.

Mr Baillieu — On a further point of order, Speaker, I agree with your understanding of the arrangements in this house, but the Premier was not referring to his notes. He was reading from a document handed to him by a minister — a document acknowledged as such by the Leader of the House. The Premier was reading from a document handed to him by a minister. He should table the document.

The SPEAKER — Order! There is no point of order. Has the Premier finished his answer?

Mr BRUMBY — As I was indicating earlier, as a result of the GIIF, which I believe was a great partnership between levels of government in what was a difficult time for Geelong, if you look at all of the investments which have gone into Geelong through that fund — the investments which we recently announced in Geelong in relation to the casting plant and the imminent announcement in relation to the ring-road around Geelong, stage 4C — all of this is a great story for Geelong; it is one of the great regional success stories. There is the investment in Skilled Stadium.

One of the great regional success stories is Geelong, a city that is now bigger than Hobart and the whole of the Northern Territory. It is growing rapidly and has a state government, our government, investing solidly in the

vital services and infrastructure that are necessary to secure the future of this great community for decades to come.

Police: government initiatives

Mr STENSHOLT (Burwood) — 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 to make it the safest state, and I ask: can the minister outline for the house how the Brumby Labor government is continuing to make record investments in our police force to assist it in keeping Victoria safe?

Mr CAMERON (Minister for Police and Emergency Services) — Labor is the party that invests in Victoria Police: there is a record budget and a record number of police. Over the last decade, including at the last three elections, Labor has made commitments and Labor has delivered on them. In a recent discussion in this house about police numbers, members of the government set out exactly what Labor was doing in terms of numbers. One honourable member had this to say:

I accept what government members say. They have delivered on what they have said they would. They have even done a little bit more.

That is from the Leader of The Nationals. As the Leader of The Nationals pointed out, when Labor says it will deliver a number of police, Labor delivers. Labor is the party that you can believe in.

Mr Ryan — On a point of order, Speaker, I ask you to review the standing orders to examine the position where a minister has chosen to quote something I said in part without quoting it in totality to therefore convey an impression which is completely opposed to that which is the one I gave to the house at the time. As the minister well knows —

Honourable members interjecting.

The SPEAKER — Order! I ask government members to come to order.

Mr Holding interjected.

The SPEAKER — Order! The Minister for Water!

Mr Ryan — As the minister well knows, he is misleading the house. I ask you, Speaker, to examine the standing orders and make a ruling on this issue.

The SPEAKER — Order! The selective quotation of documents, I would have thought, is a commonplace

occurrence in this chamber; it has been done by members on all sides over a long period of time. I will not be reviewing that longstanding practice. The Minister for Police and Emergency Services is to address the question as it was asked and is not to debate it.

Mr CAMERON — We have increased the police-to-population ratio. The population has increased by around 16 per cent; police numbers have increased with our commitment by 22 per cent. We are pleased to see a reduction in the crime rate of 25 per cent.

While we will come to the end of this term in government with an increase in the number of police of around 2000 — that is the biggest increase in Victoria’s history — we want to go even further. That is why the Premier has announced a five-year plan to provide 1966 extra front-line police. It is the biggest increase in the history of this great state: it involves 1700 additional police; it involves freeing up 200 police by replacing them with civil servants; and it involves the freeing up of 66 police who answer telephone calls and emergency calls by aggregating them into the Emergency Services Telecommunications Authority at Ballarat.

We believe this is very important. That is what we have been having discussions about with the Chief Commissioner of Police, because it is Labor with a proven record of delivering on police that is exactly demonstrated by what the Leader of The Nationals said. When we say we will deliver, we deliver. The last thing we will do is what was done the last time The Nationals held the police portfolio and the Leader of the Opposition was the Leader of the Liberal Party — slash police.

Mr McIntosh — On a point of order, Speaker, in relation to the answer that was provided by the Premier together with a number of points of order, given the fact that there was an issue about whether the Premier was handed a document and whether that was his document or somebody else’s document, certainly I would ask you to read the transcript, but now that we have the benefit of video footage I would also ask you to look at that matter to see whether the Premier has actually misled the house. It is a serious matter and perhaps you should look at the transcript and the video footage to see where that document came from.

Mr Batchelor — On the point of order, Speaker, I put to you that this is a frivolous point of order. There was no suggestion or issue raised about where the document came from. The Premier referred to a document that was in his possession. He did not quote

from it. That was as you ruled, and that should be the end of it.

Honourable members interjecting.

Mr Batchelor — Of course. He referred to a document. You cannot get the information from a document without reading it, can you? It is not possible. The document is not in braille — you cannot touch it; you have to read the words. You might not understand what reading is about, but that is how you access information!

The SPEAKER — Order! I have heard sufficient contributions on the point of order. The longstanding practice of this house is that if a member quotes from a document, it can be asked that the document be tabled. Members are always able to refer to their notes. There is no point of order.

STATE TAXATION ACTS AMENDMENT BILL

Introduction and first reading

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) introduced a bill for an act to amend the Duties Act 2000, the First Home Owner Grant Act 2000, the Land Tax Act 2005, the Payroll Tax Act 2007 and the Taxation Administration Act 1997 and to repeal the Business Franchise (Tobacco) Act 1974, the Debits Tax Act 1990 and the Financial Institutions Duty Act 1982 and for other purposes.

Read first time.

PARKS AND CROWN LAND LEGISLATION (MOUNT BUFFALO) BILL

Introduction and first reading

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

That I have leave to bring in a bill for an act to amend the Crown Land (Reserves) Act 1978 and the National Parks Act 1975, to revoke certain permanent reservations, to make minor amendments to other acts and for other purposes.

Ms WOOLDRIDGE (Doncaster) — I ask the minister to provide a brief explanation of the bill.

Mr BATCHELOR (Minister for Energy and Resources) — I am happy to do that. I will do it by reading.

Honourable members interjecting.

Mr BATCHELOR — They are my notes; nobody else's. The purpose of this bill is to extend the maximum lease term for the Mount Buffalo Chalet, Cresta Valley and Dingo Dell sites at Mount Buffalo National Park. It also revokes a number of areas of permanent Crown land reservations totalling about 4.7 hectares, to help facilitate projects in Geelong, Shepparton and Swan Hill. It refines enforcement provisions associated with marine national parks and marine sanctuaries. It also adds approximately 820 hectares to eight parks, among other things.

Motion agreed to.

Read first time.

TRANSPORT LEGISLATION AMENDMENT (PORTS INTEGRATION) BILL

Introduction and first reading

Mr PALLAS (Minister for Roads and Ports) introduced a bill for an act to continue the establishment of an integrated and sustainable transport system in Victoria by amending the Transport Integration Act 2010 and the Port Services Act 1995 to provide for the Port of Melbourne Corporation and the Victorian Regional Channels Authority to continue under the Transport Integration Act 2010 and for the abolition of the Port of Hastings Corporation and for the Port of Melbourne Corporation to be the successor in law of the Port of Hastings Corporation and to make other amendments to the Transport Integration Act 2010 and to amend certain other acts and for other purposes.

Read first time.

DOMESTIC ANIMALS AMENDMENT (DANGEROUS DOGS) BILL

Introduction and first reading

Mr HELPER (Minister for Agriculture) — I move:

That I have leave to bring in a bill for an act to amend the Domestic Animals Act 1994 and for other purposes.

Mr WALSH (Swan Hill) — I ask the minister for a brief explanation of the bill.

Mr HELPER (Minister for Agriculture) — The bill provides a balanced policy response that comprises both increased education and enhanced compliance capability to reduce the risk of dog attack and injury and threat to the community.

Motion agreed to.

Read first time.

PHARMACY REGULATION 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 regulate the ownership and operation of pharmacy businesses, pharmacy departments and pharmacy depots, to establish the Victorian Pharmacy Authority, and to make consequential amendments to other acts and for other purposes.

Mr BAILLIEU (Leader of the Opposition) — I ask the minister to provide a brief explanation of the bill.

Mr ANDREWS (Minister for Health) — The bill delivers on the government's commitment to have in place a regime to continue to regulate the pharmacy industry in light of the transition to the national registration and accreditation scheme whereby the current Pharmacy Board of Victoria will no longer function. This is about fully delivering on the commitments we foreshadowed earlier this year.

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 223 to 227 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

Dr SYKES having given notice of motion:

The SPEAKER — Order! I advise the member for Benalla that that is not the notice that has been handed to the Clerk.

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) (9 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 Mr DELAHUNTY (Lowan) (85 signatures),
Mr CRISP (Mildura) (16 signatures) and
Mr WALSH (Swan Hill) (344 signatures).**

Rail: Mildura line

To the Honourable the Speaker and members of the Legislative Assembly of Victoria:

This petition of the citizens of the region known as Sunraysia, primarily in the state of Victoria but including cross-border citizens of New South Wales centred on the city of Mildura, brings to the attention of the house the many promises to return the Melbourne–Mildura passenger train, without delivery.

The undersigned petitioners therefore ask the Legislative Assembly to bring forward the reinstatement of the said Melbourne–Mildura passenger train, especially in view of:

1. the many undelivered promises;
2. the urgent need to promote public transport in a global warming context;
3. the pressing need to connect remote Mildura to both Melbourne and the national rail network; and
4. the geographic distance now requiring a rapid service (very fast train) to be competitive.

By Mr CRISP (Mildura) (11 signatures).

Water: Little Lake Boort supply

To the Legislative Assembly of Victoria:

The petition of the Boort and district community draws attention to the profound social and economic effect that the current long-running drought is causing to the people of our area. We urge the government to find sources of water for the lifeblood of our town, Little Lake Boort.

By Mr WALSH (Swan Hill) (620 signatures).

Tabled.

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

Ordered that petitions presented by honourable member for Swan Hill be considered next day on motion of Mr WALSH (Swan Hill).

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

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

BUDGET 2010–11

Public sector asset investment program

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission), by leave, presented budget information paper 1.

Tabled.

Putting Patients First

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission), by leave, presented budget information paper 2.

Tabled.

PARTNERSHIPS VICTORIA

Peninsula Link project

Mr PALLAS (Minister for Roads and Ports), by leave, presented summary report.

Tabled.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 6

Mr CARLI (Brunswick) presented *Alert Digest No. 6 of 2010* on:

Building Amendment Bill

Courts Legislation Miscellaneous Amendments Bill

Fair Trading Amendment (Unfair Contract Terms) Bill

Gambling Regulation Amendment (Licensing) Bill

Prahran Mechanics' Institute Amendment Bill

Public Finance and Accountability Bill

Severe Substance Dependence Treatment Bill

Therapeutic Goods (Victoria) Bill

together with appendices.

Tabled.

Ordered to be printed.

Dr Naphine — On a point of order, Speaker, the Minister for Finance, WorkCover and the Transport Accident Commission just moved that two documents be tabled. I went to the papers office to get copies of those two documents and was told they are not available. Given that the documents have been tabled in the house and are to be circulated, I seek your advice as to why they are not available.

The SPEAKER — Order! I am advised that the papers will be circulated with the budget papers.

Dr Naphine — Further on the point of order, Speaker, it was moved that they be tabled 5 minutes ago, not as part of the budget documents. I would expect them to be made available in the normal way that documents tabled in the house are made available.

The SPEAKER — Order! I am advised the papers will be circulated with the budget papers — they are all shrink-wrapped together. If further discussion is needed, I will address that in my office later.

DOCUMENT

Tabled by Clerk:

Constitution Act 1975 — Dispute Resolution reached on 22 April 2010 by the Dispute Resolution Committee on the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009.

PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL

Dispute resolution

Mr BATCHELOR (Minister for Energy and Resources) — By leave, I move:

That the dispute resolution reached on 22 April 2010 by the Dispute Resolution Committee on the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009 be taken into consideration later this day.

Motion agreed to.

DOCUMENTS

Tabled by Clerk:

Adult Multicultural Education Services — Report 2009 (two documents)

Centre for Adult Education — Report 2009

Crown Land (Reserves) Act 1978 — Order under s 17B granting licences over Seville Cricket and Recreation Reserve

EastLink Project Act 2004:

Order varying the project area

Order varying the extended project area

Financial Management Act 1994:

Budget Paper No. 2 — Strategy and Outlook 2010–11

Budget Paper No. 3 — Service Delivery 2010–11

Budget Paper No. 4 — Statement of Finances 2010–11 incorporating Quarterly Financial Report No. 3

Fisheries Act 1995 — Review of the operation of s 151

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

Greater Geelong — C150

Hepburn — C50

Hume — C139

Indigo — C36, C49

Knox — C88

Maribymong — C88

Melbourne — C155, C159

Murrindindi — C26

Northern Grampians — C34

Port Phillip — C83, C101

South Gippsland — C49, C51

Stonnington — C119

Warrnambool — C48

Whitehorse — C119, C120

Whittlesea — C121

Yarra Ranges — C92

Statutory Rules under the following Acts:

Occupational Health and Safety Act 2004 — SR 18

Subordinate Legislation Act 1994 — SRs 19, 20

Subordinate Legislation Act 1994:

Minister's exception certificates in relation to Statutory Rules 19, 20

Minister's exemption certificate in relation to Statutory Rule 18.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

Magistrates' Court Amendment (Assessment and Referral Court List) Act 2010 — Whole Act, other than s 8 — 21 April 2010 (*Gazette S135, 20 April 2010*).

ROYAL ASSENT**Messages read advising royal assent to:****20 April****Livestock Management Bill****27 April****Equal Opportunity Bill.****APPROPRIATION MESSAGES****Messages read recommending appropriations for:****Building Amendment Bill****Courts Legislation Miscellaneous Amendments Bill.****APPROPRIATION (2010/2011) BILL****Message read recommending appropriation and transmitting estimates of revenue and expenditure for 2010–11.****Estimates tabled.***Introduction and first reading*

Mr BRUMBY (Premier) introduced a bill for an act for the appropriation of certain sums out of the Consolidated Fund for the ordinary annual services of the government for the financial year 2010–11 and for other purposes.

Read first time.

The SPEAKER — Order! In accordance with the resolution of the house on 13 April 2010, I ask the Serjeant-at-Arms to admit the Treasurer.

Serjeant-at-Arms admitted Mr Lenders (Treasurer) to chamber.*Statement of compatibility***Mr BRUMBY (Premier) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Appropriation (2010/2011) Bill 2010.

In my opinion, the Appropriation (2010/2011) Bill 2010, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The Appropriation (2010/2011) Bill 2010 will provide appropriation 'authority' for payments from the Consolidated Fund for the ordinary annual services of government for the 2010–11 financial year.

The amounts contained in schedule 1 to the Appropriation (2010/2011) Bill 2010 provide for the ongoing operations of departments, including new output and asset investment funded through annual appropriation.

Schedules 2 and 3 of the bill contain details concerning payments from advances pursuant to section 35 of the Financial Management Act 1994 and payments from the advance to Treasurer in 2008–09 respectively.

Human rights issues

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

The bill does not raise any human rights issues.

2. *Consideration of reasonable limitation — section 7(2)*

As the bill does not raise any human rights issues, it does not limit any human rights and therefore it is not necessary to consider section 7(2) of the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities Act 2006 because it does not raise a human rights issue.

John Brumby, MP
Premier

Second reading

Mr BRUMBY (Premier) — I move:

That this bill be now read a second time.

Mr LENDERS (Treasurer) — Speaker, last May I stood in this Parliament and told the people of Victoria that the 2009 state budget was about jobs.

I said that the budget was about securing jobs for Victorians in the middle of the world's worst economic downturn in many decades — and that it aimed to deliver up to 35 000 jobs over the coming year by investing in infrastructure and stimulating economic activity.

Standing here again, one year later, I am proud and pleased to say that there is absolutely no doubt that the Brumby Labor government has well and truly delivered on that commitment.

Over the past 12 months almost 100 000 new jobs have been created in Victoria.

We have recorded the highest full-time jobs growth of any state and accounted for almost half of all new jobs created nationwide.

Victoria is now undeniably the engine room of Australia's jobs growth. No other state comes close.

And this is not just another dry statistic.

It is 100 000 real jobs created here in Victoria — jobs that did not exist at this time last year. It is income and security for Victorian families. It is new opportunities for Victorian workers. It is local businesses with the confidence and capacity to employ more people.

Speaker, those 100 000 new Victorian jobs have not happened by accident.

From day one, this government has pursued an active reform agenda aimed at building a more diverse and competitive economy — attributes that have seen Victoria through the worst of the global financial crisis, while generating new business opportunities and jobs.

From day one, this government made the call to invest in job securing, productive infrastructure for the benefit of all Victorians, and we have sustained that investment during the global downturn.

From day one, this government has kept Victoria's budget in the black, while cutting taxes and improving services for Victorian families.

These actions have underpinned Victoria's resilience and strong jobs growth during some of the toughest economic conditions in many years.

The outlook is still uncertain, but Victorians can be very confident that our state is well placed and well prepared to take advantage of a global economic recovery.

Our economy is in good shape. Our financial position is sound.

A resilient economy in uncertain times

Speaker, last year's state budget was framed in very difficult circumstances: in the middle of the global financial crisis and in the aftermath of the devastating 2009 bushfires.

As well as the terrible loss of lives in the fires, more than 2000 buildings were destroyed and 430 000 hectares burnt. While recovery from the fires will take many years, Victoria has invested more than \$1.1 billion in the massive clean-up and reconstruction task; in supporting people, businesses and communities affected by the fires, and in preparing for future fires.

The global financial crisis also continues to have an impact on Victoria's budget position. Economic activity and GST and taxation revenue have still not recovered to the levels forecast prior to the crisis, and therefore this revenue remains over \$3 billion lower than forecast in the 2008–09 budget.

The uncertainty and unevenness of the global recovery also creates ongoing challenges for managing the state's finances.

Despite this, Victoria's economy is forecast to grow by 3.25 per cent in 2010–11, although growth is expected to remain below trend in 2009–10 due to the lingering effects of the global financial crisis.

Our budget position also remains sound and the government continues to deliver substantial budget operating surpluses: \$872 million in 2010–11 and averaging \$1.2 billion over the following three years.

Today's surpluses are tomorrow's infrastructure. That is why — with so much uncertainty and some big challenges ahead — the Brumby Labor government continues to budget for and deliver surpluses, making sure that we can directly fund the projects Victoria needs for the future.

Net debt, both as a percentage of our economy and in actual dollar terms, will be lower than forecast in last year's budget.

This sound budget position, combined with the resilience of our economy, means that Victoria has been able to avoid substantial tax increases during the global financial crisis — giving our businesses a competitive edge at a time when they needed all the help they could get.

During the global financial crisis, the government believed it was more responsible to invest in infrastructure and jobs than to cut taxes. With the global outlook improving, we have brought tax reform back to the table, delivering a \$223 million cut to taxes over the next four years.

We are cutting the payroll tax rate to 4.9 per cent, effective from 1 July 2010 — the seventh payroll tax cut delivered by this government, and taking Victoria's payroll tax rate to the lowest it has been since 1975.

We are extending the current land tax exemption to include the construction phase of residential aged-care facilities and retirement villages developed by the private sector — offering a strong incentive to the sector to develop new facilities.

Much improved management of the WorkCover scheme has also enabled us to cut premiums in six out of the last seven years. This year, we will cut WorkCover premiums by a further 3.5 per cent, bringing the total accumulated cut to nearly 40 per cent and saving employers around \$240 million over four years.

The government also continues to take action to reduce red tape. For three successive years, we have exceeded our goal of reducing the regulatory burden on businesses, cutting costs for Victorian businesses by around \$250 million a year. Last September we adopted an even more ambitious target for the future.

Past cuts to business taxes and costs — and other actions taken by the Brumby Labor government to build a more competitive business environment — are key reasons why Victoria has come through the global financial crisis in good shape.

These actions have helped to sustain business activity at a time when it was falling away. Shoring up that activity has helped to keep Victoria's budget in the black.

Keeping the budget in the black is not only prudent; it also gives Victoria the capacity to reinvest in the high quality infrastructure and services that have made our state one of the best places in the world to live, work and raise a family.

Infrastructure for the future

Nowhere is that more evident than in this government's substantial infrastructure investment program.

This year's budget invests \$9.5 billion in 2010–11 to deliver capital projects across Victoria — projects that

are vital to Victoria's future and that will secure around 30 000 jobs in the next financial year.

The government is actively planning for the future: for a larger population, for climate change and for the challenges and opportunities coming our way as the world shifts to a low-carbon economy.

We are also planning for an ageing population. That raises many issues — positive and negative — but what is clear is that we will need to generate higher levels of productivity and innovation to protect our lifestyles and living standards.

This government is not afraid to back new ideas and explore fresh options to meet these challenges. We are not afraid to make the tough decisions about the big ticket projects that will benefit Victoria.

We do not just plan for the future. We deliver for the future.

In this budget the Brumby Labor government continues to deliver the big water projects that are part of the Victorian water plan.

In April the Wimmera–Mallee pipeline was turned on six years ahead of schedule — marking the end of decades of water supply uncertainty for the Wimmera.

In February water from the Sugarloaf pipeline started flowing into Melbourne's reservoirs five months ahead of schedule — the biggest single boost to the city's water supply system in 25 years.

The massive food bowl modernisation project continues — delivering the biggest investment in irrigation upgrades in 100 years — and we have started work on the pipeline that will deliver desalinated water from the end of next year.

We took the tough decision to build a desalination plant and upgrade the state's water grid not because it was the easy thing to do, but because it was the right thing to do. Whatever the future holds, it makes good sense to diversify Victoria's water sources. It makes sense to have insurance against possible droughts or declines in rainfall — and that is what the desalination plant is: it is Victoria's insurance policy against a drier future.

This year's budget also invests \$5.8 billion to continue to deliver the \$38 billion Victorian transport plan, including funding for 50 new low-floor trams, new train stations in growing suburbs and major upgrades to key suburban and regional roads.

Back in 2008, when the government announced the Victorian transport plan, there was no shortage of people claiming that it could not be delivered and would never happen. They were wrong.

We have now delivered dozens of projects under the plan ahead of schedule, and this year's budget includes \$4.3 billion in cooperation with the commonwealth for the new regional rail link.

This link is a great example of how well-planned infrastructure can deliver benefits to both Melbourne and regional Victoria.

The new link will create around 50 kilometres of new track between West Werribee and Southern Cross station, allowing an extra 9000 regional and suburban passengers on our trains every hour.

It will allow services from Bendigo, Ballarat and Geelong to run express into Melbourne, opening up new work and lifestyle options in those centres and their hinterlands. At the same time, it will increase capacity on Melbourne's northern and western suburban lines.

It will deliver major economic benefits as well as many other benefits for Victorians living in the fastest growing parts of our state.

Speaker, the 2010 budget also completes the first tranche of the Victorian schools plan.

In 2006, the Labor government went to the state election with a commitment to rebuild or refurbish 500 government schools over the next four years to give Victorian children the benefits of learning in high quality classrooms with modern facilities and equipment.

In this budget, we not only meet that commitment, we exceed it.

With this budget, the government has now funded the modernising or rebuilding of 553 government schools across Victoria, and that does not include the many more schools being upgraded in partnership with the commonwealth through the Building the Education Revolution program.

I am very proud that we have met and exceeded such an important election commitment and one with such clear and long-lasting benefits for Victorians.

In fact the 2010 budget completes funding for each and every one of the financial commitments given by this Labor government to Victorians at the 2006 election.

That is not something many governments can say.

In each budget over this past term, we have ticked off our commitments one by one. We did not make those commitments lightly. We have been very determined to meet every single one of them. And we are proud to be a government that does not just say we are going to do something — we do it.

A record health and hospitals budget

One of the Brumby Labor government's strongest commitments has been to invest in a high quality health system that gives Victorians the best and latest in health care and treatment.

It is another commitment we have met. We have funded new hospitals, such as the new iconic Royal Children's Hospital, the Royal Women's Hospital and Casey Hospital. We have undertaken major redevelopments at the Austin Hospital and Sunshine Hospital, and at Warrnambool, Ballarat and Geelong hospitals.

We have replaced and renewed emergency departments, aged-care facilities, community health centres and vital medical equipment right across the state.

In the past three years alone, the government's funding of extra doctors and nurses means that our public hospitals can carry out an additional 89 000 treatments this year.

We have also done the hard work of hospital reform to get better value from our health dollar.

As doctors and nurses will tell you, and as the recent COAG (Council of Australian Governments) agreement on national health and hospital reform very clearly shows, Victoria's public hospitals are seen by many as a model for the country.

This budget builds on these achievements and provides a record \$4 billion boost to our health system, including delivering historic national health reform in partnership with the commonwealth.

In this budget, we make the biggest investment in regional hospitals in a generation.

We will build the new Bendigo hospital at a cost of \$473 million — the biggest regional hospital project ever undertaken in Victoria.

We will start planning and purchasing land for a new community hospital in Geelong's southern suburbs.

We will redevelop and upgrade hospitals in Geelong, Coleraine, Leongatha and Healesville.

This year's budget also funds the \$408 million redevelopment of Box Hill Hospital, the single largest suburban health project undertaken in Victoria.

We will also complete the \$184 million redevelopment of Sunshine Hospital, meeting another election commitment and significantly expanding health services in Melbourne's growing west.

As part of the Brumby Labor government's plan to make Victoria a world leader in cancer research and treatment, we are funding stage 2A of the Olivia Newton-John Cancer and Wellness Centre.

We are also partnering with the commonwealth to build the \$1 billion Parkville Comprehensive Cancer Centre, Victoria's first fully integrated, purpose-built centre for cancer research and treatment, and to redevelop the Ballarat integrated cancer care centre, giving more people in regional Victoria the option of receiving treatment closer to home.

Alongside the \$935 million Victoria negotiated through the COAG agreement on health and hospital reform, the budget also provides \$610 million to meet the growing demand for hospital services, including an expansion in services such as chemotherapy and radiotherapy, renal dialysis and palliative care.

Working with the commonwealth, we will reduce waiting times in our hospital emergency departments, cut elective surgery waiting lists and provide rehabilitation and longer term support to more patients each year, and we will continue to build a hospital system that is the envy of the rest of Australia and where the very best doctors and nurses want to work.

A safer community

Victoria has long been seen as a safe and friendly place.

Our crime rate is declining and is now the lowest since computerised crime recording began in 1993.

But street violence and drunken behaviour threaten the reputation of our state, make us feel less safe in our communities and contribute to a breakdown in the tolerance and respect that we have come to see as part and parcel of being a Victorian.

The Brumby Labor government has taken tough action on street crime.

We have given our police more powers. We have set up a special police unit to target street violence. We have

introduced anti-hoon laws and tough new fines and penalties. We have strengthened our sentencing laws to make it clear that judges can take into account an offender's prejudice against a particular group.

We have also significantly increased police numbers. By November this year we will meet our target of having a force of more than 11 400 police officers, an increase in police numbers of 20 per cent.

But it is clear that we need even more police out there on the front line.

That is why this budget delivers the biggest front-line police boost in Victoria's history, providing for 1966 more front-line police over five years.

It is a big boost in police numbers and it will make a big difference.

But, at the same time, we have to tackle the underlying issues that are fuelling street crime. Some of those issues are very difficult for governments to address on their own. But we have to try, and that is what the government's respect agenda aims to do. It aims to promote respect for ourselves, others and our community as the cornerstones of a healthy, safe and successful Victoria.

This year, as part of the respect agenda, we are funding 55 extra youth workers to tackle the knife culture among young people and steer them away from potentially risky or violent behaviour.

We are delivering the Right to Respect initiative to tackle violence against women, and we are starting a new Respect on the Streets campaign to promote greater respect and tolerance across our community, and to raise awareness about the tough new laws and penalties dealing with street crime.

Services for all Victorians

Speaker, another way to tackle these types of problems is to make sure that all Victorian children get the best possible start in life.

The evidence is very clear that giving children a good start in their early years means they are more likely to finish school, fulfil their potential and make a positive contribution to society.

We are funding an extra 3590 kindergarten places, upgrading children's centres and community-based children's services and expanding paediatric services at Monash Medical Centre.

We are delivering a \$109 million package of support for children with a disability or developmental delay, including a \$38 million boost to early childhood intervention services and a new Victorian Deaf Education Institute.

I am particularly pleased to announce that the budget provides an extra \$30 million for people with autism, including new programs in schools, more direct support for people with autism and their families, and major upgrades to the Northern School for Autism and the Eastern Autistic School.

We also continue to deliver the biggest improvement to child protection — including the Out of Home Care system — in more than a decade, providing an additional \$66 million in this budget.

Since 2005 the government has invested around \$5 billion to deliver the A Fairer Victoria social policy statement — and this year's budget provides a further major boost in support and services for the most vulnerable Victorians and our most disadvantaged communities.

We are providing additional support for people with a disability, indigenous Victorians and senior Victorians.

This budget also reinforces the government's strong commitment to improving Victoria's mental health services, providing an extra \$73 million to support the implementation of a new Mental Health Act, create more inpatient beds and deliver new services to assist young people experiencing or at risk of mental illness.

The government also recognises that some Victorian households are struggling with rising living expenses and is providing \$56 million to help these households meet the rising cost of water by increasing the water and sewerage concessions cap. We are also funding water audits and retrofits for 9380 low-income households over the next two years.

A sustained commitment to regional Victoria

Speaker, in opposition, as Treasurer and now as Premier, John Brumby has been a great champion of regional Victoria. No-one has worked harder to turn around the decline regional Victoria experienced —

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Scoresby and the member for Malvern. I ask all members of the opposition to cease interjecting.

Mr LENDERS — No-one has worked harder to turn around the decline regional Victoria experienced over past decades. And the results are undeniable.

Investment and support from this government — along with the relocation of public sector jobs to regional centres — has been instrumental in building much stronger regional economies, creating more jobs in regional areas and attracting more people to our regions.

Today our major regional centres are becoming economic and jobs powerhouses in their own right, taking advantage of better connections with each other and Melbourne, and reaping the benefits of unprecedented investment in regional infrastructure.

That remarkable turnaround can be seen very clearly in the figures for building approvals. In 1999, when the Labor government came to office, building approvals in regional Victoria were \$2 billion. In 2009, approvals reached a record \$4.9 billion — a massive 145 per cent increase.

The government will release a new Blueprint for Regional Victoria by 30 June.

The blueprint will continue our investment in regional infrastructure and small towns. Since we created the Regional Infrastructure Development Fund and Regional Development Victoria — which I remind you took two attempts to get through this Parliament — the fund has contributed more than \$550 million to nearly 350 projects across regional Victoria, with a total value of \$1.4 billion.

That is \$1.4 billion worth of infrastructure — from airports to arts centres — that would not exist if not for this government.

Ahead of the new blueprint, this budget continues to deliver high levels of investment in regional Victoria. From rail and roads to hospitals and schools; from irrigation infrastructure to agricultural research, the Brumby Labor government's investment has been — and continues to be — unprecedented.

Speaker, two years ago the government refocused our first home bonus towards new homes — aiming not only to get more people into their first home but also to create construction jobs and take some pressure off the rental housing market.

That refocusing has been very successful — last year, housing starts in Victoria increased by 10 per cent, compared to a 7 per cent fall for Australia overall, and

the Housing Industry Association has estimated that it created 19 000 jobs over the year.

Further refocusing in this budget will take total assistance from the Victorian government for first home owners building a new home to \$20 000 in metropolitan Melbourne and \$26 500 in regional Victoria — the most generous package of all Australian states and making regional Victoria one of the most affordable places in the country.

Maintaining Victoria's livability

Getting people into their first homes, keeping housing affordable and making sure that housing supply keeps up with a larger population is one of the most important elements in maintaining Victoria's livability.

But we have to be very careful about how we manage housing supply and residential developments in Melbourne and our regional cities if we want to protect the lifestyles of Victorian families and build a state that is the most productive, livable and sustainable in Australia.

This year's budget adopts a strong focus on measures to manage a larger population and maintain the livability of our cities, suburbs and towns.

In addition to providing funding to facilitate development in central activity districts and employment corridors, the 2010 budget includes substantial new investment in arts, cultural and sports facilities, recognising that these facilities play a vital role in Victoria's livability and are much valued by Victorians.

In particular, the budget funds the redevelopment of Melbourne Park to keep the Australian Tennis Open here in Victoria until at least 2036. Along with the opening of the Rectangular Sports Stadium this week, this investment will ensure that our state continues to be home to the best sporting precinct in the world.

Recognising the potential impact of climate change and carbon pricing on Victoria, the budget invests \$175 million to deliver the recently released Jobs for the Future Economy statement, which includes new initiatives to skill-up our workforce and secure jobs in a low carbon economy, while delivering significant environmental benefits at the same time.

The budget also provides \$105 million to implement the government's land and biodiversity white paper — which aims to secure the health of our natural landscapes, waterways and biodiversity in the face of

climate change, development pressures and land use changes.

Appropriation bill

Speaker, the Appropriation (2010/2011) Bill provides authority to enable government departments to meet their agreed service delivery responsibilities in 2010–11.

The bill supports a financial management system that recognises the full cost of service delivery in Victoria and is based on an accrual framework.

Schedule 1 of the bill contains estimates for 2010–11 and provides a comparison with the 2009–10 figures. In line with established practice, the estimates included in schedule 1 are provided on a net appropriation basis.

The 2010 budget financial statements are reported in accordance with Australian Accounting Standards. The budget has once again been reviewed by the Auditor-General, as required by the standards of financial reporting and transparency established by this government in 2000.

Conclusion

Speaker, in last year's budget the Brumby Labor government aimed to deliver more jobs for Victorians, while shoring up the resilience of the state's economy in uncertain times. Plenty of people said it could not be done.

They, too, were wrong — and the results over the past year are proof that our approach has worked.

We made the right decisions. We put this state on the right track to survive the crisis. And we now have the right plans in place for Victoria's future.

And — as this year's budget shows yet again — the Brumby Labor government has the capacity and the determination to deliver our plans and meet our commitments.

The global financial crisis might be receding, but some big challenges still remain.

The Brumby Labor government has shown that we understand these challenges and what needs to be done to meet them.

While we cannot declare the global financial crisis officially over, we can declare that we did the right thing when we responded quickly, acted decisively and drew a line in the sand in relation to securing jobs.

We understand that nothing is more important to Victorian families than job security. That is why we made the call to put Victorian jobs and families first. It was the right call, a call that has benefited many thousands of Victorians and one that not only demonstrates the Brumby Labor government's ability to steer Victoria safely through tough economic times, but also to plan for and secure Victoria's prosperity and livability into the future.

Speaker, I commend the bill to the house.

Debate adjourned on motion of Mr WELLS (Scoresby).

Debate adjourned until Thursday, 6 May.

Sergeant-at-Arms escorted Mr Lenders from chamber.

APPROPRIATION (PARLIAMENT 2010/2011) BILL

Message read recommending appropriation and transmitting estimates of revenue and expenditure for 2010–11.

Estimates tabled.

Introduction and first reading

Mr BRUMBY (Premier) introduced a bill for an act for the appropriation of certain sums out of the Consolidated Fund for the Parliament in respect of the financial year 2010–11 and for other purposes.

Read first time.

Statement of compatibility

Mr BRUMBY (Premier) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Appropriation (Parliament 2010/2011) Bill 2010.

In my opinion, the Appropriation (Parliament 2010/2011) Bill 2010, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purpose of the Appropriation (Parliament 2010/2011) Bill 2010 is to provide appropriation authority for payments from the Consolidated Fund to the Parliament in respect of the 2010–11 financial year.

Human rights issues

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

The bill does not raise any human rights issues.

2. *Consideration of reasonable limitations — section 7(2)*

As the bill does not raise any human rights issues, it does not limit any human rights, and therefore it is not necessary to consider section 7(2) of the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities Act 2006 because it does not raise a human rights issue.

John Brumby, MP
Premier

Second reading

Mr BRUMBY (Premier) — I move:

That this bill be now read a second time.

The bill provides appropriation authority for payments from the Consolidated Fund to the Parliament in respect of the 2010–11 financial year including ongoing liabilities incurred by the Parliament such as employee entitlements that may be realised in the future.

Honourable members will be aware that other funds are appropriated for parliamentary purposes by way of special appropriations contained in other legislation. In addition, unapplied appropriations under the Appropriation (Parliament 2009/2010) Act 2009 have been estimated and included in the budget papers. Prior to 30 June actual unapplied appropriation will be finalised and the 2010–11 appropriations adjusted by the approved carryover amounts pursuant to the provisions of section 32 of the Financial Management Act 1994.

In line with the wishes of the presiding officers, appropriations in the bill are made to the departments of the Parliament.

The total appropriation authority sought in this bill is \$101.4 million (clause 3 of the bill) for Parliament in respect of the 2010–11 financial year.

I commend the bill to the house.

Debate adjourned on motion of Mr WELLS (Scoresby).

Debate adjourned until Thursday, 6 May.

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, 6 May:

- Child Employment Amendment Bill
- Courts Legislation Miscellaneous Amendments Bill
- Fair Trading Amendment (Unfair Contract Terms) Bill
- Health and Human Services Legislation Amendment Bill
- Prahran Mechanics' Institute Amendment Bill.

In moving the government business program for this parliamentary week the intent of the government is to have these five pieces of legislation progress through the chamber by 4.00 p.m. on Thursday.

These five bills, together with the budget response, will constitute the bulk of the government business program for this week. In that context, by agreement, the opposition will respond to the budget on Thursday. I indicate to the house that for much of the remainder of Thursday we will be dealing with individual contributions from members on this year's budget, so the remaining part of tonight and much of the afternoon and evening on Wednesday is when we will debate these bills.

I point out that whilst there are five bills listed the Prahran Mechanics' Institute Amendment Bill is a small bill in relative terms. It is very important for the people in Prahran and all mechanics who live there, and we will wait with interest to learn how they will deal with the matter!

I also point out for the information of the house and the staff here that, in accordance with the resolution in relation to the dispute resolution, it is the government's intention to seek leave to debate and resolve the dispute resolution matter after the dinner break, and there has been agreement on that. It is the intention of the government to deal with the response to the dispute resolution and the take-note motion and then to deal with the amendments that will come from the Dispute Resolution Committee to resolve the dispute between the houses in relation to the Planning Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009. In that context, I commend the motion to the house.

Mr McINTOSH (Kew) — The opposition will not oppose the government business program. As the Leader of the House has indicated, the opposition will deliver its response to the budget on Thursday morning, but the remainder of Thursday will be taken up with other members making their contributions in relation to the budget.

The Leader of the House has also indicated by way of a discussion between himself and myself and by agreement between the parties that the dispute resolution matter will be dealt with this evening after dinner. While the matter has been resolved, it will take a considerable amount of time, given that it is going to be dealt with principally in the consideration-in-detail stage and there are a number of fairly involved matters that will have to be transacted by the house in relation to that consideration in detail.

There are five bills, but the reality is that our debating time will be severely curtailed by virtue of the presentation of the budget today and by the contributions to be made on Thursday as well as by the dispute resolution matter that is to be dealt with tonight. I am a bit concerned that that means debating time on each of the bills will be somewhere between 1½ and 2 hours. While the Prahran Mechanics' Institute Amendment Bill may be a short bill, it has been a matter of some notoriety and many members have been involved, myself included, in talking to members of the community about the issues.

As I said, the opposition will not oppose the government business program, but I express my concern that although there are only five bills this week there is a very truncated opportunity to make our contributions on the respective bills.

Mr STENSHOLT (Burwood) — I rise to support the motion of the Leader of the House. This is a reasonable program. It is a very busy week, but I am sure the house will be able to take it in its stride. I appreciate the fact that the manager of opposition business is also supporting the program.

Mr DELAHUNTY (Lowan) — I rise on behalf of The Nationals to say that we also are not opposed to the government business program, but I raise some concern about the time allocated to the five bills that are on the program that will go to the guillotine at 4.00 p.m. on Thursday.

We know they are all important — they deal with child employment, health and human services, gambling regulation, fair trading and the Prahran Mechanics Institute. I know the member Shepparton has done a lot

of research and needs all of the half-hour she has been allocated to make sure that she deals very sensibly with the bill for which she has responsibility, but because of the truncated debate the time available to other members to speak on these important bills will be limited. I put on the record that in the last sitting week the member for Rodney was extremely disappointed that he did not have the opportunity to express the views of the people of that very important area of northern Victoria on the Environment Protection Amendment (Landfill Levies) Bill, which is very important legislation.

We were also informed this weekend that there was a possibility — a possibility — that we would be debating the amendments to the Water Amendment (Critical Water Infrastructure Projects) Bill of 2006 that have come back from the Legislative Council. We had a false start; there was a lot of anxiety and a lot of anticipation, particularly from the member for Swan Hill, who is very interested in this water legislation, but again it was a case of, ‘No start, Your Honour’. The bill will not be debated this week, so again that has created a lot of disappointment for us in country Victoria.

The member for Kew spoke about the fact that Thursday will be dedicated predominantly to the budget debate and that after dinner tonight time will be allocated to the dispute resolution on the growth areas infrastructure contribution bill. Again the debate will be truncated. I am sure there will be members who, unfortunately, will miss out on contributing to the debate on bills that are important not only to their electorates but to the whole of Victoria. That is particularly so for shadow ministers. Again I indicate that The Nationals, in coalition with the Liberal Party, are not opposed to this week’s government business program.

Mr HODGETT (Kilsyth) — I rise to make a brief contribution on the government business program. As has been stated, we on this side of the house are not opposing the government business program for this sitting week. The five bills for debate have been outlined by the Leader of the House and, as has been stated, the time for debate will be limited due to the budget speech today and the responses on Thursday.

There are some very important bills on the program and I know a number of coalition members wish to make contributions on them, so we trust in good faith that we will be able to get through all that by the 4.00 p.m. Thursday deadline. Of course, as has been mentioned, the dispute resolution on the growth areas infrastructure contribution bill will also come before the house tonight, so no doubt that will be reserved. As I said,

there are a number of important bills and I trust that coalition members will be given adequate time to make their contributions to the debate before the guillotine at 4.00 p.m. on Thursday.

Motion agreed to.

MEMBERS STATEMENTS

Opera Australia: *Bliss*

Mr BATCHELOR (Minister for the Arts) — I had much pleasure in recently attending the Melbourne opening performance of Opera Australia’s production of *Bliss*. An authentically modern work, *Bliss* is both artistically ambitious and profoundly Australian, and Opera Australia has done us proud. Composed by resident Melbourne composer Brett Dean with London librettist Amanda Holden and directed by Neil Armfield, *Bliss* features stunning performances by Geelong’s Peter Coleman-Wright and Melbourne’s Merlyn Quaife and Lorina Gore.

Bliss is based on the first novel by Melbourne-born writer Peter Carey. As a Victorian I am particularly pleased to see Peter Carey’s work on stage, because it is our wealth of writers like Peter that led to Melbourne being designated a City of Literature by the United Nations Educational, Scientific and Cultural Organisation.

Bliss will be heading to the Edinburgh International Festival in September as part of a cultural exchange program between the Victorian and Scottish governments. *Bliss* represents our best literature and our best performing arts. It is a shining example of the way our artists can come together to create something truly sensational for the world stage.

Croydon South Primary School site: future

Mr R. SMITH (Warrandyte) — At the end of last year Croydon North Primary School was finally forced to close its doors after years of being starved of resources and funding by the Brumby government. The school grounds now stand empty, with vandalism to the buildings already a problem after just a few months. The Brumby government has a history of leaving disused school grounds to deteriorate without taking the opportunity to effectively use what is a valuable community asset.

I believe it is important that residents have their say in the decisions that affect their community, and I have recently asked the residents of Croydon North how they would like to see this former school site used. I have

had an overwhelming response, with over 770 people offering suggestions. It is a response that clearly shows that the community is interested in the site's future and that the community does not want this site wasted. Suggestions for the use of the site have been diverse. Many have asked for the land to be used for a public park or open space, while the call for the buildings to be developed for the use of community groups has also been strong. In addition, suggestions for affordable housing or an expansion of the adjacent shopping centre have been popular.

There are many needs within the community, and the closing of Croydon North Primary School presents an opportunity to meet some of those needs. It is important that this site not be left for years, which the Brumby government has allowed to happen at other former school sites, and it is important that the ideas and suggestions of the community be listened to and supported. I would like to thank the residents of my community for their keen interest in and considered responses to this issue. I ask the Minister for Education to ensure that future plans for this site serve the needs of the community.

Carole O'Donovan

Ms PIKE (Minister for Education) — On Anzac Day this year Carole O'Donovan received an Anzac House appreciation award for three years service as president of the Flemington/Kensington RSL. Carole was nominated for the award by her fellow members because of the exemplary role she has played in rebuilding the Flemington/Kensington RSL. Three and a half years ago members were concerned about the management and future of the RSL branch, and the president was asked to resign. Carole was asked to nominate for the position and has never looked back. All members speak of her commitment and understanding of the role and how much she has improved their RSL.

Balancing the role with a part-time job, Carole is never far from the club and its members. Carole is ex-Royal Women's Australian Air Force and joined the RSL in 1992. She has been a committee member since 1995. She is also the women's auxiliary president. Despite Flemington/Kensington RSL being a small branch, Carole has managed to garner enough volunteers to ensure that the branch is consistently in the top 10 per capita for the poppy and Anzac Day appeals. Last year Carole and her team of volunteers raised over \$4000 towards the poppy appeal. In the words of her friends at the Flemington/Kensington RSL, Carole is an asset to the club who deserves this recognition. I congratulate

Carole on the award that was conferred upon her by Anzac House this year.

Lake Hamilton Motor Village and Caravan Park

Mr DELAHUNTY (Lowan) — The Brumby government again stands condemned for turning its back on small business, in this case the Lake Hamilton Motor Village and Caravan Park. In August 2009 its barbecue rotunda was destroyed by a falling tree from an adjoining Crown land reserve. The park owners contacted the Southern Grampians shire and the Department of Sustainability and Environment (DSE). They were informed that the tree was on Crown land, that the shire is the committee of management but that it is indemnified by the Department of Sustainability and Environment for any injury or damages.

Shire staff took photos and removed this tree and other trees posing a safety risk. Quotes to repair the rotunda and fittings totalled about \$20 000. The rotunda had to be demolished as it was a safety hazard. The loss of this facility would have affected the viability of the park's operation. It had to be replaced immediately, as failure to do so would affect not only the park's financial operations but also its reputation, advertising and star rating.

In response to the claim the DSE said the shire had implemented a regular and reasonable tree maintenance program despite limited financial resources and that there was no evidence the tree had shed its limbs because of any negligence on the part of the shire or the department. DSE suggested that the park owners refer this claim to insurers. I believe this is wrong. I wrote to the responsible minister in early December last year, and neither I nor the owners have received a response. I call on the state government to be a good and responsible neighbour and compensate these people for the damage.

Country Fire Authority: Warburton brigade

Ms LOBATO (Gembrook) — On Saturday evening I was honoured to join the Warburton fire brigade at its 95th anniversary dinner at the Warburton golf club at the invitation of captain Tony Van Meurs and president Barry Marshall. Since 1915 the brigade has been serving the Warburton and Upper Yarra communities, and on Saturday the community, including past and present brigade members, came together to celebrate the volunteerism, dedication and selflessness demonstrated by the brigade.

We were reminded of the many fires to have occurred around the Warburton township over the past 95 years and of the many tragic consequences. We were also reminded of the immense community spirit that remains in the Upper Yarra, which often stems from the Country Fire Authority.

President Barry Marshall, when captain in 2000, reflected upon volunteering with Warburton CFA as he penned the following:

The members and friends of this organisation — you and I — we are woven together in a unique fabric called the Warburton fire brigade. Sometimes we understand why we are here together, sometimes we don't. Sometimes we will talk about being in this team together, sometimes we can't. But we keep showing up here on a pretty regular basis. There is a great deal of something here for us, and something is essential to our social wellbeing.

That something is dedication to the community we live in. Common concerns, common needs, common principles. These ties bind us together as an extended brigade. And the tie which binds us must be evaluated from time to time. This is a tradition understood by volunteers. An occasion when those — —

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

Schools: Sandringham electorate

Mr THOMPSON (Sandringham) — I again place on record the concerns of parents in my electorate whose children attend local state schools. I quote from a letter:

I write to you with my concerns over the availability of suitable secondary school options for my son ... currently in grade 5 at — —

a local primary school. The letter then says:

The school facilities and culture at — —

his school —

have been first class and been very well received by my family. However, being faced with looking to the future for my son, the local high school ... appears less than suitable from a facilities perspective ... I recently walked around the schoolyard and found it to be in a very poor condition and would actually wonder if it was safe for our children to be in and around — window frames rotten right through, building walls cracked and missing panels, handrails and seats rotten and broken, concrete and bitumen cracked and lifting upwards. I ... also — —

understand one of the buildings —

has been closed as the floor has collapsed.

That being said ...

It appears that the facilities —
at the local high school —

have been left to run down to what appears to be a state of disrepair. This leads me to feel that the future of the school is quite grim and not about to improve in the short to medium term, if at all.

In light of today's budget that conclusion, 'if at all', is a stark comment.

This parent seeks what most parents would reasonably expect — that is, a reasonable standard of secondary education and a reasonable standard of facilities. Today's budget has not provided that to the state school parents of the Sandringham electorate.

Anzac Day: Yuroke electorate

Ms BEATTIE (Yuroke) — Today I pay tribute to those extraordinarily brave men and women who have served our country in the military in times of both war and peace. I also pay tribute to those outstanding Australians who work tirelessly to ensure that we always remember the sacrifices that those brave men and women have made.

Last Sunday on Anzac Day I attended two local services in my electorate with the community of Yuroke. The first was at the Bulla War Memorial. This touching service was well attended, and I wish to thank Heather Mackenzie for all the work she has done. Although it was only a small service, it was a very moving one.

The second service was at the Craigieburn memorial stone. This service, initiated by the late Fred Tyrrell, whom members will know I have spoken about in this house before, has grown in the past three years to hold an important place in the heart of the community of Craigieburn and the wider community. The Craigieburn service was attended by over 400 people, and it was truly heart warming to see so many young people in attendance and so many of the schools laying wreaths there, as well as representatives from the girl guides, scouts and local emergency services.

I would like to congratulate all the volunteers involved in ensuring that these valuable services go ahead, in particular Mr Kevin O'Callagan, ESM, Mr Paul Ledwich from the Craigieburn Anzac Day organising committee, the Craigieburn State Emergency Service and all members of the Anzac Day organising committee.

Ouyen P-12 College: funding

Mr CRISP (Mildura) — It is with some interest that I note that according to today's *Age* the government will finally fund Ouyen P-12 College. This project is overdue by at least a year.

The community has been doing hard yards for a long time to merge the primary school and secondary college. It was not easy. The school council has had to deal with previous disappointments and with the BER (Building the Education Revolution) deal. It has had to consider the opt-out option.

This project is valued at about \$5 million. I urge the Minister for Education not to use the same BER administration model for this project. For many regional communities BER has been a disaster. I urge the minister to draw on the experience of school councils, principals and the community. School building projects should provide local economic benefits and endear pride in the completed project. This can only be achieved by community involvement.

MADEC: Mildura tenancy

Mr CRISP — It is with surprise that I learn here today that the Department of Education and Early Childhood Development has informed MADEC in Mildura that it must vacate its site at 339 Deakin Avenue by 30 June. MADEC wrote to the department four months ago outlining a plan to relocate. MADEC is currently building a replacement community college, but it will not be ready to occupy it by 30 June. The minister needs to intervene in this matter and bring some common sense to the handover of the site at 339 Deakin Avenue, Mildura.

Anzac Day: Yan Yean electorate

Ms GREEN (Yan Yean) — Today I want to pay tribute to the thousands of men, women and children across my electorate who paid their respects in record numbers at Anzac Day commemorative events at Hurstbridge, Epping, Whittlesea, Wattle Glen and Diamond Creek. Schools, scouts, veterans, cadets, service clubs, the Country Fire Authority and businesses as sponsors all played their part in making these commemorative events fantastic.

I particularly want to commend the RSL sub-branches for their hard work in organising these events and also for their work with schoolchildren at many schools across the district in the lead-up. Whether it is the marches through Whittlesea and Epping or services at Diamond Creek, Hurstbridge and Wattle Glen, each of

these events has great meaning and assists today's young people to understand those who have served and made sacrifices for our country.

I particularly want to commend the Epping RSL for its foresight in having the guest speaker Lambros Evangelos, who told the amazing story of our World War I dead who are now at rest peacefully at Fromelles. As a migrant Australian I was amazed that someone who has great passion saw that this was the right thing to do — that is, they were our young men who had served in a land far away and they were certainly not lying in peace. He had to go against a lot of resistance from the army and the bureaucracy and had to jump through a lot of political hoops. I commend his work in doing the right thing and making sure those war dead rest in peace.

Hospitals: government performance

Mrs SHARDEY (Caulfield) — While the Minister for Health and the Premier have been swanning around the country making overblown claims about the Brumby government's performance regarding health, thousands of Victorians have still been waiting too long to access our public hospital emergency departments and elective surgery. This is despite the hard work of Victoria's doctors and nurses.

The real picture is painted in the recent *Your Hospitals* report, which reveals that hospitals were yet again unable to meet six out of the nine government benchmarks for targets for the timely treatment of sick Victorians. This reflects a failure by the Brumby government to plan for Victoria's growing and ageing population.

The elective surgery waiting list rocketed by a record 3000 patients to nearly 41 000 patients. There was a failure to treat category 2 and 3 patients in the target time in emergency departments — that is, people are waiting too long for treatment.

There was a failure yet again to admit 80 per cent of patients to a bed within 8 hours and to treat and discharge 80 per cent of patients within 4 hours. For the first time hospitals were unable to provide elective surgery to all category 1 urgent patients who can no longer be put on hidden waiting lists. Again, hospitals could not treat 80 per cent of category 2 elective surgery patients within the 90-day target. Disgracefully, this is a target that could not be met and has not been met since 2004.

The Minister for Health bores us with his claims of record spending; he cannot claim record outcomes.

Marysville Community Centre

Mr HARDMAN (Seymour) — I rise to congratulate the staff and parents of the Marysville Primary School and kindergarten, who have worked closely with the Shire of Murrindindi, state government departments and the Victorian Bushfire Reconstruction and Recovery Authority to bring about a magnificent facility to cater for the children and families of Marysville, providing maternal health services, the Take a Break child-care service and kindergarten services for all Marysville, Narbethong, Buxton and Taggerty families, as well as a new state-of-the-art primary school for Marysville and district families.

That this magnificent co-located facility was brought about in very difficult circumstances says much about the leadership and commitment of people like the principal of Marysville Primary School, Peri Dix, the president of the school council, Keith Ray, the former kindergarten president, Lisa Nolte, and all the staff and local community members.

I thank all involved in bringing this about. I know they have left a legacy for the future of the children of the Marysville triangle communities.

Kings Park Recreation Reserve, Seymour: upgrade

Mr HARDMAN — I also had the great pleasure of attending a magnificent event on Saturday to celebrate the opening of a magnificent project at Kings Park in Seymour. The project was jointly funded by the local, state and federal governments and included a new second oval with lighting, 1 kilometre of walking paths, landscaping, barbecue and shelter facilities, park furniture, a boardwalk, upgrades to playgroup facilities and the facilities of the Riding for the Disabled program, and parking facilities. Approximately half the cost of this project was provided by volunteers and in kind from local tradies and businesses.

Congratulations to the members of the Kings Park Recreation Reserve committee of management, who have created a wonderful space for local sports, the community and visitors, all of whom will benefit from these facilities for many years to come.

Mornington Peninsula: drainage

Mr MORRIS (Mornington) — On the night of 20 April the Mornington district was lashed by an extreme rainstorm. Forty-six millimetres was recorded on the Mornington rain gauge, almost three-quarters of the April average. In 3 short hours Mount Eliza

received 65 millimetres on the coast and over 100 millimetres close to the summit. Roads were flooded, torrents poured from overflowing drainage pits and normal traffic was brought to a standstill.

On a personal note some of the gutters failed at my Mornington electorate office, but fortunately we were there to catch the water. At my home the garage was flooded but thankfully not the house. We were lucky, but many were not. Houses throughout Mount Eliza, Mornington and Mount Martha were totally flooded. In Mount Eliza almost every gravel drive was washed away and finished up on the street, down the hill or in the house. Homes became floodways, and creeks burst their banks. One resident of 50 years, whose garage rarely floods, and never badly, found her car immersed in water up to the steering wheel. It was of course a write-off.

The bottom line of all this is that the existing drainage proved unable to cope with even a fraction of the rain that fell — and not for the first time. The cost of upgrading the entire drainage system for the towns is of course way beyond the capacity of the Shire of Mornington Peninsula. These circumstances have probably been repeated across the state at a potentially huge cost for every municipality.

I urge the Minister for Local Government to work with councils and drainage authorities to urgently determine and fund necessary protection measures for every property.

Diamond Valley Prostate Cancer Support Group

Mr BROOKS (Bundoora) — Today I wish to pay tribute to the outstanding work being carried out by the Diamond Valley Prostate Cancer Support Group. I know the member for Eltham has been a particular supporter of this group in the past.

The support group aims to provide a forum to help men and their families to deal with the trauma of diagnosis and treatment of prostate and neurological problems. Prostate cancer is an insidious disease that will affect one in every nine men throughout their lifetime, and it particularly affects men over 50 years of age. Almost 3300 men will die each year from prostate cancer — that is one man every 3 hours. Unfortunately prostate cancer causes as many deaths annually as breast cancer does. The Diamond Valley cancer support group does a fantastic job of educating and raising awareness about prostate cancer in the Diamond Valley community.

I recently attended a barefoot bowls event at the Bundoora RSL Bowling Centre at Watsonia RSL, which was organised by the support group to raise awareness of prostate cancer amongst men. Aside from being a great afternoon of relaxed bowling, the event provided an opportunity for the many people who attended to hear about the importance of regular prostate health checks. I would like to make special mention of the president of the group, Bob Phillips, the secretary, David Snowden, and also Geoff Matthews. These men put a huge amount of effort into running this group, and I know that many men and their families are greatly thankful for the work these men put in. Well done, guys. Keep up the good work!

Budget: Wandin Yallock Primary School

Mrs FYFFE (Evelyn) — Page 43 of budget information paper 1 lists under the heading 'Secure the Future of Small Rural Schools' funding of \$2 million for Wandin Yallock Primary School. This is obviously an error. Small schools have under 150 pupils; Wandin Yallock has over 200 pupils. This funding is for relocatable classroom renewal. The school has had its master plan approved. It has worked tirelessly to meet departmental requirements and deadlines, and I ask the Minister for Education to urgently ensure the correct amount of funding is allocated to Wandin Yallock — an estimated \$4 million.

Mount Evelyn Tennis Club: funding

Mrs FYFFE — Mount Evelyn Tennis Club executive members Susan Smith, Wendy Ekins and Bodil Weikhardt are doing an excellent job getting more Yarra Ranges residents playing tennis. However, the club tennis courts need resurfacing and the lower courts require lights for night matches and training sessions. With the Belgrave Tennis Club having just received \$60 000 for resurfacing and many of the members of the Mount Evelyn Tennis Club coming from the electorate of the Minister for Sport, Recreation and Youth Affairs, I urge the minister to provide funding to Mount Evelyn Tennis Club.

Buses: Yarra Valley

Mrs FYFFE — The long-awaited results of the Knox, Maroondah and Yarra Ranges bus review were finally released last month — and what an anticlimax. Under the recommendations, the Minister for Public Transport is suggesting there be extra trips from Lilydale station to Swinburne University of Technology. Despite a total of 57 local bus services being examined, 200 written and workshop-based submissions were made to this review and this is all we

got. Once again the Yarra Valley has been totally ignored by this government in its budget.

Northcote electorate: bowls clubs

Ms RICHARDSON (Northcote) — Last Sunday I attended the presentation of championship trophies at the Fairfield Bowling Club. The club is just three years shy of celebrating its 100th anniversary and still punches well above its weight in all bowls competitions. Members have a strong sense of belonging to their club, supported by volunteer coaches and administrators. Dedicated volunteers at the club carry out greens preparation and club maintenance.

This year's club champions are as follows: the RVBA (Royal Victorian Bowls Association) men's singles champion was Simon Read and the runner up was Mitch Meyer; the Victorian Ladies Bowling Association women's singles champion was Sue Besley and the runner up was Barbara Stonehouse; the club minor singles champion was Alfio Milone and the runner up was Barbara Stonehouse; the RVBA pairs champions were Graham Down and Peter Oram and the runners up were David McOrmond and Lindsay Long; and the RVBA triples champions were Tom Logan, Ray Walsh and Norm Gales, and the runners up were Renato Sforzin, David McOrmond and Frank Gray.

Thanks must go to all the volunteers: to Graham Down, the secretary, who organised the event; to the master of ceremonies, Mitch Meyer; and to Val Young, who organised the catering.

Fairfield Bowling Club is not the only prospering bowling club in my electorate. The Alphington Bowls Club men's team will be playing in division 3 for the first time in 30 years after winning its division for the second year running. The Tuesday ladies team also won its second championship. This is a fantastic club that is rightly proud of its place in the Alphington community. The club champion was again George Lipsfield, who over the last 10 years has won seven times. The ladies champion was Mary Tragardh, a multiple winner who is on the brink of state selection.

Another great club, the Thornbury Bowling Club, has also completed its season. The men's champion was Alwyn McCarthy, and the women's champion was Julie Fitt. Like so many other sporting clubs around Australia, Thornbury has had to adapt to the ongoing drought; it has had to put in a new synthetic green at considerable cost.

Last but not least, Darebin City Bowls Club is going from strength to strength, thanks in part to the wonderful facilities and greens at the Darebin International Sports Centre. Kevin Boughton is this year's men's champion, and Dot Sullivan is the women's champion.

Water: environmental flows

Mr WELLER (Rodney) — The Minister for Water has boasted about returning 7 billion litres of water to the Yarra River but failed to mention where the water is coming from. The water being returned to the Yarra is coming from the Campaspe, Loddon and Goulburn rivers, all of which are struggling. This summer the Loddon River has been bone dry in parts. Minister Holding's justification of the water theft — that the Yarra River is under enormous stress after 13 years of drought — is a real slap in the face for country Victorians. This is the same drought which has seen milk production in northern Victoria drop from 3 billion litres to an estimated 1.7 billion litres this year, causing the closure of the Leitchville milk factory. It is also the same drought which has seen farmers on the Goulburn system paying 100 per cent of their water bill while only receiving 71 per cent of their water this year — and that has been their best result for several years.

That is what you call stress, and this shows just how out of touch the minister and his government are in relation to rural Victoria. In fact this water that Minister Holding is boasting about is part of an allocation of 12 billion litres that had been set aside for environmental flows in rivers in the north of the state. With yet another broken promise the government takes it from one area and arrogantly hands it to another on the basis of the likely voter reaction.

The minister's latest effort comes on top of broken promises from both the 1999 and 2006 elections. Country people still clearly remember the government's 2006 election promise that it would not take water from north of the Great Dividing Range for Melbourne's future water needs.

Police: Frankston

Dr HARKNESS (Frankston) — A 95 per cent increase in the number of police in Frankston since 1999 highlights the government's commitment to investing in increased police numbers across Victoria. In Frankston we have also seen a 10.6 per cent decrease in crime over this time, and now the government is committed to deploying an additional 1700 officers to front-line policing as well as freeing up an additional

266 police officers to be redeployed to other operational roles — that is, 1966 more front-line police. This rollout will see Labor increase the number of police in Victoria by over 3500 sworn police officers since 1999.

Anzac Day: Frankston

Dr HARKNESS — Anzac Day is without doubt one of the most important days on the national calendar. It is a day when we acknowledge the sacrifices of generations of our countrymen and women, and a time when we give thanks to all those Australians who served and fought for the freedoms we enjoy today. I was very pleased to be able to attend both the dawn and midmorning services in Frankston on Anzac Day. They were extremely well attended by people of all ages, which was terrific to see.

A Camera on the Somme art exhibition

Dr HARKNESS — Later on Anzac Day, quite appropriately, I was invited to officially launch at the McClelland Gallery and Sculpture Park in Langwarrin A Camera on the Somme, which is a Bendigo Art Gallery travelling exhibition. Two young brothers from central Victoria, Jack and Bert Grinton, found themselves serving in the trenches of France and Belgium in World War I. Some 90 years later a biscuit tin stored in a shed on the family farm and destined for the tip was found, and a quite remarkable find it was, for it contained the negatives and photographs of images taken by Jack and Bert Grinton between 1916 and 1919 with the cameras they carried with them during the war.

This is a terrific collection, adding as it does to the historical record of a war that was supposed to end all wars and capturing as it does amateur images not included in any publications or archives. I congratulate McClelland Gallery and Sculpture Park on securing this exhibition, and I am sure that —

The ACTING SPEAKER (Ms Munt) — Order! The member's time has expired.

Prime Minister: performance

Mr K. SMITH (Bass) — Today on the front page of the *Australian* is a photo of Prime Minister Kevin Rudd ready to take a bite out of a hot dog — or maybe out of the voting public's pocket. More importantly, right next to that photo are the Newspoll results saying to me that Rudd the Dud has been publicly denounced and exposed as a con man and a liar by the Australian electorate. He lied to the people to get elected, and he has continued to lie to keep himself and the Labor Party

in government and in doing so has let down the people of Australia who supported him.

He promised an extensive tax review and then wimped out. He promised an emission trading scheme and then dumped the policy. He promised free insulation and then dumped that policy, but it cost four lives and over 1200 house fires. He promised upgraded school facilities and then set up the greatest rip-off of all time for his builder mates. He promised FuelWatch and then dumped the policy. He promised Grocery Watch and then dumped the policy. He promised to save the whales from the Japanese but then dumped the policy. He promised to handle the boat people more humanely, but look what happened: more boatloads of people going to more overcrowded camps.

The only memorable thing he has done in the time he has been there is stay in office longer than failed Prime Minister Gough Whitlam, but I bet at the end of the day the Labor Party will not put Rudd on a pedestal as it did Whitlam. It should; they are both hopeless. Rudd is a backflipping failure like that other Labor luminary Paul Keating. All they have ever done is spend money they have not earned. I believe Kevin07 thinks he might be Kevin from heaven. What a dud and a failure!

Suzanne Cory high school: construction

Ms HENNESSY (Altona) — I rise to acknowledge the development of an excellent new school in the west and the opportunities it will provide to students in my electorate. I had the pleasure of attending the turning of the sod at the new Suzanne Cory high school on 16 April. Suzanne Cory high school will be the first selective entry high school in the western suburbs. It will open in 2011 with 200 students in year 9 and grow to a maximum of 800 students.

Suzanne Cory high school will offer gifted students from the west a challenging and in-depth educational experience. This demonstrates the government's commitment to education in the west, and I am pleased that students in the western suburbs will now have access to continuing top-quality education. This new school will help excavate the talent in the west and provide students with many exciting new opportunities.

Anzac Day: Altona

Ms HENNESSY — I also wish to pay tribute to the Altona RSL sub-branch for its well-organised and moving Anzac Day activities. I was privileged to participate in the two marches and wreath laying along with returned servicemen and women. We were joined and supported by our local community. It was

incredibly moving to witness those RSL members marching with their children and grandchildren and to observe how engaged and respectful the local Altona community is of our RSL elders. I would particularly like to congratulate Alan Scott and Patricia Franks from the Altona RSL for their ongoing community leadership.

Austin Health: auxiliary

Mr LANGDON (Ivanhoe) — I would like to pay tribute to the Austin Health volunteer auxiliary group, which had its final group and annual general meetings in my office on Tuesday, 27 April, the 10th year of doing so. After 25 years of continued hard work serving the community the auxiliary has disbanded. Auxiliary members working at both the Austin and Repatriation hospitals have raised \$927 399 over their 25 years of operation. The money has gone towards improving the standards of patient care, of which every member of the organisation has the right to be extremely proud.

Merna Kent, president of the auxiliary, said that the years have caught up with members and they have been unable to find any younger people to take on what has been for all an interesting and rewarding task over the years. The group has become a fixture at my office over the years, and I will miss seeing the ladies come in on Monday mornings at 10.00 a.m. to attend their meetings. Once again I thank the volunteers for their tireless work over the years and wish each individual the very best in the years to come.

Anzac Day: Ivanhoe electorate

Mr LANGDON — I would also like to pay tribute to the many veterans, men, women and children of my electorate who attended the many Anzac Day services, in particular the three RSL sub-branches — Ivanhoe, Heidelberg and West Heidelberg — and the schools that participated in ceremonies around the Ivanhoe electorate.

I pay tribute particularly to Ivanhoe Grammar School, which has a very moving service every year when the names of 66 former students who lost their lives in World War II and 1 who lost his life in 2007 are read out. This year not only were their names read out but their photos were up on a screen. I pay tribute to Ivanhoe Grammar School.

Frankston: Pines Pride Festival

Mr PERERA (Cranbourne) — On 14 March Frankston Pines committee had its annual Frankston Pines Pride Festival, an event of multicultural — —

The ACTING SPEAKER (Ms Munt) — Order!
The time for making members statements has expired.

CHILD EMPLOYMENT AMENDMENT BILL

Second reading

**Debate resumed from 10 March; motion of
Mr HULLS (Attorney-General).**

Mr R. SMITH (Warrandyte) — I rise to speak on the Child Employment Amendment Bill 2010 and from the outset say that the coalition will not be opposing this bill because it has some positive aspects. It cuts through red tape and inserts some very sensible provisions surrounding the entertainment industry and the employment of children in that industry, but the coalition has some concerns, firstly, about the additional coercive powers of child employment officers and, secondly, about the fact that this bill does not address the issue of appointing an independent children's commissioner to oversee some of the issues surrounding child employment.

I begin by referring to the second-reading speech, which states that the government is 'supporting opportunities for children to benefit from employment'. I want to contrast that with what I assume are the unintended consequences of Labor's federal colleagues with the introduction of the Fair Work Act, which imposes a 3-hour minimum work rule on people in employment. We have seen many reports in the media about children being denied work because businesses close at 5.00 p.m. or 5.30 p.m. and they are therefore unable to work after school. We have also seen cases where both employer and employee have been absolutely satisfied with shortened working times, but despite that, the new federal law deems that sort of work illegal.

It is interesting to note that section 21 of the state Child Employment Act says that children under the age of 15 can only work for a maximum of 3 hours during a school day. The introduction of the federal government's Fair Work Act has created a ridiculous situation whereby it says people can work only for a minimum of 3 hours; however, the state legislation says that children can work for only a maximum of 3 hours. It does seem a little prescriptive that children can be employed for not a minute more or a minute less than 3 hours. I hope the government, in its quest to support opportunities for children to benefit from employment, actually addresses this issue with its federal colleagues.

I would like to thank the department for its briefing, during which I asked whether affected communities or industries had been extensively consulted; the answer was yes. I was supplied with an extensive list of those consulted. Although there were a number of consultative meetings, I was disappointed to hear from one attendee of those meetings, who attended the final meeting, that a complaint was made, saying that only one representative from each industry group was allowed to attend the final meeting.

I also found it interesting that complaints were made about the secrecy surrounding that final meeting, and I quote from an email that was sent to me by the representative who attended that meeting:

... the last meeting held late January —

which the person attended —

where they discussed the proposed changes to the legislation that will be introduced to Parliament.

... everyone present was sworn to secrecy and were told they had to keep all aspects of that meeting confidential. All paperwork was taken from them before the meeting closed.

I find it very peculiar that a consultative meeting would be shrouded in so much secrecy, and I wonder why that would be the case — certainly there would not be anything commercially confidential or anything like that. I wonder why the government would deem it necessary to ensure that absolutely nothing was said about the consultation surrounding this bill.

It is also interesting that of the many groups that I consulted following the introduction of this bill, none of them — even those who have been invited to these consultative meetings — had been given a copy of the bill once it was introduced to Parliament. None of them even knew that it was to be introduced here, and indeed the Victorian Employers Chamber of Commerce and Industry told me they were given the clear impression that this bill was not going to be introduced any time soon.

I want to work through the bill's various clauses and raise some issues about them. Firstly, section 5 of the Child Employment Act cited a number of jobs or tasks that could be deemed as light work, and which therefore would be appropriate for children to be employed doing. It has since been decided, with the introduction of this bill, that clause 7 would remove those particular examples from section 5. There are circumstances where some of those descriptions, such as gardening and clerical work, would not be deemed light work. The example given to me was where a child

was engaged in gardening and was using insecticides; that might not be suitable work for a child.

Instead clause 7 substitutes new section 5 in the principal act. It describes a number of movements, actions and locations that would not be deemed appropriate for a child. While I certainly agree that there are occasions in employment where it would possibly not be safe, I think that raises questions about a parent's right to make decisions about what is suitable employment for their child. I want to raise that issue: should it be the government's role to tell parents what their children should be doing for work, as opposed to having the parent make the decision?

The next substantive part of the bill concentrates on the issues of child employment in the entertainment industry. I spoke at length to a number of casting agencies that employed children in photoshoots and commercials. Overwhelmingly their response was that the current regime that was put on them as a result of the Child Employment Act 2003 was incredibly frustrating. They said they wasted an enormous amount of time constantly completing individual permits.

The nature of their work is very last-minute; one of them gave me an example, saying an agency will typically be briefed by an employer of children on a Monday, castings and auditions would be held on a Tuesday or Wednesday, callbacks would happen on a Thursday or Friday, with the job being on the weekend or early the following week. That would leave very little time to get permits submitted or approved, and the former regime certainly does not take into account the peculiar aspects of the entertainment industry.

It was also the case that for jobs lasting more than three days it was a requirement for the employer to obtain a certificate or letter from the education department's regional network officer, saying that they did not have an objection to the student taking time off. Often that regional network officer made that decision without having very much knowledge at all about the child in question. This was done to ensure that the child was not missing out on their education, but this seemed an unnecessary requirement given that the mandatory code of practice for those matters, as described in the Child Employment Act 2003, stipulates that a tutor must be made available in all circumstances in consultation with the child's school. The entertainment industry certainly had a major problem with that provision.

It has said it is very happy with the removal of the need for school authorisations as set out in new section 13(g)(iv), to be substituted by clause 11. The issue that they had was that previously, if a permit had

to be organised during school holidays for work scheduled after the commencement of the school term, an interim permit was issued with the principal having to sign an authorisation when school resumed. In many cases this was after employment had been agreed to.

The entertainment industry also fully supports the concept of supplementary permits as set out in new section 16A, to be inserted by clause 16, and for the provision of multiple children or occasions with employment under new section 13A, to be inserted by clause 12. Another issue that the entertainment industry does have is with departmental systems, and certainly their complaints put paid to comments made in the second-reading speech, where it states:

The working-with-children unit in the Department of Justice has state-of-the-art software and systems in place designed to deal exclusively with the system.

Certainly the comments I have received from the entertainment industry are that those systems in the working-with-children unit are far from being particularly efficient. When we look at Labor and its record with IT systems there is a lot to be concerned about. Indeed we have seen problems with the ultranet in the department of education; after re-tendering it delivered less than what was promised and was around 30 per cent over budget. We have seen the problems that the government has experienced with HealthSMART; in fact, the Auditor-General found that project was two years behind schedule and with 50 per cent of the budget spent, only 25 per cent of installations had been completed. We have also heard the privacy commissioner express concerns about LEAP (law enforcement assistance program) files ending up in the Department of Justice, and I think Victorians would be very concerned to know that that is the case.

If we want to talk about systems and Labor's ability with systems, we need only say one word that encapsulates all the problems this government has with systems — that is, myki. The industry has a right to be concerned about the integrity of the systems the working-with-children unit works with.

The industry tells me that on many occasions it has suggested the notion of giving a specific permit number to each child employed in the entertainment industry rather than to a different employment occasion. The nature of the business is that children are employed on multiple occasions by different employers through an agency. Such a permit system would save the industry having to constantly regurgitate information, and I am told that the industry has asked for this on many occasions. From what I have heard, it seems a

common-sense and sensible approach, but to date this particular approach has been ignored by the government.

All in all the industry supports the changes that will be made by this bill. However, it feels that the government has introduced these amendments merely to assist what it sees as an overstretched bureaucracy, rather than introducing them to assist the industry. The industry also sees that the amendments will fix problems that were introduced by this government in the first instance with the principal act. There are some concerns, but overall the entertainment industry is reasonably happy with the changes.

While I am on the subject of the entertainment industry, I refer to the mandatory entertainment code from the principal act which contains provisions regulating the employment of children in entertainment. During the debate on the Child Employment Act 2003 reference was made to aspects of the code, breaches of which incur substantial penalties, and to the fact that those penalties are not disallowable by Parliament. We on this side of the house have raised concerns before about the fact that we are in a climate where the government seems to be increasingly introducing legislation with surrounding codes and regulations that are not disallowable by this Parliament. There will come a time when all members of this house will have to say that this Parliament must stop abrogating its responsibility as the lawmaker for Victoria.

In relation to police checks, the bill provides for the secretary to initiate a police check as part of an assessment notice for a working-with-children check. I have asked the department whether the Department of Justice will be able to access the LEAP files. I have been assured that that is not the case, and Victorians will be pleased to know that the Department of Justice cannot access LEAP files. Going forward, the current regime will remain in place whereby the secretary will ask the Chief Commissioner of Police to make those checks on the secretary's behalf.

Previously the secretary was required under section 16(1) of the principal act to ensure that he or she was satisfied that the child was fit to be employed in the proposed employment. I note that clause 15 in the amending bill no longer requires the secretary to make that call. I raised that matter during the departmental briefing, and I was told that the secretary had not previously had the information to make that call.

I will move on now to talk about the position of an independent children's commissioner. During the debate in this house in 2005 on the Working with

Children Bill, much of the debate centred on the introduction of that particular position. Members on this side of the house sought the introduction of that position. The member for Caulfield put the opposition's case very well during the debate when she is reported as saying:

The commissioner would be independent of government and report to the Parliament, and he or she would provide for the confidentiality and security of the vast amount of information which will be collected and which the Victorian privacy commissioner alluded to as being in need of protection.

...

The Labor Party knows that the appointment of a commissioner for children would have huge support within the community. The government has instead made a number of appointments within the Department of Human Services to try to satisfy the sector that it is actually doing something — except appointing an independent commissioner for children and young people.

During the debate the member for Kew moved a reasoned amendment asking that the bill be withdrawn, and that reasoned amendment said:

... this house refuses to read this bill a second time until an independent child commissioner is appointed, whose responsibilities include proper consultation with key stakeholders and to oversee the implementation of a simple and effective method of police checks for all applicants wishing to undertake child-related work and who can oversee the implementation of child-safe policies.

We on this side of the house maintain this position. We announced last year that in government we would appoint an independent children's commissioner. I have to say that the government has dug its heels in on this, saying that the position of the child safety commissioner fulfils the role, but that position is not independent. It is responsible to the government; it is not responsible to the Parliament. The coalition's position is supported by many people, and I would like to quote from some cases made for an independent children's commissioner.

Firstly, I will quote from a presentation made by the Honourable Justice Alastair Nicholson, former Chief Justice of the Family Court of Australia, in which he said about a commission for children:

The commission must of necessity be an independent office with its own permanent statutory powers. To this end, the commission should be accountable to Parliament rather than to the government of the day.

He said that he had heard a number of arguments, including:

... the same outcomes for children and young people can be achieved by way of non-government organisations, an office

within government, a designated minister, or a committee comprising ministers or public servants.

This is the position taken by this government. He goes on to say:

This view fails to appreciate the critical importance of the independence of the commission ...

There is also a report by the Youth Affairs Council of Victoria, which made a case for establishing a children's commission. This particular document highlighted the principles that would underpin a children and young people's commission, and one of those principles was independence being defined as a position that was 'accountable to Parliament in order to ensure objectivity and candour'.

Further, I quote from a submission that was made by the Office of the Victorian Privacy Commissioner to the Scrutiny of Acts and Regulations Committee on the Working with Children Bill 2005. The privacy commissioner raised concerns about issues surrounding child protection being overseen by an insufficiently qualified and independent entity, and he said that the government's legislation at the time would:

... require assessments of risk that any secretary (and her or his delegates, who will be accountable to the secretary) are more likely than not to exercise discretions to exclude a person from working with children, notwithstanding the presumptions built into these clauses. It is a fact of life that departments are nowadays highly sensitive to political and media implications of their decisions for ministers ... departments can be expected to err on the side of caution ... a characteristic which in the context of the day-to-day operations of a WWCC scheme is likely to lead to injustices. The kinds of judgements about people that the WWCC scheme envisages require an arm's length relationship between the decision-maker and the government of the day ... A departmental secretary, or delegate, is insufficiently independent for the tasks the bill envisages.

An independent statutory office, responsible through a minister to Parliament or direct to Parliament, suitably equipped for the task, should administer the WWCC scheme with maximum possible transparency.

As I said, the coalition is committed to appointing an independent children's commissioner, and we believe the government should follow that lead and appoint one. Besides South Australia, Victoria is the only state not to have an independent commissioner or commission. The government needs to understand that if it is the only one left in the room with a particular position, then maybe it is wrong about that position.

I turn now to clause 20 of the bill, which inserts new section 19B. In the principal act this includes the extended exceptions to the requirement for a working-with-children check as previously expressed in

the Working with Children Act 2005. Amongst those exceptions is the definition of closely related family members, including uncles, aunties, grandparents and relatives of that nature. During the debate on the Child Employment Bill 2003, many members on this side of the house made the observation that the definition of 'extended family member' should be broadened. In his summing up, the Attorney-General made the point that he did not agree with that position, and he said:

If you look at some of the horrific statistics in relation to kids, you see that we are fooling ourselves if we think that extended family members should not be overseen appropriately in relation to the supervision of children.

...

We do not want any unintended consequences. We are not in the business of introducing legislation with a whole range of unintended consequences simply to give us a warm inner glow.

Clearly there were some unintended consequences though, because just two years later the government introduced those broader and extended meanings around the definition of 'closely related family' with the Working with Children Act 2005. That showed that the objections from the Liberal Party and The Nationals were not about just having a warm inner glow; they were about getting the legislation right.

Clauses 26 to 32 discuss the issues around the appointment and the powers of the child employment officers. Clause 26, which inserts new section 38, removes the old provisions in the principal act which say that the secretary should appoint as a child employment officer a person who — and I quote the legislation:

... is competent to perform the functions and exercise the powers of a child employment officer and is of good repute, having regard to character, honesty and integrity.

I find it interesting that the secretary is no longer required to have regard to the provisions for appointing child employment officers who are of good repute, having regard to character, and who are honest and have integrity.

Subsequent clauses give authorised officers far more power than they had in the past. Previously, authorised officers were able to view and take copies of any documents relevant to the issuing of a permit or relevant to a suspected breach of the act. Now they can view any document at all that they deem might have something to do with the employment of the child. Authorised officers were able to interview an employer about the employment of a child. Now they are able to coercively interview any person at all who may have

information or knowledge relevant to the child's employment.

Under this legislation officers can also issue a direction to the employer. They can do that at any time.

Non-compliance by the employer is an offence, and while non-compliance due to a reasonable excuse is a defence during prosecution, there is no avenue for an employer to appeal against what the employer might view as an unreasonable direction.

The Attorney-General also said in his second-reading speech that consultation revealed a lack of community awareness with regard to the nature of child employment laws. I raised that during the departmental briefing. I was told that during consultation those consultants said that they knew the laws, but in fact anecdotally said that others did not know the laws. When I pressed them on that matter, they then told me that that particular situation was not necessarily the case. In short, the explanation I was given provides me with no comfort that the consultation revealed there was a lack of community awareness. That explanation seems to be an excuse to allow authorised officers with increased powers to have increased access to workplaces across Victoria.

In clause 33, which is towards the end of the bill, a corporate officer is deemed to be liable for the corporation's crimes, as set down by this legislation, merely if proof of knowledge is proven, regardless of whether or not the officer did or did not do something to cause the contravention of the legislation. I note in *Alert Digest* No. 4, the Scrutiny of Acts and Regulations Committee (SARC) picked up on that particular point. It said that this provision:

... differs from nearly all other Victorian corporate officer liability provisions, which either:

are limited to officers who 'knowingly authorised or permitted a contravention' or similar formulations that linked the officer's conduct to the contravention, thus protecting officers who had no influence over a contravention by others; or

provide for a due diligence defence, thus protecting officers who made reasonable efforts to prevent a contravention by others.

I hope that some government members address SARC's concerns and enlighten us as to why that particular clause was deemed necessary.

The process that brought this bill into the house highlights a number of things. It highlights the government's secret and, I guess by extension, sham consultation practices, which have been widely reported in the media. The bill highlights the problems initially

caused by the Child Employment Act 2003 and the Working with Children Act 2005, which opposition members and members of the industry highlighted at the time.

The bill highlights the arrogant denial by this government of the need for an independent children's commissioner in the face of widespread support for one. Many people out there will say that an independent commission or commissioner is required. As I said before, virtually every other state sees the need for one. I do not understand — and I do not think many people on this side of the house or members of the wider community understand — why this government seems to have such a problem with independent oversight.

This bill also shows us that the government is still keen in its ongoing desire to give progressively more powers to its authorised officers, which is also of some concern. However, the bill attempts to cut down on the red tape associated with working-with-children checks. It fixes a number of unworkable provisions in previous legislation, changes which are desperately needed by the entertainment industry, and it addresses the issues raised by that industry. The opposition will not be opposing the bill.

Mr NOONAN (Williamstown) — I am pleased to rise and speak in support of the Child Employment Amendment Bill. I note the opposition's willingness not to oppose, or even perhaps go a step further and support this particular piece of legislation before the house. It has been a long-term priority of this government to protect children from exploitation in the workforce, whilst also supporting opportunities for children to benefit from employment. The bill builds on the original act, which was introduced into this Parliament in 2003 and came into force in June 2004.

The original act established a legal framework of employment conditions for children under the age of 15 years engaged in work. Some of those conditions of employment included: limiting a child's working hours to between 6.00 a.m. and 9.00 p.m., limiting the number of hours that a child may work in one day or in any one week; limiting children to do light work only; and requiring a child to still attend school. I note that the opposition in fact voted against the original piece of legislation, so it is heartening to see it getting behind this amendment today.

The act also prohibited certain types of work, such as door-to-door sales, and it created greater clarity around what is considered paid work as opposed to engaging in voluntary work. Importantly, the original act created safeguards for children, their parents and guardians, and

their employers. The act required that children under the age of 15 required a permit to work — which has been the case, as I understand it, since 1970 — and that the parents must apply for that permit. The act also required that employers and supervisors had to undergo a police check to work with children under the age of 15.

The original Child Employment Act 2003 set in place a set of standards relating to the employment of children in Victoria. This Child Employment Amendment Bill will make a number of changes that should strengthen protections for children in employment. At the same time it will reduce red tape for business and simplify the current administration of the existing scheme.

This will be achieved by replacing the police checks with a working-with-children check and compelling only the child's immediate supervisor and the employer to have a valid working-with-children pass. It will also introduce an additional permit system for the entertainment business sector, which is well and truly the largest regular employer of children under the age of 15.

The bill will also make a number of changes to definitions in the act such as the definition of 'light work'. This is an important enhancement in order to have a greater focus on safety for children in the workplace. The bill will also strengthen the powers of child employment officers and introduce higher penalties for non-compliance.

Probably the most significant amendment in the bill is the replacement of the police check with the working-with-children check. The current arrangement is somewhat cumbersome and time consuming. For example, at present on a film or television set every single person involved in working with a child is subject to a police check. Under the new bill employers will have to ensure that anyone supervising a child holds a current assessment notice under the Working with Children Act.

A second major amendment involves the cutting of red tape and the simplification of the permit system. Currently employers who have several children under contract have to continually apply for permits for each child each time they appear in a production or workplace. Under the bill the permit system becomes more convenient and is better adapted to particular industry needs. For example, if you are an employer who is employing 10 children to act for the same scene and time in a film or TV production, you have to apply for 10 single permits. With the change proposed in the bill the employer will have to apply for only one

permit, which will cover all 10 children for that occasion. If an employer employs a child regularly for the same job, the employer currently has to apply for a new permit for each single time. With the changes proposed in the bill the permit will cover all employments for the specific type of job for a longer period of time. Nevertheless, if the employer decided to employ the child for another type of job, the employer would still have to apply for a new permit.

Under the Child Employment Act 2003, child employment officers at Workforce Victoria are authorised to issue permits. Under the current arrangements the parent or guardian of the child is required to apply for a permit by written application and the prospective employer is required to enter details about the job, including the position, duties, location, supervision arrangements and police checks. These permits have been there to ensure that a child under the age of 15 who is engaged in any type of employment is very much protected from health and safety risks, possible threats to their welfare, potential exploitation and demands that may interfere with their education.

Under the bill it is proposed that child employment officers at Workforce Victoria will now be authorised to interview a wider range of people during investigations before any permits can be granted. Importantly, the officers will also ensure that all employment roles are appropriate for minors and create a positive image of children. I note, with respect to what might be considered appropriate roles for minors, that under the current act section 5 lists a set of examples for light work which, as I mentioned earlier, includes door-to-door sales. A definition in new section 5 deals with the appropriate types of work or activity. Importantly, they may not be harmful to a child's health or safety and the focus is very much switched to the child's welfare in any workplace in which they might find themselves. It is a very sensible change that moves away from an example-based approach to an approach where the child's health and safety is put at the forefront of future arrangements for children in workplaces.

It is probably worth pausing at this point to make a few comments about child employment in both Australia and Victoria. Firstly I go to some simple statistics. In 2006, 175 100 children aged between 5 and 14 years were working at some time during that year. This means that 6.6 per cent of children aged 5 to 14 years worked in 2006. To further break that down, 2 per cent of children aged 5 to 9 and 11 per cent of children aged 10 to 14 worked in Australia in 2006. Interestingly, Victoria has the lowest rate of child employment in Australia. In 2006 around 37 500 children, or about

5.8 per cent of Victoria's children between the ages of 5 and 14 years, were working. This figure continues to average around the 6 per cent mark, so we are not talking about great numbers of children, but we are talking about a substantial number at least to a point where tight regulation needs to be in place.

Traditionally in Australia children under the age of 15 have worked in their family businesses. Today children work more regularly and for longer periods in a wider range of employment settings. These can include fast food outlets; the entertainment sector, which incorporates TV, film and advertising sets; supermarkets; restaurants and cafes; some department stores; factories; and, from time to time, major events.

Unfortunately children can be injured in the workplace. A 2006 report by WorkSafe entitled *Keeping Children Safe in the Workplace* concluded that children are not immune from workplace injuries. This view is supported by the annual number of compensation claims by children under the age of 15 years. Unfortunately between 1986 and 2004, 32 children died from work-related incidents in Victoria. Most of these incidents occurred on family-owned farms. That is why it is incredibly important that we, as a Parliament, have an opportunity to set some protections to minimise risk for children in a workplace setting.

Many of the proposed changes in this bill have been eagerly sought by the Victorian entertainment industry, which is by far the largest employer of children in this state. Streamlining the process by which children can be employed is vital for an industry which produces a large amount of children's content. It is for those reasons and the reasons I have outlined in my contribution that we on this side will be supporting this amendment bill, which enhances the settings and protections for children in workplaces.

Mr NORTHE (Morwell) — It gives me great pleasure to rise to speak on the Child Employment Amendment Bill 2010. This bill amends a couple of acts. It amends the Child Employment Act 2003 to apply the provisions of the Working with Children Act 2005 to the supervision of children in employment. It also amends the Working with Children Act 2005 and makes consequential amendments to the Transport Accident Act 1986 and has other purposes.

In the main the amendments relate to the Child Employment Act 2003. The bill amends the definition of 'employment' to ensure that the focus of the act is on protecting children under the age of 15 years who are in employment or engaged in employment-like activities. The bill also improves the process for applying for and

issuing permits. It applies the provisions of the Working with Children Act 2005 to the supervision of children employed under the Child Employment Act 2003 and makes other changes to improve the operation of the Child Employment Act.

The Child Employment Act 2003 is an important part of this state's legislation. It is imperative that we provide a framework of initiatives and regulations that not only protect members of our younger generation who undertake employment but importantly also encourage their participation in employment activities where possible. The experience and confidence one can gain from participating in or undertaking such activities are extremely beneficial for an individual's development in later life. The age group we are referring to in this debate is children under the age of 15. Over time, employment opportunities have become more far reaching and broader than we have seen previously. Other members have spoken about particular types of activities that a child aged under 15 may undertake. They can be things such as golf caddying; office work; gardening; delivering newspapers or pamphlets; working in the entertainment industry, which other members have spoken about; farm work — for the member for Rodney; or working as a sales assistant in the retail area.

In his excellent contribution the member for Warrandyte spoke about some of the issues pertaining to state and federal government regulations. Under Victorian regulations if you are under 15, you can work for a maximum of only 3 hours a day and 12 hours a week during the school term. Obviously that is extended to a longer period during school holidays, when I believe the maximum is 6 hours a day and 30 hours a week, which includes rest breaks. Children under 15 can work only between 6.00 a.m. and 9.00 p.m. There is an anomaly associated with that, and I will go into it in more detail in a moment.

It is important to understand what child employment actually is under the Child Employment Amendment Bill. New section 4(3), which is substituted by clause 6 of the bill, describes some of the activities that do not constitute employment under the act. It is interesting to note that employment does not include 'participating in a church or religious service or program' or 'participating in a project or entertainment ... for the benefit or as part of the activities of the school at which the child is enrolled if the child is under the direction or control of the school'. It also does not include activities such as 'door-to-door fundraising for a non-profit organisation if the child is directly engaged by that organisation' and, interestingly, 'performing work in relation to a sporting activity (including coaching,

refereeing or umpiring) except in relation to martial arts, horseriding, gym instruction and any other sporting activity with a high risk of injury that is prescribed by the regulations'. I am not sure that the general community would know about that particular point, but it is interesting to note it.

The member for Williamstown discussed the statistics on the number of children participating in work. The figures I have are that 6 per cent of Victorian children between the ages of 5 and 14 participate in work. That is a significant number and the desire to have some form of national consistency is therefore very important. That is referred to in the second-reading speech. The speech also refers to the agenda of the Workplace Relations Ministers Council and discussions on the regulation of child employment.

As I mentioned just a little while ago, there are some existing challenges with national consistency with respect to child employment in Victoria. In February of this year there were media reports about this element that we are debating today. Under the heading 'Retailers want shift reform' an article published in the *Age* of 18 February says:

Retailers have requested the industrial tribunal reverse its decision to increase the minimum number of hours in a shift.

The rise in minimum hours from 2 to 3 three, as part of the awards overhaul, has attracted controversy with a number of small businesses saying they would have to lay off young staff, as they can work only 1½ hours after school.

The article quotes Nick Tindley from the National Retail Association as saying the change 'threatens the employment prospects' of young employees. The article states:

Mr Tindley said without change employers faced 'two equally unpalatable options, pay a young employee for 3 hours work when they are only required, and only able, to work 2 hours, or cease employing young people to work after school'.

A further article, published in the *Age* of 23 February, continued the debate under the heading 'Employer group contests minimum hours overhaul'. The Australian Chamber of Commerce and Industry certainly made it clear that it was unhappy with the raising of the minimum hours from 2 to 3. So we have to some degree a ludicrous situation where the Victorian regulations state that a child under 15 can work no more than 3 hours a day during the school term and the federal government says that is the minimum. We have this anomaly, which was very well explained by the member for Warrandyte.

Another element of this bill is about the child employment permit process. We are seeing the introduction of a more flexible system, particularly for the entertainment industry, and I am sure that is very much welcomed. As the member for Warrandyte also pointed out, this has been embraced by the entertainment industry. This system will make things much fairer, easier and cleaner for that industry and is welcomed by it. Employers will benefit from changes such as improved sign-off processes, including schools being required to sign off only on employment that occurs during school hours; employers in the entertainment industry being able to secure permission from parents and schools for the employment of the child independently from the permit process; and employers no longer needing to nominate supervisors on the permit application but instead being required to ensure any supervisor holds a working-with-children check assessment notice. On that point, as other members have indicated, the bill provides for working-with-children checks to replace police checks. I think that, on the whole, industry has supported that element, so that is a step in the right direction.

The member for Warrandyte also mentioned the need for an independent child commissioner. That has been brought up by the coalition on many occasions. From my own situation down in Gippsland I can attest to the fact that we certainly have a shortfall in child protection workers. This bill seeks to improve the regulations protecting our children, whether in the workforce or in the community. That is an important step, and something we need to consider. One would hope that in its deliberations the government would consider the appointment in the future of an independent child commissioner. That is something this side of the house would strongly support.

Child employment is an important aspect of life in many communities, particularly in regional areas. It really brings a community together. From my own experience of going through that phase many years ago now — it may be 30 years ago — I know it is important to participate and to have job opportunities available to you. I think it grows you as a person. As a parent it is great to see that these regulations are being tightened up, and I think employers would welcome the flexibility provided by this bill.

Mr BROOKS (Bundoora) — It must be a bit embarrassing for Liberal members of the opposition to come in here today and support this amendment bill when they so shamefully opposed the original Child Employment Act 2003, which commenced operation in 2004. I cannot believe that a member of any party in this Parliament would have opposed that bill.

The amending bill we have before us today is part of the Brumby Labor government's efforts to further protect children. We all know that the benefits are there for children when they are employed in safe and appropriate environments. Children learn skills that will help them in later employment. A job provides them with training opportunities and skills around teamwork, it teaches them about effort and reward and it provides a whole range of skills that will be of benefit to them. The Attorney-General indicated in his second-reading speech that the whole legislative framework of children's employment conditions has been raised at the federal level at the Workplace Relations Ministers Council. This bill is not a major restructure of the legislation; it is a tinkering at the edges, if you like, by making minor improvements to the principal legislation. Those improvements have come via a departmental review of the legislation that has been mentioned previously in debate this afternoon.

Some of the key parts of the changes that we will see through this bill relate to the existing permit system that the department administers. In particular, the arrangements that apply for work in the entertainment industry will be varied to ensure that where it is appropriate children will be able to act in TV or film productions and not be affected or limited by the child employment legislation.

The bill replaces the requirement for police checks conducted under the child employment system with working-with-children checks. Under the proposed legislation, it will be an offence under the Working with Children Act for a person to supervise a child in employment without being probity checked at that time, provided that the person knows that that is child-related work.

The bill also increases a range of penalties. One in particular increases the penalty for an employer who employs a child without a permit. It also introduces some body corporate-level penalties for offences that are already in the principal act, and introduces some new offences to beef up the powers of the existing child employment officers.

In relation to a couple of issues that have been raised by members of the opposition, the lead speaker for the opposition — and I think the previous speaker also — raised the issue of the limit of 3 hours work per day for children during the school term. It is important to remember that we are talking about children 15 years and under. I think 3 hours per day is about the maximum time you would want children working during the school term. If opposition members consider that children should be allowed to work much longer

than that and want a blanket piece of legislation saying that children under 15 should be able to work 4, 5 or 6 hours on a school day, maybe they should move an amendment to the bill. I point out that clause 21 of the bill allows the secretary of the department to vary that limit and permit children to work longer than that in special circumstances. The bill singles out the entertainment industry as one area where you would obviously see the need for children who are actors to be able to work longer than 3 hours in one session in a day. The government obviously supports that proposition.

Another issue that was mentioned by the member for Warrandyte was that the government should not be stipulating what is appropriate work for children. He said that maybe parents should be deciding what is appropriate and inappropriate. I think it is obvious that parents have a role in deciding what is an appropriate employment activity for their children — they would be the prime decision-makers in deciding that with their children — but it is important for the government to set out clearly some areas of work where it would not be appropriate for children to work without special permission.

The list included in new section 5, which is substituted by clause 7, sets out the sorts of work that would flag some sort of problem. If people can demonstrate that there is a need and a whole range of factors are taken into consideration, children may be able to work in certain roles. The list includes things like repetitive bending, twisting or lifting; manually lifting heavy items; working with or near cooking or other equipment that may produce high temperatures; or working with sharp instruments or equipment, near moving vehicles, at heights, with uncontrolled animals — some would say we do that here in Parliament! — or in extreme weather conditions. I think this is a fair range of things to have in the act to trigger a level of concern.

New section 5(4) states:

In determining whether or not any work or activity is light work or is likely to be harmful to a child's health, safety or moral or material welfare or development, consideration must be given to —

a whole range of factors before approval can be given for a child to work in an area.

The member for Warrandyte also raised a concern about the efficiency of the working-with-children system for people getting a working-with-children check. He raised a whole range of examples and cited the public transport ticketing system in some sort of relation to working-with-children checks. I did not quite

follow that, but I think his point was that the system was not going to function properly. No specific concerns were raised. I think it is important that if people have any reasons to doubt the ability of the working-with-children check system to operate effectively, they need to raise those specific concerns, because the whole system depends on public confidence in it.

Just in closing, as I said at the start of this speech, opposition members opposed not only the original legislation, the Child Employment Act 2003, but a whole raft of important bills that have come through this house that would provide protection to workers, particularly vulnerable workers. Opposition members opposed the Federal Awards (Uniform System) Act 2003, which provided a safety net for schedule 1A workers. They opposed the Outworkers (Improved Protection) (Amendment) Bill, which allowed vulnerable outworkers to access award entitlements. Why people would oppose these pieces of legislation is beyond me. They opposed the Occupational Health and Safety Act 2004, which updated the decades-old occupational health and safety laws. As I said, opposition members opposed the Child Employment Act 2003. They also opposed the Workplace Rights Advocate Act 2005, which was introduced to provide for support and assistance for employees in difficult situations.

There is a degree of contrast here between the government, which is committed to protecting vulnerable workers — in this particular case to protecting children when they are in the workplace and engaging in employment activities, which I have said provide great opportunities in terms of skilling up, preparing people for later life, giving them a range of social skills and preparing them for work — and those opposite, who have opposed pieces of legislation which are designed to protect vulnerable workers and children in the workplace.

This is a great piece of legislation. I look forward to seeing the work that comes out of the federal ministerial working council in this regard. I commend the bill to the house.

Dr SYKES (Benalla) — I rise to contribute to the debate on the Child Employment Amendment Bill 2010. I compliment the member for Warrandyte and the member for Morwell on their excellent presentations. The member for Williamstown and the member for Bundoora also made contributions of interest.

In relation to the comments made by the member for Bundoora, I find it interesting that he has cast

aspersions upon the position taken by those on this side of the house. I suggest that he has a selective recall of history, to an era when he was not a member of this house. I suggest that if the member for Bundoora were to look at the basis for those on this side of the house objecting to the original legislation, he would note that ludicrous situations could have arisen under the original bill, including a requirement that grandparents undergo police checks in order to employ their grandchildren should those children visit the family farm for the weekend. The grandparents would have been required to have police checks done so that their grandchildren could do little chores like feeding the farm dog.

Fortunately as a result of the position taken by those on this side of the house and the strong advocacy of the *Weekly Times*, some of the most outrageous provisions were removed from the original bill. However, it was noted during the course of that debate that other aspects of the bill were cumbersome, and the bill before the house addresses some of those aspects. I refer to the comments made by the member for Williamstown, who said that police checks were cumbersome and time consuming and that the requirement that people who work with children should undergo police checks will be replaced with a system of working-with-children permits.

If the member for Bundoora looked at the debate on the original bill he would note that those of us on this side of the house raised those concerns and suggested to the government of the day that it would be appropriate to look at a permit system, such as the one operating in Queensland, which is commonly known as the blue card system and which is more practical. Hello! Government members are only now waking up to what we on this side of the house pointed out the last time this issue was debated several years ago.

Another issue to look at is the appropriate use of taxpayers money in relation to monitoring the effectiveness of legislation passed by this house. Everyone agrees that any sexual offence against a child is one offence too many, but we do need to look at whether what is being put in place will have an impact on that fundamental principle. When the minister sums up I would like him to provide a summary of the total number of police checks that have been conducted, which I understand to be in excess of 1 million at a cost exceeding \$70 million. These checks are being conducted on a large number of people who work with children in the knowledge that there are about 3000 people who have records of convictions for sexual offences against children. It is almost a needle-in-a-haystack exercise.

On top of that it is well documented that sexual offences against children are committed primarily by people who are known to those children — often family members and most often people who do not have a police record. If we are going to implement these programs, which in principle have merit, then it is critical that the government monitor their implementation and determine whether they are functioning effectively.

To some extent the government has recognised that the process for conducting police checks required by the legislation in its original form were, as the member for Williamstown said — I will repeat his words, because I thought they were quite appropriate — cumbersome and time consuming, so we have moved to a working-with-children permit arrangement, which seems to make sense. Hopefully we will see efficiencies in administration so that the intentions of this legislation will be achieved more economically and more practically. However, there is a broader concern. The government needs to look across the board at its failure to thoroughly monitor the outcome of many pieces of legislation, and I will touch on that matter in days to come.

The broader issue about this legislation is the important role of the employment of children in regional Victoria. As I mentioned earlier, for many children in Victoria part of growing up is going to the family farm and being involved in chores or work that assists with the operation of that farm. Such activities give children a sense of connectedness to their family history, to animals and to the land — important values that more and more we are seeing young people grow away from. The employment of young people aged under 15 years has been particularly critical in the past 12 tough years that we have experienced in regional Victoria, where it has been a case of all hands on deck. Regrettably Dad and/or Mum have been working their butts off on the farm as well as often doing off-farm work to try to put enough money in the bank account to put food on the table. This situation has often resulted in a large workload being placed on the shoulders of young children. That has certainly happened in the electorate of Benalla, where young children have borne an unreasonably heavy burden in attempting to help families get through what have been 12 extremely tough years.

That situation is not desirable, but it is a fact of life and we need to monitor it. If the general intent of this legislation addresses issues of protecting young children who work, then that is fine, but equally the legislation and the government need to look at how to avert situations in which families have felt the necessity

to have children aged under 15 years work unduly long hours with undue physical and often emotional pressure because of traumatic circumstances. That comes back to a whole-of-government approach to getting through crisis situations such as drought.

I note that the Minister for Agriculture has been a participant in making assistance measures available to farm families, but as I have said many times in the past, he tends to provide that assistance rather late in the piece. He waits until the drought is absolutely at the throats of people in country Victoria, and then — usually in October — he comes up with some assistance measures. Often the measures are appropriate, but they are implemented late in the piece and put unnecessary pressure on farming families and children.

The member for Warrandyte touched upon another aspect of this legislation, and I would like to reinforce his commentary. We on this side of the house strongly support the appointment of an independent child commissioner. If the coalition were to come to government — and we did note that there is a little indication in the polls today that there is cause for the Premier and others on his side of the house to be a fraction nervous. In the event that we on this side of the house were in government, then we would move to have an independent child commissioner to protect the interests of our children.

I return to the notion of value for money and recognising that there is not a bottomless pit full of it. This government has had income of something like \$340 billion in its 11 years in office, but the fact is that we should still have value for money. In relation to child protection, when you hear a member on this side of the house talk about a case of child abuse that went on for three decades without being acted upon, you wonder whether it could have been prevented or stopped if greater attention had been given to looking into that situation instead of avoiding intervention. Intervention would have been a good utilisation of taxpayers money and government resources.

In conclusion I wish to indicate that I and my colleagues on this side of the house strongly support protecting our children, whether it be in the workforce or in a general sense. We acknowledge that the measures being put in place by the government are an improvement, but I put to members on the other side of the house that if they check history, they might see that some of the measures incorporated in this bill address issues raised by members on this side of the house when the original legislation was debated.

Debate adjourned on motion of Ms RICHARDSON (Northcote).

Debate adjourned until later this day.

HEALTH AND HUMAN SERVICES LEGISLATION AMENDMENT BILL

Second reading

Debate resumed from 10 March; motion of Mr ANDREWS (Minister for Health).

Mr BLACKWOOD (Narracan) — It is with pleasure that I rise to speak on the Health and Human Services Legislation Amendment Bill 2010. The purpose of the bill is to amend several acts to ensure the continued operation and provision of services under the newly created Department of Health and the existing Department of Human Services. The main provisions of the bill are to amend the Public Health and Wellbeing Act 2008 by establishing a body corporate known as the Secretary to the Department of Health, abolishing the body corporate known as the Secretary to the Department of Human Services, providing for identified land to be transferred to the Secretary to the Department of Health body corporate and ensuring that the transfer of that land is exempt from taxes. The bill also amends the Disability Act 2006 and the Children, Youth and Families Act 2005 to provide the Secretary to the Department of Human Services with powers in relation to land and intellectual property. It also makes amendments to other acts to ensure that definitions and operational items are in line.

This bill became necessary after the establishment of a new Department of Health and a new Department of Human Services in August 2009. The new Department of Health has responsibility for health, mental health, drug services, nurse policy and aged care. The new Department of Human Services has responsibility for disability, housing and children, youth and families.

With the creation of the new Department of Health now formalised and its responsibilities reinforced by this legislation, it is appropriate to remind the house of the ongoing failure of the Brumby government to address the crisis we are currently facing in our health system. When the Labor Party came to power in 1999 it won government on a commitment to all Victorians to fix what it perceived to be the problems in our health system at that time. It promised to provide more doctors, more nurses, more hospital beds and more aged-care facilities, yet despite record income over

11 years our hospitals and health system in general are far worse off now than they were in 1999.

I would like to give some examples of the decline in our health system despite 11 years of record income flowing into the Brumby government's coffers. Consider the waiting list manipulation that has occurred over the past decade. The Victorian hospital system has been plagued with claims and evidence of systematic manipulation of hospital waiting lists. Victorians can no longer trust that patients are receiving adequate or timely care or that the real state of Victoria's hospitals is being reported. Some hospitals have been found to routinely manipulate patient data to meet the government's arbitrary benchmarks even though the Minister for Health ridiculed suggestions of hidden waiting lists. The Auditor-General has also found evidence of waiting list manipulation.

Waiting times in Victorian hospitals are soaring. The median waiting time for urgent emergency department patients has gone from 12 minutes to 17 minutes in just three years. Waiting times for semi-urgent patients have jumped from 26 minutes to 37 minutes over the same period. The median waiting time for semi-urgent surgery has risen from an average of 35 days to 50 days since 1999.

Our emergency departments are under extreme pressure. They are overflowing, and a record number of Victorians are walking out of emergency departments rather than waiting hours for care. The government has failed to meet its own targets of admitting patients within 8 hours or treating and discharging them within 4 hours. Last year more than 2500 patients waited on trolleys for 24 hours or longer to be treated, despite the government's target of zero.

There has been very poor infrastructure planning. The Brumby Labor government hands out capital funding for health services with both eyes firmly on votes. Capital funding for health services is often pork-barrelled to the community. This results in an ad hoc process. There is little long-term planning for sustainable health services. Victoria has the lowest number of beds per capita of all states and territories, leaving Victorians with less access to admitted care than any other state.

We are no longer the most efficient healthcare system. For years the Victorian hospital system prided itself on being the most efficient system in Australia. Under this government, the Brumby government, Victoria no longer has the most efficient health system, having been overtaken by South Australia.

We have the highest rates of readmission. Victoria's unplanned readmission rate has soared to the highest in the nation at 6.2 per cent in 2008, compared with 3.5 per cent in New South Wales and 3 per cent in Queensland. This figure reflects the number of patients not treated adequately or discharged too early from hospital who have to come back for further unplanned treatment.

We have very high occupancy rates. During the 2007–08 financial year Victorian hospitals were running at 96 per cent capacity, the second-highest occupancy rate in Australia. This rate is far above the 85 per cent occupancy rate seen by the Auditor-General as the optimal rate. In terms of outpatient treatment, tens of thousands of people are waiting for outpatient appointments even before they are put on the elective surgery lists.

Consider ambulance response times. They fail to reach the government target response time for code 1 emergencies, even though the government continues to increase the target time. Ambulances are forced to wait at hospital doors. On 992 occasions in just three months last year ambulances carrying patients were forced to ramp outside hospitals waiting to get into the emergency departments. The longest wait on a ramp was 150 minutes at the Alfred hospital.

The Liberal-Nationals coalition has a plan to fix these problems. It is time for real action, instead of talk, to meet the health needs of Victorian families. The Leader of the Opposition has proposed the establishment of a \$1 billion health infrastructure fund to improve future health facilities in our state. The uncommitted proceeds from the sale of electronic gaming machine licences will be directed into the health infrastructure fund established by a Liberal-Nationals coalition government. This fund would operate in addition to ongoing annual contributions to hospital and health infrastructure from the state budget and the commonwealth government. The health infrastructure fund could allocate funds to regional and rural hospitals, community health services, mental health and dental health equipment, and facilities based on demand, need, population growth and hard evidence from health practitioners and experts.

It is no coincidence that this policy announcement by the leader of the Liberal-Nationals coalition lines up exactly with a recommendation made by the Victorian Healthcare Association in its pre-election funding submission in regard to the gap in infrastructure spending by the Brumby government.

The improvements that could be funded by the \$1 billion health infrastructure fund are, for example, more than 2500 acute hospital beds; more than 5400 subacute beds; upgrades to and rebuilding of run-down and neglected regional hospitals; new mental health facilities; new medical equipment, dialysis units and operating theatres; new ambulances and station facilities; and community health services.

This piece of legislation is needed to support the belated actions of the Brumby government, actions it has been forced to take to address its failings in its responsibility to protect the most vulnerable people in our community. The Brumby government has failed to protect children at risk who have become the responsibility of this government through its child protection agencies. The responsibility for child protection still lies with the Department of Human Services, as it was separated from the Department of Health with amendments to the Children, Youth and Families Act 2005.

Along with the Children, Youth and Families Act 2005 the bill also amends the Disability Act 2006 by providing the secretary of the department with powers in relation to land and intellectual property. I take this opportunity to remind the Brumby government and the Minister for Community Services that there is a massive shortage of respite and permanent supported accommodation for people with a disability in Narracan, and indeed right across Gippsland.

The Gippsland Carers Association, led by Jean Tops, has been lobbying this state Labor government for years, relentlessly highlighting the enormous difficulties being faced by ageing carers of family members with a disability in Gippsland. These dedicated, self-sacrificing men and women desperately need improved financial assistance and recognition by the Brumby government for the critical role they provide 24 hours a day, seven days a week. But more importantly at their stage in life they need to know that their son or daughter will have realistic and appropriate options for care when they can no longer provide it.

For example, in Caton Street, Warragul, there is a sizeable block of land which has been owned by the Department of Human Services for many years. It is in a great location and has been earmarked for development of supported accommodation facilities. Despite many approaches by families in need of this support and despite 11 years of record income, this Labor government continues to refuse to fund the project. Because of the frustration this has caused the Warragul community, a group called the Baw Baw Community Health Group has been formed. The Baw

Baw Shire Council has donated a block of land and the Baw Baw Community Health Group has entered into an arrangement with Common Equity Housing Limited to build two units for disabled supported accommodation on this land.

Just recently in Moe, Paul and Jennifer Bur have formed a group to push for respite accommodation in their area. There is no respite accommodation available in Moe, Morwell or Traralgon, which is the harsh reality of this government's abject failure to address the needs of disadvantaged families in Gippsland. Even after 11 years of record income no move has been made to recognise and address the enormous battle these families are dealing with 24/7.

This piece of legislation is very much based on the mechanical changes required to support the splitting of the Department of Human Services into two departments. The two new departments must get the resources they require — that is, appropriate funding and staff to deliver the health service needs of our communities effectively.

The Premier had a golden opportunity to hold out for Victorians in his recent negotiations with the Prime Minister on commonwealth health funding for Victoria. The Premier went to Canberra promising to accept nothing less than an extra \$1.2 billion per year for Victoria, delivered from 1 July this year. The Premier agreed to a deal that will deliver only 20 per cent of that supposedly non-negotiable demand. The Premier has sold out all Victorians.

As I said earlier, this bill is about enabling and formalising the operation of the new Department of Health. The alternative plan the Premier took to the Council of Australian Governments negotiations in Canberra was entitled *Putting Patients First*. In the introduction to the document the Premier said:

Putting Patients First is Victoria's contribution towards delivering what all Australians want: world-class health care, when and where they need it, at all stages of life.

The facts are that the Department of Health is currently trying to deliver on government policy that is based on centralised regional health services getting the bulk of the funding at the expense of sub-regional health services, which is in complete contradiction to his statement that Victoria is contributing towards delivering what all Australians want — that is, according to the Premier, world-class health care when and where Victorians need it, at all stages of life.

In fact the West Gippsland Hospital is not even funded to deliver some of the basic services that a sub-regional

hospital is expected to have available under this government's own guidelines. It has not been funded to provide a level 2 nursery, 24-hour medical registrar cover or a designated palliative care unit, and its emergency department only has eight cubicles to deal with 18 000 presentations. The government's own guidelines would indicate that that number of patients should have 14 cubicles available to service their needs.

I would like to quote from a letter to the editor that appeared in the local paper, the *Warragul and Drouin Gazette*, on 27 April 2010. This letter was written by Dr Brett Forge, who works at the West Gippsland Healthcare Group. He says:

As a physician who has worked on the after-hours roster at West Gippsland Hospital for 27 years I can say the future of this hospital has never looked worse, and there are very few if any medical staff that would disagree with me.

...

There has been a growing suspicion that WGH was not going to be supported by the health department.

This suspicion was fuelled by the denial of services that by all criteria should have been allocated to the hospital, such as a level 2 nursery, and an accident and emergency department that was built and staffed to deal with the enormous workload that comes to our hospital.

For example last year the accident and emergency department saw 17 000 patients. This year it is expected to be 18 000.

...

WGH is the only hospital in Victoria that has not been given a level 2 nursery for our level of deliveries and availability of excellent paediatric services.

To my knowledge, West Gippsland hospital is the only sub-regional hospital in Gippsland that does not have 24-hour medical registrar cover.

The result of all this is that the stress on staff has been building to the point that they are leaving and once they leave it is very hard to get new specialists to come and work in a hospital that is clearly not receiving the kind of financial support that other equivalent hospitals appear to get.

Three key medical specialists have left to go to Latrobe Regional Hospital in the past three months.

They may have been offered more remuneration but more importantly much higher levels of resident medical staff support and the opportunity to work in a hospital that is clearly being supported above all others by the health department.

That just shows some of the frustration that medical practitioners are experiencing and dealing with at the West Gippsland Healthcare Group.

In closing, I point out that this bill is mechanical in its intent and it facilitates the operations of the two

separate departments across a range of legal requirements. I will not be opposing the bill but I would like to point out also that the budget that was released today does nothing to address the critical shortage of health-care services in Gippsland, it does nothing to address the critical shortages of mental health services in Gippsland and it does nothing to fund sub-regional hospitals in our area as they should be funded.

Ms MUNT (Mordialloc) — I am very pleased to be able to rise tonight to speak in support of the Health and Human Services Legislation Amendment Bill 2010. I will explain what the bill does. The member for Narracan touched very fleetingly on the nature of the bill so I will endeavour to explain and put on record its technical aspects rather than having the fleeting nature of the explanation that has been presented to our house already. I would also like to make just a quick comment on the member for Narracan's assessment of the Victorian government's performance in health. I would like to put on record that this government has invested record amounts of funding in the Victorian health system. This is in stark contrast to what was done by those on the other side of the house who, when they had the opportunity when they were last in government, slashed funding and sold hospitals, including the local Mordialloc hospital in my electorate, which is something that locals have still not forgotten or forgiven.

This bill comes about as a result of an announcement that the Premier made on Wednesday, 12 August 2009. On that day he announced that a new Department of Health would oversee all health, mental health, aged-care and preventive health services in Victoria. He also announced that a new Department of Human Services would oversee services for children, youth and families, housing, disability concessions and bushfire recovery. The appointment of a new Secretary of the Department of Human Services was also announced at that time.

The history of the administration of this department is that a body corporate was established in 1977 as a successor to the former Health Commission. In 1993, when the Department of Health and the Department Community Services combined to form the Department of Health and Community Services, the role of body corporate was extended to apply across the whole of the newly created department. This arrangement stayed in place after the creation of the former Department of Human Services in 1996. The body corporate, which operates across the whole of the department, has contracted and holds a large number of parcels of land for mental health, disability, child protection and youth justice purposes. Following the creation of the two

separate departments, which was announced by the Premier in 2009, it was necessary to separate those contracting and holding of land arrangements and the powers that were formerly exercised by the body corporate. Parts 3 and 4 of the bill make provision for the Secretary of the Department of Human Services to deal with property on behalf of the Crown for the purposes of the Disability Act 2006 and the Children, Youth and Families Act 2005 and transfer parcels of land owned or occupied by the existing body corporate for disability, child protection and youth justice purposes to the Secretary of the Department of Human Services.

Why is the body corporate being retained for the Department of Health and not for the Department of Human Services, where the secretary will have the power to hold these parcels of land and assets for the Department of Health? There is history involved in that, too. The Administrative Arrangements Act 1983 does not allow the Governor in Council to make orders in relation to bodies corporate. This means that where machinery of government changes create a new department, as has now occurred, orders cannot be made under the Administrative Arrangements Act for transferring the assets and liabilities of a body corporate to that new department. For this reason there is a preference not to create new incorporated secretaries. The position adopted for the Department of Human Services is consistent with the preferred government position. Consequently, the Secretary of the Department of Human Services, the department head under the Public Administration Act 2004, has been granted contracting and land-holding powers that were previously exercised by the body corporate.

The position in relation to the Department of Health is considerably different from that of the Department of Human Services. The body corporate created under the Public Health and Wellbeing Act 2008 was first established, as I said, in 1977 as the successor to the Health Commission. The body corporate has been used extensively across the health portfolio since its inception and therefore is a party to many contracting arrangements negotiated with parties external to government. The body corporate has, therefore, been retained, in accordance with the department's legal advice. This position is supported by the Office of Chief Parliamentary Counsel.

This bill, therefore, achieves the simplest outcome for each department established from the split department. It will provide the least disturbance to past practice for the Secretary of the Department of Health and the greatest flexibility for future machinery of government for the Secretary of the Department of Human Services.

In the time available to me I would like to quickly point out the importance of giving security and certainty to all the entities in the Department of Health and the Department of Human Services in relation to their land-holdings, which are very extensive. Last Saturday night, for instance, I went to a fundraising function for Very Special Kids. This organisation is located on a land-holding and in premises owned by the Victorian government and provided to it many years ago by former Premier Jeff Kennett.

This particular facility is leased by the Department of Treasury and Finance, and the lease payments are made by the Department of Human Services. Children who have life-threatening illnesses go to the facility. They are children who are not expected to live to the age of 18 years, and they go there for the end stage of their illness to receive all of the services Very Special Kids can provide. Children with life-threatening illnesses also attend in order to gain respite for themselves — to have time away from home — and also for their parents, their brothers and their sisters. This is one of the very many services provided under the direction of the Department of Human Services and the Department of Health, although Very Special Kids is a stand-alone organisation.

It is heart-warming to see all of the different uses for the Crown land which is administered by the Victorian government, and it is therefore up to us to make certain the arrangements that govern those land-holdings and assets are set in stone and are understandable and flexible enough to provide for all of the different entities and services we provide. Hospitals, supported residential units and a multitude of services are provided, and a multitude of land-holdings have to be embraced within the arrangements provided by the Victorian government.

I support this very good piece of legislation. The bill is technical in nature but nevertheless it is extremely important for all of the services, for all of the groups and for all of the people who rely on the many services the Victorian government provides, in particular through the Department of Human Services and the Department of Health.

In response to the member for Narracan, I say once again that the services are provided by a government that does its very best to focus on the big needs of people — health, education and community safety — and as such we have provided record funding for all of those areas. As we saw in the budget today, we will continue to provide for them. That is our priority, and that is what the Brumby Labor government will

provide. I am proud to be a member of the government, and I commend the bill to the house.

Mr CRISP (Mildura) — I rise to speak on the Health and Human Services Legislation Amendment Bill 2010. The Nationals, in coalition, are not opposing the bill.

The bill splits the Department of Human Services into two new departments: the Department of Health incorporating health, mental health, drugs, nurse policy and aged care, and the new Department of Human Services comprising disability, housing, children, youth and families. The main purposes of the bill are to amend the Public Health and Wellbeing Act 2008 by establishing a body corporate known as the Secretary to the Department of Health body corporate and abolishing the body corporate known as the Secretary to the Department of Human Services body corporate, providing for identified land to be transferred to the body corporate in the Secretary to the Department of Health and to ensure the transfer of the land is exempt from taxes. The bill also amends the Disability Act 2006 and the Children, Youth and Families Act 2005 to provide the Secretary to the Department of Human Services with powers in relation to land and intellectual property. It also makes consequential and other amendments to those acts and to other acts.

I am going to focus my speech on the Mildura Base Hospital. I very much hope the separation to create a Department for Health can better cope with the difficulties we have at the hospital. Mildura has outgrown its hospital and, as I will address later, there is no hospital just down the road to decamp to when you get into difficulties. By the time it gets to 10 o'clock at night most of the cubicles in our accident and emergency department have been divided into two and there are people in the waiting room at the edge of their triage period. I need to compliment the staff on how they manage this, because it is an incredibly difficult situation and they manage it very well. Our accident and emergency service needs to be twice the size it is now.

In Mildura our birthrate is rising because our population is rising. When the hospital was built a decade ago the Mildura Private Hospital was just over the road and handled around 300 births per annum. The private hospital no longer handles those births, so they now take place at the public hospital, which is causing considerable congestion in the maternity area. Professor Pettigrew did a comprehensive study with some recommendations indicating we have a problem there and saying there is a risk to both mothers and babies. At this stage that is unaddressed. We simply need to

expand the facilities available in line with the Pettigrew report.

As surgeons get better they can churn more people through, and that is important, but the post-operative area of the hospital is a problem because it becomes a bottleneck and that needs to be addressed. There are 12 mental health beds in Mildura. The lack of a prevention and recovery care facility means our mental health facilities really struggle to meet demand.

Mildura cannot easily go on hospital bypass. If Mildura goes on bypass, with the nearest hospital hundreds of kilometres away, you are up for considerable expense whether patients are required to fly out or be transferred by ambulance. The transferring hospital pays for the cost of transfer, and therefore there is less money for services, particularly if those services could be offered at the hospital but it is simply full. What is being done about this? The Mildura hospital has prepared a master plan. The minister visited Mildura last year and he has been briefed. The costs have been estimated at around \$4 million to \$5 million yet there has been no action, and today's budget offers no relief for the people of Mildura.

Aged care is also an issue for our hospital, as I am sure it is for many other hospitals. Our remoteness means people are waiting in hospital for placement, and at certain times those patients make up a considerable number of the hospital's beds. Mildura has outgrown its hospital and it continues to grow. Some of the reports I have seen state that the Mildura hospital operates at above 100 per cent occupancy. The state average is 96 per cent, and as we well know, the Auditor-General has suggested that about 85 per cent occupancy represents a full hospital. Somehow Mildura manages to operate at well above the state average and well above what the Auditor-General has suggested. This might be a great financial result for the state but the risk to care is a deep concern. You cannot go on operating hospitals so close to their capacity and be sure everybody is getting the treatment they deserve. Things will happen; things do happen. The people of Mildura do not have much confidence in the health system as we know it. The Mildura hospital struggles on and manages very well, but it will not be long before an occupancy rate of 100 per cent catches up with it.

Despite all of that there is nothing in the budget for Mildura; there is not even a plan. In Mildura we are very disappointed. It is not a great deal of money to expend to make this problem manageable for a community that is isolated. There is no bypass, there is no down the road, there is just the Mildura hospital.

With those sobering thoughts, The Nationals are not opposing the bill.

Mr SCOTT (Preston) — It gives me great pleasure to rise to support the Health and Human Services Legislation Amendment Bill 2010. As has been stated by a previous speaker, the bill stems from the creation of the new Department of Health to deal with health, mental health and drugs, nurse policy and aged care, and a new Department of Human Services to deal with disability, housing, children, youth and families. This was announced by the Premier on 12 August 2009. The creation of this department necessitated the creation of new bodies corporate.

The purposes of the act are to:

amend the Public Health and Wellbeing Act 2008 —

- (i) to establish a body corporate known as the Secretary to the Department of Health;
 - (ii) to abolish the body corporate known as the Secretary to the Department of Human Services;
 - (iii) to provide for the vesting of property held by the Secretary to the Department of Human Services body corporate in the Secretary to the Department of Health body corporate;
 - (iv) to provide the Secretary to the Department of Health body corporate with certain delegation powers;
 - (v) to provide the Secretary to the Department of Health body corporate with certain powers in relation to intellectual property;
- (b) to amend the Disability Act 2006 and the Children, Youth and Families Act 2005 —
- (i) to provide the Secretary to the Department of Human Services with certain powers in relation to land and intellectual property and to enter into agreements; and
 - (ii) to provide the Secretary to the Department of Human Services with certain powers of delegation;
- (c) to make consequential and other amendments to those Acts and other Acts.

It is important to look to the context of this bill, and in making my contribution I will not revisit the technical aspects of the act, which were touched upon by the member for Mordialloc. I will look to the original context of the creation of the new health department. One of the key roles the new health department has been given is to implement the significant reforms in mental health that the Brumby and Bracks governments, but particularly the Brumby government, have undertaken.

Mental health is an area dear to my heart; it was also dear to the heart of the former member for Preston, Michael Leighton, who came from a mental health working background. There are large numbers of people in my electorate — particularly people living in public housing — who have been deinstitutionalised; they have left former mental health institutions and are now living in the community as a result of those great reforms. Mental health issues are, I think, some of the most critical issues Parliament faces.

It has been stated that to see people who are distressed, who are mentally ill, who are suffering a serious mental illness and who are unhappy can be of itself distressing and an unhappy experience for others who have to deal with them in the community. However, that distress felt by members of the community who do not have a mental illness can only be considered quite marginal in comparison to the distress, concern and difficulties faced by those with a mental illness.

The increasing focus by this government on mental illness is one of its great achievements, because mental illness is perhaps at the heart of what government is about — it is where we intervene to help those who require assistance. As some argue, the role of the state is a utilitarian one — to increase happiness in society — and mental health is one of the key indicators of unhappiness. Also the mentally ill are often those who are most disadvantaged.

In that context reforms to the mental health system have included building the capacity of Victoria's mental health services, increasing the focus on early intervention and prevention, boosting services for children and young people and ensuring that recovery from mental illness is embedded as a goal of mental health services around the state. The last state budget contained a \$182 million boost for mental health, which built on the previous year's budget package of \$128 million and came on top of an existing \$472 million COAG (Council of Australian Governments) mental health package, which will continue to be rolled out until 2011.

The government's commitment to mental health has been central to the reforms that have created the new Department of Health, and this is central to ensuring social justice in society. I note that the opposition is not opposing the Health and Human Services Legislation Amendment Bill. I think this is a sensible piece of tidying legislation which will provide a sound basis for policy, particularly in relation to land-holding powers and intellectual property powers.

I will briefly touch on intellectual property. This is obviously an increasingly important area of property rights, particularly in the health-care sector, where intellectual property rights can be of great value and importance to health institutions and individuals working in the health field. I think the tidying amendments in the bill are a sensible step forward. I think this is a good bill that will improve the health of our communities. In particular the focus on mental health reforms from which this bill stems is a positive development in our society of which I am proud. I commend the bill to the house.

Ms WOOLDRIDGE (Doncaster) — I am very pleased to speak on the Health and Human Services Legislation Amendment Bill 2010, which the coalition will not be opposing. Its purposes are to amend several consequential acts to ensure the continued operation and provision of services under the newly created Department of Health and the existing Department of Human Services. It essentially puts into operation the departmental split that was announced by the Premier in August 2009 and follows a review of what machinery changes are needed to be made to ensure legal and administrative continuity.

However, everyone knows why this has come about: this is a bureaucratic response by a government that had a crisis in its Department of Human Services — a crisis in health care, a crisis particularly in child protection, and a series of failures. As a result the government had to be seen to be doing something, so the very bureaucratic response has been to split the departments. In my contribution to the debate I want to focus on the areas and responsibilities in my shadow portfolio — that is, mental health, drugs and alcohol, and community services.

The member for Preston spent much time talking about the importance of mental health. It is worth noting at the outset that the creation of a dedicated Minister for Mental Health was announced with much government fanfare prior to the last election. At the time the minister was appointed she had responsibility for mental health and senior Victorians, a portfolio involving responsibility for about \$1 billion. Nine months later she had added community services to her portfolio, adding an extra \$2.5 billion worth of responsibility and a lot of extra focus areas such as disability, child protection, youth justice and emergency response.

As a result, child protection has taken up a lot of her time, without much result. Now there will be a new structure, with a mental health and drugs division in the Department of Health, community services in the

Department of Human Services and responsibility for senior Victorians coming under the Department of Planning and Community Development. Therefore just three and a half years after the government, with much fanfare, announced the creation of a Minister for Mental Health, it now has mental health as a very small part of a broader portfolio that is clearly consumed with other activities. Mental health is not receiving the time and focus that was promised by the Labor government before the last election.

Members should know that workers in the mental health and alcohol and drugs are very disappointed with what they see as a lack of focus and a lack of delivery on promises that should have flowed from the government having a dedicated mental health minister. This response, in terms of splitting the departments, adds a significant amount of complexity, with a minister having portfolio responsibilities split across three different government departments.

It was an admission of failure. What we have seen as a result of the splitting of the two departments is an unfortunate bureaucratic rejig that has required more paperwork, more administration, more administrators on the ground and more senior bureaucrats, and unfortunately we are not seeing the translation of that to significant outcomes for the people who should be the focus of this response.

As I said earlier, it was a response that was more about the spin than the substance, trying to manage public perception of whether action was being taken rather than about significant progress in support of people who are very much in need. Part of the justification for the split was that the integrated department was not providing adequate protection for at-risk, abused and neglected children, and if there is one thing that the current Minister for Community Services has done well it is prove that the problem is not the departmental structure; the problem is her ability to lead that department, to effect change, to have a vision and to drive what needs to be done.

It is the incompetence of the minister and the lack of accountability of the government in terms of delivering services rather than necessarily the bureaucratic structure which was driving the crises that we continued to see across the Department of Human Services at the time.

The proposal and the announcement by the Premier did not deliver one extra mental health bed nor another supported accommodation position. The announcement about this bureaucratic splitting of the departments was about providing another structure with sliding doors

where we no longer have the ability to compare departments over time and split them, so we do not have the accountability and transparency we need to hold this government to account.

What have we seen since this announcement was made? Have we seen the impact that was meant to be delivered in relation to people who needed care and protection? In fact the number of unallocated child protection cases, which was a major focus at the time and a major part of why this response happened, has gone up.

At a hearing of the upper house committee in March we heard that there are nearly 2300 unallocated cases — an increase in the time since this announcement was made to put a focus on supporting and helping at-risk and abused children. What we have also seen in terms of the lack of accountability is the Secretary of the Department of Human Services, who presented at the hearing of the upper house inquiry into child protection, who consistently said, ‘I was not in the department at that time. I can’t answer that. I don’t know the details’. We create a lack of continuity, a lack of ability to be held accountable in relation to the actions of the department for children who are at risk, who are abused and who are neglected; we see this ability to sidestep that responsibility.

We have had an incredible experience with freedom of information. We are now providing duplicate freedom of information requests to both the Department of Human Services and the Department of Health, so this splitting of the department is creating a double bureaucratic process, and I can tell members that the freedom of information officers are very frustrated with their own processes and with the additional bureaucracy that have come about as a result of the splitting of the departments.

What have we seen in terms of retention of the workers? One of the no. 1 reasons for splitting the departments was to put the focus back on attracting and retaining child protection workers. The government has not delivered on its commitment in terms of new staff, and we are seeing retention problems continuing. It has been reported in the newspaper recently and through information I got through freedom of information that nearly 20 per cent of UK and New Zealand child protection workers, recruited specifically to work in the Department of Human Services, have already gone home. The same retention issues remain, and nothing has changed.

It is important to spend a moment looking at the organisational chart, because back in January I tried to

find the organisational chart of the new Department of Human Services. Because it had been established for five months I thought it was time we knew what the new structure might represent, and of course it was not able to be found. It was not up on the website until March, but I managed to get hold of one as of 12 January, so five months after the announcement by the Premier of the splitting of the department to focus on the workforce issues and to help at-risk and abused children, what do we see? The position of executive director, children, youth and families — vacant, someone acting in the position. We see the positions of principal child practitioners — vacant. We see the position of executive director, industry, workforce and strategy — vacant, someone acting in the position. We see the position of director of industry and workforce development — vacant. We see the position of director, policy and client outcomes — vacant. Again and again we are seeing evidence of the fact that five months after the announcement of the splitting of the department, key roles to deliver key services to at-risk and abused young people are still vacant and people are acting in those roles, so what we have created is a bureaucratic process that was not delivering to the very people it was meant to deliver to.

I know a number of those positions have subsequently been filled and that is a relief, because seven or eight or nine months on you would expect that the department would have established the structure it needs and the staff it needs to try to deliver to it, but unfortunately the outcomes for at-risk, neglected and abused young people continue to be very poor.

We need to make sure that we are focusing not on a bureaucratic response, not on administrative shuffling, but on delivering services for the very people who we must make sure are protected and who deserve the protection of the government and the Parliament, and that is at-risk and neglected children across this state.

Mr NARDELLA (Melton) — Opposition is really hard, isn't it? When you are not on top of your portfolio all you can comment on in a piece of legislation that is 53 pages long is flow charts. The only thing that the shadow minister can talk about is a flow chart. There was nothing about the services that we are delivering, nothing about the extra beds that we have put into the system and nothing about the extra child protection workers that we have gone out there to try to get to work in a very difficult system.

Regardless of which party is in office, the child protection system is extremely difficult because you are dealing with families, you are dealing with distressed children, you are dealing with distressed parents, and

yet all we have from the shadow minister is whingeing, carping and criticism. It is not about the good things that we are doing, the extra workers that we are putting in place or the extra mental health beds that we are putting in place. That is what this bill is about — giving these responsibilities to the officers to implement our policies — whereas under the seven long, dark years of the Kennett government all those services were slashed.

What did the members of that government do to protect children? They slashed the number of child protection workers. What did they do to protect people with a mental illness? They slashed the number of beds. They closed hospitals — they slashed and burnt 12 hospitals in country Victoria. I can name every single one that that mob over there — that the shadow minister so proudly is part of, the Liberal opposition — slashed and burnt year in, year out. I remember 1993, when 10 per cent of funding to those services was cut right off the top. There was no discussion about where the priorities were; no discussion about the child protection matters that needed to be dealt with — 10 per cent right off the top — and the shadow minister comes in here and has the gall to say that we are not providing the necessary services in hospitals.

We have provided over 9000 new nurses in the hospital system here in Victoria. She wants to forget about that. She wants to forget about all the extra doctors, all the extra health workers, all the extra psychologists — everybody else that has been put into the system. The shadow minister just wants to forget and go back to the bad old days and the seven long, dark years of the Kennett government when she was out there egging them on; she was handing out the how-to-vote cards for them. She was promoting Kennett and his cronies when they were destroying the health system here in Victoria. They were sacking nurses and doctors.

The ACTING SPEAKER (Ms Beattie) — Order! Now may be an appropriate time to break for dinner. The member for Melton has the call again after dinner.

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

Mr NARDELLA — As I was saying on the Health and Human Services Legislation Amendment Bill 2010 before the break, one of the things about being in opposition is that you have to have a plan. It is hard to have a plan or an idea in opposition, and the shadow Minister for Mental Health and shadow Minister for Community Services does not have either. She has no idea and no plan in regard to the services that this bill refers to — human services, health, mental health, drugs and aged-care services or on nurse policy. She has no idea about what needs to be done to deal with

the serious matters that are before this Parliament and the people of Victoria. That has been borne out time and again because all she does is whinge, carp and criticise the government for the things it is doing.

We have that situation in regard to child protection workers. The Minister for Mental Health, who is also the Minister for Community Services, went interstate to recruit new workers. Those workers are working in an area that is extremely difficult because they are dealing with children, distressed families and distressed parents. The pressures and stresses on those workers are immense. During the break I said to some of my colleagues that I do not know whether I would be able to handle working in that particular area because of those conflicts and those life-and-death decisions you have to make as a child protection worker. Instead of talking about the things that need to occur — the things that are necessary to support child protection workers — all the shadow Minister for Community Services did was criticise them by saying that 20 per cent of them had already left the service, and gone back. She was happy about that.

In opposition you can be happy about the things that are difficult without having a plan or a vision of what you would do in the event that you became the minister. These plans are extremely difficult to put together because, unless you have the support of your shadow cabinet colleagues and your backbench, you cannot work through these matters in any way, shape or form, and that is the problem. The problem for the shadow minister is that she does not have that support. She does not have the people behind her — the policy advisers, the party, the backbenchers, the shadow cabinet colleagues — who will help her develop that policy and the response that is needed to deal with those matters.

We are dealing with those matters. The legislation before the house is about transferring those responsibilities to the head of the new department. It is about providing that leadership through the public service to implement the policies that we have been developing — the visions and the plans that we have been putting in place to make sure that some of the most vulnerable people that we deal with as a society are looked after. But when you do not have that support, when the well is dry of ideas, when the grey matter between the ears of opposition members is just not there and when the only vision is one of harping, criticising and carping you have a shadow minister who is floundering and is not able to cope with the pressures and the issues that are part of what this parliamentary democracy is about. On that basis, I support the bill before the house and wish it a speedy passage.

Debate adjourned on motion of Mr MORRIS (Mornington).

Debate adjourned until later this day.

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

Dispute resolution

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

That the house takes note of the dispute resolution reached on 22 April 2010 by the Dispute Resolution Committee on the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009.

In moving this motion to take note of the resolution we are asking the house to acknowledge the work that has been undertaken by the Dispute Resolution Committee. It received a reference from this chamber to have a look at the dispute that clearly existed between this chamber and the upper house. It was asked to consider ways and means of resolving that dispute. Subsequent to this take-note motion, a motion will be moved by leave to do a number of things to progress and implement the outcome of that dispute resolution process.

This is the second time the Assembly has engaged the dispute resolution procedures. On each occasion things have been slightly different. As we fully understand the processes of the dispute resolution procedures and their twists and turns we will come to a more regular landing in the way we deal with these matters. But that might not necessarily always be the case, because many variations could trigger the Dispute Resolution Committee dealing with matters referred to it by the Assembly.

As a result of that situation, without anticipating debate, we have reached an agreed position across the chamber and across those members of the Dispute Resolution Committee, and they have proposed a resolution that resolves the differences between the houses. It has been a very exhaustive and detailed process that has taken place, as required by the constitution, in private, and as a result the resolution from that committee has been tabled in Parliament today.

I do not want to say anything about the substance of the amendments that will be moved subsequently, but I do thank those members of the Dispute Resolution Committee who have contributed to what I expect will

be a satisfactory outcome here later this evening. It demonstrates the value of the Dispute Resolution Committee and the work that it undertakes in private, away from the glare that work in this chamber and the other chamber is subjected to. On this occasion, as on the earlier occasion, we will be able to reach a resolution at least in this chamber, and I expect it will be agreed to in the other chamber also.

In that context, as chair I want to thank all members of the Dispute Resolution Committee. In particular, without delving into the workings of the committee, there was a considerable workload carried by the members for Box Hill and Prahran and by a member for the Southern Metropolitan Region in the other place, Sue Pennicuik. I want to thank them for the work they undertook on this committee. Together with undertaking appropriate consultations, they were able to produce what will result in the resolution we will move subsequent to this take-note motion.

In essence all I am seeking to do through this take-note motion is to acknowledge that we have been able to carry out the functions given to us through the constitution of Victoria and acknowledge that we treat them seriously. I thank all members, but particularly those I mentioned earlier, for their excellent work on the committee.

Mr CLARK (Box Hill) — I thank the Leader of the House for his kind words, and I can certainly say that the processes of the Dispute Resolution Committee (DRC) have been conducted in a professional and constructive manner, particularly the work conducted with the member for Prahran and with Ms Pennicuik, a member for Southern Metropolitan Region in the other place.

However, from the opposition's point of view the Dispute Resolution Committee process is not one that we are particularly impressed with or enamoured of. Without rehashing old ground unduly, this was a procedure imposed on the constitution when the Labor Party had a majority in both houses, between 2002 and 2006. It was a procedure which at that time received very little attention, it being one component of some very far-reaching changes at that time. I and various other members touched briefly on the potential problems that could emerge from that dispute resolution process, and I think our fears have been largely borne out.

It is essentially an undemocratic process which the constitution requires to be conducted in private, which is far away from the procedures that can take place in the chamber. It is also far away from the processes for

discussions outside the chamber that since time immemorial and since parliaments have existed have occurred between members, and in more recent times between different parties, in trying to achieve resolution of certain points.

From our point of view the shadow Minister for Planning, Matthew Guy, a member for Northern Metropolitan Region in the Legislative Council, has made it clear that he has been willing to enter into discussions with the government should the government be willing to do so at any stage. However, instead we have had a Dispute Resolution Committee that has tied up five cabinet ministers, the secretary to cabinet plus opposition frontbench members and one of the three Greens party members in trying to deal with the motion referred to the committee by the house. It has tried to come up with results that a different, and I venture to say that more effective, Minister for Planning could have negotiated far earlier with his opposite number. It is an extraordinarily labour-intensive workaround, and it is worth noting that both bills that have been referred to the DRC process have been the responsibility of the Minister for Planning.

The bill that was sent to the DRC process this time, as with the previous Planning Legislation Amendment Bill — or DACs (development assessment committees) bill — had been defeated, and there is a great deal of doubt and uncertainty as to whether a bill that has been defeated could be referred to the Dispute Resolution Committee. Indeed, if it is referred to that committee, what form of resolution should emanate from the DRC in consequence?

Without delving into the detail of the processes of the DRC, on this occasion again it was a death knell resolution, taking the entirety of the period that is permitted under the constitution and therefore requiring a considerable number of late nights and early mornings.

A further issue arises about the form of the resolution that will come to the house on this occasion in terms of how the recommendation, the dispute resolution of the committee, is to be implemented. The committee's resolution on this occasion is not in the same form as it was with the DACS bill that was previously dealt with by the committee, where the resolution was that a new bill be introduced in the form of the previous bill but with certain variations. Here what the resolution purports to do is to have the house pass the bill that was defeated by the upper house, with amendments specified in the dispute resolution — and one may well ask how that can in fact be done. It certainly will not

result in a newly introduced bill, a clean bill, that can be subjected to debate in the ordinary way. The resolution purports to have the Parliament somehow reactivate or resurrect a bill that has previously been defeated.

In previous debate I have drawn an analogy between a defeated bill and a dead parrot, and I think the analogy continues: this particular parrot was put out of its misery in the Legislative Council. Now, by virtue of the DRC resolution, this house will be invited in some way to bring the dead parrot back to life, even though we do not even know where the body may be, whether it resides still in the upper house where it was put down, whether it has been interred here or whether it has been cremated and its ashes scattered to the four winds. Nonetheless this resolution will at least pretend that somehow the parrot has been found, that it has been brought back to life, that it has been genetically re-engineered as a result of the Dispute Resolution Committee's amendments and that in some form it will be sent squawking and hungry up to the Legislative Council for its blessing.

The clerks, who always show a mastery of developing procedures, have come up with a procedure which they believe will allow this miraculous result to be achieved. No doubt it will in due course be the subject of a very interesting paper for the Australia and New Zealand Association of Clerks-at-the-Table, or ANZACATT, conference which we all look forward to reading on the internet in due course.

I will, however, make some remarks about the outcome that will be put before the house, to avoid the need to go into that detail in subsequent proceedings. The bill the government originally brought to Parliament was to impose a substantial tax — it is termed a 'contribution', but in fact it is a tax — on land that was brought into the urban growth boundary, some of it at \$80 000 a hectare and other parts at \$95 000 a hectare. That was to be a flat rate of tax per hectare, payable by the owner of the land at the point of first sale after the act applied to it.

We on this side of the house have always made it clear that we do not have an objection in principle to some level of development contribution; indeed development contributions of various sorts have been around for some time. However, we strongly objected to the form of growth area infrastructure contribution (GAIC) that the government sought to bring in, because it was an unfair and inefficient tax. It was unfair because it was a flat rate per hectare; it applied regardless of the value of the land concerned.

As it was proposed, very early on in the process whoever had to bear the cost of that tax would have to compound that amount at a commercial rate of return, potentially over a considerable period of time, until the land was finally developed, which would have been accompanied by a huge degree of uncertainty. That also meant it was unfair in terms of the proportion of any accretion to value that was taxed; indeed, a landowner could potentially have been taxed more than the total accretion of value as a result of the land being brought into the urban growth boundary, with the consequence that people who had put their life savings into buying a small farm or other piece of land on the urban fringe could have found all or the vast bulk of those savings wiped out by an unjust tax. It was also highly inefficient because of the uncertainty factors involved and the compounding cost.

Furthermore, of course, the tax would not have needed to be introduced at all if the government had been less wasteful in the way it has handled public money since coming to office.

Mr Wells — \$11 billion.

Mr CLARK — The shadow Treasurer has identified some \$11 billion worth of blow-outs on projects since the current government came to office. The blow-outs on myki alone represent about eight years of the revenue that will be raised by this tax. If myki had not been bungled the way it was, this tax would not have been necessary.

A tax such as this can fall in varying degrees both on landowners and, ultimately, on homebuyers. It would fall entirely on landowners if the supply were completely fixed, and it would fall entirely on homebuyers if the supply were completely elastic regarding the price. The reality is likely to be somewhere in between, so some portion will fall on landowners and some portion will fall on homebuyers.

The cost of it, in the way in which it was originally introduced, would have been an enormous imposition on landowners and homebuyers, or both, and as well would have made life very difficult for those in between — the property developers who are trying to bring homes to market to meet the high level of demand for homes in Victoria.

As most members will know, the history of the provision is that after some very minor offers of changes from the government that did not address the key problems, the legislation was defeated in the Legislative Council. Subsequently what was referred to as a memorandum of understanding was entered into

between the Property Council of Australia, the Urban Development Institute of Australia and the government. It provided for certain changes, principally a move from a 100 per cent up-front tax to a tax 30 per cent payable at the point of first sale, by and large — with one exception in relation to land that had previously been brought into the urban growth boundary — and 70 per cent payable at some subsequent point. That subsequent point was uncertain, but it would have been either at the point of second sale or at the point when the land was actually developed.

That was an outcome that the two industry parties thought they could live with in the interests of overcoming the situation, but that outcome in no way addressed many of the very legitimate concerns that the landowners across the suburbs and the near-urban areas of Melbourne and Victoria had about this legislation, which, as I said earlier, could potentially have wiped out a huge proportion if not the whole of the value of savings and toil and sweat that they had sunk into their properties. That was a particular concern that we on this side of the house wished to have addressed before being willing to go along with any form of legislation to introduce the GAIC.

While no negotiated outcome is likely to be 100 per cent successful, the opposition parties have been able to secure some dramatic changes to the GAIC as it was before the Parliament, indeed as it was proposed in the memorandum of understanding reached with the two property development bodies. Our view remains that, ideally and preferably and as a matter of good policy and design, if there is going to be an infrastructure charge such as this, it should apply at the point of development or, if said technically, at the point of issue of the statement of compliance. Under the amendments that have been put forward in the dispute resolution process it has been made absolutely clear that in those instances where 30 per cent is payable on a first sale, the remaining GAIC is payable at the point of statement of compliance or in some instances, if there is a substantial development without subdivision, in the form of a building permit for a building above \$1 million.

Probably the most crucial change that has been secured by the outcome negotiated is that properties of up to 10 hectares with a habitable dwelling on them will not be caught by the GAIC unless or until they happen to be subdivided or otherwise developed at some point down the track and, similarly, neither will vacant properties of up to 5 hectares. On our understanding the upshot of that will be that the vast majority of small-to-medium-sized landowners — hobby farmers, people who have bought land for retirement et cetera —

will not be affected by the GAIC if they and people who purchase their properties from them simply want to continue to use the land for non-development purposes. As best we can tell on the available data, something in the order of around 90 per cent of those who were concerned about the situation may have been exempted by that change that we have been able to secure.

Certainly even for those above the thresholds the effect has been dramatically mitigated compared with the model the government first brought to the house, and the model which presumably, had this outcome not been negotiated, it would have brought back to the house if ever in future it had had the opportunity — the original plan of imposing a 100 per cent GAIC at point of first sale.

The resolution of the committee also amends the legislation so that a charge on the property will not apply — that is, a charge in the form of a legal claim over the property will not apply unless and until a GAIC on a sale has actually become due for payment. That is a real boon for small landowners, who otherwise could have had a charge registered over their land which would have made life very difficult for them in seeking to obtain finance for their properties, either if they were going to purchase a property that was subject to a charge or if they wanted to use a property that they owned as security for fundraising. So that problem has been resolved.

The resolution removes fees on any GAIC certificates, so to find how much the GAIC liability is on land is not going to involve a charge. The Building New Communities Fund purposes have been redrafted to focus them pretty plainly on projects for the benefit of local communities and make clear that major transport infrastructure projects do not come within that. There are also procedures for reporting the proportion of funds raised from particular growth areas that are spent in those growth areas.

We understand that in the course of debate on these amendments the government is going to place on the record a commitment that in consultation with the industry it will develop guidelines that will regulate the terms on which a staged payment of GAIC on development will be permitted. That is an issue of considerable importance to the industry, particularly to give it certainty and to ensure that it is not subject to political whim or caprice in terms of the basis on which developers are entitled to make staged payments of GAIC. It is also being made clear that if approval for a staged payment of GAIC during the course of development is granted, then that approval is going to

transfer with the land, so that if a developer obtains a staged development approval and then onells the project, the purchaser will inherit the benefit of what has been negotiated. As I indicated earlier, the amendments have been worded to provide certainty of the fact that there will be no GAIC triggered by a second or subsequent sale. In other words, if 30 per cent GAIC is paid on an initial sale, the balance will not fall due until development.

These are all dramatic improvements to the legislative model the government originally brought before the Parliament. As I say, they are not completely in accordance with what the opposition parties would like because we believe, as I said earlier, that 100 per cent of developer contributions should be paid at the point of development. Nonetheless, having regard to the potential consequences if this legislation were to have continued to be blocked and the government were ever at any point to have an opportunity to revert back to its 100 per cent GAIC on first sale model, and also having regard to the government's threats to continue to restrict land supply to Victorians in the absence of this legislation being resolved, we think that the outcome that has been achieved is an acceptable outcome.

It has involved a lot of work on the part of the opposition parties. I particularly pay tribute to the work of the shadow Minister for Planning, Mr Guy, in terms of his grasp of the issues. I also place on the record the valuable contribution made by departmental officers. I particularly acknowledge Mr Rudy Kohut for his contribution on this bill. His common sense, his grasp of detail, his forthrightness and his calmness under pressure were invaluable in providing the factual and legal underpinning that enabled the policy objectives to be agreed upon and accurately reflected in the resolution before the house.

In short, while this outcome is not one that is 100 per cent in accordance with the opposition parties' beliefs as to what an appropriate structure should be, it is a quantum improvement on the model that was originally brought to the Parliament. It provides protections for the vast majority of decent, hardworking land-holders in the outer suburbs and in the newly included urban growth boundary areas. It also provides a regime that removes many, though not all, of the inefficiencies and inequities of the original model. On that basis we are prepared to accept the dispute resolution that has been arrived at.

Motion agreed to.

Reinstatement

Mr BATCHELOR (Minister for Energy and Resources) — By leave, I move:

That:

- (1) The order of the house for the third reading of the disputed bill, the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009, be read and rescinded.
- (2) So much of standing orders be suspended so as to allow the disputed bill to be reinstated in the house, and restored to the notice paper at the consideration-in-detail stage, to enable the consideration of the amendments specified in schedule 2 of the dispute resolution reached by the Dispute Resolution Committee on 22 April 2010.

Motion agreed to.

APPROPRIATION MESSAGE

Message read recommending further appropriation for Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill.

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

Consideration in detail

Clause 1 agreed to.

Clause 2

Mr WYNNE (Minister for Housing) — I move:

1. Clause 2, line 12, omit "1 October 2010" and insert "1 May 2011".

Amendment agreed to; amended clause agreed to; clauses 3 to 8 agreed to.

Clause 9

Mr WYNNE (Minister for Housing) — I move:

2. Clause 9, page 5, after line 24 insert —

"consumer price index means the Consumer Price Index (All Groups Index) for Melbourne issued by the Australian Statistician;".

3. Clause 9, page 7, after line 20 insert —

“precinct structure plan in relation to land means a precinct structure plan which has been incorporated by the planning scheme applying to that land;

precinct structure plan area means an area or areas of land to which a precinct structure plan applies;”.
4. Clause 9, page 14, line 17, before “2010” insert “October”.
5. Clause 9, page 16, line 20, omit “2009/2010” and insert “2010/2011”.
6. Clause 9, page 16, line 32, omit “20010/2011” and insert “2011/2012”.
7. Clause 9, page 18, line 11, omit “A” and insert “Subject to section 201SLA, a”.
8. Clause 9, page 19, line 18, omit “2-03” and insert “10”.
9. Clause 9, page 19, line 24, omit “2-03” and insert “10”.
10. Clause 9, page 19, lines 25 to 26, omit “time of the occurrence of the transaction” and insert “commencement day”.
11. Clause 9, page 19, after line 27 insert —

“(b) any land or part of any land that is the subject of a dutiable transaction relating to that land, if the land or part —

 - (i) has a total lot area of between 0-41 hectares and 5 hectares; or
 - (ii) is part of a lot (the other part of the lot not being in the contribution area) and that part of the lot has a total lot area of between 0-41 hectares and 5 hectares; or”.
12. Clause 9, page 19, line 28, omit “(b)” and insert “(c)”.
13. Clause 9, page 20, lines 7 to 11, omit all words and expressions on these lines and insert —

“(d) any land or part of any land that is the subject of a GAIC event, if —

 - (i) the land or part on the relevant day and at the time of the occurrence of the event had a total lot area of 0-41 hectares or less; or
 - (ii) the land or part was the subject of a statement of compliance issued before the relevant day, which related to a plan of subdivision under which the land or part was to be subdivided into lots each having an area of 0-41 hectares or less and the registration of the subdivision had taken effect before the time of occurrence of the event.”.
14. Clause 9, page 25, line 18, after “contribution” insert “under this Act”.
15. Clause 9, page 25, after line 21 insert —

“Note

Other persons may be liable to pay a growth areas infrastructure contribution under Subdivision 3 or 4.”.
16. Clause 9, page 25, after line 30 insert —

“(2) In calculating the amount of growth areas infrastructure contribution under subsection (1) the area of land in hectares will be rounded off to the fifth decimal point.

Example

If the area of the land is 93 675897 hectares, the growth areas infrastructure contribution will be calculated on 93 67590 hectares.”.
17. Clause 9, page 25, line 31, omit “(2)” and insert “(3)”.
18. Clause 9, page 25, line 33, omit “2009/2010” and insert “2010/2011”.
19. Clause 9, page 26, line 6, omit “June” and insert “October”.
20. Clause 9, page 26, line 20, omit “June” and insert “October”.
21. Clause 9, page 26, line 37, omit “(3)” and insert “(4)”.
22. Clause 9, page 26, line 39, omit “2010/2011” and insert “2011/2012”.
23. Clause 9, page 27, line 10, omit “(4)” and insert “(5)”.
24. Clause 9, page 27, line 12, omit “2010/2011” and insert “2011/2012”.
25. Clause 9, page 27, line 18, omit “(5)” and insert “(6)”.
26. Clause 9, page 27, line 30, omit “(6)” and insert “(7)”.
27. Clause 9, page 29, line 14, omit “2009/2010” and insert “2010/2011”.
28. Clause 9, page 32, line 2, before “201SP” insert “201SMAA,”.
29. Clause 9, page 32, after line 29 insert —

“(3) In subsections (1) and (2), a reference to a growth areas infrastructure contribution does not include any part of a growth areas infrastructure contribution that is deferred under section 201SM.”.
30. Clause 9, page 32, line 30, omit “(3)” and insert “(4)”.
31. Clause 9, page 32, after line 34 insert —

“201SLA Refund of GAIC if land no longer in contribution area

 - (1) Subject to subsection (2), if land in respect of which a growth areas infrastructure contribution has been paid ceases to be in the contribution area

within 3 years after the liability to pay the contribution arose, the person who paid the contribution is entitled to a refund by the Commissioner under Part 4 of the **Taxation Administration Act 1997** of that contribution including any indexation of that contribution.

- (2) If the person who paid the growth areas infrastructure contribution under subsection (1) was a purchaser of land under a contract for the sale of land of a class referred to in section 50(1) of the **Sale of Land Act 1962** and that purchaser deducted the amount of the contribution from the purchase price under section 50(2) of that Act, the taxpayer is taken to be the vendor of that land under that contract for the sale of land for the purposes of Part 4 of the **Taxation Administration Act 1997**.
- (3) If land referred to in subsection (1) subsequently becomes land that is in the contribution area, section 201S(1) applies as if the next GAIC event, which occurs in relation to that land after it becomes land that is in the contribution area, is the first GAIC event that occurs in relation to that land.
- (4) Nothing in this section entitles a person who has been given approval under Subdivision 4 for the staged payment of a growth areas infrastructure contribution to a refund of that contribution.”.

32. Clause 9, page 33, lines 4 to 8, omit all words and expressions on these lines and insert —

- “(1) Subject to subsection (2), a person who is liable to pay a growth areas infrastructure contribution imposed in respect of a dutiable transaction relating to land may elect to defer the payment of —
 - (a) up to 100% of that contribution if the land is type A land and the transaction occurred before the commencement day; or
 - (b) up to 70% of that contribution in any other case.
- (2) A person who is liable to pay a growth areas infrastructure contribution under section 201SMAA may elect to defer the payment of that contribution.”.

33. Clause 9, page 33, line 9, omit “(2)” and insert “(3)”.

34. Clause 9, page 33, after line 14 insert —

- “(4) An election to defer the payment of the whole or part of a growth areas infrastructure contribution under subsection (1) takes effect from the time that the liability to pay the contribution arises.
- (5) An election to defer the payment of a growth area infrastructure contribution under subsection (2) takes effect from the time the liability to pay the contribution arises in accordance with section 201SMAA(7).
- (6) A person who has deferred the payment of part of a growth areas infrastructure contribution under this

section must pay the part of the contribution that has not been deferred in accordance with section 201SL.

- (7) If a part of a growth areas infrastructure contribution that has not been deferred under this section is not paid in accordance with section 201SL, the whole of the contribution becomes immediately payable as if the election of the deferral had never been made.

Note

If the non-deferred part of a growth areas infrastructure contribution is not paid within the period for payment under section 201SL, a tax default within the meaning of the **Taxation Administration Act 1997** will occur in respect of payment of the whole of the contribution that the person would have had to pay if the person had not deferred part of the contribution. Under Part 5 of that Act, the person will then be liable to pay interest and penalty tax from what would have been the last day for payment of the whole of the contribution under section 201SL.”.

- 35. Clause 9, page 33, lines 15 to 34, page 34, lines 1 to 16, omit all words and expressions on these lines and insert —

“201SMAA Liability to pay deferred GAIC in relation to subsequent dutiable transactions

- (1) This section applies if —
 - (a) a person (the *relevant person*) who is liable to pay a growth areas infrastructure contribution in relation to land has deferred the payment of the whole or part of that contribution under section 201SM(1); and
 - (b) a subsequent dutiable transaction relating to land occurs in relation to the land in respect of which the contribution is imposed.
- (2) Subject to this section, on the occurrence of that subsequent dutiable transaction —
 - (a) except in the case of a significant acquisition, the person who would be taken to be the transferee in respect of the subsequent dutiable transaction under Part 1 of Chapter 2 of the **Duties Act 2000** becomes liable to pay the amount of deferred growth areas infrastructure contribution; or
 - (b) in the case of a subsequent dutiable transaction that is a sub-sale of dutiable property referred to in section 10(1)(a) of the **Duties Act 2000**, the subsequent purchaser to whom the property is transferred becomes liable to pay the amount of deferred growth areas infrastructure contribution; or
 - (c) in the case of a subsequent dutiable transaction that is a significant acquisition, the following persons are jointly and severally

liable to pay the amount of deferred growth areas infrastructure contribution —

- (i) the person who makes the acquisition; and
 - (ii) the land rich landholder, or if the landholder is a unit trust scheme (within the meaning of the **Duties Act 2000**), the trustee of the landholder; and
 - (iii) if the significant acquisition results from an aggregation of acquisitions by the person referred to in subparagraph (i) and other persons — each of those other persons.
- (3) Subject to subsection (4), the liability of the relevant person to pay the deferred growth areas infrastructure contribution is extinguished;
- (4) If the subsequent dutiable transaction occurred in relation to less than the whole of the interest in the land or in a land rich landowner that owns the land —
- (a) the liability of the subsequent transferee to pay the growth areas infrastructure contribution will be in proportion to the proportion of the interest in the land or land rich landowner that was the subject of the subsequent dutiable transaction; and
 - (b) the relevant person remains liable to pay the remaining part of that deferred growth areas infrastructure contribution.

Example

ABC Pty Ltd bought type B land in 2011. The GAIC liability for the land was \$600,000. ABC Pty Ltd paid 30% GAIC liability (\$180,000) and deferred 70% of the liability. In 2012, ABC Pty Ltd sold 50% of its interest in the land to XYZ Pty Ltd.

XYZ Pty Ltd is liable to pay 50% of the deferred 70% GAIC plus interest and can elect to defer that amount of assumed liability. ABC Pty Ltd's deferral continues in respect of the remaining 50% of the deferred 70% GAIC plus interest. There is a charge on the land for the whole deferred GAIC plus interest when it comes due.

The relevant person is relieved of the liability to pay their deferred GAIC liability upon occurrence of the subsequent dutiable transaction relating to the land. The relief from liability can be partial or in full, depending on the extent of the disposed interest in the land or landholder by the relevant person.

- (5) The liability under this section to pay a growth areas infrastructure contribution arises from the time the subsequent dutiable transaction relating to the land occurs.
- (6) Subject to sections 201SP and 201SS, a growth areas infrastructure contribution for which a

subsequent transferee is liable under this section must be paid to the Commissioner within 3 months after the liability arises.

- (7) This section also applies to succeeding subsequent dutiable transactions relating to the land.
- (8) In this section a dutiable transaction relating to land occurs —
 - (a) in the case of a dutiable transaction relating to land other than a significant acquisition, at the time at which the transaction would be taken to have occurred under Chapter 2 of the **Duties Act 2000**; and
 - (b) in the case of a significant acquisition —
 - (i) if the acquisition occurs on a particular day, on that day; or
 - (ii) if the acquisition occurs over a period of time, on the last day of that period.
- (9) In this section *subsequent transferee* means a person referred to in subsection (2).

201SMA Indexation and interest applying to deferred GAIC

- (1) A growth areas infrastructure contribution that is deferred in whole or in part under section 201SM —
 - (a) is to be indexed in accordance with section 201SN for the period specified in this section (if any) from the time that the liability to pay the contribution arose before the first deferral of payment of the contribution under section 201SM(1); and
 - (b) is subject to the payment of interest calculated at the rate set out in section 201SO for the period specified in this section (if any).
- (2) In the case of type A land, if the dutiable transaction relating to that land occurs before the commencement day, the deferred contribution is to be indexed until the earlier of the following —
 - (a) the contribution is paid in accordance with section 201SP;
 - (b) approval is given for staged payment of the contribution under Subdivision 4.
- (3) In the case of type A land, if the dutiable transaction relating to that land occurs on or after the commencement day and before the land becomes part of a precinct structure plan area —
 - (a) the deferred contribution is to be indexed until the earlier of the following —
 - (i) the land becomes part of that area;
 - (ii) the contribution is paid in accordance with section 201SP; and

- (b) if the deferred contribution is not paid under paragraph (a)(ii), the deferred contribution (as indexed) is subject to the payment of interest from the time that the land becomes part of a precinct structure plan area until the earlier of the following —
 - (i) the contribution is paid in accordance with section 201SP;
 - (ii) approval is given for staged payment of the contribution under Subdivision 4.
- (4) In the case of type A land, if the dutiable transaction relating to that land occurs on or after the commencement day and after the land becomes part of a precinct structure plan area, the deferred contribution is subject to the payment of interest from the time that the liability to pay the contribution arose before the first deferral of payment of the contribution under section 201SM(1) until the earlier of the following —
 - (a) the contribution is paid in accordance with section 201SP;
 - (b) approval is given for staged payment of the contribution under Subdivision 4.
- (5) In the case of type B-1 land, type B-2 land or type C land, if the dutiable transaction relating to that land occurs before the land becomes part of a precinct structure plan area —
 - (a) the deferred contribution is to be indexed until the earlier of the following —
 - (i) the land becomes part of that area;
 - (ii) the contribution is paid in accordance with section 201SP; and
 - (b) if the deferred contribution is not paid under paragraph (a)(ii), the deferred contribution (as indexed) is subject to the payment of interest from the time that the land becomes part of a precinct structure plan area until the earlier of the following —
 - (i) the contribution is paid in accordance with section 201SP;
 - (ii) approval is given for staged payment of the contribution under Subdivision 4.
- (6) In the case of type B-1 land, type B-2 land or type C land, if the dutiable transaction relating to that land occurs on or after the land becomes part of a precinct structure plan area, the deferred contribution is subject to the payment of interest from the time that the liability to pay the contribution arose before the first deferral of payment of the contribution under section 201SM(1) until the earlier of the following —
 - (a) the contribution is paid in accordance with section 201SP;

- (b) approval is given for staged payment of the contribution under Subdivision 4.
- (7) In this section, type A land will be taken to have become part of a precinct structure plan area if the land —
 - (a) is zoned under an planning scheme as a Comprehensive Development Zone and is subject to a Comprehensive Development Plan incorporated by that planning scheme; or
 - (b) is within an urban development area and is subject to a Development Plan approved by the responsible authority in accordance with the planning scheme that applies to that land.
- (8) If, under this section a growth areas infrastructure contribution is to be indexed in accordance with section 201SN for the period specified in this section, a reference in this Part to that contribution is taken to be a reference to that contribution so indexed.

201SN Method of calculating indexation of deferred GAIC

- (1) If the whole or part of a growth areas infrastructure contribution has been deferred under section 201SM and is subject to indexation under section 201SMA, the deferred amount of growth areas infrastructure contribution is indexed in accordance with this section.
- (2) Indexation of a deferred amount of growth areas infrastructure contribution is to be calculated at the end of each financial year after the liability to pay the contribution arose before the first deferral of payment of the contribution under section 201SM(1).
- (3) The indexation of a deferred amount of growth areas infrastructure contribution for the 2011/2012 financial year and each subsequent financial year is calculated in accordance with Part 5 of Schedule 1.
- (4) The deferred amount of a growth areas infrastructure contribution, after indexation, for a financial year is the adjusted deferred amount of the contribution for that financial year within the meaning of Part 5 of Schedule 1.

201SO Interest payable on deferred GAIC

- (1) If the whole or part of a growth areas infrastructure contribution has been deferred under section 201SM and is subject to the payment of interest under section 201SMA, the payment of interest is calculated at the 10-year bond rate applying from time to time.
- (2) The interest is calculated on a daily basis for the period that the interest is payable under section 201SMA and is calculated on the deferred amount of the growth areas infrastructure contribution.

- (3) In this section the *10-year bond rate* in respect of any day is the average of the daily yields for the 10-year Treasury Corporation of Victoria bond (published from time to time by the Treasury Corporation of Victoria established under Part 2 of the **Treasury Corporation of Victoria Act 1992**) for the month of May in the financial year preceding the financial year in which the day occurs.

201SOA Remission of interest by Commissioner

The Commissioner, in such circumstances as the Commissioner considers appropriate, may remit interest payable under this Subdivision by any amount.

201SOB Removal of liability for GAIC if land ceases to be in contribution area

If land, in respect of which a growth areas infrastructure contribution has been deferred, ceases to be in the contribution area within 3 years after the liability to pay the contribution arose, the liability to pay that deferred contribution is extinguished to the extent that it relates to the land that has ceased to be in the contribution area.”.

36. Clause 9, page 34, line 21, after “of” insert “the whole or part of”.
37. Clause 9, page 34, line 25, omit “contribution and the” and insert “deferred contribution and any”.
38. Clause 9, page 34, line 27, after “that” insert “deferred”.
39. Clause 9, page 34, lines 29 to 32, omit all words and expressions on these lines”.
40. Clause 9, page 35, line 1, omit “(b) “ and insert “(a)“.
41. Clause 9, page 35, line 4, omit “(c)” and insert “(b)”.
42. Clause 9, page 35, line 8 before “a” insert “the whole or part of”.
43. Clause 9, page 35, line 12, omit “contribution and the” and insert “deferred contribution and any”.
44. Clause 9, page 35, line 14, after “that” insert “deferred”.
45. Clause 9, page 35, lines 16 to 28, omit all words and expressions on these lines.
46. Clause 9, page 35, line 29, omit “(c)” and insert “(a)”.
47. Clause 9, page 35, line 33, after “the” insert “deferred”.
48. Clause 9, page 36, line 1, omit “(d) and insert “(b)”.
49. Clause 9, page 36, line 24, before “a” insert “the whole or part of”.
50. Clause 9, page 36, lines 32 to 37, omit all words and expressions on these lines.

51. Clause 9, page 36, after line 37 insert —

“201SPA Default on payment of deferred GAIC

If a person does not pay the deferred growth areas infrastructure contribution and any interest charged under this Subdivision relating to that contribution when due for payment under section 201SP, the amount of the contribution deferred under section 201SM becomes immediately payable as if the election of the deferral had never been made.

Note

If the deferred growth areas infrastructure contribution, including any indexation and interest, is not paid when due under section 201SP, a tax default within the meaning of the Taxation Administration Act 1997 will occur in respect of payment of the whole of the contribution that the person would have had to pay if the person had not deferred part of the contribution. Under Part 5 of that Act, the person will then be liable to pay interest and penalty tax from what would have been the last day for payment of the whole of the contribution under section 201SL.”.

52. Clause 9, page 37, line 5, omit “the” and insert “any”.
53. Clause 9, page 37, line 7, omit “contribution” and insert “deferred contribution, which is due to be paid under section 201SP”.
54. Clause 9, page 37, line 30, after “paid” insert “or the liability to pay the contribution is extinguished”.
55. Clause 9, page 37, line 31, omit “may” and insert “must”.
56. Clause 9, page 38, line 22, before “which” insert “the whole or part of”.
57. Clause 9, page 38, line 25, after “the” insert “deferred”.
58. Clause 9, page 39, lines 4 to 8, omit all words and expressions on these lines.
59. Clause 9, page 39, line 9, omit “(6)” and insert “(5)”.
60. Clause 9, page 39, line 28, after “immediately” insert “as if the approval had never been given”.
61. Clause 9, page 40, line 1, omit “(7)” and insert “(6)”.
62. Clause 9, page 40, line 6, omit “(8)” and insert “(7)”.
63. Clause 9, page 40, line 12, omit “(9)” and insert “(8)”.
64. Clause 9, page 40, line 14, omit “the” and insert “any”.
65. Clause 9, page 40, after line 15 insert —

“201SRA Subsequent owner of land in respect of which approval granted liable to pay GAIC

- (1) If an approval is granted under section 201SR for the staged payment of a growth areas infrastructure contribution and the ownership of the whole of the land in respect of which the contribution is imposed is transferred to a person (the *subsequent owner*) other than the person granted the approval (the *former owner*) as a result of the occurrence of a dutiable transaction relating to land —
 - (a) the liability to pay the contribution is imposed on the subsequent owner from the time of the occurrence of the transaction; and
 - (b) the liability of the former owner to pay the contribution is extinguished from the time of the occurrence of the transaction; and
 - (c) the subsequent owner is taken to have been granted an approval for the staged payment of the contribution that the subsequent owner is liable to pay under paragraph (a); and
 - (d) the approval taken to have been granted under paragraph (c) is subject to the same conditions as the approval granted to the former owner; and
 - (e) the approval taken to have been granted under paragraph (c) is taken to take effect from the date the dutiable transaction relating to land occurs.
 - (2) Within 10 days of the date of occurrence of the dutiable transaction referred to in subsection (1), the former owner must give the Minister written notice of the transaction setting out the contact details for the subsequent owner.
 - (3) The Minister, on the application of the subsequent owner, must give to the subsequent owner a notice in the same form as the notice in section 201SU(1) subject to paragraph (c) of that section being read as if the reference to “the GAIC event” were a reference to “the dutiable transaction relating to land”.
 - (4) The Minister must forward a copy of the notice under subsection (3) to the Commissioner and to the Growth Areas Authority.
 - (5) In this section a dutiable transaction relating to land occurs at the time at which the transaction would be taken to have occurred under Chapter 2 of the **Duties Act 2000**.”
- 66. Clause 9, page 40, line 26, omit “that” and insert “the whole or part of which”.
 - 67. Clause 9, page 40, line 27, after “that” insert “deferred”.
 - 68. Clause 9, page 41, line 7, omit “201SN(1)” and insert “201SO”.
 - 69. Clause 9, page 41, lines 9 and 10, omit “that liability to pay the contribution arises” and insert “by which the contribution would have been payable under section 201SL had the approval not been given”.
 - 70. Clause 9, page 41, line 14, omit “that” and insert “the whole or part of which”.
 - 71. Clause 9, page 42, line 24, omit “Any” and insert “A”.
 - 72. Clause 9, page 42, lines 27 to 29, omit “, including the interest payable under section 201SV relating to that contribution,”.
 - 73. Clause 9, page 43, lines 3 to 5, omit “, including the interest payable under section 201SV relating to that contribution,”.
 - 74. Clause 9, page 43, line 18, omit “may” and insert “must”.
 - 75. Clause 9, page 43, after line 25 insert —
 - “(8) In this section a growth areas infrastructure contribution includes any interest payable under Subdivision 3, and the interest payable under section 201SV, relating to that contribution.”.
 - 76. Clause 9, page 44, lines 1 to 7, omit all words and expressions on these lines.
 - 77. Clause 9, page 44, line 22, after “the” insert “whole or part of the”.
 - 78. Clause 9, page 44, line 25, omit “contribution and the” and insert “deferred contribution and any”.
 - 79. Clause 9, page 45, after line 8 insert —
 - “(iii) the liability of the person to pay the contribution has been extinguished under section 201SMAA or 201SOB or”.
 - 80. Clause 9, page 45, lines 9 to 17, omit all words and expressions on these lines and insert —
 - “(c) if the person has been given an approval under Subdivision 4 for the staged payment of the contribution and —
 - (i) the Commissioner is satisfied that person has paid the whole contribution, the interest payable under section 201SV and any applicable interest or penalty tax imposed under Part 5 of the **Taxation Administration Act 1997**; or
 - (ii) the liability of the person to pay the contribution has been extinguished under section 201SRA; or”.
 - 81. Clause 9, page 45, line 30, after “pay” insert “the whole or part of”.
 - 82. Clause 9, page 48, line 8, after “3” insert “and the percentage of the contribution that has been deferred”.
 - 83. Clause 9, page 49, line 17, omit “the” and insert “any”.

- 84. Clause 9, page 49, line 19, after “contribution” insert “payable under Subdivision 3”.
- 85. Clause 9, page 54, line 32, omit “that” and insert “the whole or part of which”.
- 86. Clause 9, page 55, line 10, omit “that” and insert “the whole or part of which”.
- 87. Clause 9, page 59, line 13, omit “that” and insert “the whole or part of which”.
- 88. Clause 9, page 61, line 15, omit “contribution.” and insert “contribution; or”.
- 89. Clause 9, page 61, after line 15 insert —
 “(d) to extend the period within which the growth areas infrastructure contribution must be paid.”.
- 90. Clause 9, page 61, line 18, omit “that” and insert “the whole or part of which”.
- 91. Clause 9, page 62, after line 28 insert —
 “(4) If the Board grants an extension of the time within which a person must pay a growth areas infrastructure contribution, the Board must give the person a notice stating that the extension has been granted.”.
- 92. Clause 9, page 62, line 29, omit “(4)” and insert “(5)”.
- 93. Clause 9, page 62, line 30, omit “or (3)” and insert “, (3) or (4)”.
- 94. Clause 9, page 63, line 1, omit “(5)” and insert “(6)”.
- 95. Clause 9, page 63, line 15, omit “(6)” and insert “(7)”.
- 96. Clause 9, page 64, lines 1 to 4, omit “selected by the Chief Executive Officer of the Growth Areas Authority or his or her nominee from a panel of 3 persons”.
- 97. Clause 9, page 65, after line 25 insert —

“201UAA Growth Areas Authority to inform Commissioner when precinct structure plan applies to contribution area land

The Growth Areas Authority must, within 10 days of any land in the contribution area becoming part of a precinct structure plan area, give to the Commissioner in writing the following information —

- (a) a description of the land;
- (b) the date that the notice of approval of the amendment to the planning scheme, which made the land part of the precinct structure plan area, was published in the Government Gazette.

201UAB Growth Areas Authority may request council to provide information about contribution area land

- (1) The Growth Areas Authority may, for the purposes of carrying out any function conferred on it under this Part, make a written request to a municipal council to provide the Authority with information relating to any land within the municipal district of that council that is within a growth area.
- (2) A municipal council must as soon as possible provide the Growth Areas Authority with the information requested under subsection (1).”.
- 98. Clause 9, page 65, line 34, after “must” insert “be”.
- 99. Clause 9, page 66, line 32, before “record” insert “, without charge.”.
- 100. Clause 9, page 68, line 10, omit “Infrastructure” and insert “Public Transport”.
- 101. Clause 9, page 68, line 20, omit “Infrastructure” and insert “Public Transport”.
- 102. Clause 9, page 68, line 22, omit “Infrastructure” and insert “Public Transport”.
- 103. Clause 9, page 68, line 29, before “infrastructure” insert “public transport”.
- 104. Clause 9, page 69, lines 17 to 26, omit all words and expressions on these lines and insert —
 “(1) There must be paid out of the Building New Communities Fund amounts authorised by the Minister to be used to provide financial assistance for or with respect to capital works for State funded infrastructure including the following —
 (a) transport infrastructure including walking and cycling but excluding major public transport infrastructure;
 (b) community infrastructure including health facilities, education facilities, regional libraries, neighbourhood houses and major recreation facilities;
 (c) environmental infrastructure including regional open space, trails and creek protection;
 (d) economic infrastructure including providing access to information and technology and infrastructure supporting the development of commerce and industry;
 (e) the acquisition of land and other infrastructure necessary or required for the establishment or maintenance of any infrastructure referred to in this subsection.”.

105. Clause 9, page 70, lines 6 to 10, omit all words and expressions on these lines and insert —

“(a) details of the income and expenditure of the Growth Areas Public Transport Fund and the Building New Communities Fund including —

- (i) details of projects funded from each Fund; and
- (ii) separate details of the income and expenditure of each Fund in respect of each growth area; and”.

106. Clause 9, page 70, after line 10 insert —

“(b) the proportion of all money, received by the Commissioner in respect of growth areas infrastructure contributions relating to each growth area since the commencement day, that has been paid out in relation to that growth area since that day; and”.

107. Clause 9, page 70, line 11, omit “(b)” and insert “(c)”.

Amendments agreed to; amended clause agreed to; clauses 10 and 11 agreed to.

Clause 12

Mr WYNNE (Minister for Housing) — I move:

108. Clause 12, line 23, omit “2009/2010” and insert “2010/2011”.

Amendment agreed to; amended clause agreed to.

Clause 13

Mr WYNNE (Minister for Housing) — I move:

109. Clause 13, page 73, lines 1 to 15, omit all words and expressions on these lines.

110. Clause 13, page 73, line 19, omit “3” and insert “2”.

111. Clause 13, page 74, line 31, omit “4” and insert “3”.

112. Clause 13, page 75, line 1, omit “2009/2010” and insert “2010/2011”.

113. Clause 13, page 75, line 11, omit “construction” and insert “consumer price”.

114. Clause 13, page 75, line 18, omit “construction” and insert “consumer price”.

115. Clause 13, page 75, lines 24 to 32, omit all words and expressions on these lines and insert —

“Example

In the case of a determination of the threshold amount for the 2011/2012 financial year, “PTA” is the threshold amount applying in the 2010/2011 financial year, “A” is the sum of the consumer price index numbers for June 2010, September 2010, December 2010 and March

2011 and “B” is the sum of the consumer price index numbers for June 2009, September 2009, December 2009 and March 2010.”.

116. Clause 13, page 76, line 4, omit “5” and insert “6”.

117. Clause 13, page 76, line 7, omit “5” and insert “4”.

118. Clause 13, page 76, line 10, omit “2010/2011” and insert “2011/2012”.

119. Clause 13, page 76, line 24, omit “construction” and insert “consumer price”.

120. Clause 13, page 76, line 29, omit “construction” and insert “consumer price”.

121. Clause 13, page 77, line 1, omit “construction” and insert “consumer price”.

122. Clause 13, page 77, lines 7 to 15, omit all words and expressions on these lines and insert —

“Example

In the case of a determination of the threshold amount for the 2011/2012 financial year, “PTA” is the threshold amount applying in the 2010/2011 financial year, “A” is the sum of the consumer price index numbers for June 2010, September 2010, December 2010 and March 2011 and “B” is the sum of the consumer price index numbers for June 2009, September 2009, December 2009 and March 2010.”.

123. Clause 13, page 77, line 21, omit “up).’.” and insert “up).’.”.

124. Clause 13, page 77, after line 21, insert —

‘ PART 5

Section 201SN

INDEXATION OF DEFERRED GROWTH AREAS INFRASTRUCTURE CONTRIBUTION

5 Adjusted deferred amount of growth areas infrastructure contribution

(1) The adjusted deferred amount of growth areas infrastructure contribution for the 2011/2012 financial year and each subsequent financial year is to be determined in accordance with the following formula —

$$ADA = \frac{PDA \times A}{B}$$

where —

ADA is the adjusted deferred amount of the contribution to be determined, rounded down to the nearest 2 decimal places;

PDA is the deferred amount or the adjusted deferred amount (as the case may be) of the contribution for the previous financial year;

A is the sum of the consumer price index numbers for the 4 consecutive quarters of June, September, December and March occurring immediately before the beginning of the financial year in respect of which the adjusted deferred amount of the contribution is to be determined;

B is the sum of the consumer price index numbers for the 4 consecutive quarters of June, September, December and March occurring immediately before the beginning of the previous financial year.

Example

In the case of a determination of the adjusted deferred amount of contribution for the 2011/2012 financial year, "PDA" is the deferred amount of the contribution for the 2010/2011 financial year, "A" is the sum of the consumer price index numbers for June 2010, September 2010, December 2010 and March 2011 and "B" is the sum of the consumer price index numbers for June 2009, September 2009, December 2009 and March 2010.

- (2) The adjusted deferred amount of growth areas infrastructure contribution under subclause (1) is to be rounded up or down to the nearest \$10 (and, if the amount by which the contribution to be rounded is \$5, is to be rounded up). ‘.’.

Amendments agreed to; amended clause agreed to; clauses 14 to 16 agreed to.

Clause 17

Mr WYNNE (Minister for Housing) — I move:

125. Clause 17, page 81, line 7, after "paid" insert "or there has been a deferral of the whole or part of the liability to pay the contribution".

126. Clause 17, page 81, after line 26 insert —

- “(ia) any certificate of deferral of the liability to pay the whole or part of a growth areas infrastructure contribution imposed in respect of the land issued under that Part;”.

Amendments agreed to; amended clause agreed to; clauses 18 to 23 agreed to.

Clause 24

Mr WYNNE (Minister for Housing) — I move:

127. Clause 24, line 9, omit all words and expressions on this line and insert "24 Refunds of tax".

128. Clause 24, after line 9 insert —

- “(1) In section 19(2A) of the **Taxation Administration Act 1997**, after "2005" insert "or a refund of a contribution paid or purportedly paid under Part 9B of the **Planning and Environment Act 1987**".’.

129. Clause 24, line 10, before "At" insert "(2)".

Amendments agreed to; amended clause agreed to.

Clause 25

Mr WYNNE (Minister for Housing) — I move:

130. Clause 25, line 22, omit "1987 if — " and insert "1987.".’.

131. Clause 25, lines 23 to 31, omit all words and expressions on these lines.

Amendments agreed to; amended clause agreed to.

Clause 26

Mr WYNNE (Minister for Housing) — I move:

132. Clause 26, line 17, after "the" insert "whole or part of the".

Amendment agreed to; amended clause agreed to; clauses 27 to 29 agreed to.

Clause 30

Mr WYNNE (Minister for Housing) — I move:

133. Clause 30, line 21, omit "Infrastructure" and insert "Public Transport".

Amendment agreed to; amended clause agreed to; clauses 31 and 32 agreed to.

Clause 33

Mr WYNNE (Minister for Housing) — I move:

134. Clause 33, line 3, omit "1 October 2011" and insert "1 May 2012".

Mr Clark — On a point of order, Deputy Speaker, I think it is important to put on record the issue I raised previously across the table, which is that the minister is moving amendments on the basis that they are standing in his name. These are amendments from the Dispute Resolution Committee as part of its dispute resolution. While it is a small point — and I am sure the minister has been acting on advice, so this is no criticism of him — I think it would be more appropriate that he move the amendment as an amendment proposed by the Dispute Resolution Committee rather than as an amendment standing in his name. Let us hope it will not be the case, but in the event that further matters are referred to the Dispute Resolution Committee and come back in the form of recommended amendments along these lines I think it is appropriate that we get this aspect of the procedure correct.

The DEPUTY SPEAKER — Order! I accept what the member for Box Hill is saying. As he indicated earlier when he was speaking on the substantive motion, this is slightly different to what we have done before. The amendments should have been moved as required by the Dispute Resolution Committee, and I note that.

Mr McINTOSH (Kew) — I am referring to the significant amendments that have been made. I ask the minister, given the fact that he has moved them in his name, to explain to the house the meaning of the amendments.

Mr WYNNE (Minister for Housing) — Clearly the member for Kew is being vexatious here. We have been dealing with this matter with a level of goodwill and cooperation. If the member for Kew wishes me to do so tonight, I am very happy to provide him with a very lengthy dissertation on the entire bill, but I thought we were seeking to deal with this bill in a proper and mature fashion and to expedite the progress of the bill. Accordingly I would seek that we proceed and pass this bill in the form the Dispute Resolution Committee has resolved on it.

Mr BATCHELOR (Minister for Energy and Resources) — I think the purpose of this amendment is to change the date from 1 October 2011 to 1 May 2012. I refer the member for Kew to amendment 134, which seeks to change clause 33 to bring this change in dates into effect.

Amendment agreed to; amended clause agreed to.

Bill agreed to with amendments.

Third reading

The DEPUTY SPEAKER — Order! I advise the house that as the required statement of intention has been made under section 85(5)(c) of the Constitution Act 1975, the third reading of the bill is required to be passed by an absolute majority. As there is not an absolute majority of the members of the house present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

Motion agreed to by absolute majority.

Read third time.

**HEALTH AND HUMAN SERVICES
LEGISLATION AMENDMENT BILL**

Second reading

**Debate resumed from earlier this day; motion of
Mr ANDREWS (Minister for Health).**

Mr MORRIS (Mornington) — The Health and Human Services Legislation Amendment Bill is symptomatic of the Brumby government's approach to health. It is not about doing anything; it is about being seen to be doing something. It is about being seen to be acting. It is about the appearance of action yet not actually doing anything substantive. Despite the claims made in today's budget, Victoria's health system continues to go backwards.

We have seen the Premier posturing on the national stage. We have heard the claim that Victoria's public health system is the best in the nation. If that is in fact so, it is a damning indictment of the state of public health in Australia. We had the spectacle of the Premier saying he was going off to Canberra to secure \$4.8 billion over four years — and he was not going to give up a cent of the GST. Instead the GST was lost and we got \$890 million over four years. We got 20 per cent of what was claimed to be available; in absolute terms a drop in the bucket.

The standard of care provided by individual members of the professions in the Victorian health system, be they doctors, surgeons, specialists, nursing staff et cetera, is often exceptional.

On the other end of the scale, the aggregate care that is provided by the system as a whole is completely and utterly unacceptable. Instead of discussing what are essentially machinery changes, we could have been much better employed by talking about how we might improve service delivery. We could have been discussing how to reduce elective surgery waiting lists and the number of people left sitting on trolleys for too many hours in emergency departments across the state. We could have been discussing how to arrest the continual decline in public health standards in Victoria.

Instead we are discussing machinery provisions, amending the Public Health and Wellbeing Act 2008, the Disability Act 2006, the Children, Youth and Families Act 2005 and other acts. Essentially what we are doing is establishing a body corporate known as the Secretary to the Department of Health, abolishing another corporate body known as Secretary of the Department of Human Services, providing for vesting of certain properties, arranging delegation powers and

providing powers in relation to intellectual property. These are entirely machinery provisions, which will do nothing to improve the state's health system.

The *Your Hospitals* report was recently published. It was clear from the statistics in that document that the government had failed six out of nine of its own benchmarks; it had completely and utterly failed to meet two-thirds of its own benchmarks. We believe 137 000 people were left sitting on trolleys for more than 8 hours, an increase of 10 000 compared to the previous year; also 69 000 patients in emergency departments did not receive care in the appropriate time frame. There was a decline in category 2 triage standards of 3 per cent, a decline in triage category 3 — which is the 30-minute category — of 6 per cent, and also a decline in categories 4 and 5.

If anything, surgical outcomes were worse. The government failed to meet the targets for urgent treatment for the first time since the report has been produced; numbers were up from 408 to 942. In semi-urgent cases the figures increased by 11 per cent or 1975; and non-urgent cases increased by 6 per cent or 1135.

Those of us who were politically active before 1999 remember the commentary, often from the then shadow health minister, Mr Thwaites, and from the then opposition leader Steve Bracks, who later became Premier, about how terrible the health system was in 1999.

When you compare the 1999 figures with the new *Your Hospitals* figures, the number of people processed by the system was 72 per cent. It is now down to 66 per cent. In other words, the proportion of people waiting on trolleys has increased substantially. The figures relating to triage categories 2 and 3 are similar. Thankfully, triage category 1 has remained at 100 per cent, but triage category 2 declined from 83 per cent to 79 per cent, and category 3 from 78 per cent down to 66 per cent. This exercise has been a total and absolute failure from start to finish.

I am pleased to say the figures for Frankston Hospital, the closest public hospital to the Mornington electorate, are not quite as grim. In fact for triage category 1 all targets were met; for category 2 the government's targets were exceeded, as they were for category 3. The problem lies in the trolley wait: only 52 per cent of people were processed and in hospital beds within the appropriate time frame — 52 per cent against a target of 80 per cent. It is a similar story with the stay under 4 hours: only 65 per cent against a target of 80 per cent. The elective surgery figures show that for category 1

the target of 100 per cent was met; for category 2, 67 per cent was achieved against a target of 80 per cent; for category 3 it was 88 per cent against a target of 90 per cent. So categories 1 and 3 are pretty good but category 2 is clearly still a challenge.

The figures for waiting lists show that category 1 is up 74 per cent over 12 months, category 2 has gone up by a few per cent but it is reasonably okay, and category 3 is pretty good. Overall waiting lists are up rather than down; in this case they are up 3 per cent. In this budget there is not one new dollar for Frankston Hospital. Allegedly lots of money — —

The DEPUTY SPEAKER — Order! I remind the member for Mornington to stay on the bill. The appropriation bill will be debated later this week.

Mr MORRIS — This bill is not so much about doing anything as it is about creating an appearance of activity where there is absolutely none occurring. To all intents and purposes it is simply rearranging the deckchairs on the *Titanic*. Indeed it is probably as effective in reducing waiting lists and improving emergency departments as undertaking that particular activity. It will have absolutely no positive impact on the provision of health services in Victoria.

Ms RICHARDSON (Northcote) — I am very pleased to rise and speak on the Health and Human Services Legislation Amendment Bill 2010. This bill deals directly with the decision made on 12 August 2009 to create two departments: the Department of Health, which incorporates health, mental health, drugs, nursing policy and aged care, and a new Department of Human Services with responsibility for disability, housing, children, youth and families.

As a result of the establishment of these two departments it has become necessary to amend the Public Health and Wellbeing Act 2008 to create a body corporate known as the Secretary to the Department of Health. It has also become necessary to separate the contracting and land-holding powers formerly exercised by the Secretary to the Department of Human Services body corporate. The bill deals with the technical issues relating to the respective land ownerships of these two departments.

The body corporate established under the Health Act 1958 and continued under the Public Health and Wellbeing Act 2008 has explicit power to acquire, hold and dispose of real and personal property. This bill gives these two departments very clear and distinct references in respect of the various land ownerships they have under their administrations. Operating in the

way they do, these two departments will be given the opportunity to deliver the record investment that Labor has made again in this year's state budget, along with the \$4 billion investment that will be delivered by the agreement with the federal government to deliver record improvements in health across the state.

In the Northcote electorate this will mean significant benefits for the Austin Hospital — in particular the Olivia Newton-John Cancer Centre, which treats a number of patients. It has had stage 1 of its facility upgraded there, and stage 2 — — s

The DEPUTY SPEAKER — Order! As I indicated to the member for Mornington, I am aware that the Speaker has ruled previously on the budget being referred to in adjournment and members statements. However, there has not been a ruling in this regard. We are dealing with the Health and Human Services Legislation Amendment Bill 2010. I am sure there will be some passing reference to budgetary matters, but I would remind the member for Northcote — and all members — that the Appropriation Bill (2010/2011) Bill 2010 is before the Parliament, and will be further debated on Thursday. I would ask all members, including the member for Northcote, to be aware of the bill that we are debating.

Ms RICHARDSON — In summary, the bill before the house will deal with the decision to create two health departments. It will give these two departments an opportunity to deal with the respective pieces of land that they have to manage under their administrations. I therefore commend the bill to the house.

Dr SYKES (Benalla) — I rise to contribute to the debate on the Health and Human Services Legislation Amendment Bill 2010. The purpose of this bill is to amend the Public Health and Wellbeing Act 2008, the Disability Act 2006, the Children, Youth and Families Act 2005, and other acts for other purposes. This bill puts into operation certain parts of the departmental split that was announced by the Brumby government in August 2009 and follows a review identifying machinery changes that needed to be made to ensure legal and administrative continuity.

The bill enables the splitting of the Department of Human Services into two new departments — the Department of Health, incorporating health, mental health, drugs, nurse policy and aged care, and the new Department of Human Services, comprising disability, housing, children, youth and families.

The basic premise in undertaking this split is presumably to improve the efficiency and quality of

service delivery. I should note that there seems to be a cyclical pattern in government whereby we go through a period of amalgamation and de-amalgamation in the pursuit of improved service delivery and efficiency. I say this with a background of 17 years in the former Department of Agriculture. Whilst a lot of attention is focused on structure, I would suggest that the key factor in achieving this goal of improving the quality and efficiency of service delivery is organisational culture rather than organisational structure.

The key organisational cultural requirements include the need for the organisation to be focused on outcomes with due attention to process, rather than to be focused on process for the sake of process. Similarly, the organisational culture needs to include a can-do approach by both management and staff rather than a can't-do approach, which is so common in bureaucracies.

The need for improvement in the delivery of health and other services that the department had previously looked after is obvious. I have recently visited each of the six health service providers in the Benalla electorate and have been most impressed by the passionate commitment and professionalism of the management and staff at those establishments. However, each of them also has its challenges. Alpine Health services has had to adjust to effective budget decreases — in the first instance, which was nearly eight years ago — by the increased use of private health insurance and increases in Alpine Health services private patient admissions. Then last year it had to put off 10 staff members in order to meet the effective cuts, which had a severe impact on the Myrtleford community and the surrounding area.

There is a concern that unless there is a significant increase in the budget next time there will be a service delivery cut. That is just not acceptable in country communities where often, in spite of the best efforts of the staff and management, the services that are available are less than those available to people in metropolitan areas.

The other issue for Alpine Health is the very significant need for improved aged-care facilities, particularly in the Bright area. There is also a need, interestingly, for improved public transport for people to get to these services — that is, to access the services provided by Alpine Health and also to access medical specialists who may be located further away, in Wangaratta or Wodonga.

The Benalla hospital is doing quite well in relative terms. That is a reflection of the good management and

enormous community support in Benalla. It is certainly a hospital that we are all very proud of, but again it needs funding for additional aged-care facilities because our area has an ageing population. When you look at the statistics and at government plans for the future in regional Victoria, you see that the reality is that our populations are ageing, and with ageing populations comes increased demand for health services and aged-care places.

Mansfield District Hospital is another service which has a major need for increased aged-care facilities and also base funding for accident and emergency services. It must be kept in mind that, while Mansfield has a population of about 2500 people, Mansfield hospital also services Mount Buller and Mount Stirling which during the snow season have in excess of 10 000 people per day, and now, as part of a growing all-season tourism base, during other parts of the year there are also many people on mountain bikes and recreation bikes, and a lot of those come to grief — surprise, surprise!

The other three hospitals in my area are former bush nursing hospitals, all in the shire of Strathbogie. The Violet Town community health centre is one that has gone ahead in leaps and bounds over the last 10 years. It is very much a credit to the entrepreneurial flair of the chief executive officer and the support of the board and the staff. It has absolutely excellent aged-care facilities. I encourage members to go along and see the standard of the facilities that have been put in place at Violet Town. It also has GP services. It is really invigorating and stimulating to see the attention to whole-of-community health — a very broad definition of community health — which is applied at Violet Town.

At Nagambie it is a similar situation. Nagambie is doing well with a GP service, aged care and general health care. Euroa is battling and is using income from its capital reserves to fund an operating shortfall, and that cannot be sustained. I have raised this with the minister because it needs prompt action to avoid a Sea Lake hospital-type crisis. The local preference — a new management or departmental structure may be able to facilitate this — is to move towards an integrated shire-wide community health service that meets all the community health needs throughout the Strathbogie shire.

Another service that will be covered by the split organisations is in mental health. There is an ongoing demand for mental health services, particularly in country Victoria where many of our people have gone through 12 very tough years. At this stage, service

providers include the Benalla community health service, and Anglicare at Wangaratta, which also provides excellent mental health services.

The bottom line is that these services need continuing funding, including for outreach workers who can connect the people in need — people who are sitting around their kitchen tables drinking coffee and who are not game to go outside because they cannot face the real world. They will certainly not jump into their cars and go into town, firstly, because they may not be able to afford the petrol to go into town, and secondly, because they cannot bring themselves to face people and say, 'I need your help'.

Ivan Lister is worth his weight in gold because he connects those people to support services. Interestingly, just last week Hollywood film producers came to Benalla to film a documentary on Ivan Lister's work because he is leading the way on the world stage. We need to extend the services of that type of outreach worker to people living in our towns who also, if they are suffering from mental health issues, will struggle to get out and connect to the services that are available.

The other part of the organisational split is housing. In making the split I hope we do not make the coordination between housing and other service delivery any worse, because right now we have a need for much better coordination between the provision of social housing in the electorate of Benalla and that of the associated support services. In the near future I will get an update from the Department of Human Services, as currently it is withdrawing social housing from some smaller towns because it is recognised that many of the high-priority tenants have complex needs and the small towns cannot provide sufficient services to meet those complex needs. But interestingly, there is a proposal to increase social housing in Benalla on the premise that Benalla can provide the services. This has been presumed without an audit having been undertaken of the services. If we are to have split organisations, let us hope there is improved coordination to ensure there are links between things such as the provision of social housing and health services. If that is not done there will be an ongoing widening of the significant social disadvantage gap that pervades much of country Victoria, and in particular Benalla.

There are many other issues I could raise but I will just say: let us hope this is a step in the right direction. It is not just about organisational structure making things happen; it is about organisational culture, and I challenge the culture to come up to speed.

Ms CAMPBELL (Pascoe Vale) — I take this opportunity to congratulate everybody involved in the preparation of the Health and Human Services Legislation Amendment Bill 2010 and to thank those concerned for all the work that went on behind the scenes before the bill came to Parliament. What was previously known as the Department of Human Services accounted for roughly 40 per cent of the state's budget. It had 13 000 staff members and about another 80 000 people through its agencies. It is a huge organisation that accounts for a significant component of the budget and has an extensive array of skills and talents among its staff.

The previous speaker, the member for Benalla, rightly talked about the need for the focus to be on the person, and that is exactly where this bill focuses. This bill ensures that what was once a megadepartment is now far more focused on the needs of the people who come before it in relation to health and the other components that fall under the human services portfolio: disability, child protection, juvenile justice and so on.

When the Premier announced in August 2009 that this organisational change was to occur it was widely acclaimed in the health sector, the community services sector and the local government sector. The mechanisms that have been put in place in the new organisational structure are that the Department of Health covers all health services — mental health, aged care and preventive health — and that the Department of Human Services oversees services for children, youth, families, housing, disability concessions and bushfire recovery.

That is a welcome initiative of this government because in each portfolio — and health and community services are the two I will concentrate on in particular — a lot of understanding is required of, obviously, not only the health needs of patients in our health system but also of the complex families who are coming into the community services sector. That needs the undivided attention of the departmental secretary and, at this point, her leadership team. This is very welcome.

The amendments look at land-holding powers and intellectual property but, as others have said, they are rather organisational in character. I want to go to a couple of points that were raised by previous speakers in their discussion of this bill. In particular I want to take up a number of the claims that were made by the member for Mornington — claims which have only a modicum of reality in the health portfolio.

What our government has done in the health portfolio is nothing short of spectacular. It has managed to achieve

wonderful results both in recurrent expenditure in relation to more patients being treated and in the wonderful infrastructure programs that each of us is aware of in our own communities.

Under our government, health services have been increased by 130 per cent. We have invested \$5.9 billion in rebuilding our health system — the largest health capital program in the state's history, with key projects including the new \$1 billion Royal Children's Hospital and the Parkville Comprehensive Cancer Centre. People in my electorate of Pascoe Vale obviously utilise both the children's hospital and central cancer services extensively.

No resident ever wants to wait for elective surgery and no person thinks it is appropriate that their loved ones have to wait, but the reality is that a large number of extra patients have been seen as a result of the work that has been done through previous budgets. The great work that was done by the Premier and the Minister for Health was outlined recently in the wonderful document that was launched in my electorate, *Putting Patients First*. In that, the case was argued for why we continue to work really conscientiously to ensure that patients do not have to wait long for elective surgery or for an extended time in emergency departments.

We have managed to secure an extra \$3.8 billion as a result of the wonderful work that the Premier and the Minister for Health have done recently. That additional funding will mean that 150 000 patients will receive their elective surgery faster. This is an outstanding achievement that the Premier and minister have worked conscientiously to achieve. The new health department will be focused solely on wonderful outcomes and service delivery to those extra elective surgery patients. We have also managed to secure funding for 332 subacute beds, which will mean that 5000 extra patients will be treated every year once those additional beds come on line. These are real outcomes. These are real people who will be treated faster and in better hospital conditions than they would have been had the Premier and the Minister for Health not argued so forcefully.

As a result of work that was done in the six months to December 2009, we are also able to reflect in this house tonight that compared with the same period in the previous 12 months Victoria's hospitals treated an extra 30 018 patients in emergency departments. Victoria's hospitals admitted almost 10 000 more patients than in the comparable period in 2008. The 11th edition of the *Your Hospitals* report shows that a record 153 465 Victorians received elective surgery in our public hospitals in 2009, which was 9417 more elective

surgery procedures than in the previous year. These people, whether they have had hips replaced or have had knee, ankle or cataract surgery, they have had better health outcomes as a result of our government's work.

Comments have been made about waiting times. If you look at the median waiting times for elective surgery, you see they have reduced from 33 days to 32 days, and the number of patients treated within that time frame has increased from 84 per cent to 87 per cent. When we are debating this piece of legislation we need to focus on the administrative arrangements that will ensure that more young people are looked after in the state's disability and community service system and in the juvenile justice system, that more patients are cared for in our hospitals, that more elective surgery patients will be treated and that their health outcomes will improve. That is what this piece of legislation is about, and I trust that the two new departmental secretaries, Gill Callister and Fran Thorn, will find a lot of satisfaction in their work in implementing the wonderful budgets that will be passed in the future.

Mr DELAHUNTY (Lowan) — I rise on behalf of the great electorate of Lowan to speak on the Health and Human Services Legislation Amendment Bill. At the outset let me make a couple of comments on the contribution made by the previous speaker, the member for Pascoe Vale, and in particular her comment that the Premier and the Minister for Health have been up to Canberra and got a good deal. I remember when the federal Labor government was elected there was great joy on the other side of the house. Government members said there would be federal cooperation — they called it cooperative federalism. Now the Premier has been up to Canberra and has talked tough on behalf of Victorians. I think most of us agreed with what he was saying, but, as we all know, he rolled over and came back with his tail between his legs. The reality is he put Labor first and Victorians second, because we all know that he got about 20 per cent of what he was asking for, so he has let Victorians down again in relation to the health agreement.

Having said that, I will speak about this bill, because it is important to my electorate. The Health and Human Services Legislation Amendment Bill amends the Public Health and Wellbeing Act 2008, the Disability Act 2006 and the Children, Youth and Families Act 2005. The background to the bill is that it is an instrument to split the Department of Human Services, as it has been known, into the Department of Health, incorporating health, mental health and drugs, nurse policy and aged care, and a new Department of Human

Services, which will have responsibility for disability services housing, children, youth and families.

Lowan is the largest electorate in the state and has numerous health services. I have always said we need to ensure we have quality health services in the community and specialist services within the region, and I am a strong believer that that should be the case. I think that we in western Victoria do a pretty good job, particularly in the hospitals in my area, including the Wimmera Health Care Group, which covers Horsham and Dimboola; the Edenhope and District Hospital; and the West Wimmera Health Service, which has many campuses, including those at Nhill, Jeparit, Rainbow, Goroke and Kaniva. Casterton has another independent service, and there is the Western District Health Service in Hamilton, which covers Coleraine, Merino and Penshurst. All of these facilities provide excellent services, have great staff and do a great job. I am pleased to see that in today's budget there is more money coming for the Coleraine hospital, which — —

The DEPUTY SPEAKER — Order! I have reminded other members that I understand there will be some debate or comment on health services, but there should not be anticipation of debate on the appropriation bill debate which will come to the Parliament later this week.

Mr DELAHUNTY — That was all I was going to say, Deputy Speaker. We have read about these things in the newspapers, but to mention them in here would be pre-empting things. Anyway, all of these facilities provide excellent services in my area and, as I said, provide good health services within the community and specialist services within the region.

I want to make a quick comment about a very special lady who passed away yesterday, Linea Barber. Many years ago when I was mayor of the City of Horsham a campaign was driven by Linea and her colleague Ruth Ballinger to get chemotherapy support services to the Wimmera region. At that stage anyone who needed those services had to go to Ballarat, Geelong or Hamilton and travel long distances. I was on the committee working with these two young ladies, and particularly with Linea. They did an enormous amount of work. They raised an enormous petition — I think there were 15 000 or 16 000 names on it.

We presented the petition to the then Minister for Health, Rob Knowles, and we met with him on numerous occasions. Even though he had limited control, because a lot of these services are private services, I thank Rob Knowles for what he did in his former position. I also thank the Wimmera Health Care

Group, and particularly Linea Barber, for the work they did, because we now have excellent chemotherapy support services based in Horsham servicing the larger Wimmera region. Where previously it was only working one or two days a week, it is now at full capacity, servicing people five days a week. I pay a particular tribute to Linea: she passed away yesterday after a long period of ill health. We thank her for her work.

As part of this new department we also have mental health services. As we know, in country Victoria there have been many challenges for mental health services. In the Wimmera region we have had enormous challenges in mental health services over the last couple of years, not only because of the drought impacting on communities but also because of the fact that we have had limited after-hours services and limited follow-up, and that has created a lot of problems. I have been working with the government in relation to that. We have seen some improvement, but there is room for more.

We also need a second ambulance crew in the Wimmera region, particularly in Horsham, because overnight we only have one ambulance crew servicing the Western Highway from Ballarat to the South Australian border. For the whole region we have one overnight ambulance crew! Often we have mental health patients who go to hospital or the ambulance services are called. Unfortunately when a patient goes to the hospitals in the region there is no after-hours ambulance service to take these people down to Ballarat. Sometimes they need to go there for care. Again, we are looking not only for the new ambulance station to be built but also for a second ambulance service to cater for the needs of patients, particularly mental health patients who need that care.

I have spoken about an increase in ambulance services in Horsham, but we also need an increase in ambulance services in Hamilton. Last week that was highlighted by the *Hamilton Spectator* in a story about a gentleman who had a heart attack. His wife called the ambulance service on a couple of occasions. Unfortunately, because the ambulance service was out at Coleraine on another job, those hardworking ambos out there could not service the needs of this gentleman. Unfortunately the wife had to drive her husband to the Hamilton hospital. Thankfully he survived and is doing okay at this stage. It again highlights the need for a second ambulance service based in Hamilton.

Another thing I want to talk about is the policy on nurses. As we know, we need to train nurses within the region. Ballarat University and RMIT train a lot of

nurses in my area, whether that be at Horsham or Hamilton. If we train nurses within their region, they are likely to stay there, and they have been doing that. It is not only about training nurses: we need to do more to attract and retain allied health staff, doctors and the like. We have enormous challenges coming to us from South Australia and also Queensland in relation to our medical and nursing staff, and I also include allied health staff.

This new department will also cover aged care. Not only do we need more money for infrastructure but, as I said, we also need more nurses to meet the new requirements in nursing homes and in aged-care facilities. They provide quality facilities, but under the aged-care agreement with the federal government we need to have accreditation standards met, and there will be big challenges in that area.

The new Department of Human Services covers disabilities. The member for Benalla spoke about the quality of these services; this is where we have some challenges, particularly in remote areas of western Victoria. As the representative of the largest electorate in the state, I have enormous challenges in relation to disability and accommodation.

A fortnight ago I met with the Wimmera Autism Support Group in Horsham. It does an enormous amount of work supporting parents of children with autism. Parents of children with a disability, whether it be autism or the like, have a great deal of fear about what is going to happen if they pass on: who is going to be in charge of looking after their children? We need appropriate accommodation. I am pleased to see there has been an upper house inquiry into this matter, and we look forward to the government response to that.

Housing is another issue that will be covered under the new Department of Human Services. As the shadow minister for youth affairs I am pleased to see the Minister for Housing here in the chamber. As he knows, there are enormous challenges in providing appropriate accommodation for our youth. I know money is being spent in Horsham, as it is in other areas of the state. We look forward to those developments. Our youth face many challenges. I was pleased to hear some announcements today in relation to vulnerable youths; however, I will not cover that.

Families are covered under the new Department of Human Services. Families are now looking at their bottom line. We have seen an enormous increase in the cost of housing, with a 28 per cent increase in the last 12 months here in Melbourne. Purchasing property is an enormous challenge, but there is also the cost of

basic services, such as electricity or gas or water. The cost of electricity in particular has skyrocketed under this government and will increase more.

The new Department of Human Services has many challenges. I wish the staff all the best. I will continue to watch how they work in my regional electorate of Lowan.

Mr FOLEY (Albert Park) — It gives me great pleasure to make a few brief comments on the Health and Human Services Legislation Amendment Bill. As we have heard, the bill seeks to do a few things. The most prominent of these is to establish the body corporate of the Secretary of the Department of Health, abolish the previous arrangements relating to the Department of Human Services and establish the necessary legislative and administrative framework to give effect to the government's decision to create a separate Department of Human Services and Department of Health. Previous speakers have said this is a very good decision from the government's point of view. It gives an architectural framework to the government's priorities and backs them up by ensuring that the bureaucratic arrangements that stand behind the government's policies are vigorous and meaningful.

I will not go through the enormous number of acts that the bill seeks to substantially and consequentially amend. This bill seeks to ensure that at the end of this debate we will have an even more meaningful Department of Health and an even more meaningful Department of Human Services, than we have today, because each of those new departments is charged with providing the critical services that Victorians have come to rely upon from their state governments. State governments are many things to the people they are here to serve, but the service delivery arrangements around which these two entities will deliver government policy are particularly important.

As a new entity, the Department of Health will have a focus on the areas of health in the tertiary and primary health sector, mental health and drugs, and nursing and aged care. The remainder of what was the Department of Human Services's previous structure will be part of a new entity, which will also be called the Department of Human Services. This bill will give effect to and put in place the arrangement announced by the Premier some time ago.

I will spend a few moments talking about the arrangements the Department of Health will seek to apply, particularly now that the state is party to the historic national settlement so recently negotiated in Canberra between the commonwealth and the vast

majority of states. This settlement will see the Department of Health record resources to deliver its important services at the tertiary, community and primary health-care levels. That historic agreement, as others have pointed out, will see 150 000 Victorian patients, who currently wait too long in emergency departments each year, being treated in much shorter time frames. Elective surgery, already a priority of this government, will become even more the focus of the work of the Department of Health, with 34 000 patients scheduled to get through the system over the next four years as a result of the arrangements the state has negotiated with the commonwealth. Indeed the 332 extra subacute beds for Victorian hospitals, the important focus on rehabilitation and longer term support for up to 5000 extra patients will be very much welcomed by Victorians. Add to that the even more important arrangements that will make sure there is governance in place to ensure the quality of service delivery so that Victorians know that the state, in partnership with the federal government and the managements of various local hospitals, can deliver across the state the health care that they have come to expect.

We know our health system is of the highest standard because it is not just members on this side of the house who are saying that, and it is certainly not those on the other side of the house. There are those of the same political ilk as members on the other side of the house who have gone to great lengths to point out that whilst the Victorian health system can and will continue to improve it also continues to be the standout health system across Australia. Whether that has been Joe Hockey, a failed contender for leadership of the federal Liberal Party, or a range of others across the sector, they have been glowing in their recent references to the efficiency of the Victorian health system model.

But we on this side of the house do not rest on our laurels. We know there is more to be done, and this piece of legislation will ensure that we are well placed in the future to make sure that our health system can deliver on those benefits we have built as a result of the historic Council of Australian Governments settlement for the national hospital and health network systems.

Health services, as we have heard others say, are inherently local to their communities, and these statewide benefits manifest themselves in my electorate of Albert Park. I will spend a few moments discussing, particularly from the focus of the new Department of Health, some of the services that it delivers in my community, particularly in the mental health area and through the drug and alcohol programs. In regard to mental health programs, I recently had the pleasure of

attending the opening of the Salvation Army's new crisis accommodation centre in St Kilda. This is a wonderful example of a partnership between government, philanthropic organisations and private industry that has seen the establishment of a multimillion-dollar, state-of-the-art crisis centre for families who are subject to all sorts of pressures but particularly substance abuse and mental health arrangements that cause them to be in housing crisis. The centre was opened by the federal Minister for Housing, the Honourable Tanya Plibersek, and I take this opportunity to acknowledge the work of Peter Fox and Margaret Jackson, who led the philanthropic and corporate fundraising for that project, which would not have got to the level it has without the assistance of those leading corporate citizens.

At the same time the old Salvation Army facility in Grey Street, St Kilda, continues to be the recipient of support from the state. Without foreshadowing any discussion on the Appropriation (2010/2011) Bill, I note the continued support the Department of Human Services and the new Department of Health lend to the Salvation Army's primary health care arrangements at the premises where the largest needle exchange program in the southern hemisphere is delivered.

Whilst that program might be located in St Kilda, having sat through a few nightshifts with workers in that area I know that the people who use that program come from all suburbs of Melbourne and from all walks of life. The veil would be lifted from the eyes of many in this place if they saw the level and extent of the services delivered by the Salvation Army to thousands of Victorians every month at its Grey Street premises. That is an important project for not only maintaining those people as active and healthy citizens in their community but also for maintaining a brake on blood-borne virus diseases and maintaining harm minimisation programs that ensure Victorians continue to enjoy a good state of health.

I look forward to the two new departments continuing that good work, and to both the Department of Health and the Department of Human Services not just in my community and my electorate but across all of Victoria continuing to be exemplary leaders in making sure that we are not only a prosperous and fair state but also a healthy, well-connected and well-adjusted state with people who are able to contribute to their community and to their society.

Dr NAPHTHINE (South-West Coast) — I rise to speak in the debate on the Health and Human Services Legislation Amendment Bill. I wish to make a contribution on the basis that the bill is about dividing

the old Department of Human Services into two separate departments: a Department of Health and a stand-alone Department of Human Services. In creating two separate departments it separates the contracting land-owning powers formerly exercised by the body corporate and the respective ownership of land of the two departments.

I have some corporate history here, in that in 1992 I was part of the government that brought these departments together. At the time the integration of the departments — the old Department of Community Services, the Department of Housing which has now become known as the Office of Housing, and the Department of Health — into a full human services department was welcomed by the broader community on the basis that treating people with respect to health alone and with respect to issues to do with community services alone was often inadequate, and often you needed a comprehensive range of services. People often have a complex range of needs and require a response based on the needs of that individual and their family across a broad range of what had previously been separate government departments. The whole issue of having individual silos and individual departments was not giving those people the best outcome.

Indeed, the Honourable Marie Tehan, then the Minister for Health, set four very substantial directions for the new department. I quote from one of her documents in 1993:

To put people first, rather than institutions or systems.

To ensure a fairer distribution of limited resources.

To obtain value for taxpayers funds.

To provide a better health status and outcome for all Victorians.

So it was an outcome-based system.

I can understand that nearly 20 years down the track, when budgets have got larger and the management of these organisations has got more complex, it is perhaps an opportune time to reconsider whether having one large integrated department as opposed to two separate departments is the best way forward. I can understand the government's decision in terms of separating the departments, but in separating those departments we should make sure we do not lose the integration that is needed to put people first. We need to make sure that while we separate the departments we do not separate the service system and we do not lose people in the cracks between the various departments. We need to continue to understand that people with complex needs need an integrated range of responses, and that should

not be prevented by having two separate departments involved.

I also wish to comment on some of the issues raised about the health system, because what we are doing here is separating out the Department of Health in the context of the changes that are being made at a federal level. In that context I refer to an article in the *Age* on 14 April. Under the headline, 'Medicare architect blasts PM's health plans', it states:

Kevin Rudd's health reform plans are spin and hype and contain nothing that would improve hospital care or access, Medicare architect John Deeble says.

Dr Deeble, once venerated by Labor for his health policy advice, says claims the states would collect an extra \$15 billion are 'equally fictitious'.

This Premier and his Minister for Health went to Canberra and sold Victoria out. They sold Victoria out for 20 per cent of what they had been asking for, and the first amount of money was spent, as I said in this house three or four weeks ago, on a spinectomy for the Premier and the Minister for Health, who went to water and turned to jelly and put Labor first and Victoria second.

It is interesting to note the strength of our health system, which has now been adopted and supported federally is the activity-based or casemix funding system. I refer to a document entitled *Casemix Funding for Public Hospitals — Victoria's Policy*. In the document the message from the then Minister for Health, the Honourable Marie Tehan, says:

The aim of these reforms was to enhance and expand the excellent hospital system in Victoria by developing a system that was free from centralised bureaucratic control, that engendered competition and economic incentives for hospitals and that rewarded efficiency and growth in services.

...

... Victoria will be the first state in Australia to introduce casemix funding of hospitals.

Marie Tehan said further:

I am confident that the introduction of casemix funding will result in a more vibrant and flexible hospital system, better positioned to meet the constant pressure for change and improvement brought about by medical and technological advances and the ever increasing demand for health services. Casemix funding means that funding for hospitals services will follow patient demand. In a very real sense it involves putting patient needs first.

I think we heard in a document today those same words — putting patients first — echoing the words of the former Minister for Health, Marie Tehan. She said further:

It will be the most substantial funding reform to be undertaken in Victoria for many years. I am confident that it will lead to a more dynamic, innovative and relevant health system for Victoria in the 1990s and the next century.

We in this house need to recognise the innovative reforms introduced by the late Marie Tehan in introducing casemix funding to the Victorian hospitals, which has now become the activity-based funding system for the Australian health system under Kevin Rudd. Marie Tehan, the late Dr John Paterson as chief executive officer and Professor Stephen Duckett deserve to be recognised for their innovation and leadership in health reform in Victoria and Australia.

Apart from the activity-based or casemix funding system introduced by the Kennett government, the other great strength of the Victorian system, which should not be lost in these reforms of dividing the departments, is the strengthening and enhancing of the role of local hospital boards and local hospital management. Again, this is a great strength of the Victorian system that was built around the reforms of the Kennett Liberal-National Party government and the great leadership of the late Marie Tehan. It is interesting that those great strengths — —

Mr Nardella interjected.

The SPEAKER — Order! The member for Melton will cease interjecting in that manner.

Dr NAPHTHINE — Those were the great strengths that the Premier, John Brumby, went to Canberra saying he would back, fight for and endorse. However, when he went to Canberra he sold out. He sold Victoria out for a few shekels, because he wanted to put Labor and his Labor mates first and Victorians and Victorian patients second rather than standing up for what was right for Victoria and the Victorian health system.

I am concerned that, because the Premier and the health minister sold out Victoria in these so-called health changes, there will not be adequate funding under this devolved system for essential health services in Victoria, such as accident and emergency services at the Portland and District Hospital.

I refer to an article in the *Portland Observer* of Friday, 16 April which says — —

Mr Nardella — Of 1997?

Dr NAPHTHINE — Of 2010. It says:

Portland District Health emergency physician Dr Tim Baker said the emergency department was classified as unfunded —

under the Brumby Labor government, which meant it was not separately funded from the hospital. He said further:

We believe PDH should become a funded emergency department which would mean more medical staff in the department 24 hours a day ...

Portland has a large population base, a large industrial base and a large commercial port, so it is absolutely — —

Mr Nardella interjected.

Dr NAPHTHINE — ‘Hopeless’, as the member for Melton says — and I agree with him. It is absolutely hopeless that the Brumby Labor government will not fund an accident emergency service for that very large hospital. If we are going to have health reform, let us follow the model of former minister, the late Marie Tehan — be brave, introduce proper reforms and fund the accident and emergency department at Portland.

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

Mr LIM (Clayton) — I rise to speak in support of this bill. It goes without saying that on the government side of the house we are extremely proud of the record of achievements in the health field of the Bracks and Brumby Labor governments.

It would be remiss of me not to mention that I am equally extremely proud to be the local member for an electorate which has the biggest hospital in Victoria — that is, the Monash Medical Centre, which is part of Southern Health — but of equal importance is that the electorate has the biggest hospital teaching institute in the form of Monash University.

As I mentioned, it goes without saying that we are very proud of the achievements in the health area which are now widely recognised, if not world wide, at least in Australia, and that we have the best health care system that is the envy of every other state.

In that context we understand why the Premier was so tenacious in standing up for the interests of Victoria vis-a-vis the federal — —

An honourable member — He sold out.

Mr LIM — He did not sell out. He stood firm, and the federal government came to reconcile with what he wished, and it is only in that context that we understand why we all should be very proud of this system.

This bill is very much a housekeeping measure, so I will not spend too much time on it, but the policy

behind it has to be recognised. It is important that I focus on service delivery. This bill reflects the importance of this government, particularly now, recognising the dynamic changes in the need for health care in this state, and that there is a need to adjust and tailor the service of the department accordingly. That is what this bill is all about — it splits the department into two major service providers.

The changes as announced by the Premier were to separate the Department of Human Services into two departments. The new Department of Health will focus on hospitals, health, prevention, mental health and aged care, which is becoming very important now. The Department of Human Services is a major undertaking in its own right and will have responsibility for children, youth and families, housing, disability, concessions and bushfire recovery.

This bill is required to provide the legal mechanism for allocating and transferring property and contracts between the two departments. The bill does this by amending the Public Health and Wellbeing Act 2008, as stated in clause 1 ‘to establish a body corporate known as the Secretary to the Department of Health’. A number of health, disability and other acts are also amended. The secretaries of the two departments are then given the power to deal with property and contracts, including their transfer.

The Department of Human Services was created in 1993 through an amalgamation of the health and community services departments. A number of imperatives have changed since then, as I mentioned earlier. As the Premier said in his announcement of these changes:

The health and human services task had grown significantly since the 1990s, accounting for nearly \$4 in every \$10 that the state government — —

Business interrupted pursuant to standing orders.

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house do now adjourn.

Portsea: beach erosion

Mr DIXON (Nepean) — I wish to raise a matter for the Minister for Environment and Climate Change, and once again it is in regard to Portsea beach. I ask the minister to come down and urgently visit the Portsea beach to see for himself the incredible damage done over recent months and more particularly in recent

weeks and subsequent to his visit to take the action that would be required to remediate some of the damage that has been done.

I raised this issue just a few weeks ago. I went back to the beach last Friday as some of the local businesspeople asked me to go there again. I could not believe the massive damage to the beach that has occurred just in the few weeks since I was last there. With just about every incoming tide there are massive swells coming into the bay and onto Portsea beach. In fact the level of the bay has risen dramatically. Even though we have offshore winds blowing at the moment, the massive swells have taken Portsea beach away; it is no longer there. There was a little bit there a few weeks ago, but there is none there now.

A local businessman who runs kayaking trips for people would normally put his kayaks on that beach and take them down to The Heads. Now even at low tide there is no place on the beach to put those kayaks down because there is not even a metre of beach at low tide.

When I was there on Thursday I noticed that because the water has now gone past the beach and is breaking onto the foreshore, the pier head — the asphalt area, which is the walk area onto the pier — has collapsed. There were two massive sink holes there, and emergency repairs were happening. Seawalls are collapsing on the west side of the pier. The trees along the foreshore have been washed away; they have been uprooted and are no longer there. There was a massive sand dune at Port Nepean that was 10 metres high, but there is only half of it remaining; it is just a massive slide away.

Damage has been done to Point Nepean National Park, and the water is cloudy because the sand has gone; we have a rocky beach there now and the limestone is making the water cloudy. The landings on the pier are now low; they are no longer high and dry. Even at low tide the pier is under water. We have had a massive change to that beach, and it has had massive implications for the dive industry, for anyone who wants to use it, for the kayaking and adventure tours that occur off that beach and for the local lifesaving club, where the youngsters used to practise on the beach.

It is important that the minister come down to see this damage and do something to remediate the damage that has been done.

Northern Football League: netball strategy

Ms GREEN (Yan Yean) — I wish to raise a matter for the attention of the Minister for Sport, Recreation and Youth Affairs. The action I seek is for him to investigate funding options for a netball strategy for the Northern Football League.

Netball has never been stronger in the northern suburbs and is growing at an amazing rate. Teams are participating across the northern league area: North Heidelberg, Lakeside, Diamond Creek, Whittlesea, Fitzroy Stars, Macleod, Watsonia, Epping — where I have to declare an interest as I play there; our win-loss ratio is 3 to 0 — Lalor, Mernda and Panton Hill are all fielding teams, and juniors are becoming incredibly interested.

The patron of the league is the Australian captain, Sharelle McMahon. The Northern Football League is a progressive league which is very much part of the community. Its representatives came to see me a few months ago as they were concerned after the horrific collision on Plenty Road, Mill Park, which killed a number of young people. They also had some concerns about some other club members who had been involved in some unfortunate events involving young women.

The league is taking a leadership role and has successfully sought from the minister funding of \$15 000 to deliver some behavioural change programs within the clubs across the Northern Football League. It has successfully worked with the club officials, but now it wants to move that work on respect and responsibilities and improving the culture across those clubs to the under-15s and under-17s and to work with local school clubs as well. They will be doing a comprehensive range of on-field and off-field programs within the league, but to go further and fund a netball strategy — not just looking at the behavioural and cultural changes of clubs — is a vital step, as there will be more women around those clubs playing sport who will need more facilities.

The league is taking the lead on that, and I am sure it will work with the four municipalities — Whittlesea, Nillumbik, Banyule and Darebin — where the Northern Football League currently plays and from where these netball teams are being drawn; and given the popularity of netball, there is a need not just for training facilities but also for additional playing facilities.

Most games are being played at the magnificent facilities that received state funding some years ago at NMIT in Bundoora, but that is just on a Friday night. What we want to have long term is something similar to

the successful culture we have seen in country football and netball, where you have a whole day of matches for girls, boys, men and women.

I commend the Northern Football League for its initiative in this area, and I urge the minister to look at funding options for a netball strategy.

Water: Wimmera–Mallee pipeline

Mr DELAHUNTY (Lowan) — I rise on behalf of the Lowan electorate to raise a matter for the attention of the Minister for Water. The action I request on behalf of the electorate is that the minister and his department and GWMWater develop an affordable proposal to enable land-holders on the perimeter of the now finished Northern Mallee and Wimmera–Mallee pipeline to join this piping network.

Water is the lifeblood of western Victoria. Not only has the economy been driven by the necessity for quality water but also water is important for our environment and the social aspects of the community. The piping of the old channel system has delivered a reliable quality water supply system for western Victoria. It is said that it has drought proofed our region, and I hope so; after being through 14 dry years, we badly need that.

A few years ago when designing the Wimmera–Mallee pipeline a group of land-holders in the area west of Rainbow known as Pella met to discuss with GWMWater and others in the area the necessity for them to be included in this Wimmera–Mallee pipeline system. They were not included in the old channel system because the topography in that area did not enable the old gravity channel system to get water to this Pella region; therefore they missed out.

But in February 2007, with the member for Swan Hill — now the shadow Minister for Water — we met with representatives of about 30 farmers in that area. They believed this to be a once-in-a-lifetime opportunity to be connected to the Wimmera–Mallee pipeline system. They were not able to do it during the construction of the pipeline, but the opportunity exists now.

I have with me a letter written by Robert Schilling, who is the chairperson of the Rainbow West Pipeline Extension Committee. That committee has as its vice-chairperson Mark Heinrich, and the secretary is Heather Drendel. They say in the letter that they now need to join the Wimmera–Mallee pipeline system, so it is important that the minister work with this group to make it happen.

The minister also needs to address some other matters concerning western Victorians. Who is going to be responsible for the filling in of the old channel system? There are enormous issues being debated — —

The SPEAKER — Order! I remind the member for Lowan that the adjournment debate is for the raising of one issue.

Mr DELAHUNTY — That is correct, and I am only asking for one issue, but I am just bringing to the minister's attention some other things that are happening, and he can do that part time.

There is the responsibility not only of filling in the channels but also for other matters concerning local government such as who is going to pay for the cost of the fire tanks and the hydrants along the pipeline? The other thing he needs to do is to get the \$25 million that was promised by the Rudd government — —

The SPEAKER — Order! I again remind the member for Lowan that the adjournment debate is for the raising of one issue only.

Mr DELAHUNTY — That is right, and that issue has been extensively covered in my presentation.

Casey Hospital: maternity services

Mr PERERA (Cranbourne) — I raise a matter for the attention of the Minister for Health. I ask that the minister visit the special-care nursery expansion in Casey Hospital, Berwick, to see firsthand the progress of the construction work and the growing demand for maternity health services in the outer south-eastern corridor which encompasses Cranbourne — the place young families are very attracted to in the south-eastern corridor. Casey Hospital has one of the busiest maternity units in Victoria.

I also ask the minister to support Casey Hospital and ensure that this important project, the Casey special-care nursery, continues to be supported. Works on the \$4.2 million expansion of Casey Hospital's special-care nursery funded in the 2008–09 budget have already started and will be completed before the end of the year. The expanded special-care nursery will have an extra 14 cots, which will reduce the need to transfer newborns requiring extra care to other hospitals.

Following the expansion the nursery will go from a low-level 2 to a high-level 2 nursery and will enable Casey Hospital to provide for up to an estimated 1000 additional births per annum, increasing the annual number of births from 1500 to 2500. It will mean that sick babies can be treated close to home, close to their

families. It will also allow babies with extra needs born at other hospitals to move closer to home with their mothers.

As a part of this important project I ask the Minister for Health to ensure that Southern Health and Casey Hospital receive the funding that they need to support the growing number of families living in the electorate of Cranbourne and surrounding areas.

Casey Hospital was the first Victorian hospital built from scratch after more than two decades — and it was built by a Labor government. It took a Labor government to build a hospital from scratch after decades. It is a fantastic hospital in the south-east, and it was built from scratch by a Labor government.

Dorset Road, Ferntree Gully: extension

Mr WAKELING (Ferntree Gully) — I raise a matter of importance with the Minister for Roads and Ports. The action I seek is that the minister act on the future construction of the Dorset Road extension. I call on the minister to take immediate action to ensure that this vital transport link is built.

The extension of Dorset Road has long been recognised as necessary — the land reserves date back to the late 1970s — to service the needs of the Knox area. Despite a huge increase in housing in this area, the road required to cope with the increase in traffic needs, as identified in the late 1970s, is yet to be built.

Residents living south of Ferntree Gully Road in Rowville and Lysterfield are disconnected from the main arterial road network, causing scores of traffic problems for local residents. Further the congestion on Glenfern Road is exacerbated due to residents of the Casey and Cardinia shires using the road to access the northern suburbs of Knox and arterial roads.

The case for the Dorset Road extension has been presented to the Labor government many times over the last decade, yet it still refuses to build the extension to this important arterial road. Many people in my community will be deeply disappointed about the government's inaction on this issue in today's state budget.

The Dorset Road extension to Napoleon Road remains Knox City Council's highest priority arterial road project, with the further extension to Lysterfield Road not too far down the list. This demonstrates that Knox City Council sees what the Brumby Labor government does not — that is, that the Dorset Road extension is a crucial piece of road infrastructure that should be built without delay.

Every week I have residents contacting me to inquire about the future construction of this important road. The state government's own bus service review has included recommendations for a bus service to operate along this non-existent Dorset Road extension. This government has failed residents by refusing to look at the building of this road.

The traffic issues experienced by residents are further exacerbated by the lack of a rail link in the area south of Ferntree Gully Road, forcing would-be commuters to travel north along Glenfern Road to reach Ferntree Gully and Boronia railway stations. The need for the Rowville rail feasibility study has also been well documented in this house.

The Brumby Labor government must stop ignoring residents of Melbourne's outer east. The Dorset Road extension is a crucial piece of road infrastructure that should have been built long ago. Rowville and Lysterfield residents deserve an arterial road to connect them with the amenities and services of the rest of the city of Knox. Commuters travelling from Cardinia and Casey should not have to deal with the crushing bottleneck on Glenfern Road, and importantly local residents should not have to put up with drivers rat-running through local streets.

I call upon the Minister for Roads and Ports to take action and start work on the construction of the Dorset Road extension south of the Burwood Highway.

Students: consumer education

Ms MARSHALL (Forest Hill) — I rise in the house tonight to raise a matter for the Minister for Consumer Affairs. The action I seek is for the minister to visit some high school students in my electorate of Forest Hill to educate them on their rights and responsibilities as consumers.

Today there are more choices, more products and more fine print than ever before, especially when young people are entering into complex contracts for mobile phones, for finance for their first cars or for credit cards. It is important they are aware of their rights and responsibilities and do not become victims of unscrupulous marketers and find themselves in financial trouble as a result.

Mobile phone debt, be it incurred by voting on TV shows such as *Big Brother*, *Australian Idol* or *Australia's Got Talent*, or through SMS message rip-offs — everybody has seen those advertisements on television where you SMS your number to receive the

joke of the day or some similar scheme — is just one of the many traps that young people are susceptible to.

In speaking with high school students at Highvale Primary School during a recent leadership conference I became aware that there is still a lot of misinformation circulating the playground, shall I say, and breeding confusion regarding not only students' rights as consumers but also what avenues of help are available if they find themselves in a less-than-desirable situation. For instance, whilst we might find it amazing — and by that I mean those of us who have been around for a while — many young people are surprised by the ongoing cost of these SMS gimmicks. It is extraordinary to think that when you vote for your favourite *Australian Idol* performance or to keep your favourite dancer in the running for *So You Think You Can Dance* the 55 cents that you pay for the vote only costs the phone carrier 1 cent.

Recent studies have shown that mobile phone services are pulling a growing proportion of young people into debt at a very early age because they are unaware of the real costs. It is important to speak directly with young people about their rights and to let them know about the organisation in this state charged with protecting consumer rights, Consumer Affairs Victoria.

I would like to see young people given the opportunity to learn about credit and debt, including how to stay out of trouble and who to contact for advice if they are experiencing credit difficulties. I am aware that Consumer Affairs Victoria has developed resources for secondary teachers which are aligned to the Victorian essential learning standards that focus on life skills that enable young people to become smart consumers. This is a great initiative, but I feel there is great value in having someone other than a teacher speak directly to students, as sometimes it is not the message that is important but the messenger. Again, I ask the minister to visit some high school students in my electorate and assist them in becoming smarter, more savvy and better armed consumers.

Nepean Highway–Bungower Road, Mornington: traffic cameras

Mr MORRIS (Mornington) — Since early this year my office has received a steady stream of complaints about a new traffic camera installation at the corner of the Nepean Highway and Bungower Road, Mornington.

I have no problem with traffic cameras generally, nor do I have a problem with traffic cameras in this particular intersection because it is a difficult

intersection. It is now carrying a lot of traffic, and if the cameras were working accurately and catching motorists who were offending, I would have no argument at all. But there has been a consistent tenor to these complaints. Many of the complaints come from experienced drivers with either very few infringements over a long period of time or unblemished records — we are not talking about hoons here. Given the flood of complaints and the consistency of the comments, I believe there are sufficient grounds to question the accuracy of the cameras and the appropriateness of the infringement notices.

The issue I am raising this evening is for the Minister for Police and Emergency Services. The issue is the operation of fixed traffic cameras at the Nepean Highway–Bungower Road–Shandon Street intersection in Mornington, and the action I am seeking from the minister is that he undertake a review of every fine that has originated from these cameras from their first day of operation to 30 April this year.

This is not a conventional intersection. It has wide open spaces with big distances across. It is an intersection where two major roads, Nepean Highway and Bungower Road, and two minor roads, Shandon Street and Tallis Drive, funnel together. In many of the complaints, whether the drivers were turning from Bungower Road into Nepean Highway or from Nepean Highway into Shandon Street, the vehicles appeared to have entered the intersection on the green light and been unable to clear the intersection in a reasonable time following the light turning red.

To give some flavour of the complaints I will quote from a letter sent by a constituent:

I have been driving since I was 20 years of age and never been in trouble or ever had a fine in 53 years. I am now 73 years of age and consider myself to be an extremely careful driver.

At the time in question I had already entered the intersection on a green light, waiting to complete my turn, and by the time oncoming traffic had cleared the light had already turned red, but I still had to complete my right-hand turn, otherwise I risked being caught within the intersection. I did not run the red light nor did I speed up to do a right-hand turn. I merely completed my right-hand turn.

The number of complaints received by my office and the *Mornington Peninsula Leader* now exceeds 100, and they continue to roll in. Indeed two have come in tonight. We need the public to trust these cameras if they are going to do what they are intended to do and make these intersections safer. I urge the minister to investigate the situation and take whatever action is necessary to ensure that those who have been issued with fines are dealt with fairly.

Crime: Clayton electorate

Mr LIM (Clayton) — The matter I raise is for the attention of the Minister for Police and Emergency Services. I ask him to take action to address the safety concerns of my community in the electorate of Clayton. Criminal activity and antisocial behaviour in the Clayton shopping centre are an issue of great concern to local traders and the wider public.

The Clayton shopping centre is a vibrant, diverse suburban location which is busy throughout the day, with residents buying their daily requirements, travelling to and from employment, attending university and local schools and visiting family and friends. The Clayton Road shopping centre is a major stop on our bus network, and Clayton railway station is part of the Cranbourne and Pakenham lines. Students from Monash University are particularly active in the evenings, attending the many cafes and restaurants and shopping at the many ethnic supermarkets and the major supermarket chains. Recently there was a tragic death near Clayton railway station, close to the shopping centre. There have also been some incidents of teenagers roaming the area at night disrupting people going about their business and incidents of graffiti throughout the shopping strip.

I acknowledge that there has been a stronger police presence patrolling in the Clayton shopping centre for some time now and that operational issues are a matter for the police, but I believe the minister should seek to relocate the Clayton police station into the shopping centre strip, maintain a 24-hour police presence and work with the local council, the City of Monash, to install closed-circuit television cameras to assist with crime prevention. With the nearly 2000 new police officers coming on-stream, I believe this is possible. I therefore entreat the minister to take action to ensure that the concerns of the public and the Clayton business community are addressed accordingly.

Rail: Wodonga bypass

Mr TILLEY (Benambra) — I have a matter for the attention of the Minister for Public Transport. The matter I wish to raise with the minister is that of the Wodonga rail bypass. The action I seek from the minister is to expedite the completion of the Wodonga rail bypass project by directing VicTrack to inform the local community as to the status of the future use of surplus rail lands upon completion of the bypass.

Residents of Benambra have not been immune to Premier Brumby's and Labor's ineptitude and incompetence when it comes to delivering on major

projects. The level of ineptitude and incompetence on the part of this failed Labor administration has been breathtaking. My colleague the member for Scoresby, the shadow Treasurer, recently detailed that under Premier Brumby Labor has blown in excess of \$10 billion in project overruns, mismanagement and broken promises. Such incompetence means that projects such as the Wodonga rail bypass suffer delay after delay, and my constituents in Benambra have had to put up with ad hoc, piecemeal, temporary public transport solutions simply because Labor cannot deliver on major projects on time and on budget.

To make matters worse, the Wodonga rail bypass project, which was originally planned and budgeted for during the final years of the Kennett government more than 11 years ago, has still not been able to be delivered by Labor.

A completed rail bypass would give Wodonga residents the opportunity to completely redevelop the central business district of our town. It is a unique opportunity, one that few towns would have and one that must be done right. Wodonga is a blank canvas and is ripe to ensure its future. Many groups have put proposals on the table to generate growth and the renewal of High Street and the central business district, and they should be commended.

One proposal of merit is that of the Wodonga Chamber of Commerce to turn the old Wodonga railway station into a transport hub so that it can be a real focal point for tourism and residents and a point from where further development, including the Mann Centre proposal, can grow.

However, none of these plans will get off the ground if Labor's incompetence continues to strangle growth. People in my community need certainty; at the moment they have none. They need time and certainty to plan the town they want for the years ahead. The Premier and Labor may have the attitude that Victoria stops at the Great Dividing Range, but there are those in the north-east who are sick and tired of being neglected. I call on the minister to expedite the completion of the rail bypass and ensure that VicTrack gives certainty to those who want to invest in north-east Victoria to create a better standard of living for all of my community.

Coburg Primary School: parking

Ms CAMPBELL (Pascoe Vale) — I raise a matter for the Minister for Roads and Ports. The action I seek is for VicRoads to begin consultation with Coburg Primary School in Bell Street to ensure that there are safe parking options for families and carers who

historically have used parking spots outside the Moreland City Council's Coburg offices in Bell Street.

We are very fortunate in my electorate to have a wonderful bus service known as route 903 or the Bell Street SmartBus. It is the most heavily patronised and therefore obviously the most popular service in this state. It travels from Mordialloc to Altona, and part of its journey is along Bell Street. As a result of wonderful funding initiatives of the Brumby Labor government, we have increased the patronage of our buses on Bell Street. We are putting in place clearways to ensure that during peak times they have rapid progress.

I and members of the local community believe the bus priority that has been applied to Bell Street is absolutely necessary. Residents along Bell Street have recently been advised by VicRoads that extended clearway times will be introduced from 24 May 2010. This project is part of the Victorian government's plan to improve bus reliability and travelling on buses which, as I said, are being increasingly patronised by our local community. In order to address the important issue of bus punctuality, we have to avoid congestion along Bell Street as much as possible. As a result of work that has been undertaken by VicRoads, these clearway times will be introduced.

I particularly want to raise an issue about Coburg Primary School. Stage 1 of its refurbishment will be implemented during May and stage 2 will be implemented later in the year. It gives us adequate time to ensure that Coburg Primary School, which is well represented by its fantastic principal, Jennifer Strachan, and its outstanding school council — which is one of the most diligent and well-informed school councils I have had the pleasure of working with — can discuss with VicRoads safe parking options for parents and carers who drive their children to Coburg Primary School. I am sure that because of the work undertaken by VicRoads under local leadership in our region a safe outcome will be found. But work needs to begin now so that when stage 2 is implemented later in the year family members and carers bringing children to the school and collecting them will have safe parking spots.

Responses

Mr ROBINSON (Minister for Gaming) — The member for Forest Hill raised an issue for my attention, and requested that I arrange to visit local schools in her electorate. I am fortunate in the sense that my electorate adjoins the electorate of Forest Hill, so I have a reasonable familiarity with her electorate. I certainly have a reasonable familiarity with the excellent work she does on behalf — —

Mr McIntosh interjected.

Mr ROBINSON — That is what you said last time, the time before and the time before that. You were wrong every time, and you will be wrong again. Let's just put that on the record!

I know the great work that the member for Forest Hill does on behalf of local residents, in particular on behalf of local schools and schools such as Forest Hill College and Vermont Secondary College; I am very familiar with both of these schools. The member for Forest Hill has invited me to attend these schools to talk to students, particularly with respect to consumer issues. I would be very pleased to do that in conjunction with the member for Forest Hill.

Some weeks ago the member for Forest Hill invited me to an event that she put on for older people in her electorate in regard to consumer scams. That was a terrific event. We were able to provide a lot of advice to residents and also to listen to them and get some very valuable feedback. I certainly look forward to having the same opportunity with a different audience, this one being an audience of younger people.

The member for Forest Hill has done a very good job of raising the sorts of consumer issues that confront younger Victorians in this modern technological age.

I think back to earlier generations and to the sorts of issues the member for Forest Hill spoke about, such as first car purchases. I recall a story of someone I worked with. In the 1960s the first car they bought was a Syd Ellis special. Some members here are old enough to remember Syd Ellis. I think it is fair to say that Syd was someone — —

An honourable member interjected.

Mr ROBINSON — Syd might have been a bike rider. He was possibly a better bike rider than he was a used car salesman because he pushed the envelope.

Mr Dixon interjected.

Mr ROBINSON — That is the theme. The member for Nepean has been around for longer than most; he remembers the theme of the advertisement.

As I was saying, my friend, as a young person, had gone along to buy a car. He had seen a pristine Holden on display. He thought, 'I want that car'. It was a beautifully detailed car. Syd or Syd's representative signed him up and he bought the car of his dreams. He took the keys and hopped in the car, attempted to turn on the ignition and there was nothing, which did

concern him — there was no engine noise. It turned out he had bought a display car that was not fitted with an engine. The engine had been removed some time ago.

That is the sort of issue that people confronted many years ago, and it is the reason we have very good consumer legislation in place today. It was not in place years ago, and that is an example of the sort of problem that befell young people 30 or 40 years ago.

We have moved on but now we see problems with deals on mobile phones. Younger consumers are becoming caught up in these problems, not with the cost of the phone as such — the physical phone is the cheapest part of those deals — but with the call charges of the deals. Those call charges can be quite nefarious in the sense that they can accumulate very rapidly, particularly around TV-based competitions, as the member for Forest Hill described so accurately, where you are encouraged to ring in and vote.

One of the concerns that younger consumers have, or certainly they or their parents should have, because it is often their parents who end up picking up the bill, is that the contractual terms, which are part and parcel of what they are engaging in, are flashed up on the screen and presented in such a way that you literally need a lawyer to decipher them for you — you do not actually know what it is you are paying for or how much it is you are going to pay.

I would be very keen to take up the offer of the member for Forest Hill to attend local schools and talk to students, but also to listen to students. One of the things I have found in consumer forums is that it is important not just to get a point across but to listen to people and listen to the way they receive messages. My own children, who are now teenagers, once said to me —

An honourable member interjected.

Mr ROBINSON — They are. They cannot quite remember the Syd Ellis tune, but they are getting older every day. My children said to me, and I think I am quoting them correctly, ‘Only fossils listen to AM radio’ and that it is a ‘blah, blah medium’. It shocked me to hear that, but that is the world in which they are growing up. It is instructive to listen to younger people.

Honourable members interjecting.

Mr ROBINSON — It might be because they hear me occasionally on AM radio that they have that view, but that is the nature of younger people and the world they live in today.

I would be very happy to take up the offer that has been made so generously by the member for Forest Hill. I am sure we will be able to work out a suitable time for those visits to happen.

The member for Nepean raised for the attention of the Minister for Environment and Climate Change an issue which relates to damage that has occurred and is still occurring at Portsea beach. I am not very familiar with Portsea beach, but I had the opportunity of visiting there a few years ago to look at land around Point Nepean and I saw that the tide rips along some of those beaches as it moves very quickly towards Port Phillip Heads. The member detailed the damage that has been done, and I will certainly pass that list on to the minister.

The member for Yean Yean raised an issue for the attention of the Minister for Sport, Recreation and Youth Affairs seeking funding for a football strategy that is being proposed by the Northern Football League. She indicated an affiliation with Epping, but I was not sure if that was the Epping Football Club or the netball club.

Ms Green — Football and netball.

Mr ROBINSON — She plays for both? I hope she is doing very well this year. I will pass that on to the minister for sport and recreation.

The member for Lowan raised an issue for the attention of the Minister for Water. He requests that Grampians Wimmera-Mallee Water and the department develop a strategy that would allow for outlying property owners in the area serviced by the Wimmera-Mallee pipeline, a great investment, to achieve affordable access to that system. He gratuitously threw in some associated matters, but we understand what his request is, and I will pass that matter on.

The member for Cranbourne raised an issue for the attention of the Minister for Health. I understand he is seeking that the minister visit and inspect Casey Hospital with a view to developing a further appreciation of the vital services being provided by the special care nursery and to ensure that those services are not only continued but enhanced. I will pass that matter on.

The member for Ferntree Gully raised for the attention of the Minister for Roads and Ports a desire to see the future construction of the Dorset Road extension, and I will pass that matter on.

The member for Mornington raised an issue for the Minister for Police and Emergency Services in respect

of traffic cameras at the intersection of Nepean Highway, Bungower Road and Shandon Street in Mornington. There have been complaints about the accuracy of those cameras, and I will pass that matter on.

The member for Clayton raised, also for the attention of the Minister for Police and Emergency Services, a desire to see the minister attend to the safety concerns of traders and others in the electorate, particularly around the Clayton Road shopping centre, which is a very vibrant and dynamic shopping centre, and I will pass that matter on.

The member for Benambra raised for the attention of the Minister for Public Transport a desire to see the completion of the Wodonga rail bypass accelerated and in particular resolution of concerns in relation to the future of surplus rail land, and I will pass that matter on.

Finally, the member for Pascoe Vale raised for the attention of the Minister for Roads and Ports a desire for discussions between VicRoads and Coburg Primary School around the future of car parking spaces in the vicinity of the school, which is on Bell Street and on SmartBus route 903. The member is seeking a balanced resolution of the competing needs on that important arterial which continues to service access to the great Coburg Primary School. I will pass that matter on.

The SPEAKER — Order! The house is now adjourned.

House adjourned 10.39 p.m.