

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-SEVENTH PARLIAMENT**

**FIRST SESSION**

**Thursday, 15 November 2012**

**(Extract from book 17)**

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The Honourable ALEX CHERNOV, AC, QC

## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC

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Cabinet Secretary .....	Mr D. J. Hodgett, MP

### Legislative Assembly committees

**Privileges Committee** — Ms Barker, Mr Clark, Ms Green, Mr McIntosh, Mr Morris, Dr Naphthine, Mr Nardella, Mr Pandazopoulos and Mr Walsh.

**Standing Orders Committee** — The Speaker, Ms Barker, Mr Brooks, Mrs Fyffe, Ms Green, Mr Hodgett, Mr McIntosh and Mrs Powell.

### Joint committees

**Dispute Resolution Committee** — (*Assembly*): Mr Clark, Ms Hennessy, Mr Holding, Mr McIntosh, Mr Merlino, Dr Naphthine and Mr Walsh. (*Council*): Mr D. Davis, Mr Hall, Mr Lenders, Ms Lovell and Ms Pennicuik.

**Drugs and Crime Prevention Committee** — (*Assembly*): Mr Battin and Mr McCurdy. (*Council*): Mr Leane, Mr Ramsay and Mr Scheffer.

**Economic Development and Infrastructure Committee** — (*Assembly*): Mr Burgess, Mr Carroll, Mr Foley and Mr Shaw. (*Council*): Mrs Peulich.

**Education and Training Committee** — (*Assembly*): Mr Crisp, Ms Miller and Mr Southwick. (*Council*): Mr Elasmarr and Ms Tierney.

**Electoral Matters Committee** — (*Assembly*): Ms Ryall and Mrs Victoria. (*Council*): Mr Finn, Mr Somyurek and Mr Tarlamis.

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

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

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

**Law Reform Committee** — (*Assembly*): Mr Carbines, Ms Garrett, Mr Newton-Brown and Mr Northe. (*Council*): Mrs Petrovich.

**Outer Suburban/Interface Services and Development Committee** — (*Assembly*): Ms Graley, Ms Hutchins and Ms McLeish. (*Council*): Mrs Kronberg and Mr Ondarchie.

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

**Road Safety Committee** — (*Assembly*): Mr Languiller, Mr Perera, Mr Tilley and Mr Thompson. (*Council*): Mr Elsbury.

**Rural and Regional Committee** — (*Assembly*): Mr Howard, Mr Katos, Mr Trezise and Mr Weller. (*Council*): Mr Drum.

**Scrutiny of Acts and Regulations Committee** — (*Assembly*): Mr Brooks, Ms Campbell, Mr Gidley, Mr Nardella, Dr Sykes and Mr Watt. (*Council*): Mr O'Donohue.

### Heads of parliamentary departments

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

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

*Parliamentary Services* — Secretary: Mr P. Lochert

**MEMBERS OF THE LEGISLATIVE ASSEMBLY**  
**FIFTY-SEVENTH PARLIAMENT — FIRST SESSION**

**Speaker:** The Hon. K. M. SMITH

**Deputy Speaker:** Mrs C. A. FYFFE

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

**Leader of The Nationals and Deputy Premier:**  
The Hon. P. J. RYAN

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

**Leader of the Parliamentary Labor Party and Leader of the Opposition:**  
The Hon. D. M. ANDREWS

**Deputy Leader of the Parliamentary Labor Party and Deputy Leader of the Opposition:**  
The Hon. J. A. MERLINO

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Languiller, Mr Telmo Ramon	Derrimut	ALP
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Angus, Mr Neil Andrew Warwick	Forest Hill	LP	McCurdy, Mr Timothy Logan	Murray Valley	Nats
Asher, Ms Louise	Brighton	LP	McGuire, Mr Frank <sup>5</sup>	Broadmeadows	ALP
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Blackwood, Mr Gary John	Narracan	LP	Morris, Mr David Charles	Mornington	LP
Brooks, Mr Colin William	Bundoora	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
Brumby, Mr John Mansfield <sup>1</sup>	Broadmeadows	ALP	Napthine, Dr Denis Vincent	South-West Coast	LP
Bull, Mr Timothy Owen	Gippsland East	Nats	Nardella, Mr Donato Antonio	Melton	ALP
Burgess, Mr Neale Ronald	Hastings	LP	Neville, Ms Lisa Mary	Bellarine	ALP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Newton-Brown, Mr Clement Arundel	Prahran	LP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Noonan, Mr Wade Mathew	Williamstown	ALP
Carroll, Mr Benjamin Alan <sup>2</sup>	Niddrie	ALP	Northe, Mr Russell John	Morwell	Nats
Clark, Mr Robert William	Box Hill	LP	O'Brien, Mr Michael Anthony	Malvern	LP
Crisp, Mr Peter Laurence	Mildura	Nats	Pallas, Mr Timothy Hugh	Tameit	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Pandazopoulos, Mr John	Dandenong	ALP
Delahunty, Mr Hugh Francis	Lowan	Nats	Perera, Mr Jude	Cranbourne	ALP
Dixon, Mr Martin Francis	Nepean	LP	Pike, Ms Bronwyn Jane <sup>6</sup>	Melbourne	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Duncan, Ms Joanne Therese	Macedon	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Edwards, Ms Janice Maree	Bendigo West	ALP	Ryall, Ms Deanne Sharon	Mitcham	LP
Eren, Mr John Hamdi	Lara	ALP	Ryan, Mr Peter Julian	Gippsland South	Nats
Foley, Mr Martin Peter	Albert Park	ALP	Scott, Mr Robin David	Preston	ALP
Fyffe, Mrs Christine Ann	Evelyn	LP	Shaw, Mr Geoffrey Page	Frankston	LP
Garrett, Ms Jane Furneaux	Brunswick	ALP	Smith, Mr Kenneth Maurice	Bass	LP
Gidley, Mr Michael Xavier Charles	Mount Waverley	LP	Smith, Mr Ryan	Warrandyte	LP
Graley, Ms Judith Ann	Narre Warren South	ALP	Southwick, Mr David James	Caulfield	LP
Green, Ms Danielle Louise	Yan Yean	ALP	Sykes, Dr William Everett	Benalla	Nats
Halfpenny, Ms Bronwyn	Thomastown	ALP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Helper, Mr Jochen	Ripon	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Hennessy, Ms Jill	Altona	ALP	Tilley, Mr William John	Benambra	LP
Herbert, Mr Steven Ralph	Eltham	ALP	Trezise, Mr Ian Douglas	Geelong	ALP
Hodgett, Mr David John	Kilsyth	LP	Victoria, Mrs Heidi	Bayswater	LP
Holding, Mr Timothy James	Lyndhurst	ALP	Wakeling, Mr Nicholas	Ferntree Gully	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Hulls, Mr Rob Justin <sup>3</sup>	Niddrie	ALP	Watt, Mr Graham Travis	Burwood	LP
Hutchins, Ms Natalie Maree Sykes	Keilor	ALP	Weller, Mr Paul	Rodney	Nats
Kairouz, Ms Marlene	Kororoit	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Kanis, Ms Jennifer <sup>4</sup>	Melbourne	ALP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Katos, Mr Andrew	South Barwon	LP	Wreford, Ms Lorraine Joan	Mordialloc	LP
Knight, Ms Sharon Patricia	Ballarat West	ALP	Wynne, Mr Richard William	Richmond	ALP
Kotsiras, Mr Nicholas	Bulleen	LP			
Languiller, Mr Telmo Ramon	Derrimut	ALP			

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

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

<sup>3</sup> Resigned 27 January 2012

<sup>4</sup> Elected 21 July 2012

<sup>5</sup> Elected 19 February 2011

<sup>6</sup> Resigned 7 May 2012



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**Thursday, 15 November 2012**

**The SPEAKER (Hon. Ken Smith) took the chair at 9.34 a.m. and read the prayer.**

**BUSINESS OF THE HOUSE**

**Notices of motion: removal**

**The SPEAKER** — Order! I advise the house that under standing order 144 notices of motion 1 and 4 to 13 will be removed from the notice paper on the next sitting day unless members wishing their notice to remain advise the Clerk in writing before 2.00 p.m. today.

**PETITIONS**

**Following petitions presented to house:**

**Fire services: funding**

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the state government's plan to cut millions of dollars from the Metropolitan Fire Brigade and the Country Fire Authority. In particular, we note:

1. the state government is this year cutting \$41 million from the CFA and \$25 million from the MFB;
2. these cuts will reduce the capacity of the MFB and CFA to fight fires, and to respond to road accident rescues;
3. firefighters will be forced to rely on second-hand equipment and personal protective clothing, with less access to training and ration packs.

The petitioners therefore request that the Legislative Assembly urge the Baillieu state government to abandon its planned funding cuts and guarantee no further cuts will be made.

**By Ms KNIGHT (Ballarat West) (98 signatures).**

**Higher education: TAFE funding**

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the state government's plans to cut hundreds of millions of dollars from TAFE funding. In particular, we note:

1. the TAFE association has estimated up to 1500 jobs could be lost as a result of these cuts;
2. many courses will be dropped or scaled back and several TAFE campuses face the possibility of closure;

3. with 49 000 full-time jobs already lost in this term of government, skills training has never been more important for Victorians.

The petitioners therefore request that the Legislative Assembly urge the Baillieu state government to abandon the planned funding cuts and guarantee no further cuts will be made.

**By Ms EDWARDS (Bendigo West) (118 signatures).**

**Higher education: TAFE funding**

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the state government's plans to cut hundreds of millions of dollars from TAFE funding. In particular, we note:

1. the TAFE association has estimated up to 2000 jobs could be lost as a result of these cuts;
2. many courses will be dropped or scaled back and several TAFE campuses face the possibility of closure;
3. with 49 000 full-time jobs already lost in this term of government, skills training has never been more important for Victorians.

The petitioners therefore request that the Legislative Assembly urge the Baillieu state government to abandon the planned funding cuts and guarantee no further cuts will be made.

**By Ms GREEN (Yan Yean) (803 signatures).**

**Coliban Water: rural user entitlements**

To the Legislative Assembly of Victoria:

The petition of Coliban rural water customers draws to the attention of the house:

the inconsistencies in the pricing structure of the user pays system;

there is no compensation for those who no longer want their entitlements and wish to relinquish them to Coliban Water;

the inability of rural water users in the Coliban system to trade fairly within and outside the Coliban system;

there is an inadequate system of water delivery and servicing of the Coliban rural system.

The petitioners therefore request that the Legislative Assembly of Victoria:

review the system operations and overall pricing structure of Coliban rural water use to be in line with a fairer user-pays system;

provide a compensation package for those who want to relinquish their water entitlements;

develop a leasing-back arrangement with Coliban for rural water users who wish to retain their licences;

establish an open trading system, unbundle the Coliban rural water to allow trading with other state water systems;

upgrade and maintain the channel system and provide consistent water deliveries to Coliban rural water customers.

**By Ms EDWARDS (Bendigo West) (81 signatures).**

### **Rural City of Benalla: financial management**

To the Legislative Assembly of Victoria:

The petition of ratepayers of the Rural City of Benalla draws attention to the house of the continuing financial commitments being entered into by our council and being allegedly contrary to the Local Government Act of 1989, which requires councils, councillors and administration to have an overriding responsibility to operate and administer its facilities in a responsible and financially prudent manner for the benefit of its ratepayers. The forthcoming financial budget approved by the council of this municipality has an income from rates and charges of \$13.4 million and a budgeted expenditure believed to be \$23.5 million, therefore leaving a deficit of \$10.1 million to be met by you, the Parliament of Victoria and the commonwealth of Australia and others.

The latest being the compulsory acquisition of the Australia Post office building in Bridge Street, Benalla, it is understood to be part of a project to cost unknown dollars, partially to be funded by you, the state of Victoria and part by the commonwealth of Australia, the balance by whom?

The petitioners therefore request that the Legislative Assembly of Victoria carry out a financial audit with the view to appoint an administrator to determine the true financial position of the municipality and return responsible and prudent decision making.

**By Dr SYKES (Benalla) (28 signatures).**

### **Ambulance Victoria: Wallan station**

To the Legislative Assembly of Victoria

The petition of residents of the Whittlesea and Wallan district in the state of Victoria:

draws to the attention of the house to the lack of action by the Victorian state government to provide a 24-hour ambulance station in Wallan, despite its pre-election promise more than two years ago to the people of Wallan and district.

The petitioners therefore request that the Legislative Assembly of Victoria urge the Baillieu government to stop stalling and commence the promised \$2 million ambulance station.

**By Ms GREEN (Yan Yean) (107 signatures).**

### **Buses: northern suburbs**

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria, calls on the Baillieu government to reverse its recent cuts to bus services. In particular, we note:

1. the localities of Greensborough, Plenty, Mill Park, Bundoora, Yarrambat, Whittlesea and beyond have all been hit hard by cuts to services. Many bus stops at schools, aged-care and sporting facilities have been removed altogether;
2. the Baillieu government's 2011–12 bus review was done in secret and in the shadow of budget cuts and has resulted in many service losses, overcrowding and massively increased travel times including Greensborough losing 561 weekly services and Doreen commuters' journey times blowing out by over 26 per cent;
3. the Baillieu government's review is in stark contrast to the 2008–09 review of bus services by the former Labor government, where there was extensive community consultation and delivered over 1000 extra weekly services for the north;
4. these cancellations are causing great distress to locals in Melbourne's north, who use bus services to access employment, shopping, health and education.

The petitioners therefore request that the Legislative Assembly of Victoria urge the Baillieu government to reinstate these services and deliver better public transport for our growing community including increased number of bus services and commitments to upgrade our public transport infrastructure.

**By Ms GREEN (Yan Yean) (116 signatures).**

### **Planning: green wedge development**

To the Legislative Assembly of Victoria:

This petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly the current review seeking to turn green wedge land into commercial and housing developments.

The protection, nurturing and enhancement of green wedge land has been supported by both political parties for over 30 years in recognition of the important role that open space plays in improving the mental and physical health of the community and maintaining the livability of Melbourne. They are the lungs of our city.

We are concerned that the current review of the green wedge, which only looks at opportunities for commercial and housing development, does not get the balance right because it does not consider the impact that bulldozing green wedges will have on the environment, the mental and physical health of the community and the livability of Melbourne.

We are concerned that once gone the green wedges are gone forever and that future generations will regret the destruction of the green wedges.

The petitioners therefore request that the Baillieu government stop the current review which only recognises green wedges as a development opportunity, agree to strengthen and grow rather than reduce green wedge space and work with the community to enhance and improve Melbourne's green wedges.

**By Ms GREEN (Yan Yean) (41 signatures).**

**Tabled.**

**Ordered that petition presented by honourable member for Ballarat West be considered next day on motion of Ms KNIGHT (Ballarat West).**

**Ordered that petitions presented by honourable member for Bendigo West be considered next day on motion of Ms EDWARDS (Bendigo West).**

**Ordered that petitions presented by honourable member for Yan Yean be considered next day on motion of Mr NOONAN (Williamstown).**

## DOCUMENTS

**Tabled by Clerk:**

*Financial Management Act 1994* — 2012–13 Quarterly Financial Report for the State of Victoria for the period ended 30 September 2012

*Parliamentary Committees Act 2003* — Government response to the Electoral Matters Committee's Report on the Inquiry into the conduct of the 2010 Victorian state election and matters related thereto

Police Integrity, Office of — Policing people who appear to be mentally ill — Ordered to be printed

*Professional Standards Act 2003* — Association of Taxation and Management Accountants Scheme under s 14 (*Gazette S361, 29 October 2012*).

## BUSINESS OF THE HOUSE

### Adjournment

**Mr McINTOSH** (Minister for Corrections) — I move:

That the house, at its rising, adjourns until Tuesday, 27 November 2012.

**Motion agreed to.**

## MEMBERS STATEMENTS

### Harry Lohmer

**Mr BROOKS** (Bundoora) — I am saddened to report to the house that a valued member of my local community and a great Victorian, Mr Harry Lohmer,

recently passed away, and I wish to note his significant contribution to our community.

A staunch supporter of his beloved North Melbourne Football Club, Mr Lohmer was also a champion motorcycle rider. Legend has it that the record books still show Mr Lohmer as holding the record for the quickest ride on a motorbike with a sidecar from Melbourne to Adelaide. Mr Lohmer served our nation in the army during World War II and returned to extend that service to his local community for the rest of his life. His community service over the years has been extensive and wide ranging, with literally thousands of people being the recipients of his long-term dedication and generosity.

He was a longstanding and valued member of the Salvation Army for over 50 years, serving in various capacities, including many years of service as a volunteer housing and welfare officer. In fact I first came to meet and know Mr Lohmer at a personal level through his fundraising for the Greensborough Salvation Army Corps. Mr Lohmer also volunteered his time to the Diamond Valley Royal District Nursing Service for over 20 years. His work included conducting presentations which promoted the work of the nursing service to local schools and Rotary clubs, helping to raise thousands of dollars to support the vital work of this service.

One of Mr Lohmer's enduring legacies is his strong advocacy for lonely and disadvantaged people in our community. Mr Lohmer did this through his regular visits to local nursing homes over the past 25 years. He also did what he could to assist those with disabilities by helping in dealing with government agencies, filling out forms and ensuring that those people were being looked after appropriately.

Mr Lohmer, a true gentleman, selflessly dedicated himself to these tasks for many years. The lives of many in my local community are all the better for his dedication and passion. He will be sadly missed. My condolences to his daughter, Marion, and his family and friends at this sad time.

### Ray Hewitt

**Mr WALSH** (Minister for Agriculture and Food Security) — I draw the attention of the house to the very sad passing of Cr Ray Hewitt on Saturday, 20 October. Cr Hewitt, who was aged 62 years, had been a Northern Grampians shire councillor since November 2005, and he served as mayor of the shire in 2010–11. He was a highly respected member of the council and worked extremely hard for the shire's

people, and particularly for those in St Arnaud and Stuart Mill, which was his ward area.

Throughout his career he also gave 45 years of service to the Country Fire Authority. He was a very quiet and gentle man with a great sense of humour, but he was also someone who was extremely active and intelligent and full of great ideas and drive for the betterment of his community.

Ray and Aileen had three children, and Ray was a doting grandfather to his grandchildren. In recent times he has had business interests in both Stuart Mill and St Arnaud, but he had previously worked as an air traffic controller for 30 years at Tullamarine and Avalon airports and in Tasmania.

Cr Hewitt was recently diagnosed with a terminal illness and had commenced treatment. Ray's death was a big shock to his family and friends, and the community is mourning the sudden loss of an esteemed member. Our thoughts and prayers go to Aileen and the extended Hewitt family for the very sudden and sad passing of Ray Hewitt.

### **Taylors Lakes Secondary College: cyberbullying forum**

**Ms KAIROUZ** (Kororoit) — With the advent of Twitter, Facebook and other forms of social media, the welfare of our children online has become a growing concern. The fear of online chats with strangers remains, but in addition we have now seen the rise of internet trolling, where an individual or group of individuals mercilessly target another person on the internet with a stream of abuse, often under the guise of fun. Unfortunately for the victim it certainly is not fun, and as we have seen in recent times there can be tragic consequences for the targets of such abuse.

Whilst trolling can be anonymous, there are also less anonymous forums popping up on Facebook, such as stalker spaces, where students can post gossip about others from the school — meaning that for some victims there is no safe refuge from the reach of a bully. That is why I am proud to have attended a cyberbullying forum with the member for Keilor and the member for Derrimut at Taylors Lakes Secondary College. Meeting with parents, teachers and students, we discussed the growing dangers of cyberbullying in emerging forms of social media and ways parents and teachers can work together to help kids stay safe online. I thank all involved for organising this important event for our local families.

### **Indian community: Dussehra festival**

**Ms KAIROUZ** — I recently attended the annual Dussehra festival at the Hindu temple at Rockbank in my electorate. Along with the members for Tarneit and Keilor, I experienced the culture and colour of the local Indian community in my electorate. It was a great day out for everyone.

### **Latrobe Regional Hospital: achievements**

**Mr NORTHE** (Morwell) — I rise today to respond to recent comments by Mr Viney, a member for Eastern Victoria Region in the other place, in relation to the performance of Latrobe Regional Hospital. Mr Viney's comments were simply outrageous and a kick in the guts for the hardworking staff, health professionals and volunteers at LRH. His claims of state government funding reductions for LRH are false and suggestions of a significant increase in elective surgery waiting lists unfounded.

The facts are that the coalition state government has increased funding for LRH in the 2012–13 period by \$7 million, which is a record in comparison to funding under Mr Viney's former Labor government. Indeed Mr Viney and his federal Labor mates have just announced that \$2.2 million will be stripped from LRH as part of an outrageous and dodgy plan that will see \$100 million taken away from Victorian hospitals. Despite this Mr Viney and state Labor have remained silent.

Under Mr Viney's watch in 2007–08 there were 1590 people on the elective surgery waiting list, whilst under a coalition government this figure reduced to 1086 in the period 2011–12. Mr Viney would do well to read Latrobe Regional Hospital's 2012 annual report and its first point of achievement, which refers to improvements in elective surgery waiting lists. Indeed 100 per cent of category 1 elective surgery patients were treated within the required 30-day time frame. It is about time Mr Viney started supporting Latrobe Regional Hospital and praising the work of staff rather than making ongoing unfounded criticism.

### **Australian Afghan Philanthropic Association: Eid Qurban festival**

**Mr DONNELLAN** (Narre Warren North) — I rise to congratulate the Australian Afghan Philanthropic Association on the event it put on on 29 October at the Springvale town hall for the Eid Qurban festival. I congratulate Dor Aschna. The event was also attended by assistant police commissioner Luke Cornelius and

the chairman of the Victorian Multicultural Commission, Chin Tan.

### **Vietnamese Community in Australia: soccer tournament**

**Mr DONNELLAN** — I also congratulate the Vietnamese Community in Australia's Bon Nguyen and Phong Nguyen on the soccer festival they put on last week on Sunday, 11 November. Cr Loi Van Truong was also there at the Westall Secondary College, and it was a very successful soccer tournament.

### **Remembrance Day: Dandenong-Cranbourne RSL**

**Mr DONNELLAN** — I congratulate the Dandenong-Cranbourne RSL's Judy Murdoch, Frank Ferguson and John Wells for the two Remembrance Day events they put on on Sunday, 11 November, and Thursday, 8 November. I also congratulate the schools whose students attended, including St Paul the Apostle and Dandenong High School. Both events were very well attended and very well run in a dignified and quiet manner.

### **Rail: protective services officers**

**Mr WAKELING** (Ferntree Gully) — I was pleased to recently join the Premier, a member for Eastern Victoria Region in other place, Edward O'Donohue, assistant police commissioner Chris O'Neill and Boronia senior sergeant Cliff Sunderland to launch the deployment of protective services officers at Boronia railway station. This great initiative, which is opposed by the state opposition, is a great win for Boronia residents to deal with concerns regarding community safety.

### **Remembrance Day: city of Knox**

**Mr WAKELING** — I recently attended the Knox Remembrance Day service at the Tim Neville Arboretum in Ferntree Gully. I would like to congratulate Hurtle Lupton and his committee for the organisation of a moving service. I would also like to congratulate local students from Wattleview, Ferntree Gully North and Fairhills primary schools for their participation in this important local community event.

### **Waterford Valley Lakes retirement village: 10th anniversary**

**Mr WAKELING** — I was pleased recently to join residents at Waterford Valley Lakes retirement village

to help them celebrate their 10th anniversary. This is a fantastic Rowville facility, and I would like to congratulate the village's manager, Greg Swinton, the residents' committee of management and the organising committee for coordinating a fantastic celebration.

### **St Simon the Apostle parish, Rowville: fete**

**Mr WAKELING** — I recently had the pleasure of attending St Simon's fete in Rowville. This annual fete has again proved to be an outstanding event, which was well attended by not only families from the St Simon's parish but also the broader Rowville and Lysterfield communities. Congratulations to Brian Crowley, principal Phil Hesse, the organising committee and all the volunteers for a great day.

### **McHappy Day**

**Mr WAKELING** — Thanks to all the staff at McDonald's in Rowville for organising a great day as part of the McHappy Day celebrations. I was happy to help the staff with serving customers in the drive-through area. Congratulations to the Knox residents who supported this important event, which raises much-needed funds for Ronald McDonald House charities.

### **Lawn bowls: Ferntree Gully electorate**

**Mr WAKELING** — I would like to congratulate the Boronia Bowls Club and Ferntree Gully and Waverley bowls clubs for participating in the fifth annual Sir George Knox — —

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

### **Little Athletics: Lara electorate**

**Mr EREN** (Lara) — It is with great pleasure that I inform the house that the Little Athletics season is off and running. I recently officially launched the season of the Geelong Little Athletics Centre (GLAC) at John Landy Athletics Field, which this year has broken its membership record. The club has almost 900 registered athletes, which makes it one of the largest in Victoria and Australia. I would therefore like to congratulate David Anthony, the president of GLAC, and the committee on a terrific turnout on the day.

I also had great pleasure in launching the Corio-Norlane Little Athletics season. I congratulate Kelvin Gray the president, Anne Gottardo the secretary and the entire committee on a fantastic day, which was attended by hundreds of people. It was an honour and a

privilege to address the athletes, their families and friends on the importance of being physically active and the mental health benefits that come from being a part of a wider sporting community. I sincerely thank all of the volunteers at both clubs for the hours they contribute to the club to enable children to participate in athletics. I also thank those who sometimes we do not thank enough — and that is, the parents and families who drive to and from the training and events throughout the season. On a final note, it is great to see that Little Athletics is well and truly alive and thriving in Geelong. It would be good if this government actually assisted them in their activities.

### **Kilsyth electorate: government initiatives**

**Mr HODGETT** (Kilsyth) — I rise today with enthusiasm and confidence as I reflect on the coalition government's first two years in office as we approach the midway point of our four-year term. I have spoken many times in this house about the local improvements and election commitments that I have delivered in my electorate. It has been terrific to have delivered many great projects for our local area in Ringwood East, Croydon, Mooroolbark, Bayswater North, Kilsyth, Montrose, Croydon South and Lilydale.

Hard work gets results, unlike the lazy Labor opposition that wasted money and neglected our local area for 11 long years. Today I look more broadly to a statewide perspective and list the many achievements that the Baillieu coalition government is delivering for Victoria including: a more sustainable budget, slowing the growth in expenditure and stabilising the state debt that those opposite could never achieve; reduced stamp duty for first home buyers and pensioners; a AAA rating that those opposite still think is a radio station, because they have no appreciation of the importance of a AAA credit rating giving business the confidence to invest in Victoria; the biggest tax reform in 20 years with a fairer property-based fire services levy; our WorkCover premiums, which are now the lowest in Australia; the Regional Growth Fund of \$1 billion; record trade through the port of Melbourne; and 27 000 more jobs now than in November 2010 when the mob opposite were kicked out of office.

We are delivering a record infrastructure spend of \$5.8 billion in 2012–13. We have added more than 1 000 new train services; we have provided more police, protective service officers on train stations and more funding for closed-circuit television; we have provided a \$40 million boost for early childhood services, and the list goes on and on. We are fixing the problems and sorting out Labor's disasters. We have a

good story to tell, and we will continue to fix the problems and build the — —

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

### **National Australian Chinese Women Association: inauguration**

**Ms KANIS** (Melbourne) — On 4 November I had the pleasure of attending with the member for Clayton the inauguration ceremony of the National Australian Chinese Women Association of Australia. We were there representing the parliamentary Labor Party and we were the only state MPs present.

I would also like to acknowledge and thank May Hu, the president of the association, for the work that she has done in putting it together and gathering a very strong executive. The association will have a number of commendable aims. They include advancing the status of Chinese women, increasing their general wellbeing, and addressing social issues relating to them. I wish this association well in its work in empowering Chinese women in Australia. I look forward to seeing a continued and expanded role for Chinese women in public life in Melbourne, and I look forward to working with them.

### **Environment: Hastings electorate ministerial visit**

**Mr BURGESS** (Hastings) — I would like to thank the Minister for Environment and Climate Change for visiting the Hastings electorate on 31 October to discuss a number of important local environmental and marine issues. The minister is a very strong advocate for the protection of Victoria's precious natural environment, and his support for my local area is very welcome.

### **Balnarring Picnic Racing Club: grant**

**Mr BURGESS** — On Friday, 2 November I visited the Balnarring Picnic Racing Club to announce a grant of \$7100 to allow the construction of an ambulance and steward's track inside the racecourse. This new track for ambulance and steward vehicles will vastly improve accessibility for ambulance and raceway officials as well as make the racecourse safer for jockeys, horses and racegoers. Picnic racing is a fantastic way to enjoy a day out and Balnarring, with its great facilities and close proximity to Melbourne and the wonderful tourism treasures of the Mornington Peninsula, is the most popular of all Victoria's picnic races. On behalf of the Balnarring Racing Club, I thank the Minister for

Racing for his continued generous support of picnic racing and the Balnarring Racing Club in particular.

### **McHappy Day**

**Mr BURGESS** — On Saturday, 10 November, the Somerville and Hastings McDonald restaurants again participated in McHappy Day, with activities assisting in the raising of valuable funds for Australian families with seriously ill children. I congratulate the staff of both restaurants for taking the time and making the effort to support such a worthy cause.

### **Remembrance Day: Pearcedale**

**Mr BURGESS** — Last Sunday, 11 November, I again had the great honour of laying a wreath at the Pearcedale Remembrance Day service at the Pearcedale public hall to honour and pay tribute to members of the armed forces who have lost their lives in the line of duty. I would like to pass on my thanks to the wonderful organisers of this important event, including Maureen and John Smollen and members of the Pearcedale public hall committee. It was, as always, a service that the community can be very proud of.

### **Cr Amanda Stapledon**

**Mr BURGESS** — I congratulate the new mayor of the City of Casey, Amanda Stapledon.

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

### **Wingate Avenue community centre: achievements**

**Mr MADDEN** (Essendon) — On 29 October I attended the Wingate Avenue community centre annual general meeting where the annual report for 2011–12 was presented, and the report confirmed the fantastic work that takes place at the centre. I congratulate Jan Thorpe, the centre coordinator, and Kathy Anderson, the chairperson. I make special mention of Monica Neon, who helps with language classes and who was named volunteer of the year.

### **Remembrance Day: city of Moonee Valley**

**Mr MADDEN** — On Sunday, 11 November, I attended the Remembrance Day ceremonies held by the City of Moonee Valley in conjunction with the Essendon RSL sub-branch. I congratulate those who continually assist in the delivery of that event, in particular, the Strathmore Secondary College chamber choir, Moonee Valley Brass and in particular

Mr George Denny, the acting president of the Essendon RSL sub-branch.

### **Ukrainian community: Essendon dance concert**

**Mr MADDEN** — On Sunday, 11 November, I also attended Good Morning Verchovyna, the Ukrainian dance concert held at Ukrainian House in Essendon. It was a fantastic event. I understand somewhere in the order of 180 students participate in the dancing, and on this occasion the concert was a great success. It is a great venue, and it is also a great opportunity for members of the Ukrainian community to celebrate their great cultural traditions and particularly to pass them on to the younger generation. I congratulate everybody associated with that event.

### **Banksia Securities: receivership**

**Mr WELLER** (Rodney) — The Rodney electorate has faced a financial and emotional challenge with the recent collapse of Banksia Securities Ltd. The receiver, McGrath Nichol, announced debenture information sessions at Ballarat and Shepparton on Friday, 14 December, and anticipates an early first payment in the range of 10 to 15 cents in the dollar before Christmas. My thoughts have been with the individuals and their families across the Rodney electorate who have been affected by this sudden collapse. However, we must remember that the fundamental economics in Kyabram and the surrounding districts are still sound for individuals and businesses to invest in our region. We have come through the drought, and agricultural production is increasing again.

The Victorian government has responded promptly with the establishment of a government working group to work with those affected by the Banksia collapse. The working group met for the first time last week and announced a series of measures to provide immediate assistance to communities that have been impacted. Initiatives that have been announced include free business mentoring, immediate assistance through the Victorian government Workers in Transition program to Banksia employees who have lost their jobs and on-the-ground help for businesses through mobile business centre visits. The coalition government will also provide support to local hospitals and other community organisations that are organising and providing psychological counselling sessions.

I will continue working with the community and the government task force to support local communities in dealing with the impacts, both immediate and long term, of the Banksia collapse.

### **Hume Global Learning Centre, Craigieburn: funding**

**Mr McGUIRE** (Broadmeadows) — Attitude, education and opportunity largely determine where everyone ends up in life. Coordinated strategies between government, businesses and civil society to invest in these attributes is helping to turn around the fortunes of the people of Broadmeadows, the capital of Melbourne's north and one of the state's economic engine rooms, which by contrast also has the lowest medium income in the state and low education attainment rates and internet connectivity that need to continue to be addressed for the benefit of Victoria.

Therefore I call on the Victorian government to support the global learning village (GLV) model and its expansion, particularly as the Broadmeadows community is on the cusp of delivering its next important evolution of the GLV, a project hailed as Australia's first multiversity. The success of the GLV model means that funding is required to extend the Hume Global Learning Centre to accommodate the multiversity campus and to enhance education and opportunity in Craigieburn and other areas in the city of Hume.

### **Transport: integrated strategy**

**Mr McGUIRE** — I also call on the Victorian government to assist in a coordinated transport strategy, particularly with La Trobe University, which has already developed an integrated strategy that could be adapted. Seed funding is available. The Baillieu government committed \$14.7 million for a government services building in its first budget, but then in a perverse reverse Robin Hood strategy the Minister for Planning took that money out of the area. I call on the government to look at reinvesting that money for education and opportunity, and to make the transport and connection links to connect the people and to connect the disconnected.

### **Multicultural affairs: information seminars**

**Mr KOTSIRAS** (Minister for Multicultural Affairs and Citizenship) — Approximately 200 seminars will be held over the next four years that will provide information to newly arrived migrants and refugees on their rights and responsibilities as citizens of Victoria. Nearly 60 seminars have been held to date, and last week I had the opportunity to meet with some participants who provided me with feedback on the outcomes of the seminars. I attended meetings in Morwell, Werribee, Footscray, Springvale and

Oakleigh, to name but a few. The feedback was very positive and informative.

One participant, a young Sudanese student, was reported in the *Latrobe Valley Express* as having said that the sessions were helpful, especially with regard to obtaining a Victorian drivers licence. She said, 'The sessions on drugs and alcohol and the dangers of it was also really helpful'.

### **Greece-Australia assisted migration agreement: 60th anniversary**

**Mr KOTSIRAS** — I also remind members that next week we will be celebrating the 60th anniversary of the signing of the assisted migration agreement between Greece and Australia. I encourage all members to attend the free concert at the Hellenic Museum, which will highlight and celebrate this event.

### **Cr Jennifer Yang**

**Mr KOTSIRAS** — Finally, I congratulate Cr Jennifer Yang, who was elected as mayor of the City of Manningham. Cr Yang has worked very hard over the last four years as a councillor and deserves to be the elected mayor. I wish her all the best over the next 12 months. She is very committed and hardworking, and I am sure that Manningham City Council will move forward.

### **Dr Subhakanta Behera**

**Ms THOMSON** (Footscray) — I rise to commemorate the life of Dr Subhakanta Behera, the Consul-General of India, who tragically died last week. I was with him only last Monday evening. He was a true gentleman, a truly cultured man and a truly giving man. What he brought to the Indian community here was a very strong notion of what it is to be Indian, what it is to be an Indian in a foreign country and how to share your culture, knowledge and love of country with others. He and his wife were both very grateful for the opportunities they had here in Melbourne to share their Indian culture beyond the Indian community. His wife, Rajshree, is a beautiful classical Indian dancer and was always prepared to demonstrate classical Indian dance at various functions.

Dr Behera was very much a healing force in the Indian community, for which there had been some difficulties. I wish to pay my respects to his wife, Rajshree, and their children on the loss of their husband and father. He is certainly a great loss to the Indian community and a great loss to Victoria.

**Remembrance Day: Springvale War Cemetery**

**Mr ANGUS** (Forest Hill) — I had the pleasure on Remembrance Day last Sunday afternoon to attend the annual state RSL remembrance service at Springvale War Cemetery, together with the Minister for Veterans' Affairs and several other state and federal members of Parliament. I was honoured to lay a wreath on behalf of the residents of the Forest Hill electorate. Once again it was an appropriate tribute to all those men and women who have served in the defence of our country, in particular to those who paid the ultimate price.

**Dr Subhakanta Behera**

**Mr ANGUS** — I note with great sadness the recent sudden passing of the Consul General of India in Melbourne, Dr Subhakanta Behera. I have had the pleasure of meeting Dr Behera on several occasions at various community events since being elected to Parliament. On behalf of the residents of Forest Hill, in particular the Indian members of the community, I express my deepest sympathy to the family, colleagues and friends of Dr Behera.

**Water: Forest Hill electorate ministerial visit**

**Mr ANGUS** — I recently had the pleasure of a visit to the electorate of Forest Hill by the Minister for Water. The minister addressed a public meeting and answered many questions from those present. In particular, the minister was able to explain the consequences of the decisions made by the previous government in relation to the desalination plant and the fact that this will be a financial millstone for all Victorians for the next 27 years. The daily cost of approximately \$2 million, each and every day, equates to approximately an additional \$400 per Victorian household every year for 27 years.

**UnitingCare: East Burwood centre**

**Mr ANGUS** — I recently had the pleasure of attending the annual meeting and presentation night of the Uniting Care East Burwood centre. I congratulate all staff and volunteers involved on another successful year of great work in the community.

**Health: federal funding**

**Mr ANGUS** — The most recent federal government plans to strip more than \$100 million from the Victorian health budget will have a direct impact on Victorians. If this is applied pro rata, Eastern Health's budget will be impacted by \$8.5 million, which will inevitably impact on local services for Forest Hill residents.

**Schools: literacy and numeracy reward funding**

**Ms GRALEY** (Narre Warren South) — The Baillieu government must cease its assault on our education system and immediately hand over federal funding destined for Victorian public schools for achieving benchmarks under the national literacy and numeracy partnership. Fountain Gate Primary School has not only met its targets, it has exceeded them, due to the hard work and commitment of its teachers and students, yet it has received nothing. Jennifer Duggan, the principal, said:

... that the successful project that generated the improved results had to be scrapped, and other cutbacks needed to be put in place ...

She added:

To have significant success in a disadvantaged community and then be let down by the system breeds cynicism and disheartens the teachers who work every day to narrow the gap between the 'haves and have-nots' ...

Kambrya College, Narre Warren South P-12 College, Lyndhurst Secondary College and Fountain Gate Secondary College have also missed out. Students and teachers alike from these wonderful schools have worked very hard to improve their literacy and numeracy, yet instead of being rewarded they have been ripped off by Mr Baillieu. Schools right across Victoria have had their share of \$57.4 million of federal government money pocketed by this shameless government.

Vicki Walters, principal of Fountain Gate Secondary College, told me that she had employed both a numeracy and a literacy coach as she had expected to receive the funding her students and staff had rightfully earned. Unfortunately the funding was withheld and Ms Walters had no choice but to use funds from Fountain Gate's school resource package.

I ask the minister where the money has gone. It is time for the minister to come clean and tell us what the Baillieu government will do with this funding that rightly belongs to our local schools. These schools have worked hard to earn this funding, and they deserve to be rewarded.

**Thelma Mansfield**

**Ms MILLER** (Bentleigh) — My colleagues and I were saddened to hear of the passing of Bentleigh local, Ms Thelma Mansfield, a recipient of the Kingston citizen of the year award in 2010. I was privileged to know Thelma for a few years and found her to be humble and softly spoken. Thelma loved her family and

loved life. She had strong, passionate opinions that she generously shared.

Thelma was a registered nurse for 62 years and was a long-time volunteer for a number of organisations including Kingston Meals on Wheels, the Red Cross, the Salvation Army, SIDS and Kids and the Heart Foundation, just to name a few. Having a nursing background myself, I identified strongly with Thelma in many ways. I have been the beneficiary of her belief and support, not only as I campaigned for the opportunity to serve Bentleigh but throughout my time as the state member for Bentleigh.

Thelma has a wonderfully strong and supportive family. In her 80 years she has raised four children of her own as well as caring for many other children in our community who needed to be housed for various reasons. Thelma's large extended families are her legacy, and they will continue to be a very important part of Bentleigh. I am grateful for her trust and faith in me, as it will continue to serve me well in the future. Thelma will always be in the hearts of her family, the Bentleigh community and Victoria.

### **Dr Subhakanta Behera**

**Ms MILLER** — The Bentleigh community was saddened by the death of Melbourne's Consul General of India, Dr Subhakanta Behera, a fine man, a good friend and an inspirational leader. Dr Behera has made significant contributions to international relations throughout his prestigious and varied career, and we owe him a great debt for his dedication to his role as Melbourne's Consul General of India. Dr Behera's wife, Rajashree, son, Ananya, and daughter, Amruta, will be in our thoughts and prayers. The Victorian Indian community is richer for having had him touch our lives.

### **Gordon Institute of TAFE: funding**

**Mr TREZISE** (Geelong) — Today Geelong workers awoke to the news that Ford is to sack another 70 workers, and thanks to \$14 million being cut by this government, 55 jobs will become redundant at Gordon TAFE. These announcements come on top of the 260 jobs lost at Qantas last week and hundreds earlier in the year. Geelong is in a jobs crisis, and it needs this government and this Premier to do something.

For a start, I call on the Premier to immediately reinstate full funding to the Gordon TAFE so that it can get on with the job of retraining sacked manufacturing workers. It is a disgrace that thanks to this government the very teachers who would be retraining redundant

workers are themselves being made redundant today. This government, this Premier and members such as the mute member for South Barwon stand condemned for the deplorable actions.

The opposition has for 12 months been calling on this do-nothing government to develop and implement a jobs plan that would go a long way towards assisting those who have been sacked and focusing on job opportunities. But of course this government has done absolutely nothing but sit idly by as Geelong jobs go down the gurgler. On behalf of the workers and the people of Geelong I plead with the Premier to actually do something.

### **Nadezhda Russian Senior Citizens Club**

**Mr SOUTHWICK** (Caulfield) — It was a pleasure to visit the Nadezhda Russian Senior Citizens Club last week when it held its annual general meeting, and I am pleased to report that all board members were reappointed. Congratulations to Lidya Sumtsova, president, and Larisa Pasika, the public officer. This group does a fantastic job, and at that event I was pleased to present awards to some 40 volunteers in the organisation. Great music concerts, great food and great activities are all part of the Nadezhda Russian Senior Citizens Club.

### **Jewish Community Council of Victoria: volunteer awards**

**Mr SOUTHWICK** — Volunteers play such an important role and earlier this week it was great to honour a number within my community at the Jewish Community Council of Victoria (JCCV) community recognition awards. These awards recognise people who go above and beyond the cause for their community. Apart from the financial benefit to society, volunteerism also provides benefits to those who volunteer and organisations that they volunteer for.

I would like to congratulate Randi Grose, Hilary McMahon, Joel Bassat and JCCV for organising a great awards night and Alan Finkel of Monash University for hosting it. I would especially like to congratulate Anton Block, who received the highest honour, the General Sir John Monash Award, and other winners. Anton has been volunteering for about 20 years. I would also like to recognise a number of others who received awards on that evening, including Henry Greener from *The Shtick*, who runs a great program each week; Maccabi Victoria's Ricky Diamond; Zionist Council of Victoria's Danny Lamm; Victorian Association of Jewish Ex-Servicemen and Women's Judy Landau; the Melbourne Hebrew Congregation; Marion Jacobson;

the Australasian Union of Jewish Students Victoria's Leya Shnider; Access's Felicia Batten; the Australian Jewish Historical Society's Malcolm Fredman; and all other volunteers

### **1st Alphington scout group: hall upgrade**

**Ms RICHARDSON** (Northcote) — I would like to take this opportunity to congratulate the members of the 1st Alphington scouts group on achieving the upgrade of its hall in Adams Street, Alphington. Significant works were undertaken there. In the context of closures of scouts and guides halls around the state, the group faced a tremendous obstacle in ensuring that it could upgrade this facility in Alphington. In fact, in Fairfield the local hall, which was on VicTrack land, was closed, which was a big loss for the community and for guides and scouts in my electorate.

To undertake these works, the group raised significant funds across the community. It also worked with the Alphington community centre and received funds from the state government and the scouting organisations. As I said, significant works were undertaken. Volunteers across the community stepped up and contributed to the works that were needed there. Geoff Glynn and a number of other scout leaders coordinated the efforts and called in the community across the board to make sure that in the future scouts would have a home in Alphington and across Fairfield and Northcote.

The celebrations are set to continue, with significant works to be undertaken in the future. I look forward to joining with the club in those celebrations when the time comes.

## **CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) AMENDMENT BILL 2012**

*Second reading*

### **Debate resumed from 13 November; motion of Mr CLARK (Attorney-General).**

**Mrs FYFFE** (Evelyn) — I rise to speak on the Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2012. This bill amends the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995. It introduces a new R 18+ classification rating for computer games. Amendments made by the bill also provide exemptions for law enforcement agents in transmitting child pornography and other illicit material for work purposes.

The commonwealth government is responsible for the regulation of films and computer games under an agreement under the Standing Council on Law and Justice of the Council of Australian Governments. As such all state and territory attorneys-general or other ministers designated to handle censorship matters must agree to any change to classifications. This bill is complementary to the commonwealth legislation that was assented to in July. The Classification Board is a commonwealth government authority that administers the national classification scheme.

The changes introduce an R 18+ classification to deal with computer games that are graphic, that show frequent and gratuitous violence or explicit sex or have offensive content. Such games are currently refused classification. They are lifelike and interactive and nothing appears to be left to the imagination. I would like to quote from the website of the federal Minister for Home Affairs and Minister for Justice, Jason Clare, which states:

The reforms bring the classification categories for computer games into line with existing categories used to classify films. It also makes the Australian classification regime more consistent with international standards.

I realise that I am probably out of step with a lot of other people, but I think to bring this in is more consistent with lowering our standards, not with bringing them into line. But as I said, I believe I am an odd voice in this.

There were 60 000 submissions and three rounds of consultation regarding this legislation and the changes. In her contribution the member for Altona said that the average age of gamers is 32 and that 40 per cent of those who play computer games are women. She did not say the women play these violent games, but one could assume that they are included. The Minister for Innovation, Services and Small Business referred to computer games being a \$60 billion industry around the world.

I accept that computer games are very much part of our lives, and I know that my own family members roll their eyes when I harp and refer back to the good old days or to things that I might consider better. But how much better it was for them when our young people used their imaginations, when they did not have explicit violence thrust into their faces and when, if in a film there was a fight and someone was thumped, you would see the gap and the blow not actually making contact. You did not see the blood and the gore that we see now in films, on television, in books and on these computer games. You did not see violent sex; you saw a moment of soft focus, soft music and a tender touch

as a couple might retire to a bedroom — it was left to your imagination. But these games are so explicit that I really despair that we are turning something that to me is abhorrent and exceptional into the norm. But we have no choice. We have to agree to this legislation; it is part of the deal. But as I say, I really think we are lowering our standards in meeting international legislation requirements.

Currently all films screened in Australia are categorised into one of seven classifications: G stands for general viewing, suitable for everyone; PG stands for parental guidance, where parental guidance is recommended to persons under 15; M stands for mature, not recommended for persons under 15; MA 15+ stands for mature accompanied, unsuitable for persons under 15; R 18+ stands for restricted, unsuitable for persons under 18; X 18+ stands for explicit restricted, unsuitable for persons under 18 due to sexual activity; and RC stands for refused classification, banned in Australia. I understand from what I have read and from conversations I have had that some of these games have been getting into Australia with slight tweaking to make them fit into a lower rating, and this new rating will mean that the complete game can be brought into this country but with the restricted classification on it.

I think of the explicit notices we now have on cigarette packets. Perhaps we should also have explicit warnings for parents on every computer game, but we know the reality is that not every parent polices what their child watches. We know that any entrepreneurial young person will access things that, notionally, by law they are banned from watching. We know that older brothers and sisters and older friends will pass on things for a young person to view or to read and give them information that they should not have.

I am not going to spend any longer speaking on this. I just want to go on record expressing my disappointment that we are complying with international standards and lowering our own standards. We are forced into this. We have to follow it through, but how disappointed I am that we are not treating seriously the effects that these types of games have on young, impressionable minds and how they can adversely affect someone who may not be as mentally strong as we would wish.

**Ms HALFPENNY** (Thomastown) — I rise to speak on the Classification (Publications, Films, and Computer Games) (Enforcement) Amendment Bill 2012. As has previously been stated, Labor is not opposing this bill. There are two main amendments in this bill that have the effect of, firstly, amending the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 to include an R 18+

rating for computer games. This will allow the sale, hire and distribution to adults of games of a rating above the current legislation or system, which only goes to the M 15+ rating. There will also be penalties for non-compliance with the rating system.

A further amendment to the act provides an exemption to allow law enforcement agencies to electronically transmit illegal material that has been seized, such as child pornography, in order for it to be shared amongst intelligence databases. In a sense, this legislation will help to develop our legal system over time because it reflects changes in technology and changes in our society. It is important that we consistently change our laws to make sure we have a modern legal system that fits in with the modern-day world.

I would like to speak a little bit further on the introduction of the R 18+ classification for computer games. This classification is designed to complement and align Victorian legislation with recent changes nationally, including changes to the Australian national classification scheme, and to better align them with international standards. We know that societies, economies and systems are becoming much more integrated into the global world. It is not possible for countries to be isolated and inward looking; they also have to introduce legislation and work within the context of that global world.

The commonwealth legislation outlines the role of the Classification Board, which is responsible for the classification of computer games, films and other publications. The national Classification Review Board is separate to that; it reviews the decisions of the Classification Board. Both are statutory bodies. The Classification Board makes decisions based on the guidelines outlined in the commonwealth legislation. These guidelines exist to ensure that consumers of computer games have legal access to games that are appropriate to their age group and fall within proper classifications so that consumers are provided with greater knowledge about them.

At this point, game trading in Australia is only allowable up to the level of the MA 15+ rating for games, and in effect there is no classification for games that contain material that is considered to be not suitable for the MA 15+ classification. We have been told by the gaming sector and others that this has created a lot of uncertainty. I understand that consumers and game traders are very passionate about the need for an R 18+ rating. I have experience of those passionate views. If you go to EB Games and raise this issue with the people who work there, they are very animated and frustrated about it. Some believe that the R 18+ rating

will provide better certainty; currently some games have slipped into the MA 15+ classification even though they are not suitable for that category, because there is no higher classification. Their argument is that the R 18+ classification will better protect minors from objectionable material, because some games that might have received an MA 15+ classification will receive an R 18+ classification.

The bill restricts advertising of R 18+ computer games to those who are over 18 years and makes it illegal for a person to demonstrate an R 18+ restricted computer game in a public place, except where it has been made clear that it is an R 18+ classified game and that entry to the place is restricted to people over 18 years. As I have said, the introduction of the R 18+ classification will mean that games will be more appropriately classified than they have been in the past.

The opposition would like to remind the government to think carefully about how it enforces these changes to ensure that there is proper awareness in terms of advertising and the transmission of games in this higher classification. We hope the government will ensure that there is proper protection of people under 18 years so they are not exposed to these games. There are people under the age of 18 years working in game shops, and of course they are working in areas where the R 18+ classified games are available.

The second major aim of the bill is to exempt legal enforcement agencies from the law that prohibits the transmission of illegal or prohibited material. It is important that legal enforcement agencies are able to share their intelligence and information, and this requires the transmission of illegal, seized or confiscated material to various intelligence agencies throughout Australia and the world. Law enforcement agencies need to be able to do that within the terms of the law, and this second part of the bill exempts those agencies from penalties for such transmission of prohibited material.

In terms of both aspects of these amendments it is important not only to have these laws but also to make sure that steps are taken to ensure that people are aware of them, to make sure that they are introduced in a very consistent way so that the public — the consumers and retailers who are dealing with these games — know what is required of them, and to make sure they are enforced. That does not mean just passing the legislation; it also means setting up the procedures and systems to regulate it, and it means educating people and providing the proper enforcement to ensure that they are abiding by the laws.

**Mrs BAUER (Carrum)** — It is my great pleasure to make a contribution to debate on the Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2012. The purpose of this bill is to amend the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 to provide for offences relating to computer games with an R 18+ classification. The bill also establishes penalties for offences relating to computer games with an R 18+ classification and provides for an exemption for law enforcement personnel and other authorised persons from certain offences under that act.

In my contribution I will focus on the classification element of the bill. It is certainly an important bill. It is sensible legislation, which will be well supported and welcomed by members of the Carrum electorate and the wider Victorian community. I commend the minister for introducing this necessary common-sense legislation, which will affect not only gamers but also businesses, families, children and adolescents. The bill will be an important tool for parents with children or adolescents who are hooked on playing computer games. It will also protect minors. I am pleased to see that the computer and gaming industries support the amendments in this bill.

We have heard previous speakers mention that the Classification Board is in control of classification. Currently we have classifications of G, PG, M and MA 15+. Now we will also have the R 18+ classification. The board will also have the capacity not to classify a game. If a game is too graphic, classification can be refused. I think this is sensible.

We have come a long way since the computer games of our childhoods and adolescent years. Video games did not arrive on the scene until the late 1970s. I spent my childhood before the introduction of computer games tadpoling, bike riding, horseriding and collecting swap cards. That is how I spent the majority of my childhood and adolescent years until I discovered computer games. The first games that I recall were the Atari games, and of course Atari started creating other video games. At the end of the decade I discovered Space Invaders, which went on to become very popular. While my parents tried to encourage me to get outdoors, and I did spend most of my childhood outdoors, I have to admit that I did indulge in the odd video game. Fast forward to 2012, and we are now surrounded by PlayStations, PS3s, Xbox 360s, Nintendo Wiis and DSs and PSPs.

Currently, the maximum classification for computer games is MA 15+, which means that the material is unsuitable for persons under the age of 15 years. If a

computer game is deemed unsuitable for classification under the MA 15+ category, it is refused classification and cannot be sold in Australia. What we have seen happening is that producers of computer games try to get games that are closer in content to an R rating passed as MA 15+. They have been trying to get away with tweaking the content so it will pass as MA 15+. The introduction of the R 18+ rating will help parents and consumers make more informed decisions about what is appropriate.

We have heard in the contributions of the member for Prahran and the Minister for Innovation, Services and Small Business that gaming is a growing industry. An increasing number of Victorian businesses are producing and developing computer games. There is also an increase in the number of students graduating from gaming industry courses, and we look forward to the Penny Arcade Expo and conference in 2013, which will draw delegates from all over the world. This is a real coup for Melbourne. It is a great event for our city, because gaming is certainly a growing industry, not just in Victoria but worldwide. We also heard in previous contributions that the average age of a gamer is 32. This R 18+ classification will not only allow parents to have greater choice but it will have flow-on benefits for Victorian businesses and industries, which will be able to compete internationally in the adult market. Until now this has not been possible. Gamers will also be able to make better and more well informed and educated decisions.

Classifications will become more controlled, in terms of the content allowed in the MA 15+ category. That will result in many computer games being adequately classified as R 18+ instead of MA 15+. Guidelines will ensure that if games have extreme or inappropriate content and graphic violence then they will fail to be classified and will not be sold in Australia. This is certainly good. Computer games are currently classified on the basis of six different distinct areas of their content, including themes, violence, sex, language, drug use and nudity. This bill restricts not only the selling of R 18+ computer games to adults but also the advertising element of R 18+ computer games.

I have four teenage sons, so I know about the popularity of computer games. Some children can spend hours at a time during the day playing computer games. I like to encourage my boys to focus on sport and outdoor activities, but occasionally the lure of Nintendo or Xbox is irresistible. I sometimes find them playing computer games. Within their circles of friends it is increasingly becoming more popular. I have noticed a real shift in relation to the span of activity time spent on computer games in relation to my eldest son, who is 18,

and my youngest, who is approaching 12 years of age. Younger children spend a lot more time in front of computer games. I really welcome classification and the changes this bill will make.

In the space of time between the generations of my eldest son and youngest son I have seen the visuals and content of computer games becoming increasingly violent. From time to time my sons will invite me to sit in front of Nintendo or Xbox and play a game with them. I obviously try to restrict the games we have. Some of the games are not for the faint hearted. I am not a person who likes graphics of blood and gore.

I believe the negative effects of watching violent video games are still unknown. It is important to protect minors from this type of material by introducing the classification in the bill. We have heard from previous speakers on this bill and the media that violent crimes can be linked to video games. This is still an untested and unproven theory. There is quite wide-ranging evidence for concern; there have been cases at the state and international levels where this has been the case.

Watching violent computer games can potentially have behavioural effects on minors, which can include raised aggression levels involving thoughts, feelings, behaviour and violence. The concern is that minors may not be able to distinguish between fantasy and reality and can often become desensitised.

For this very reason and because of the content of what I have said, I believe it is imperative and essential to implement the new R 18+ classification of computer games. It is a terrific move. I commend the minister for this common-sense and sensible legislation. I thank him for his leadership. I commend the bill to the house.

**Mr NARDELLA** (Melton) — I rise to support the bill before the house. The bill is about common sense and trying to keep up with what is happening out in the real world, especially nowadays when you can download a lot of games from the internet. You do not need to get a licence, get the okay from Mum or Dad or do any of that type of stuff; you just need to know where to go to get games, which can be classified R 18+. The games can be very violent or discriminatory. The games may have a lot of things in them that you, Speaker, and I would not agree with. It is easier to do this nowadays.

A lot of games now, especially with the lead-up to Christmas, are purchased as Christmas presents for not only young people but adults. As other honourable members have said during this debate, people who play computer games are in their 30s on average. A lot of

people get computer games, amongst other things, in their Christmas stocking.

Young people play these games and need to be protected. There needs to be classification. There is classification on a lot of other things, including publications, DVDs, movies and shows. It is a guide. In a lot of instances it is a guide for parents for the protection of their kids. We need to keep on protecting our children.

My stepchildren and grandkids play computer games all the time. Some games that they play are quite violent; games that are presently classified are quite violent. Grace, for example, loves *Skyrim*. I cannot really get into it, because it is just about hacking and chopping monsters and things up. You can collect coins, you can graduate up the scale, you can play against your friends over the internet and do all those types of things. But this legislation is about protecting people who should not have access to those games. Responsible sellers in shops that sell games do the right thing and do not sell R 18+ games to young people who should not have access to them.

My son-in-law, Shaun, and I started playing computer games on an old Commodore 64, which had tape drives and little cassettes. For people who do not understand tape drives, you would stick the cassette in and it would whirr as it loaded the game up; 5 minutes later you could play the first 3 minutes of the game. After the Commodore 64 we upgraded to the massive Commodore 128, which had 128 megabytes of memory, and was — —

**Mr O'Brien** — Kilobytes.

**Mr NARDELLA** — Sorry; yes, kilobytes of memory, but it came with the revolutionary 5.25-inch floppy disk. The whirring went on for a slightly less amount of time, but every time you got to the end of the chapter the machine would stop and everything would freeze — whirr, whirr, whirr — and then you would move to the next chapter, level or whatever.

From those days, we now have very sophisticated games which can be downloaded from the internet. Kids and young people go to various stores where there are consoles and they can play against each other, and the level of sophistication is much greater than we experienced 25-odd years ago. In terms of human history, that is not a long time, considering that we now have the ability to store these games not on floppy disks but on USB (universal serial bus) drives and other media. We now talk about terabytes and storage units with 3 terabytes of capacity and which are portable.

The classification of publications, films and computer games is important to protect our society and to protect the young people who can access these programs. On that basis, I support the bill before the house.

**Mr GIDLEY** (Mount Waverley) — I rise to make a contribution to the debate on the Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2012. I will focus my contribution on the introduction of the additional R 18+ classification, the exemptions which are provided to relevant bodies so they can undertake their important work — such as police and other law enforcement agencies — and what would happen if Victoria were not to follow the other states and introduce the separate R 18+ classification which has not existed until now.

I do not intend to get into a debate about classifications in themselves, because that is a debate for another day — there is a range of views about what is appropriate and inappropriate material in different classification levels — however, as I said, Victoria is moving to introduce an R 18+ classification, which will be consistent with legislation in other states around Australia. This classification will ensure that when someone seeks to purchase a game in another state, such as New South Wales, Tasmania or South Australia, that game will have the same classification as it has in Victoria. As I said, this measure will ensure that we do not have the cross-border problems that could occur if Victoria were not to go down this path. We will not have a situation where there are problems because the rest of Australia has an R 18+ classification and Victoria does not; there would be some challenges if we do not move to include the new classification.

In addition, as has already been indicated, there is a variety of ways to gain access to gaming. Whether that is via the internet, through file sharing or by other means, the concept of Victoria not following the other states in terms of the introduction of an R 18+ classification is problematic, and that is being generous. In that context, the introduction of the new classification will ensure consistency with other states and ensure that wherever a game may be obtained it has an appropriate level of classification, and an R 18+ classification is better than the alternative. As I said, for me it is not a debate about what is appropriate content in the R 18+ classification itself; my contribution is focused on the practicalities of Victoria not acting in that regard.

What will this R 18+ classification include? The changes will limit access, including the sale, hire and demonstration of R 18+ computer games to persons aged 18 years and over. It will limit by regulation the

advertising of R 18+ computer games to circumstances where the audience is comprised of adults. A good example of that is that there will not be an advertisement for an R 18+ game in circumstances such as previews to the screening of a children's movie. That is a good and sensible measure, because it recognises that something classified as R 18+ in a game should not be promoted to those who are not able to access that product because of its classification. That is a good measure, and I commend the minister in particular for looking at the advertising and not just at the access to the particular product.

I note the bill also amends the definitions of references to computer games to include games that are classified or likely to be classified as R 18+. Importantly, by passing this legislation today at a later stage, this house will acknowledge that the existing penalties for those who breach their duties — for example, by showing restricted content or seeking to show R 18+ material to an audience for whom it is completely inappropriate — will be substantially increased, and it is a very good thing indeed that that occurs.

Importantly, I note that the material under the restricted classification has not been diluted, so we have not run the risk with this bill of having a dilution of what the restricted classification is simply through the introduction of an R 18+ rating. That is important because the restricted classification includes material containing an excessive level of graphic, frequent and gratuitous violence, to name just a few of its criteria. I certainly welcome the fact that that classification has not been diluted, because it is appropriate that material which contains excessive levels of graphic, frequent and gratuitous violence is not made available. As I have said, I am not focusing my contribution primarily on views on censorship; that is a debate for another time. Indeed, as I indicated, if Victoria did not act to undertake the proposals here, we would have those problematic issues as well as jurisdictional issues.

As noted at the approval of principle stage, the penalty for the offence relating to the private demonstration of a refused classification computer game in the presence of a minor is increased from 20 penalty units to 240 penalty units and two years imprisonment. That is a significant penalty increase. As I said, in my view it is appropriate that there is a substantial increase, because if material has been refused classification — and I state again that that may include material that contains excessive levels of graphic, frequent and gratuitous violence — it is just inappropriate that that be available to be viewed or demonstrated in the presence of a minor. There can be no debate about that; it is just inappropriate. The reason it is inappropriate is that it

has the potential to have an adverse impact on young evolving minds. There is a range of very extensive and detailed research that supports that view. That is a sensible amendment to the penalties that takes into account the reality that young impressionable minds should not have access to refused classification material — and, in addition, neither should others. That penalty increase is welcome.

In addition to that, I note that the bill also inserts a law enforcement exemption to certain offences in Victoria's Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 to enable Victoria Police to securely transmit child exploitation material for the purpose of contributing to national databases designed to improve collaboration and information sharing between jurisdictions. That is a sensible part of this bill, because some of the graphic material that unfortunately is transacted over the internet falls into the category of being completely inappropriate for viewing by anybody. We in this Parliament and in this government need to do every single thing we possibly can to ensure that it is as hard as possible for people to access information and material that includes child exploitation and other things which are against the law; there is no question about that.

In addition to that it is important to send a signal to the community that those law enforcement officers who are undertaking that very difficult task of looking at material which is completely inappropriate, including child exploitation, and seeking to hunt down and bring the full weight of the law against those who engage in the distribution or the viewing of that material are supported. One way we can support them in their good work is by ensuring that there is certainty in relation to their exemption from aspects of this bill. Not only will that give them the certainty they need to do the fine work, the very important work, which they are doing but it will also send a message of support. With that in mind, I commend the bill to the house.

**Mr BULL** (Gippsland East) — I rise to make a contribution to debate on the Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2012. When I was growing up, in my generation computer games were generally only played by children and younger adolescents, and almost all were basically designed for that audience. It was interesting to hear the member for Melton recount his experiences growing up with computer games. With the greatest of respect to the member for Melton, my history of playing computer games does not go back quite that far. I was generally confined to the likes of *Space Invaders*, *Pac-Man* and that type of thing. But the general thrust of his

contribution related to the fact that most of these games were designed for children and adolescents, and that was certainly the case when I was growing up.

Over time, as has been pointed out by previous speakers, we have certainly seen significant generational change. These days we have a much larger and continually growing contingent of adult gamers. Accordingly we have products targeting adult gamers. It was interesting to hear from the member for Carrum that the average age of our gamers is now 32 years, which certainly would not have been the case a decade ago or a couple of decades ago. This bill makes amendments to the act to implement the decision of participating ministers in the national classification scheme to introduce a new R 18+ rating for computer games in Australia.

There is one area I would like to touch on that to the best of my knowledge has not been covered by other speakers, and that is the impact of exposure to computer games and gaming on young people with special needs. We have a number of children, adolescents and people of all ages with autism spectrum disorder, to name just one, who have an extremely strong penchant for gaming that almost borders on an obsession. I have one of those in my own family. They learn their life skills and a lot of their social skills from electronic games and gaming. What they pick up, modelled on these often very graphic computer games, has a big bearing on their lives. Therefore it is important that we have accurate and appropriately recognisable ratings in place, not just for the users but also for their parents and family members and their other carers.

I support the introduction of the new classification because it appropriately recognises the shift in the audience demographic. It also creates policy consistency with the availability of adult films and publications and paints a much clearer picture for society in general. As we have heard from previous speakers, it certainly complements the commonwealth legislation, which establishes this new category. Under the current national scheme, computer games can receive a maximum classification of MA 15+ in order to be lawfully available in Australia. That classification relates to games being unsuitable for children under 15 years of age, but it is a quite restrictive classification in some aspects. If a computer game contains content that exceeds what is permissible within this category, it is simply refused classification.

The issue of whether to create an additional higher level classification — the R 18+ classification — has been under consideration for some time in the

commonwealth and various state jurisdictions. As a result of changes in game content, changing player demographics and clear changes in community standards, as has been mentioned by previous speakers, the issue has attracted a lot of debate and requires careful consideration. We need an appropriate balance between allowing the introduction of this new classification and continuing to provide appropriate protections for our children, for those with special needs, who as I have said have this penchant for computer games, and also for those who can be adversely affected by these types of games. We are talking about material that contains frequent graphic violence.

Increased restrictions on the content permissible in the MA 15+ category arising from the development of new guidelines for computer games classification will see many computer games with a high violence content more appropriately classified as coming within the new R 18+ category. These guidelines will also ensure that computer games which have extreme violence in their content or very offensive content will continue to be refused classification. That is a very important point to make. Such games will remain illegal to sell and also to demonstrate or advertise.

The availability of an adult classification will also reduce the existing industry practice of modifying computer games with a high violence content. In the past for many of these which have been subject to an adult classification in overseas jurisdictions there has been a requirement to reform the content in line with what is acceptable with the classifications in Australia. The provisions of this bill limit access to R 18+ computer games, including the sale, hire and demonstration of such games, to adults and establishes penalties for non-compliance. The bill also restricts the advertising of such games to adult audiences only. It also updates a number of definitions and references to reflect the existence of an R 18+ classification for computer games.

The other important component is that the bill confirms this state's participation in important national efforts to improve the enforcement of child exploitation offences. This is clearly a very sensible reform that recognises that in enforcing child pornography laws, enforcement bodies are required to handle and share material, which has not been recognised in legislation in the past.

This is a common-sense bill. I reinforce that I think it is very important for people with special needs, who have an obsession with computer games, for their families and for their carers that we provide a more accurate description of the classifications of these games. I think

the changes will more accurately reflect the content of the games. They will open people's eyes to the activities some children and adolescents are engaging in that has a significant impact on them because of what they are exposed to as role models for appropriate and inappropriate behaviour in society. Having reinforced that point, I have great pleasure in commending the bill to the house.

**Debate adjourned on motion of Mr KATOS (South Barwon).**

**Debate adjourned until later this day.**

## POLICE REGULATION AMENDMENT BILL 2012

*Second reading*

**Debate resumed from 13 November; motion of Mr RYAN (Minister for Police and Emergency Services).**

**Ms BEATTIE** (Yuroke) — It gives me great pleasure to rise to speak in the debate on the Police Regulation Amendment Bill 2012. Labor does not oppose this bill. This bill is supported by Victoria Police and the Police Association of Victoria, and it reflects the conditions of a memorandum of understanding signed by both parties during the enterprise bargaining negotiations in 2011. We support the bill because in 2008 the Brumby Labor government sought to modernise the misconduct performance and employment functions of Victoria Police in the Police Regulation Amendment Bill 2008. That was opposed very strongly by the coalition at that stage; indeed it was defeated in the Legislative Council, with the help of the coalition's great friends the Greens.

I would like to remind the house of some of the statements that were made at that time. I refer to what was said in debate in the other place by Mrs Peulich, a member for South Eastern Metropolitan Region. She said:

When this provision was aired initially there were concerns that the ability of the chief commissioner to almost arbitrarily dismiss a police officer would risk the development of a subservient culture that might facilitate the development of corruption in future. All power corrupts and absolute power corrupts absolutely. That is why the opposition felt the police commissioner having such unfettered power was unreasonable and certainly in breach of the government's human rights charter.

That was Mrs Inga Peulich on 14 October 2009, so there has been a great backflip on this. We know there were a lot of events that intervened in the meantime in

the police force, and certainly in the police minister's office there were a lot of events at that stage. One of my local constituents, Mr Tristan Weston, was involved in that. I have not heard from Mr Weston since. I am not sure of his current employment status.

**The DEPUTY SPEAKER** — Order! On the legislation.

**Ms BEATTIE** — Indeed, on the legislation, this bill will establish new police regulations and a new Police Registration and Services Board. It will introduce registration of Victoria Police members. It will make some productivity reforms to tighten the appealing of promotions and hopefully prevent any misuse; allow a chief commissioner to demote or dismiss a member who is incapacitated; and remove the ability of a chief commissioner to demote or dismiss on the grounds of no confidence or integrity.

I want to go to the Police Registration and Services Board. Currently the situation is that if a member is aggrieved by another member's promotion, they may appeal to the Police Appeals Board. A member may also have the board review their own transfer or their own demotion or dismissal. Currently there is no function to register police officers at a certain seniority if they take leave or retire. If those officers attempt to re-enter the force, they would have to do so at a lesser seniority and may have to undertake further training.

The bill establishes the Police Registration and Services Board to replace the current appeals board. The new board will serve a tripartite function. Two divisions are new and one already exists. I want to talk about the registration division. That will introduce a police profession register to allow a former member or a member on leave to return to Victoria Police at their pre-existing seniority — that is, on a lateral level — and that is a really a good thing. If somebody has kept up their skills and qualifications and wishes to return to fill gaps when they are needed — perhaps there are big events coming up like the Australian Open tennis or something like that. I do not see many new events coming into Victoria. It seems as though we have had a bit of a lag with new events coming into Victoria.

However, I will refer to the Australian Open and perhaps the grand prix, where the police may need reinforcements, so officers can come in on a short-term basis or a contract basis and return to that seniority level, and that is a really good thing. It may help stem the flow of people leaving the police force for all time. In most professions now we want to retain certain skills, and if people decide, for whatever reason, that they should leave, I think it is a really good thing for

them to be able to come back at the level they are at, provided they have maintained their qualifications and their skills. It goes to the core of good values too. Currently the chief commissioner has the authority to approve that entry, and with this bill the board will provide advice to the chief commissioner about the character and skills of those seeking to re-enter and will recommend a decision. That would seem to me to be a good thing.

The professional standards division will provide advice on standards of competency, education and training. The board will have a president and each division will be led by a deputy president. Currently the board membership will be open to current and former police officers and is subject to some quotas for academics and members of the legal profession. There will be no requirement that the police commissioner accept a decision of any division.

I want to talk about some of the productivity reforms. Currently the police are in the process of promotions and appeals and transfers. This process can be a bit sensitive to misuse; I certainly make no allegations of misuse, but it can be sensitive to misuse. I will not go down that track at all, because I do not have specific examples and I think it would be the wrong thing to do to just fling hypotheticals around about that. To improve the efficiency of promotions, appeals and transfers, the bill will prevent additional documents being lodged unless it is in exceptional circumstances. We all know that submitting reams of documentation that must be fully reviewed can hold up the process for appeals against transfer and promotional decisions for between 4 and 12 months per member. Again the provision will restrict the time taken for appeals to be finalised.

All in all, this is a good bill. It could have been passed in 2008, but as I said earlier in the piece, it was not passed by the upper house at that time. However, Labor supports this bill. I hope that when we come to consider the future of Victoria Police we choose integrity over efficiency, because we have seen a \$65 million cut to funding for the police force. I hope that money is put back in. I know there will be howls from those opposite that they had to rein in the money, but I am not sure which part of a AAA credit rating the government does not understand. Victoria has a AAA credit rating in place, which was there under Labor. I commend the bill to the house.

**Mr BATTIN** (Gembrook) — I rise to support the Police Regulation Amendment Bill 2012. The reason I support this bill today is that it is a common-sense bill. It is about productivity and it is about ensuring that

Victoria Police gets on with the job. One aspect of the enterprise bargaining agreement (EBA) reached with Victoria Police in 2011 was the safety of police members and ensuring that they have the best opportunity to progress their careers and they have a target for where they are going. The focus of the agreement was not just on productivity, it also focused on the conditions of police members who work night shifts.

For the benefit of members, under the old system in Victoria Police a police officer would work seven nights on a night shift. They would finish work at 7.00 a.m. on a Sunday morning and be required to be back at work at 3.00 p.m. on the same day. They would finish at 11.00 p.m. that night and be back at work for an afternoon shift the following day. That afternoon shift would finish at 11.00 p.m. on the Monday, and the police officer would be back at work at 7.00 a.m. on the Tuesday morning. This meant that they had two shifts within a very short period of time with an 8-hour changeover.

That 8-hour changeover was difficult, particularly when it occurred on Sundays, a time when the highest rates of domestic violence occur. Domestic violence is one of the most volatile situations for a police officer to go into, and when that officer goes in tired after working a full night shift, generally with minimum sleep, it places them in a position of higher danger. This was also a focus of the EBA; it was about changing the system and patterns of work of Victoria Police members to ensure their safety.

In her contribution the member for Yuroke spoke about bringing in members on the professional list to work at major events. Why would you want to bring in members from other areas or former members of the police force just for set events? The grand prix is a prime example, in that there is a need for a high intake of police for that event. There are other examples, such as Moomba. A family event like Moomba is fantastic during the day, because there are not many dramas during the day, but at night it is a different world in Melbourne during Moomba. In the past there have been incidents in Melbourne, there has been a rise in violence and there has been a rise in the number of people drinking in the streets. There is a need for extra police and a security presence to ensure the safety of the members of the community who come in for a good time. During Moomba 95 per cent of the people who come into Melbourne are families wanting to see the fireworks and to see Melbourne at its best. However, there is a small element that comes in and likes to cause trouble. It is important that there are the police numbers

there to protect the people who come in for a genuinely good time.

When those extra police numbers come into Melbourne you have to ask: where are they coming from? I cover the electorate of Gembrook. I am lucky; I have police stations at Warburton, Yarra Junction, Emerald and Pakenham, and Emerald is about to become a 24-hour police station. When extra police are required in Melbourne for a major event they are brought in on their rostered days, not on their days off and not on overtime. They come in from other Melbourne areas, other Melbourne stations and rural stations. They are taken out of the areas where they are required to fill the gap in the city or at any other major event venue to ensure safety in that area.

This can extend down to Phillip Island for the MotoGP, which is a fantastic event for Victoria. However, Phillip Island does not normally have 20 000, 30 000 or up to 60 000 people on any one day in one area at one time, and the Phillip Island police station is not exactly a metropolitan police station as far as numbers are concerned. Therefore police are brought in from other areas on voluntary duty; they volunteer to do overtime and are paid the standard rate of pay, but they work in their own time. Again it puts pressure on these officers at home and back at their own station when they are working extra days in a week and then returning to their own environment.

I volunteered for duty plenty of times at Phillip Island because it was a great opportunity to go down there and see the MotoGP. However, the reality was that you were down there because there was a large influx of people and, believe it or not, a large influx of alcohol and that mix resulted in incidents. On the whole the behaviour of the crowd is very good at these events, but again it comes down to small elements within that community or at those events which cause problems for the majority who are there. On one occasion someone decided to drive a car through the crowd at Phillip Island. The police numbers are required to get the job done.

So I very much support the idea of having professional police to call on when we have events in Melbourne. It will help to continue our growth as one of the most liveable cities in the world, because they will be available, on call, when we need them.

The other section in the bill I want to focus on is in relation to the Police Appeals Board, which will become the Police Registration and Services Board. The problem with the current promotion and appeals system in Victoria Police comes down to the time it

takes once an appeal is lodged until a decision is made. Also people can appeal as many times they wish to — not for the same position but for various positions over the years. I am pleased that there will be a restriction on how many times a member can appeal in any given year.

As I said, the time it takes for an appeal to be resolved is an issue because of its impact on productivity. Many people work just on that appeal. But the appeals process puts pressure on the people who either have the position or are appealing an appointment to the position. When you put in an appeal or someone gets a position — for example, you are a senior constable and you get the opportunity for promotion to sergeant at your local station and you are staying at the same station — you go through a period of delay while you are waiting for the result of your appeal. This puts pressure on you and can cause problems within a police station because of the angst that is generated. Some staff agree with the appeal, some do not, some think you should have got the position, some think you should not have got it. An environment of angst is created within that station, and that in itself can affect productivity in the police force in Victoria.

I have seen prime examples of that happening. You see some people who are very well qualified and their promotion has been appealed, not on the basis that they were not qualified for the position but on the basis that they have not been there long enough so they do not deserve that promotion. That is the mentality. The applicant goes through the appeal process, and again the pressure is put on them straightaway. I could honestly say that the productivity of that person — the way they work and the way they operate at their station — is affected over the following weeks.

I have four police stations in my Gembrook electorate. They are located at Warburton, Yarra Junction, Emerald and Pakenham, and they do a fantastic job. I note that the Deputy Speaker, who is in the chair, used to have the Warburton and Yarra Junction area in her electorate. She understands how police in the communities up there operate. They work in a remote area and sometimes have to travel long distances to get to jobs. They deal with all levels of the community and do a great job in the north of my electorate. They deal with any crime that is committed up there. If there is any angst at all because of an appeal process in a country station which might have only five staff, that has an effect not only on that station but on the entire community because of the way the station operates.

I am very glad to support this bill to ensure that any appeals to the Police Registration and Services Board

go through as quickly as possible to get a resolution that provides the best result for the person who has appealed and the best result for their station. That will ensure the best result for their community. With that short contribution, I support the Police Regulation Amendment Bill 2012 and wish it a speedy passage.

**Mrs BAUER** (Carrum) — I am pleased to make a contribution to debate on the Police Regulation Amendment Bill 2012. The purpose of the bill is to amend the Police Regulation Act 1958 to give effect to the memorandum of understanding entered into by the Victorian coalition government, the Chief Commissioner of Police and the Police Association Victoria. The bill also complements the 2011 Victorian police enterprise bargaining agreement. It is an important bill that will continue to support our police by protecting our community day-in, day-out, 24/7. Police have been consulted about the proposed changes, and they are supportive of the legislation. They have also been part of the decision making on the changes.

This is commonsense legislation, and I commend the minister. It shows that we are listening to the police and we are very supportive of the productivity measures and changes that will result from the bill. One of the changes that will be effected as a result of the bill is that the Police Registration and Services Board will be established. It will replace the current Police Appeals Board. The new board's purpose will be to streamline administrative procedures within the police force. This is another example of the way the Victorian coalition government is supporting a reduction in red tape and giving effect to a commitment it made heading into the November 2010 election. It is fantastic to see that the changes in this bill will assist in achieving that efficiency.

The Police Registration and Services Board will be able to review applications and appeals by police officers and protective services officers (PSOs). The board will be able to assess applications of interest submitted to the police force and will also provide the Chief Commissioner of Police with information about the necessary training and qualifications. The bill also aims to speed up the appeals process. I have heard that police have said that the appeals process — for example, an appeal by a police officer who has not been successful in obtaining a transfer or a promotion — can sometimes take up to 75 days. As the member for Gembrook said, this creates uncertainty for that police officer, who has to wait for 75 days to find out what will occur with their employment, so it is terrific to see that, as well as the other efficiencies this bill will achieve, the appeals process will also be sped up. The bill aims to reduce the appeals process to two weeks — as I said, another

example of creating efficiencies and cutting red tape. This change has also been welcomed by the police force. Other types of decisions that will be reviewed for police officers and PSOs will be demotions or dismissals.

A new police profession register will also be created. The Police Registration and Services Board will have the ability to register the details of persons who have been deemed as being of good character and repute, having the necessary qualifications and experience and having the aptitude and efficiency to perform as a police member at a specified rank. I think the police profession register is going to be well received.

Members of the police force who wish to take a career break — and we see this happening all the time with greater flexibility in workplaces — will now be able to continue to be registered whilst not serving as a police officer. This means the board can assess the member when they wish to return to work and determine what they need to do to refresh their skill set. Officers will also be able to be appointed to a rank higher than constable when they return to work after several years of leave if that is deemed appropriate by the board. Greater flexibility in employment will now be available to part-time and fixed-term police officers, another example of this government being more supportive through this bill.

As a result of the changes in this bill the Chief Commissioner of Police will also be able to transfer a police member to any part of the state if it is deemed necessary for the provision of policing services. A police officer will be able to appeal such a decision on the grounds that it is deemed to be harsh or unreasonable.

At this stage I would like to place on the record my gratitude to our local police officers. The Chelsea police station is just across the road from my office. The officers there and at the Frankston police station do an absolutely sterling job in our community. It is fantastic to see them at our police stations or just walking up and down the streets in local communities from Aspendale to Seaford, chatting to residents, assisting with inquiries and attending to policing matters. I am very proud of the job they do in supporting our community and keeping it safe.

I am also proud of our commitment as a state government. We are heading towards the two-year anniversary of our election. Since being elected we have invested in more front-line officers to protect and serve our community on our streets, in our homes and also on public transport. By June 2013 another

350 police officers will be allocated right across the state. That will take the total figure to 1200 additional police officers that will have been added since we came to government in November 2010. That has been a very significant investment. Another 500 police will be recruited by November 2014. Already we have benefited from having extra police in my electorate and neighbouring electorates. There will be an extra 29 police officers in division 4 of the southern metropolitan region, which includes Frankston and the Mornington Peninsula, and that will bring the number to 75 extra police. We have had extra police come to the city of Kingston. The police officers I speak to are really very grateful for the investment we are making.

The Victorian coalition government has allocated \$602 million for the recruitment and training of new police, along with \$54.6 million for the necessary upgrades at railway stations for the deployment of protective services officers. We have heard that the Victorian community has been very supportive and welcoming of PSOs. We are rolling out our commitment to place PSOs at all metropolitan train stations by the next election. To mention just a few stations, PSOs are already at the city loop stations and at Richmond, North Melbourne, Footscray, Dandenong, Lilydale, Ringwood, Laverton and Frankston. There are seven railway stations in my electorate, and I know that the communities of Aspendale, Edithvale, Chelsea, Bonbeach, Carrum, Kananook and Seaford are very much looking forward to welcoming protective services officers.

In July I spent a night on the beat with the Chelsea police. Not only did we get out and about in the community and go up and down on the Frankston line as part of Taskforce 27, but I also saw the huge amount of paperwork that is involved throughout the evening and at the end of the night. To be able to speak in support of this bill and know that it will streamline procedures and processes for police, that it will assist in supporting them in their role in the community and that it will also reduce red tape, is something I am very proud of. The bill will assist in reducing cumbersome administrative processes, thereby creating greater efficiencies within the police force. I certainly commend the bill to the house and wish it a speedy passage.

**Mr WAKELING** (Ferntree Gully) — It gives me great pleasure to rise to speak in the debate on the Police Regulation Amendment Bill 2012. Like so many pieces of legislation that have been through this house since this government was elected, this bill is an example of the government putting law and order front and centre as part of its policy direction. This is a

government whose members had made it very clear to the Victorian community that if they were elected at the 2010 election, they would be taking action by not only deploying additional resources but also putting in place the necessary legislative changes to provide and promote a stronger and safer Victorian community. The bill before the house today is just another example of how this government, led by the Premier and Deputy Premier, is getting on with the job and putting in place the legislation necessary to provide and promote a safer community in Victoria.

I thank the member for Carrum for her contribution because she identified that strong action has been taken by this government with the deployment of additional police resources. Recently I had pleasure in joining Mr O'Donohue, a member for Eastern Victoria Region in the other house, the Premier and Assistant Commissioner O'Neill of Victoria Police at Boronia railway station for the deployment there of protective services officers (PSOs). The deployment of PSOs at that station, along with those at Westall station, brings to 22 the total number of railway stations in metropolitan Melbourne that now have protective services officers protecting them from 6.00 p.m. until the last train.

Many Boronia residents have made it very clear to me that they have refused to catch a train at night because of their grave concerns, not only about their safety while on a train but also about getting off a train at Boronia station. Apart from the well-meaning staff who were sitting behind the glass, there was no other element of protection afforded to commuters when they got off that train.

**Mr Wynne** interjected.

**Mr WAKELING** — It very much relates to the bill. I am very pleased to see the member for Richmond in the house because I know that he, like me, is gravely concerned about the level of anxiety Victorians have about law and order. I am very pleased to see that the protective services officers system is now operating.

**Mr Wynne** interjected.

**Mr WAKELING** — I thank the member for Richmond, because the bill before the house is a demonstration of how this government made it clear that as part of its enterprise agreement negotiations a flat 2.5 per cent pay increase would be offered to public service staff, and any increase above and beyond that would be on the basis of productivity gains. Those opposite criticised the government for that approach despite the fact that it was exactly the same approach

that they adopted when they were in government. They criticised the government when it announced it had reached an agreement with the Police Association and resolved the industrial dispute with respect to that round of enterprise agreement negotiations.

**Mr Wynne** interjected.

**Mr WAKELING** — I understand the member at the table is unaware of what is in the bill before the house, but the bill before the house actually puts in place many of the conditions negotiated in the enterprise bargaining agreement.

**Mr Wynne** — That's better!

**Mr WAKELING** — If the member had afforded himself the opportunity of reading the bill, he would be clearly aware of its content, but I am happy to allow him the time later to appraise the bill. The bill makes it clear that the government is implementing the terms that were agreed to as part of the enterprise agreement negotiation. We were criticised by those opposite when we said that an agreement had been struck and that an increase beyond 2.5 per cent had been reached on the basis of agreed productivity improvements.

You do not have to take it from me. I am mindful of the comments made in the *Australian* by legal academic Professor Andrew Stewart from the University of Adelaide, who identified that there were in fact opportunities for productivity improvements to have been reached as part of the negotiations. Anyone who has worked in the industrial relations field would, like me, be aware that Professor Stewart and Breen Creighton were the mainstays of Australian industrial relations literature in academia and together wrote the standard text for industrial relations studies. Professor Stewart is clearly someone who understands industrial relations, and he makes the point that a direct productivity benefit can clearly be demonstrated in the agreement reached by the Police Association and the Victorian government.

As members speaking before me have also made clear, what this bill identifies is that there are a range of productivity benefits that this government has negotiated. This is a government that has said it wants to streamline employment processes within the public service to provide for greater flexibility and better outcomes for members of the police force and better benefits for police command, but more importantly better outcomes for the Victorian community. Clearly there is a win for all, and this bill delivers on that.

We have before the house a bill that enacts the decisions that were reached as part of the enterprise

agreement negotiations. We see the establishment of the Police Registration and Services Board, which will streamline the process of registration. The necessary work that the previous body undertook will be far more streamlined and efficient under the new board and will deliver a far better outcome for the operation of police services. We are also seeing the capacity to transfer members to short-term employment and the establishment of fixed-term employment opportunities, and as someone who has worked in the field of employment for many years, I know it is imperative to have a system in place that enables the public service to provide for a range of employment opportunities. Not everyone necessarily wants to be employed on a full-time basis. There should be no need to go through a protracted process that does not give police command the capacity to employ people on an as-needs basis.

As has been mentioned by others, the bill delivers a significant benefit for the Victorian community through the deployment of more police at the Formula One Australian Grand Prix, at Moomba, at the Australian Motorcycle Grand Prix and at other major events. Clearly when you have a large number of people in one physical location, particularly at night, particularly with younger people and particularly combined with the effects of alcohol, there is an increased necessity to have a greater police presence, because at the end of the day people expect to feel safe. People expect to see a police presence where there is a large gathering of Victorians. As we know, many of the people at these important community events are law abiding and go about enjoying themselves, but it is the few that cause the trouble and upset so many. We are ensuring that we will have in place adequate numbers of appropriately employed police officers who can be engaged on a flexible basis to help police command deliver on that outcome.

This is a government that has made it very clear that it will do what it takes to make Victoria a safer place than the one it inherited from those opposite. We have said that we are going to put 1700 more police on the beat. This was criticised by those opposite, who said it was not workable, but then they were dragged, kicking and screaming, towards the election and came out and said, 'Oh, we'll do something similar'. We said we would put protective service officers on every railway station, and that was opposed by those opposite. They call them plastic police. They just belittle, those opposite. Now they have the audacity to turn around and demand that PSOs be employed on railway stations in their electorates. You cannot have your cake and eat it. You cannot flip and flop on your policy direction. This is a government that is standing up for law and order, and I

am very pleased to support the legislation before the house.

**Mr McCURDY** (Murray Valley) — I am also delighted to rise to speak on this bill and to follow such a fine contribution as that made by the member for Ferntree Gully here this morning. I will spend many moments talking on this bill, but before I start let me say that I agree with the previous speaker, the member for Ferntree Gully, and endorse the Baillieu government's key platform of law and order. We will do anything we can to uphold law and order and assist the police force, whether it is through making laws or making changes in the police regulations.

The Police Regulation Amendment Bill 2012 is an important bill, and I will touch on some of its finer points. Its purposes are to amend the Police Regulation Act 1958, to establish a Police Registration and Services Board and a police professional register, to provide for registration, to amend provisions relating to appointments, transfers, appeals and reviews, and to make miscellaneous amendments.

This bill amends the Police Regulation Act 1958 to give effect to the memorandum of understanding (MOU) entered into by the government, the Chief Commissioner of Police and the Police Association, which complements the 2011 Victoria Police enterprise bargaining agreement (EBA). In the MOU the parties agreed to the introduction of legislation to implement the productivity gains in the EBA, which was successfully negotiated. The bill also provides for other improvements to the administration of Victoria Police.

The bill replaces part V of the act to establish the Police Registration and Services Board, which will replace the current Police Appeals Board. The new board will oversee three divisions with various responsibilities. Firstly, the review division will determine appeals and review applications lodged by police members and protective services officers (PSOs). Secondly, the registration division will maintain the police profession register, determine applications for registration and provide advice to the Chief Commissioner of Police about the character and reputation, skills and expertise of men and women seeking entry into Victoria Police. Thirdly, the professional standards division will provide advice to the Chief Commissioner of Police about the training and qualifications necessary for members as part of a modern professional force. The functions of the professional standards division will be developed over time, but at its core this division will assist Victoria Police command by approving competency standards, educational courses and supervised training

arrangements for police members and promote the professional development of police.

The new board will be headed up by a president, who will be accountable to the minister for the performance of the functions of the board, and each division will be headed up by a deputy president. Again I say that this is a practical approach, and we take pride in these practical improvements to our system. Cutting red tape and making improvements are certainly part of our mandate. Additional members will also be appointed to each of the divisions, and requirements will be set out for the constitution of each division, and for where it will perform its functions.

In regard to the appeals and reviews framework, the bill inserts a new part in the act that sets out a revised framework for appeals or reviews by the new board. Together these amendments will dramatically improve the efficiency of appeals in relation to non-selection for transfer or promotion, which currently take on average 70 or 75 days to resolve. With the proposed amendments to the act, it is expected this will take about two weeks. This is a major improvement. We are all trying to streamline this process to make it not necessarily an easier means of making it through this red tape but certainly a more efficient one. There is no change to the fundamental appeal rights for police and PSOs other than those agreed to in the MOU. The new provisions modify appeal rights for promotion and transfer decisions in accordance with the streamlined arrangements agreed to in the MOU. Police officers and PSOs will be able to apply to the board for a review of other types of decisions, including non-confirmation and disallowance of promotions, demotions, compulsory and directed transfers, termination of appointments and dismissals.

Another part of the bill I would like to touch on is the police profession register. This will contain the details of people who have been registered by the board as being of good character and repute, having the necessary qualifications and experience, and having the aptitude and efficiency to perform as a police officer at a specified rank. The registration division of the board will be able to carry out the necessary checks and investigations for the purposes of determining whether to register someone, and it will provide advice to the Chief Commissioner of Police about the potential entry of those candidates.

The new police profession register will assist in dealing with members who want to take a career break. This is a very important part of this bill. Whether it be for family or other reasons people take a break from their career, and the new board will ensure that experienced

police officers are not lost to the profession in Victoria. We need experienced police in our communities, and this bill will allow these officers to be registered while not serving as police members. These changes address a current situation where if a member of the rank of inspector left the force on maternity leave and subsequently wished to return, they would come back as a constable. That would deprive the community of experience that is needed so greatly in this area. This bill addresses that. Such situations cost Victoria Police thousands of dollars each year in lost experience and unnecessary training time. This bill will make that situation incredibly better by simplifying the process for people who return to the police workforce.

In the time I have remaining I will speak from my perspective as someone who lives in the Murray Valley. As we know, in Victoria we have over 11 000 sworn police working in a range of challenging roles and undertaking a variety of duties. Victoria Police work from hundreds of locations across the state, including Wangaratta, Yarrowonga, Cobram and other places throughout my electorate. We also have single-officer police stations, including those at Tungamah and Katamatite. Our police officers ensure that we have a safe and secure society that underpins the economic, cultural and social wellbeing of our communities, whether they be in metropolitan Melbourne or the Murray Valley. As many people know, the Murray Valley is the heart and soul of this great state.

Victoria Police officers join the organisation at various ages and stages of their lives. They come from diverse cultural backgrounds and bring a range of different life experiences to the profession that they will no doubt draw on throughout the course of their careers in the police force. Such a large and diverse workforce needs up-to-date and relevant legislation, and that is what we are doing here today — improving our legislation in order for Victoria Police officers to perform at their best. They do not always see the best side of our communities, and we take any opportunity we can to assist them. Theirs is a thankless task. Very rarely does anybody ring the police and say, ‘We’re having a party and a good time. Would you come over and see us?’. They see the seedy parts of our community. We want to support them wherever we possibly can and, as I said, this bill is part of that.

In the short amount of time remaining to me I would like to say that I am proud of our strong regional communities. The majority of our people are law abiding and enjoy a good life with a strong sense of community and wellbeing. Often we know our local police; they are our neighbours, our team mates on the

football field or parents at our schools. We want great police to work in our Murray Valley communities, and the bill makes changes to keep things up to date for police and to make it easier for those who are transitioning in and out of that workforce, and that will be of great assistance to our communities. As I said earlier, we do not want to lose the experience that police have.

This bill ties together a few changes. The coalition is delivering 1700 extra front-line police before 2014 — which is the largest single increase in one term of government in Victoria’s history. That is something we are very proud of. Much of the legislation that we are introducing this week relates to our law and order platform, and this bill is another opportunity for us to support that platform.

**Mr MORRIS** (Mornington) — I am delighted to rise to support the Police Regulation Amendment Bill 2012. While all legislation is important, this bill is particularly so, because it will legislate the reforms that have been agreed between the government and the Police Association Victoria, formally known as the allied benefits memorandum of understanding.

You have to wonder just how much Labor cares about community safety and how much it cares about protecting our communities, because we long ago ran out of speakers from the opposition. It is fascinating that every time we have a debate on the government business program — —

**Mr Wynne** — On a point of order, Deputy Speaker, there is no need for the member to seek to provoke us. This was done by agreement. We had understood that in fact the previous speaker was the final speaker. We are very happy to indulge the member, but — —

**The DEPUTY SPEAKER** — Order! What is the point of order?

**Mr Wynne** — My point of order is that the member in his contribution needs to be accurate and relevant, and he was not. He was not relevant and he was not accurate in his — —

**The DEPUTY SPEAKER** — Order! I accept that the member was not speaking on the bill, and I ask him to come to the bill.

**Mr MORRIS** — I congratulate the member for Richmond on his padding. This is a bill that delivers a win-win situation. It delivers a win for Victoria Police members and it delivers a win for the Victorian community. It delivers productivity gains; it delivers management flexibility; it delivers flexibility with

rosters; it delivers flexibility with shifts; it delivers flexibility for members of Victoria Police — both in their day-to-day interaction with direct managers and in their careers as well; and it delivers productivity gains.

I am delighted that the opposition has chosen to support the bill but you would have to wonder about some of the contributions to the debate, because while support has been given by some, the debate that has accompanied that support has been grudging and condescending, and in the debate we have seen a gross and absolute misrepresentation of the facts. That is probably not surprising because so often in this place we see the endeavour to rewrite history. In this case opposition members have sought to rewrite the debates that occurred on similar matters in 2008. We have even had the claim that this was their initiative, which is absolute rubbish. There was some similar legislation in 2008 — —

**Mr Wynne** — Was there? Is that right?

**Mr MORRIS** — But the words are where the similarities end. There are a number of big differences. I was here in 2008 and I remember the debate very well so I am not inclined to accept the revisionist view of history that we have heard in this debate. Members who were here will recall that ultimately the bill that was presented at that time was split by the government after the opposition withdrew its reasoned amendment. The opposition moved a reasoned amendment because some aspects of the bill were acceptable, and those were recognised, but some were not. The government ultimately followed the course of action suggested by the then opposition. Those are the facts. The Brumby government and then police minister, Bob Cameron, simply could not deliver. They could not deliver on the negotiations and they could not deliver on the agreement. Why could they not deliver? Because they did not have the confidence of Victoria Police members, and the Police Association did not have confidence in the government's position.

The member for Bendigo East and other opposition members who have spoken in this debate have dwelt on the negotiations that led up to the signing of this memorandum of understanding late last year, and it is true; they were not easy. To achieve any good outcome requires persistence, it requires goodwill on both sides and it requires a commitment to the public good. Those negotiations were concluded, as I said, with a win-win situation.

The contrast with the bill of 2008 could not be more profound. In relation to the 2008 bill there was little discussion with the Police Association and no

significant input to the bill from it. The fact is there was little knowledge outside police circles of what was proposed. The concerns of the Federation of Community Legal Services Victoria, the Law Institute of Victoria, the Victorian Bar Council and Liberty Victoria were put very clearly by the shadow Minister for Police and Emergency Services at the time. Those are the facts. They were comprehensively addressed by the member for Kew in his then role as shadow Minister for Police and Emergency Services.

The good parts of the 2008 bill were split off and enacted separately; the bad parts did not proceed, thankfully. To suggest that this situation is 2008 all over again is absolutely, comprehensively and completely wrong. The 2008 situation was about control; it was not about improvement. The 2008 situation was an attempt to set in place a set of controls with no debate taking place — there was no input from the Police Association of Victoria and little knowledge in the community about what the government of the day intended. It was done in typical Labor-knows-best fashion — that is, of just introducing a bill and pushing it through. It was doomed to fail and roundly deserved the fate that ultimately befell it.

The situation in 2012 is absolutely different. Measures proposed in 2012 will deliver productivity gains and better outcomes, and they are a product of negotiation and discussions undertaken by both sides in good faith and a desire of the government, Victorian police membership and force command to do things in a better fashion. It is an outcome that will deliver. The member for Bendigo East was simply wrong. The member for Bendigo West at the time, who was her colleague, could not get it right in 2008; the member for Bendigo East did not get it right in 2012.

Another matter raised earlier during the debate concerned protective services officers (PSOs). Opposition members continue to criticise our PSOs. The member for Bendigo East again belittled their training during this debate. Others have belittled their backgrounds and criticised the recruitment process. The member for Monbulk famously — or should I say infamously? — described them as 'plastic police'. Yet again we have seen the hypocrisy of the Labor Party. The same members who are standing up in this chamber criticising the protective services officers are lining up saying, 'When can I have some of them at my train station?'. I have been in this place long enough to not be surprised at that attitude.

I am sick and tired of hearing protective services officers being denigrated by opposition members. They did nothing to improve community safety when they

were in office; all they are doing in opposition is criticising very effective measures that have been taken. It is beyond doubt that in the relatively short time our PSOs have been in place they have proved their value. As more officers come on stream there is no question that that verdict will be confirmed. Labor's scaremongering criticism of our PSOs is nothing more than — and it will be seen as this — self-serving claptrap; it is clearly self-serving claptrap. Commentary made by ALP members in this debate has proved yet again that they have effectively disqualified themselves from making any meaningful contribution to the public safety deliberations in this state.

**Debate adjourned on motion of Mr DELAHUNTY (Minister for Sport and Recreation).**

**Debate adjourned until later this day.**

## EDUCATION LEGISLATION AMENDMENT (GOVERNANCE) BILL 2012

*Second reading*

**Debate resumed from 14 November; motion of Mr DIXON (Minister for Education); and Mr MERLINO's amendment:**

That all the words after 'That' be omitted with the view of inserting in their place the words 'this bill be withdrawn and redrafted to require the secretary to provide sufficient VET funding for the continuation of existing campuses, in particular the Lilydale and Prahran campuses of the Swinburne University of Technology'.

**Ms THOMSON (Footscray)** — I will continue from where I left my contribution last night. I was going through the impacts of TAFE cuts on Victoria University (VU). I talked about courses that will be cancelled or put at risk. We will see vocational education and training fees raised and the loss of 114 jobs. This is not a small effect; it is a large effect that will have an ongoing effect on shopkeepers in the area who supplied and supported those at VU. Now those businesses are suffering as a consequence. The repercussions are actually great.

The greatest repercussions are on students and future students. It is not over yet. These TAFE colleges do not know whether courses they want to run in 2013 will get the appropriate student uptake. Fee structures will be set, but the price of the courses might be prohibitive for students to take up courses. There might still be more cuts to come.

I return to the point I was making: that a policy that is ill conceived and made on the run damages the very people who rely on governments to make decisions on

the basis of those people's best interests. The decisions that this government has made on TAFE are certainly not in the interests of students currently undertaking those courses, they are not in the best interests of the institutions or the staff and they are certainly not in the best interests of future students. It was a sham. The decisions were made for anything other than educational reasons. The same situation applies in relation to this bill.

This bill is not about building better educational institutions — it is about shutting down debate. This legislation is about preventing people from participating in the decision-making processes of TAFEs and universities. I know of at least one member opposite who has been an elected student representative at a university. I have promised him I will not name him, but I think there might be more members opposite who have been elected student representatives on university or TAFE boards and who will have carried out their role seriously on those boards and with great consideration for the needs of those institutions, not just for now but into the future.

When I spoke on the bill last night I spoke about how diverse board membership is and how boards have brought on, at least in my most recent of memories, those people with the expertise to run those institutions professionally. Boards have sought people with financial expertise and corporate experience, but we should not forget that these institutions are first and foremost educational institutions and their main responsibility is to provide quality education. If quality education is to be provided, then we need to take into account the needs of people who run the courses and provide the education and consider the needs of the students who receive it. If we are going to have responsive boards, then those boards should have elected representatives from the student body and from the staff. It makes general good sense and good managerial sense.

I turn to deal with the abolition of the Victorian Skills Commission and industry training advisory boards. If we are going to have a TAFE system — a training system — that reflects the needs of industry and is flexible, then it makes good sense to have unions and employers on boards advising government constantly about their needs. Those needs might relate to a specific locality, often a small geographical location. There might not be a need for a great number, but there might still be a need. Industry training advisory boards were extremely important in helping to frame the need for skill-based education in this state, but members of this government have their blinkers on regarding this issue. The government will not recognise that unions make an

important contribution and play a positive role in the development of this state. While government members keep their blinkers on, they will undervalue what this state can provide by way of jobs, skills and innovation. You have to involve everyone; you cannot miss out by excluding some people because you are philosophically opposed to them. That is crucially important.

I turn to the point raised last night by the Minister for Innovation, Services and Small Business about overseas students. I share her interest in creating a vibrant market for overseas students — she and I share that interest; she knows I was involved when we were in government — but our first and foremost responsibility is to students who live here. We have a responsibility to maintain a creative and innovative regime of education in this state. That is why students have come here from overseas. It is because we have taught students to think for themselves, to think outside the square and to think creatively, not to learn in parrot fashion or by rote but to experience the breadth of education in our educational universities and TAFE colleges. This legislation says to TAFE colleges and universities, ‘You are businesses now. Your job is not about education, creativity and nurturing young minds or about acquiring ongoing skills and training and education. This legislation is about shutting you down, making you do what you are told and taking the consequences quietly’. That is what this legislation is about. The reason this legislation is before us is because there was uproar in the community — absolute uproar — about cuts to TAFE, and members of this government do not want this to continue.

I am here to say that this campaign will continue right up until the next election, because although the government may stifle the boards and ensure that the government has control of every university and TAFE board, it will not stop the voices of the many who want education that is creative, innovative and includes student body and staff representation in making sure that those universities and TAFEs around Victoria prepare our young people for the future. I oppose this legislation, and I support the reasoned amendment. I think this government needs to learn what real consultation is about. Maybe then its members will get it right for young people and our future.

**Dr SYKES (Benalla)** — It gives me great pleasure to rise to speak in the debate on the Education Legislation Amendment (Governance) Bill 2012. I wish to put up front that I strongly support this bill, I strongly support the ministers and the cabinet who have brought this bill in and I reject outright the reasoned amendment moved by the opposition.

I have listened to a number of opposition contributions to the debate. They score 10 out of 10 for passion, 10 out of 10 for rhetoric, 10 out of 10 for scaremongering, but zero out of 10 for being in touch with reality. First of all I would like to refresh the memories of members about what the real situation is. The reality is we face a situation in 2012 where, due to the actions of the former Labor government, the approach to TAFE-type education has become demand driven. Without proper budgeting, proper forethought and a proper business approach to the delivery of education to our young people, we have had a cost blow-out each year of \$400 million, which is of the order of what the former Minister for Water delivered to us in terms of cost blow-outs on the various projects he was involved in. Not only have we had a cost blow-out of \$400 million a year, we have had major problems with the relevance of courses being delivered. In many cases the course have not been training our young people and others for future good employment prospects. We also had a lack of accountability, whereby we had a range of misuses of the money from subsidies to the point where a number of registered training officers found it desirable not to continue their registration.

We have also had major issues with quality control in that the quality of the courses being delivered has not always been up to the standard we would expect that we could reasonably have to deliver a proper and adequate education training module to our students. In essence, we — the coalition; the Baillieu-Ryan government — are yet again set the task of fixing the mess. I commend the relevant ministers on this effort. I commend the Minister for Higher Education and Skills, the Honourable Peter Hall, on what he is doing to apply his knowledge of the situation — his practical knowledge and his accumulated years of life experience — to deliver a significant step towards ensuring quality control and accountability. Many of our institutes and universities have budgets of hundreds of millions of dollars, and we want to put them on a sound business footing so that our young people and others can have the benefit of a sound education in a sustainable manner for many years to come.

There are two aspects of this bill I would like to flesh out a bit. Firstly, there is the importance of protecting the quality of the education being delivered by ensuring that there are tougher contractual arrangements, including the opportunity to impose monetary penalties on education providers who do not deliver to the standard they have signed up to deliver. Linked with that is providing the opportunity for students to make claims against those education providers if they do not deliver to the required standard. That is what we are on about in this case: maintaining the standard, making

sure that we do not have wishy-washy words in the contracts but that we actually have contracts that have crunch, and have the ability to enforce the delivery of an appropriate standard of education to our young people and others.

The other aspect of the bill I wish to discuss relates to the new board arrangements. We are going to skills-based boards, something that is fundamental to the management of multimillion-dollar enterprises. That is what our TAFEs and other institutes are — they are multimillion-dollar enterprises that need directors with a range of skills to ensure that the public's money is being wisely spent and that the recipients of the education are receiving appropriate quality education. That is a no-brainer. We on both sides of this house have applied that principle when looking at alpine resort management boards, for example, or our water boards; they have all moved towards skills-based board representation. There is nothing in this legislation that precludes students or others with the appropriate skills mix from putting their hands up to be on those boards. We are going to leave the door open for those young people or others to be involved, but we are going to make sure that in future we do not have \$400 million-a-year cost blow-outs like those caused by the inappropriate management of this system in the past by the Labor government.

We have had a lot of comment about a couple of TAFE colleges that have made some noise about this. I just indicate that in northern Victoria we have Goulburn Ovens TAFE, which, like others out there in the real business world, recognises that there is one constant, and that is change. The system has changed, the funding has changed, the people we are servicing have changed and the businesses and employment opportunities are changing. Those at GOTAFE have responded to this situation. They are changing their mix of courses because they realise it is important that they deliver courses that have good job potential. They recognise that the courses for which we, the government, have increased the level of subsidy are the sorts of courses they should focus on. That means our trades are going to get increased subsidies so that people can be educated to go into trades where there is a clear opportunity for employment. GOTAFE has adjusted and is working through the adjustment process.

I also say that GOTAFE is the major deliverer of vocational training to the secondary schools in the area. It runs our school-based apprenticeship programs, which are very good programs. There was some noise from one particular area where there was a concern that with the change in funding some students would be

disadvantaged. But when the people delivering the courses sat down and adopted a business approach to course delivery, looked at the value for money from the previous providers and looked at the new funding models, they were able to identify that, in spite of concerns that there was going to be a significant cost blow-out, in spite of the paranoia, in spite of the passion, the reality is that, after going through what you would expect to be a normal business approach to course delivery and the delivery of education, Mansfield Secondary College is now able to continue to deliver all the courses it previously delivered. All the students' needs are being met, and Goulburn Ovens TAFE has maintained the cost of course delivery for next year at the same price as the cost of course delivery for last year.

The message is that Goulburn Ovens TAFE, and I believe also Wodonga TAFE, has adjusted to these circumstances. They realise that the world continues to change — unlike the dinosaurs on the other side of the house, who want to be fixed in time. Those on the other side talk about climate change. Well, this is climate change, guys; get real! This is climate change. The business climate is changing. We are bringing accountability into the system. We want value for money, value for the taxpayers dollar, and we want quality education — all things that the Labor Party-driven system has failed to deliver. Those opposite failed to deliver accountability, they failed to deliver quality control, they failed to deliver course relevance and they failed to deliver on assurances. We, the coalition government, are bringing in this piece of legislation as part of our move to fix the mess left to us by the Labor government. I fully endorse this legislation, I fully endorse the ministers responsible and I wish the bill a speedy passage.

**Mr WYNNE** (Richmond) — What an extraordinary contribution by the member for Benalla. I am pleased to rise not only to respond to the member for Benalla but indeed to make a contribution on the Education Legislation Amendment (Governance) Bill and the reasoned amendment moved earlier by my colleague. I say by way of response to the member for Benalla that these vicious cuts that have been made to TAFEs — cuts of \$290 million, which fundamentally undermine the integrity of the TAFE system not only in metropolitan Melbourne but right across regional Victoria — will be a lasting legacy of this government.

It goes to the core of how you provide training pathways and careers for many, many young people in metropolitan Melbourne and regional Victoria who seek to take an alternative vocational path. That opportunity will be taken away from them. And we do

not yet understand what the full impact of that will be in regional settings or in metropolitan Melbourne, because TAFEs are still reeling from the impact of these cuts to many courses. We will not know until early next year what courses will be available or what opportunities there will be for many young people who are in fact in the middle of their courses.

Members of the house will recall that on a number of occasions I have spoken about what these cuts look like — and one of the cruellest cuts in particular, the cut to the Auslan course. The Auslan course, which was run by Kangan Institute in my electorate, was cut by this government. I received representations from a student who was in the middle of her course. Fortunately some common sense has been shown by the minister, and there has been advice in the last couple of weeks that in fact the Auslan course, which is such a fundamental course to support deaf people, will be reinstated. It is a good thing that that course will be reinstated and that people who are halfway through their — —

**Mr Herbert** — Contracted out.

**Mr WYNNE** — As my colleague the member for Eltham has indicated, it will be contracted out, but at least people who are halfway through the course will get to complete it.

However, the cut to Auslan is emblematic of what this \$290 million cut to TAFE is actually going to mean in a practical sense for people who are seeking to pursue training and a career path. These cuts will hound this government right through until the next election in 2014. I have been in public life for some time, and I have never ever seen an issue that has resonated so powerfully in the community. This is not due to campaigns we have run in the local community pointing out the local impacts of these TAFE cuts; it is simply that the community gets it. People in the community say, ‘This is fundamentally wrong’. This vicious, \$290 million cut to these training programs is having a massive impact on TAFE institutions — —

**Mr Watt** interjected.

**Mr WYNNE** — Who is this rabbit? Who is that rabbit over there? Oh, it is the member for Burwood.

**The ACTING SPEAKER (Mr Morris)** — Order! Whilst the member for Burwood can remain silent, the member for Richmond should address the Chair.

**Mr WYNNE** — Perhaps the member for Burwood ought to go and have a yarn with the people at

Holmesglen TAFE and see what they have to say about his contribution.

What does this mean? For Victoria University it means a \$39 million cut to 78 courses. For the William Angliss Institute, that great institution down here in the city, it means a cut of \$5.8 million and potentially the loss of 20 to 30 jobs. For the Box Hill Institute it means a cut of \$24 million and potentially somewhere between 950 and 200 jobs cut. For RMIT University, just up the road here, it means a loss of \$20 million with many job cuts. In my electorate, for the Northern Melbourne Institute of TAFE it means a \$25 million cut with over 100 job losses and 56 courses cut.

Imagine that you are a young person going through secondary education, wondering, ‘What are the opportunities for me going forward?’, and looking at courses within our TAFE or vocational education and training (VET) settings. These young people have no certainty for the future; they have no certainty about what courses may even be open for them. What are the opportunities for kids going through year 11 and 12 this year to pursue a TAFE or a VET opportunity? The answer is: it is not clear because we just do not know yet what course offerings there will be in 2013.

The other issue that I just briefly want to touch upon is these new governance arrangements for universities. There is plenty of form here with this government. The antecedents of this reach well back to those halcyon days of the former federal Treasurer, Mr Costello.

**Mr Herbert** — His first defeat.

**Mr WYNNE** — His first defeat, as the member for Eltham indicates. There is plenty of form in the Liberal Party around seeking to attack the democratic structures of our universities. Indeed one of the people who trained under Mr Costello and was one of his advisers is in our Parliament now. I wonder what influence that member may have had in the framing of this particular legislation. This cut to the governance structure of our higher education facilities has very deep roots. It is about saying that the clear and unambiguous voice of the students of these institutions and indeed the staff of these institutions should not be heard. What an extraordinary concept: that you do not actually want to have within the governance structure of your university or your other TAFE institutions the voice of its constituents — its staff and its students — and that you would hold all of the decision making around these governance structures in the hands of the minister of the day. That is transparent, that is democratic and that is ensuring that you have a broad range of voices heard

within the governance structure of these incredibly important institutions!

Not surprisingly, we fundamentally reject this proposition, because its antecedents go well back to Mr Peter Costello and others — those warriors who fought the fight back in the 1970s and 1980s against the democratic framework that has been so crucial to the governance of our fine institutions in this state. We will continue to reject that. We are going to hound this government through metropolitan Melbourne and through regional Victoria. These cruel and vicious TAFE cuts are fundamentally destroying opportunities, particularly for young people, to have a pathway and a career path through a range of educational opportunities; that has been cruelly taken away from them. Shame on the government!

**Mr CRISP (Mildura)** — I rise to support and speak on the Education Legislation Amendment (Governance) Bill 2012. The purpose of the bill is to amend the Education and Training Reform Act 2006; to abolish the Victoria Skills Commission and the provisions relating to the industry training boards; to provide for the public funding of vocational education and training (VET) programs through contracts between the secretary and the registered training organisations under which those organisations provide vocational education training programs and related services; to provide that non-compliance with the government training contract be taken into account in relation to the registration of training organisations; to enable the Victorian Registration and Qualifications Authority and the secretary to disclose information or give documents relating to VET funding contracts to each other or to certain commonwealth authorities; to make further governance provisions relating to TAFE institutes and adult training institutions; to make miscellaneous amendments to the act; to amend various university acts to provide for membership of councils and universities; to amend the Education and Training Reform Amendment (Skills) Act 2010 to change the forced commencement of the act; and other miscellaneous provisions. It is a fairly comprehensive act.

What I want to talk about initially is the educational environment in Mildura. La Trobe University has a regional campus in Mildura which it shares with the TAFE campus. It is an extensive educational organisation which has served Mildura well in the past and will continue to serve Mildura well into the future.

We have many private providers, and they too perform a valued role in our community. I pay tribute to the hardworking people who give their time to serve on the

TAFE boards and the university advisory groups. I have every confidence that both the TAFE and the university in Mildura will provide the best possible service to and opportunities for rural students.

We cannot underestimate the importance of this in rural and regional areas, because for various reasons many of our students do not necessarily have the capacity to study away from home, so having courses on offer in Mildura gives considerable opportunities to our young people. This is a very important area, and we need to be careful about it, and I will refer to the language we use about education and training later in my speech.

We need to be careful that we do not cause students to lower their sights. Mildura has been under economic pressure for some years. I know a number of students who should aspire to higher training or to a university education but who look at their circumstances, or at the circumstances of their parents and the community, and they lower their sights. This is of great concern to me; those students will no longer be able to go out and achieve what we want them to achieve. Having these strong institutions allows many courses to be started and some to be finished in Mildura, which is very important to my community.

I would like to go to some of the issues in detail as I go through the various parts of the bill. Victoria is changing; our employment is changing and we need to change and keep our skills and training up to date as we change. The bill abolishes the Victorian Skills Commission and repeals provisions relating to training boards. The minister, in his statement about refocusing Victoria's vocational training, announced these changes in the context of a new model for industry engagement. Let us be very clear about the important role that industry plays. If we are paying —

**Mr Noonan** — Acting Speaker, I draw your attention to the state of the house.

**Quorum formed.**

**Mr CRISP** — Just prior to the interruption, I was discussing the importance of the role that industry plays in education and training. The voice of industry is very important. Its members understand the market. They know where the skills are; they know where the future is, and when the minister refocused our training sector, it was very much in his mind that we want to work with industry, because if people are doing the training, we want them to have a job. Victoria needs people to have a job and we need them to have skills.

In talking about skills, if people want to do a recreational course at any training institution or TAFE,

I am sure they are still welcome to do so. The courses in Mildura still exist on the books. You will pay a little more for the courses and you might have to wait for some of your colleagues or friends to make up the course numbers. If you want to do a recreational course, of course you should expect to pay for it, and of course you should expect to have enough people interested in doing it, and if you have to wait a little while for a recreational course, then you have to wait for it.

What we need to be doing is getting people into jobs and focusing on training for those jobs, and that is what we have done. We have increased the support for apprentices, and that is very important in Mildura, where we have a number of new sectors in our economy. Mining developments are occurring which are calling out for skilled people and which will provide a gateway into a long-term mining career. Our local TAFE college, along with private training providers, is preparing people for those courses. They are genuine courses with genuine opportunities for employment and genuine careers. We have focused on working with the companies, and I know the TAFE college in Mildura is very much involved in preparing people for jobs and giving them the skills to go out and deliver for those new industries, particularly in the solar power area.

As I said, the Victorian government is responsible for the management and payment of \$1.2 billion to achieve this. That is a lot of money, and we have to get value for that money. The people who are providing the training also have to get value for the money they are putting into training.

Similarly, we are changing our vocational education and training system to ensure that there is value for money in those contracts and that the people who sign those contracts stick to and deliver on them. If they do not, they must incur a penalty, and there is a provision for that in this legislation. If they do not perform or they do not deliver what is required, then they must expect that there will be consequences for that. I think it is well overdue that students who are extremely unhappy with the courses they have been offered or the qualification they have received can have some recourse to the training providers, wherever they are, to say they have not delivered what they wanted. They will have to prove their case, but we need to sharpen up much of this training to make sure we get value for money and that we get the skills we need for Victoria. In that vein, the Victorian Registration and Qualifications Authority will be able to share information which will enable us to keep our education and training system focused.

The theme running through this is that we are managing change in Mildura. SuniTAFE has changed, the

government has changed and is supporting change and there are new areas of employment. We have quality control, and we are fixing the mess in this area to guarantee that in future people will get the training they need to get jobs, have careers and meet the needs of our community going forward. This is good management. I commend the bill to the house.

**Mr MADDEN** (Essendon) — This legislation is in a sense classic conservative politics. It certainly proves that the government does not understand what education does for the community, what opportunities it provides and what the effect is on many people across the community when the government reduces its commitment to education. I would like to say that this is an absolute tragedy, but I cannot say that because when you use the words ‘tragic’ or ‘tragedy’ in the great literary tradition it implies that there is a return to order and there is reasoning and logic as to why these things happen. However, in this case we are just seeing waste and misery distributed across the Victorian community.

I will give members a few examples. When \$3 million is taken out of Kangan Institute this year and \$25 million next year, and when somewhere in the order of \$29 million is taken out of Victoria University, there is an expectation that it will return some order and provide some benefit to the community. It will not. I have to declare an interest, because I have family members who are involved in and associated with Victoria University, and I know firsthand that the sort of people who will be affected are the people who need the support most — members of the migrant community and the culturally and linguistically diverse community who have just arrived and desperately need support because they do not have the money they need to live.

I am talking about people who are refugees. They will now arrive in the western suburbs to try to establish themselves. They will have very little money, and what they need first of all is a job and housing. The best way for them to get a job is through this sort of training, particularly language-oriented training around occupational work. They will not get it, and I will tell the house why they will not get it. First of all there will be fewer opportunities for them to get that training, but more importantly, it will cost them twice as much to get it. A couple of hundred dollars a year does not sound much if you are sitting on the front bench as a member of the Liberal Party in government in this place, but a couple of hundred dollars a year is a fortune for migrant families when there are four or five children in the family and they can barely make ends meet or pay their rent.

They have to sit in a house in Sunshine, which is provided to them by a welfare group, where they cannot afford to turn on the heating. Why? Because they cannot afford to pay the energy bills, and more importantly, they will never be able to afford the fee increases that the government is imposing on them through the changes to TAFE. I would like to say it is an absolute tragedy, but I cannot say 'tragedy', because it is worse than that. If it is not enough for me to say it, then let us take it from some people who are not on this side of the house and who are involved in the education system. We know that this government — the Liberal Party; the conservatives — thinks that everybody in academia and everybody in education is a lefty, a pinkie. That is what they think and that is what they like to think. They like that stereotype, and that is why they like to take an axe to education any time they get the chance, because they do not want to encourage progressive thinking.

Government members do not want to give people opportunity, because it is a threat to the status quo that they want to maintain because it suits them absolutely. I will give members a few examples. The courses they say are in too great a demand and they think people are taking up with too great an enthusiasm are for the likes of tourism and hospitality, the likes of retail and the likes of recreation. Do they know why they are being taken up? There is a huge turnover in these courses because they are the gateways to opportunity for people. Once someone gets a job making coffees in a cafe through having a certificate that relates to hospitality and tourism and once they get good at doing that, they can go into another industry and from there they can go into another industry and increase their opportunities.

What happens then? The people who come into the system and into employment at great rates come through these areas of industry — tourism and hospitality. They do it through retail as well, and they do it through the recreation sector, because once they have established contacts in the industry and once they develop networks, their opportunities improve. But if you are stranded at home because you cannot afford the education, then you will never get the opportunity to build that network, you will never get the opportunity to build the language skills you need, you will never get the literary skills you need and you will never get that support. This relates directly to the most vulnerable people in our community — the culturally and linguistically diverse, the migrant communities and the people in rural Victoria, particularly in the most remote parts of regional Victoria — which proves that the government does not understand the impacts of its cuts to TAFE funding.

What is even worse is that the minister who is dealing with this, who people think is not a bad bloke, is an absolutely hopeless minister. The minister should be somebody who can manage the portfolio, regardless of their personal attributes. What this minister has done is submit the proposal to Treasury and say, 'Take \$290 million out of the portfolio, and by the way, I have no idea — not one iota — how I'm going to implement these cuts. Not only do I have no idea, I am not going to manage it through the sector. I am going to pass it off to the sector and say to the sector, "Take as much of the sector away as you can, and make sure you implement the \$290 million in cuts"'. What is worse is that it is not going to be staged; it is not going to be staggered. The government is just taking an axe — a dull, blunt instrument — to the sector and bludgeoning it to death. It will be a slow and desperate death.

I will tell members what is going to happen, and I know this from people who work in the sector. Already there have been a huge number of job cuts. But wait until February next year when the students do not turn up because they cannot afford the courses. What will happen then? There will be more job cuts. They will recalibrate the sector. What will happen then? In the middle of next year, when the students who thought they were paying 100 per cent of their fees realise they have only paid 50 per cent and that they will have to pay another instalment for the rest of the year and for the rest of their course, they will withdraw. What will happen then? There will be fewer students, more course closures and more staff sackings. This will go on forever and a day. And do government members know what the great thing is? We told them so, and they did not understand it and they do not understand it. That proves that they do not understand and they never will understand education and the value of education to the community.

Worse still, not only does this government not understand what education does and does not do for communities, it is happy to sit by and make out that this legislation is good. Even worse, it is saying, 'Let's recalibrate; let's reconfigure the governance to silence dissent, to turn it into a business model'. It says that is going to be great. It might have a business model, but I will tell the house what the business model is going to do. The business model is going to lead to this government saying, 'We can't afford to run this course. We can't afford to run this TAFE. We can't afford to run this university, so what are we going to do? We are going to sell off assets. We are going to close it down'.

This is death by a thousand cuts not only to the courses and the institutions but to the most vulnerable Victorians in our communities. Not only will the

government know about it for the next 18 months, it will know about it in two years time when we are getting to the ballot box and suddenly people are doing the polling and saying, ‘What has happened to support in regional Victoria? In the remote traditional parts of this state the conservative vote has disappeared overnight. What happened? Where has our vote gone?’. I will tell the government where it has gone. Regional Victoria will abandon it. It has already started, and no matter what the government does, it is too late. What it has done with this legislation is not only to set in motion a tsunami that it cannot stop, but it has also redefined and elevated the values of the conservatives in this place. We knew they existed, but the government had hidden them for so long, for so many years. It had disguised them; it had camouflaged them. The coalition thought it had kept them to itself and had hidden them behind a bushel. But finally, when it is given the opportunity to rule, those values float to the top and people see the stagnancy in the pond. We see what that does. We see what that toxic stagnancy that floats to the top and sits on the surface is going to do.

When the economy starts to struggle in rural Victoria and voters flee from this government, when those small businesses that traditionally might have voted for it are struggling because they have to fund the training for industry courses, when they are complaining about the government like they are today in the *Australian Financial Review* — and let me tell you they have been fairly moderate; you should hear what they are saying to us that they do not say to the government; it is a hell of a lot worse — they are not saying it to flatter us, because they know the — —

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

**Mr THOMPSON (Sandringham)** — A few days ago when Rob Quiney, the St Kilda cricketer, went to face the South African attack he was regrettably caught on the boundary with a leg side delivery that he hooked over square leg and was caught just before the ball went over the fence.

**An honourable member** interjected.

**Mr THOMPSON** — This is a long run-up, and the South African bowler had a long run-up. If the previous speaker for the opposition had been bowling to Rob Quiney, the ball would have been hit out of the ground on a number of basic factors. When I first came into this place the unemployment rate was over 11.3 per cent. Whilst doorknocking suburb by suburb, street by street, I was meeting the parents in families whose children could not get a job. They had been trained well

and they were going back overseas to their countries of origin because they were confronting the issue of unemployment.

I confronted another issue at the time when I first came into this place and went out to the former Coburg High School. I was staggered to see the calibre of the educational learning environment in this state after 10 years of Labor government. Walls were kicked in, walls were punched out, glass windows were broken and weeds were growing out of the spouting. This was a doyen school with a very good principal, but after 10 years of Labor government even with a doyen principal the infrastructure was an absolute disgrace.

**Mr Noonan** — On a point of order, Acting Speaker, I fail to see the relevance to the bill of the member for Sandringham’s contribution, and I ask you to bring him back to the bill.

**The ACTING SPEAKER (Mr Morris)** — Order! I think relevance has been strained in many contributions in the last hour or so. I am prepared to let it run and see where it goes.

**Mr THOMPSON** — I was just making a couple of points, and I appreciate the Acting Speaker’s forbearance.

**Mr Herbert** interjected.

**Mr THOMPSON** — I welcome the interjection of the member for Eltham, and I point out that I understand the journey of educational restructure in Victoria at that time. The principal of Coburg High School was Ann Davidson, and when the Liberal Party took office the school infrastructure was an absolute disgrace, but I choose to move on to important current matters.

There are a number of points I would like to place on the record to rebut the attack of the previous speaker. In relation to asylum seekers the point needs to be made that they have been provided with fee-free places. Concessions are still available for health-care card holders. That is a very important point to place on the record. A further important point to place on the record is that kids from low-income backgrounds attract more funding, so there is recognition of the financial circumstances of the beneficiaries in the sector. It should also be noted that all language and literacy courses have seen significant support as part of the funding changes.

**Mr Herbert** — On a point of order, Acting Speaker, I always appreciate the contributions of the honourable member, but he seems to be talking about school

education, not about TAFE and training. This bill has nothing to do with school education; it does not even mention it, and I think there is an issue of relevance here.

**Mr THOMPSON** — On the point of order, Acting Speaker I was just choosing to rebut some comments made by previous speakers in relation to a number of areas of study and place on the parliamentary record the facts in relation to reforms under way in the sector.

**The ACTING SPEAKER (Mr Morris)** — Order! I do not uphold the point of order.

**Mr THOMPSON** — In terms of the debate about educational service provision and educational service structure, it is important that the services are delivered within affordable budget parameters, meet the demands of industry and provide strong educational pathways into the wider workforce.

I might place on record at this stage the outstanding work undertaken through apprenticeship training over more than 20 years by a number of people in the wider Sandringham electorate. A constituent was responsible for the training of more than 5000 apprentices through an apprenticeship group training scheme in the southern part of Melbourne. I pay tribute to Neil Hamilton, a former mayor of the City of Moorabbin, for his leadership and practical work on the ground in this area. He started a business from nothing, and it grew to employ well over 60 employees and provided valuable work, learning and life experiences for apprentices in a critical area of education service provision in the southern part of Melbourne.

The Moorabbin area has been one of the great areas of industry of not only Victoria but also Australia in terms of its industrial manufacturing base. A lot of the components of vocational education and training led people into employment in a number of the industries that were located in the Moorabbin and Cheltenham areas. I pay tribute to the outstanding contributions made by people in that arena.

The bill makes a number of important reforms to educational structures and their governance. It makes a number of amendments to the Education and Training Reform Act 2006. It amends provisions relating to the membership of councils of universities. On that particular point, I note that it gives greater discretion to university councils in terms of their composition and the skill sets they believe they will require of their members. The bill further amends the Education and Training Reform Amendment (Skills) Act 2010 to

change the commencement date of that act, and it makes other miscellaneous amendments.

It is very important that we recognise not only the value of education and an educational sector but also the value of building an economy that will provide opportunities and employment pathways for those who are trained in the education sector so that they will be able to apply their skills in the future. We live in an economy that is ever more wide ranging. I pay tribute to the coalition government for its great work in its trade missions to India, the Middle East and China to attract investment to Victoria, build working opportunities and also provide good pathways to overseas opportunities.

The growth of industries in this state is remarkable. Early this week we heard about the billions of dollars of value that accrues to the local economy from the gaming industry, where good skill sets that cater to the global environment are being driven from Victoria. There is also excellent work undertaken in the tertiary education arena, with overseas students coming to Victoria. That is one of the nation's major export industries; up with the export of coal and iron ore, tertiary education ranks in third place. Other industries will be developed in this state, and we need to make sure that we provide very good learning environments through a range of courses that lead to skilled pathways following the completion of those courses.

We need to build a state economy that provides value pathways for people to go out into the workforce. I have seen what happens on the ground when unemployment rises to the 11.3 per cent which I saw when I first came to this place. One can understand the pain and difficulties encountered in overseas countries that have a strongly rising unemployment rate. This is a focus of government: to make sure that we have a strong economy which can absorb the trained personnel into the labour force, rather than just speak the rhetoric. You can speak all the rhetoric you like, but when unemployment is running at 11.3 per cent you see the hardship suburb by suburb, street by street and family by family. The government is confronting difficult conditions in delivering services to the wider Victorian community within budget constraints and within the context of reduced revenues across a range of areas, as is markedly pointed out by the sector reforms proposed by the federal government in the past two weeks.

**Ms GRALEY (Narre Warren South)** — It is a pleasure to rise to speak in the debate on the Education Legislation Amendment (Governance) Bill 2012, because this is a life-changing bill for many people. I cannot help but notice the state of the chamber, which

is absolutely bereft, empty, of Liberal Party members holding marginal seats — although we do have B1 and B2 over there, the intellectual giants and political geniuses of the Liberal Party.

**The ACTING SPEAKER (Mr Morris)** — Order! It is not appropriate to address any member directly and particularly not appropriate to describe them in any way other than by the name of their electorate or other appropriate title. I will not accept that sort of behaviour.

**Ms GRALEY** — The member for Bentleigh and the member for Burwood — —

**Ms Miller** — On a point of order, Acting Speaker, I ask the member to withdraw.

**Ms GRALEY** — I withdraw unreservedly.

The member for Bentleigh and the member for Burwood, the intellectual giants and political geniuses of the Liberal Party, are in the chamber, but I notice that nobody else is here. Why are they not here? Because they are hiding in their offices.

**Ms Miller** — On a point of order, Acting Speaker, I think the member is straying from the bill.

**The ACTING SPEAKER (Mr Morris)** — Order! It is not what I thought it was going to be.

**Ms GRALEY** — That is a perfect example of what I just said.

**The ACTING SPEAKER (Mr Morris)** — Order! The member for Narre Warren South has about 45 seconds.

**Ms GRALEY** — Where are they? They are cowering in their offices, hiding away, because they have nothing to say on this bill that they would want to read in the papers. They do not want to talk on this because this bill is an absolute disgrace; it is a dog's breakfast. If members of the Liberal Party could show courage — or in fact even some political aptitude — and come in here and support the reasoned amendment, that would be a step in the right direction. That would be the right thing to do for the educational futures of our kids, our families and the community.

**Sitting suspended 1.00 p.m. until 2.02 p.m.**

**Business interrupted pursuant to standing orders.**

## QUESTIONS WITHOUT NOTICE

### Government: performance

**Mr ANDREWS** (Leader of the Opposition) — My question is to the Premier. I refer the Premier to comments from former Kennett government departmental secretary Elizabeth Proust that:

There is no point being in government unless you are going to do something. That is not frenetic activity but it is considered activity and leadership. That is what we need and that is what we are not getting.

Can the Premier explain to us why is Ms Proust wrong?

**Mr BAILLIEU** (Premier) — What a delightful question, Speaker! It is the first question the Leader of the Opposition has asked me this week, and I am pleased to say that the Leader of the Opposition agrees that Ms Proust is wrong. She is wrong. He has just agreed with that. She is wrong because we have been doing exactly what we said we would do. We said we would fix the problems, and what a list of problems they were. Can I mention a few? I know the Leader of the Opposition likes to hear about the problems we have been dealing with. I know he likes to reflect on the previous government with warmth, so let me just mention the Ararat prison debacle. Let me mention the Melbourne Markets debacle or the fish markets debacle and — dare I mention it — the IT at the Royal Children's Hospital which was not provided for or the myriad IT projects. I hesitate to mention it again, but there is a little myki card which most Victorians remember, and we have had to sort that out. The transport minister has done that to the extent that there is now a more than 90 per cent take-up.

I want to reflect for just a moment on one of the items we have had to deal with, one of the problems we have had to fix, and that is the famous Kevin Rudd 'the buck stops with me' health deal, signed up to by eight governments just two and a half years ago. The buck was going to stop with Kevin; the buck was going to stop with the Labor Party — signed up to by all eight Labor governments at that time and one other person whom I will mention in a minute. One government leader did not sign, and that was Colin Barnett, the then new Premier of Western Australia.

Shortly after that we were able to join Colin Barnett in reopening that deal, and the Labor leaders rushed to abandon it, including the now Prime Minister. The interesting thing about those eight Labor leaders is that they have all gone — in two and a half years each and every one of them has gone. There is one other person who signed up to that deal, and at the time the then

Premier of Victoria praised him for the work he had done on that deal. That was, at that time, the health minister of the day, the now Labor opposition leader.

**Government: achievements**

**Mr ANGUS** (Forest Hill) — My question is to the Premier. Can he highlight to the house some examples of reform delivered by the coalition government and the challenges the government faces in improving services for Victorians?

**Mr BAILLIEU** (Premier) — I thank the member for Forest Hill for his question, for his understanding of what needs to be done in this state and for his understanding of how the government is going about it. In reply to the Leader of the Opposition earlier, I said that when we came to government we said we would fix the problems and build for the future. That is exactly what we have been doing. I hesitate to go on with the problems; the list is very long.

I want to highlight a couple of things. Over the last nearly two years we have done what we said we would do. I reflect on the significant reduction in stamp duty for first home buyers and pensioners. I reflect on the extension of energy concessions across 12 months. I reflect also on the halving of ambulance subscriptions; the commitment to the delivery of more police; the protective services officers; the hoon laws; the Responsible Gambling Foundation, which is a fantastic new initiative; the 1000 more train services; the iconic Regional Growth Fund; the hospital work that is going on; the record funding in health and education; and significant reforms as well.

Who could forget the fire services levy, which is a property-based fire services levy? There is the Independent Broad-based Anti-corruption Commission, with the last piece of legislation being put in place — something the Labor government did not do in 11 years. There is our commitment to implement all of the 2009 Victorian Bushfires Royal Commission recommendations. There are the comprehensive planning reforms: a metropolitan strategy is in place, we have made a commitment on construction costs and we are leading the way on construction costs and a construction code. We have established a compliance unit so that we can deal with rogue elements of the Construction, Forestry, Mining and Energy Union, which is something the Leader of the Opposition does not want to do because he stands side by side with that union. There is the taxi reform. We have led the way on the national disability insurance scheme.

In a bipartisan way we had the privilege and honour to lead the way on an apology to those who had been through forced adoptions. We have led the way on child abuse: we have held the first parliamentary inquiry into child abuse and the response from religious organisations. We have led the way on construction costs nationally and on resisting the costly occupational health and safety reforms that the commonwealth wishes to impose, about which the Labor opposition has been silent. This week alone we have had the World Chinese Economic Forum in Melbourne, which is a very substantial forum in its own right. We have seen the opening of the Industrial and Commercial Bank of China in Melbourne. We have seen the United Nations Habitat committee declare Melbourne one of 10 top cities of prosperity anywhere in the world, which goes with our most livable city status. We hosted a major delegation from the Chinese Academy of Governance with the Australia and New Zealand School of Government.

In spite of all the challenges, we have retained a AAA rating with a stable outlook. There are some threats to that though. The threats come from the commonwealth, which in the last few weeks has withdrawn \$100 million from our health system. They come also from those who would reverse the sustainable government initiatives, supported as they are widely across the community. Who is doing that? It is the Labor Party, which wants to reverse the sustainable government initiatives at a huge cost.

**Government: performance**

**Mr ANDREWS** (Leader of the Opposition) — My question is again to the Premier. It follows his earlier answer. This time I refer the Premier to the comments of Rebecca McGrath, director of Incitec Pivot, CSR and Oz Minerals, in an article in today's *Australian Financial Review*. She said:

The key areas that concern me around business and the economy is there seems to be quite a lot of inertia and a lack of progress.

I ask the Premier: does he support Ms McGrath's contention; and if not, why not?

*Honourable members interjecting.*

**Mr BAILLIEU** (Premier) — Oh, dear! The Leader of the Opposition's question prompts me to say that I can only conclude that Ms McGrath was talking about the Leader of the Opposition, the man who wants a public holiday — —

**The SPEAKER** — Order! The Leader of the Opposition will put down the article he is holding up.

**Mr Andrews** — On a point of order, Speaker, we had a long discussion yesterday on a point of order in relation to the standing orders about accuracy and facts. The question related to comments from Ms McGrath in an article in today's *Australian Financial Review*, which without any doubt were about this Premier and this government. If the Premier would like me to table it, I am happy to do so. In fact, I seek leave to table the article from today's *Australian Financial Review*.

**The SPEAKER** — Order! Is leave granted?

**Mr Andrews** — It is entitled 'Baillieu and Victoria's vision vacuum'.

**The SPEAKER** — Order! That is enough! I call the Premier.

**Mr BAILLIEU** — I thank the Leader of the Opposition for his question, and I would happily quote from the article. I have read the article. In reference to the key areas of the concerns around business and the economy, I note that the *Australian Financial Review* yesterday — Wednesday, 14 November — referred to company directors — —

**Mr Andrews** — On a point of order, Speaker, regarding relevance, the question related to a quote from the *Australian Financial Review* from a very big article in today's edition. It was not the *Australian Financial Review* of yesterday, and I would hope that it would not be your ruling or the custom and practice of this house that if a member is asked about a newspaper and that member simply quotes from that newspaper on any day on any matter, that becomes a relevant answer. The question related to a quote from Ms McGrath in today's *Australian Financial Review*, and that is what the Premier should address himself to.

**Dr Napthine** — On the point of order, Speaker, the Premier had hardly made any reference to the quote. The Premier is entitled to quote from any newspaper on any day as long as the quote is relevant to the question. I think the Premier has not even been allowed to refer to the quote. The Leader of the Opposition is being a very sensitive petal. He is obviously part of an ongoing stunt to interrupt the Premier in his response, because the Premier is outlining the myriad achievements of this government during only two years in office.

**Mr Merlino** — On the point of order, Speaker, the question directly related to a quote by Rebecca McGrath in an article in today's paper headed 'Baillieu and Victoria's vision vacuum'. It would be a farce if the

Premier could be relevant to the question by talking about any article in any paper other than the quote he was specifically asked about, with no preamble. He needs to be relevant to the question.

**The SPEAKER** — Order! I ask the Premier to be relevant to the question that was asked.

**Mr BAILLIEU** — I am being absolutely relevant to the question, Speaker. I am more than happy to do so. The quote to which the Leader of the Opposition referred refers to concerns around business and the economy, and I was dealing with exactly that issue. I quote from yesterday's *Australian Financial Review*, which states:

While Australian boards cite broader economic conditions as the main factor holding companies back, 42 per cent of directors finger workplace laws and regulations as a key impediment ...

Who has been silent about that? That is a rhetorical question.

**Ms Allan** — On a point of order, Speaker, understanding order 58 the Premier was not being relevant to the question that was asked, and indeed he is defying your ruling. I ask you to bring him back to answering the question.

**The SPEAKER** — Order! I believe that the Premier was in fact being relevant to the question that was asked.

**Mr BAILLIEU** — I am happy to go on and deal with other matters that Ms McGrath dealt with in the *Australian Financial Review* today in terms of national harmonisation of occupational health and safety laws. We agree: we want national harmonisation, but unlike some, we want harmonisation with national best practice, and that is Victorian law. I would have thought the opposition leader would know that. Anybody who advocates the application of the proposed laws that the commonwealth put in place around occupational health and safety is committing Victorian business to \$3.5 billion of additional costs over five years — for no gain. That is \$3.5 billion uncontested by anybody but very clearly demonstrated.

We agree with Ms McGrath: national harmonisation is ideal, but we are not going to impose \$3.5 billion of costs on Victorian businesses. Some people might like to do that. I can only imagine who. I know one person who wants to impose \$3.5 billion of costs on business, who on top of that wants to impose another public holiday the day before the grand final and who wants to stand side by side with the Construction, Forestry,

Mining and Energy Union — the rogue CFMEU — as it paralyses the construction industry.

**Ms Allan** — On a point of order, Speaker, the Premier is now very obviously defying your ruling and he is very clearly debating the question. He is not being relevant under standing order 58. He may be attempting to demonstrate some frenetic activity, but he is failing by debating the answer instead of answering the question as it was asked.

**The SPEAKER** — Order! I ask the Premier to return to answering the question.

**Mr BAILLIEU** — In the 20 seconds that remain I repeat that I was asked about Rebecca McGrath's comments, and I agree we should harmonise occupational health and safety laws, but we are not going to impose \$3.5 billion of extra costs on Victorian business. I invite Victorian businesses who want that to stand up and say so, because — —

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

### **Bushfires: preparedness**

**Mr WELLER** (Rodney) — My question is to the Deputy Premier and Minister for Police and Emergency Services. Can the minister advise the house on actions the coalition government and fire agencies are taking to prepare the community for the forthcoming fire season?

**Mr RYAN** (Minister for Police and Emergency Services) — I thank the member for his question and for the superb way in which he framed and put the question to the house too. That was very well done. All communities and all of us who live, work or plan to holiday in areas of high fire risk need to be aware of the potential risks around fires and to think about how to prepare properties that are regionally based and to know what to do in the event of an emergency.

Accordingly, Fire Action Week, Victoria's annual bushfire awareness week, will be held from 18 to 25 November. The intention is to raise awareness of the risk of bushfire and grassfire and also to prompt Victorians to carry out the all-important preparations and planning for the impending fire season. The timing of Fire Action Week has been determined in conjunction with Victoria's fire agencies, which have again indicated that this is the ideal time to lessen what is one of our great threats — that is, community complacency — and also to promote the actions that are necessary in this all-important season.

The summer fire campaign and Fire Action Week are all about emphasising one-on-one conversations about fire, and they include local events and education activities. Victorians will be encouraged to carry out preparation activities, such as packing a relocation kit, preparing the plan the family might need to implement in the event that a fire is threatening, checking the fire danger ratings and warnings, and generally making ready to leave early should there be the threat of fire. The campaign will be supported by a strong drive by our fire agencies to deliver localised information about fire risk to their local communities.

On CFA Sunday, which is 25 November, nearly 300 Country Fire Authority brigades will open their doors to engage with their respective communities and talk to locals about their preparations for the summer fire season. I urge all Victorians to visit [www.cfa.vic.gov.au](http://www.cfa.vic.gov.au), where they will find much more about the preparations against the risk of fire and the capacity for people to protect themselves and their properties over summer.

The government is investing heavily in building up our emergency services. As members of the house know, this is the second-largest budget the CFA has ever had in its history. It includes a \$57 million boost to the emergency services infrastructure, which includes \$22.9 million to build or upgrade rural fire stations across the state together with \$12.3 million for the CFA to acquire additional vehicles. In addition to that, this year 166 grants have been provided to CFA brigades under the volunteer emergency services equipment program. I am pleased to tell the house that that is a record.

In addition, we are moving on with the implementation of all 67 recommendations of the 2009 Victorian Bushfires Royal Commission. We are in discussions at the moment with the commonwealth government about a contentious issue to do with the fact that Victoria has maintained an absolute minimum of two bandwidth segments of 10 megahertz of the spectrum allocation, which is required to meet the current needs of emergency services. This debate will continue through the ministerial council meeting which is to be held in the course of the coming week or two, but I ask the commonwealth government to reconsider the decision it has made recently to only allocate 10 megahertz to this important task; we need 20 megahertz. Jurisdictions right throughout Australia, apart from the commonwealth government, are saying we need 20 megahertz, and I implore the opposition to get behind our drive to ensure that happens.

**Education: government policy**

**Mr MERLINO** (Monbulk) — My question is to the Minister for Education. Is it not a fact that his real education blueprint includes a \$50 million cut to VCAL (Victorian certificate of applied learning), abolishing the School Start bonus, slashing the education maintenance allowance, cancelling Free Fruit Friday, taking away the conveyance allowance and ripping hundreds of millions of dollars out of TAFE?

**Mr DIXON** (Minister for Education) — I thank the member for his question. The premise of his question is totally wrong, but there is a \$50 million cut to education. Do you, Speaker, know where that came from? It came from the midyear financial report of the federal government, which is cutting \$50 million — —

*Honourable members interjecting.*

**The SPEAKER** — Order! Again I ask for the house to come to order.

**Mr DIXON** — Education in Victoria will receive \$50 million less than it was entitled to receive following the federal government's cuts to education. That is where the cuts are coming from.

**Ms Allan** — On a point of order, Speaker, under standing order 58 the minister is not being relevant to the question.

*Honourable members interjecting.*

**Ms Allan** — I do not think education funding cuts are hilarious. The question did not relate in any way to issues about any other government; it related to actions by this minister and this government. It included a list of very specific education cuts and changes introduced by this government, and I ask you, Speaker, to bring the minister back to answering the question he was asked and not the question he would like to be asked.

**Dr Napthine** interjected.

**Ms Allan** — I am sure the Minister for Ports will help and — —

**The SPEAKER** — Order! I ask the member for Bendigo East to sit down.

**Dr Napthine** — On the point of order, Speaker, the minister was absolutely relevant to the question. He was asked a broad-ranging question about education and education funding. He was being absolutely relevant to the question. I think members of the house are getting sick and tired of these point-of-order stunts from the opposition.

**Mr Merlino** — On the point of order, Speaker, the minister was not being relevant to the question. People are getting sick of blame being cast elsewhere when \$290 million has been taken out of TAFEs.

**The SPEAKER** — Order! The time spent raising a point of order should not be used to enter a debate about what money is being used or not used. Is the member's point of order that the minister's answer was not relevant?

**Mr Merlino** — On the point of order, Speaker, the minister was not being relevant to the question, which did not relate to federal government matters. We are talking about state government decisions and \$550 million being ripped out of the education department and 200 — —

**The SPEAKER** — Order! I believe the minister's answer was in fact relevant to the question that was asked, which was in regard to education funding.

**Mr DIXON** — I am very proud of the fact that there are more students undertaking VCAL this year than in any year before. VCAL numbers are growing. I am very proud of the fact that we have more students in our schools. We have increased our budget by 3 per cent for our schools. That is 3 per cent growth in real areas. We are spending more on maintenance. Under the previous government we saw 20 per cent cuts to maintenance. We are increasing maintenance; we are increasing land purchases, which the previous government neglected; we are building brand-new schools in growth areas and in inner suburban areas. We are repairing schools and building schools in the Labor heartlands.

We are looking after students with disabilities; we have spent an extra \$170 million on disability in our first two budgets. We have increased funding to non-government schools by \$249 million. We are doing the things that count, and I am very proud of our record in education.

**Mental health: government initiatives**

**Mrs VICTORIA** (Bayswater) — My question is to the Minister for Mental Health. Can the minister advise the house on how the coalition government is delivering improved mental health services in Victoria and the challenges the government faces in this area?

**Ms WOOLDRIDGE** (Minister for Mental Health) — I thank the member for Bayswater for her question and for her ongoing advocacy about improving access to mental health care for her constituents. I contrast this to the deafening silence we have had from those opposite who have refused to stand up against the vicious cuts delivered by the

commonwealth Labor government. Last week the commonwealth government confirmed that it would strip \$107 million from Victorian health services this year. That is a \$40 million cut to last year's budget, and those patients have already been treated, and a \$67 million cut to this year's budget. But it all has to be taken out of health services budgets in the remaining seven months of this year. Mental health's share of these cuts is going to be of the order of \$12 million. That is 840 fewer inpatient admissions in the remaining seven months of this year — 840 fewer! These cuts are going to take away critical clinical treatment from Victorians with a mental illness.

Underpinning this funding cut is a dodgy calculation which says Victoria's population has declined. It is laughable to say that our population has declined, and I am sure it is not a position that is supported by members in growth areas, such as the member for Yan Yean or the member for Tarneit. These cuts to funding for hospital clinical services are just one example of where the commonwealth is undermining the treatment and recovery of people with a mental illness. It has cut funding for access to mental health services through the community, by cuts to programs such as the Medicare Better Access program. It has cut access to allied health services by reducing the private health insurance rebate and therefore lowering the accessibility of private insurance. Even earlier this year Victoria's share of the \$200 million national mental health partnership fell well short of what our share should be. We received only 18 per cent, which is \$13 million less than Victoria's fair share of national partnership mental health funding.

Despite these continuous attempts by the Labor commonwealth government to disadvantage Victorians with a mental illness, the Victorian coalition government is getting on with the job of investing in mental health services and our infrastructure. In this year's budget — for 2012–13 — we are investing \$133 million more in mental health services than in the 2010–11 budget, just two years ago. The coalition government has invested in more than 140 new mental health beds, including new mother-and-baby units, new psychiatric assessment and planning unit beds and new four-bed units, which will directly address some of the significant problems we have with emergency departments, and of course new step-up, step-down prevention and recovery care units.

Of course there is the \$634 million for Bendigo hospital, which will be a significant expansion of mental health beds, including a new mother-and-baby unit, so that women in the Bendigo region do not have to come to Melbourne to get assistance for post-natal

depression. These are initiatives of the coalition government. We have funded innovative models for eating disorders, we are reforming community mental health and we have invested significantly. We have introduced a new Mental Illness Research Fund; the list goes on and on.

The Baillieu government is committed. We are getting on with reforming mental health services so that people with a mental illness in Victoria can get access to the care and support they need. What we need to hear is support from those opposite against the vicious cuts of the commonwealth government; however, I am not sure we will hear that. As we all know: Labor first, Victorians last.

**Questions interrupted.**

### DISTINGUISHED VISITORS

**The SPEAKER** — Order! Before calling for the next question, I acknowledge Don Hayward, a former Minister for Education and former member for Prahran, who is with us in the gallery today. Nice to have you here, Don.

### QUESTIONS WITHOUT NOTICE

**Questions resumed.**

#### **Students: education conveyance allowance**

**Mr MERLINO** (Monbulk) — From the Kennett years to the Baillieu years! My question is to the Minister for Education. I refer the minister to his scathing cuts to the education conveyance allowance and to the case of a Bacchus Marsh Grammar school student with Asperger's syndrome. Because of this government's cuts, this student's travel time will blow out from a direct 35-minute bus trip to a 2-hour bus and multiple train trips from Werribee station to Footscray station, a V/Line train to Bacchus Marsh and finally a 660-metre walk up a hill to his school, and I ask: is this what the minister meant when he said his cuts were 'about providing additional ... support to families in need'?

**Mr DIXON** (Minister for Education) — I thank the member for his question. We have got a very proud record in looking after students with additional needs. We have increased the education maintenance allowance for every single age group in every single year level for students who currently receive the education maintenance allowance. A number of our most needy government schools are also receiving an extra component and extra loading for education to

reflect the needs of their communities as well. We have got a proud record with students with disabilities. We have spent more than an extra \$170 million in our first two budgets on extra services for students with disabilities and for the transport of students with disabilities. We have a proud record, and — —

**Mr Merlino** — On a point of order, Speaker, the minister is not being relevant to the question. He has had more than a minute to refer to this real case of a child with Asperger's who lives in Werribee. The principal is outraged. He should address the question.

**The SPEAKER** — Order! I believe the answer was relevant to the question that was asked. The minister in fact has been going for 1 minute and 10 seconds. He has 4 minutes to answer the question.

**Mr DIXON** — Further to our great record in supporting students with disabilities and their families, in our first year in our first budget we spent more on additional facilities, new special schools and schools for students with autism than was spent in the previous decade. We have a proud record in supporting those students, the transport of those students, the facilities for those students and the programs for those students.

In last year's budget we announced that there would be changes to the education maintenance allowance.

**Ms Allan** interjected.

**Mr DIXON** — On the changes that we announced in last year's budget regarding the conveyance allowance, over the last year we have been working through those changes. We have announced changes. What the member fails to say and tell us is the whole truth — that is, that these changes are being grandfathered, so that students who currently receive the conveyance allowance will — —

**Mr Merlino** — On a point of order, Speaker, to ensure that the minister is not misleading this house, the principal of the school has clearly been advised — —

*Honourable members interjecting.*

**The SPEAKER** — Order! A point of order is not a time for the member for Monbulk to get up and argue the case one way or the other. It is not up to him to debate it. His point of order is what?

**Mr Merlino** — The minister is not being relevant to the question. Bacchus Marsh students — —

**The SPEAKER** — Order! The member asked his question earlier. The minister is aware of the question.

It is not a time for the member for Monbulk to again ask the question. The answer was relevant to the question that was asked.

**Mr DIXON** — The grandfathering I refer to is available to students for up to six years. As well as that, for country students the current free school bus service that runs will continue to run and students who attend specialist or alternative setting schools in country areas will not be affected at all. There is also an issue which is quite separate to this, and that is the issue of the definition of denomination. That is one of the eligibility criteria for the conveyance allowance. That issue is under discussion. We have not made a decision about the definition of denomination.

### **Education: government initiatives**

**Ms RYALL** (Mitcham) — My question is to the Minister for Education. Can the minister advise the house of how the coalition government is improving education provision and opportunities for young Victorians and the challenges the government faces in this area?

**Mr DIXON** (Minister for Education) — I thank the member for Mitcham for her question and for her great commitment to the schools in her electorate. As I said yesterday, we are committed to a world-class education system. Already in our first term we have released our languages statement, and the Premier has launched our discussion paper on the teaching profession. Also I am very proud to say that today we launched our schools reform agenda, Towards Victoria as a Learning Community, a very positive and far-reaching project and process. In that paper we focus on the things that make a real difference in education, things like curriculum, teaching, assessment, reporting, students with additional needs and student wellbeing. What we are proposing is very high-level professional standards in each and every one of these areas. What we want to develop in our schools is a culture of observation and feedback at all levels, teacher to teacher, school to school and principal to principal, so that these changes are sustainable into the future.

We have also announced a compact. We will be developing a compact, and we have released a draft compact which sets out the rights and responsibilities of schools and the department. To end the blame game, everybody will know what everybody's responsibility is. We will also propose new freedoms for school communities and for teachers so that they can meet the needs of individual students and the individual needs of the communities from which their children are drawn. It is about respecting our teachers, and it is about having

professional trust in our schools to actually meet the needs of their school communities.

These are really significant reforms for the future. They build on the reforms we have made in the past in languages education, maths and science, school maintenance and changing the culture of the department from a management organisation to a service organisation. This has been hard work, but it has been made even harder by a federal government that insists it wants to take over the running of education in the states and territories. This is a federal government that does not run one school or employ one teacher. It just does not work. Look at its terrible record of trying to run education, look at the hundreds of millions of dollars that were wasted by the federal government on the Building the Education Revolution, look at the National Solar Schools program that was scrapped and look at the digital education revolution program, which is running out of steam and running out of funds.

As I mentioned in one of my earlier answers today, \$50 million that we would have expected from the federal government was stripped from the department in the midyear update. This is the federal government that wants to take over education here in this state and in all of the states and territories. Then we had the Asian languages statement, which was not a statement; it was actually a thought bubble. It has got no funding, no depth and absolutely no detail attached to it at all; absolutely nothing. Overall this is the federal government's response to Gonski, which has been an absolute farce. There has been absolutely no detail from the federal government, no dollars and absolutely no idea of the reality in Victoria's schools.

We have actually seen draft legislation for next week in the federal Parliament. This is its Australian funding legislation. It is not legislation. There are no laws, there are no clauses; all it is is a collection of motherhood statements. That is all it is. That is the extent of the federal government's commitment to funding reform in this country. I am not going to sign up to anything that disadvantages any single school, government or non-government, or any individual student in Victoria. It is about time that those opposite joined with us to stand up for Victorian schools.

### **Teachers: government policy**

**Mr ANDREWS** (Leader of the Opposition) — My question is to the Premier. I refer the Premier to the fact that today's education blueprint does not even mention the Premier's promise to make Victorian teachers the highest paid in Australia — no mention is made of it. I

ask: can the Premier explain to teachers across Victoria why this has gone from a key election commitment to one that does not even rate a mention in this alleged education blueprint?

**Mr BAILLIEU** (Premier) — With three questions in a whole week, one would have thought that the Leader of the Opposition would know that an EBA (enterprise bargaining agreement) is being negotiated with the AEU (Australian Education Union) at present — —

**Mr Andrews** interjected.

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

**Mr BAILLIEU** — I think the Leader of the Opposition has just admitted that he did not know there is a negotiation going on. We have an offer on the table for Victorian teachers which will make the best performing teachers in Victoria the best paid — the best paid for the best performing.

*Honourable members interjecting.*

**Mr BAILLIEU** — We have an offer on the table that is consistent with the government's wages policy of 2.5 per cent plus productivity improvements. There are significant productivity improvements available to teachers, and if that EBA is negotiated, then we believe that teachers will be much better off and, indeed, it will make the best performing teachers the best paid. That offer has been there for some time, and we are continuing to talk with the AEU. We look forward to that position being negotiated and settled.

Earlier this year the Minister for Education, with the Minister responsible for the Teaching Profession, released a teacher workforce paper, and today they have released the schools paper entitled *Towards Victoria as a Learning Community*, which goes towards improving our schools. This goes together with the EBA arrangements, of course. The EBA negotiations continue, and anyone who has been a minister for education in this state would know the history of negotiations with the AEU. It is a similar industrial tactic, a similar calendar of events, a similar number of strikes and a similar number of half-day and four-hour disputes across the state. The rhetoric is the same. These matters get settled, and we look forward to them being settled on a basis where the best performing teachers have the opportunity to be the best paid.

**Transport: infrastructure**

**Mr NEWTON-BROWN** (Pahran) — My question is to the Minister for Roads. Can the minister advise the house as to how the coalition government is delivering on transport infrastructure in this state and also detail some of the challenges this state is facing in that area?

**Mr MULDER** (Minister for Roads) — I thank the member for Pahran for his question and for his long-term interest in public transport and particularly in road and infrastructure projects throughout state. We have a great story to tell in relation to the commitments we made prior to the election and how we are delivering for the Victorian public in both public transport and road infrastructure.

The government has provided an extra \$100 million over four years for the metropolitan rail network to get back to basics and to fix up the mess we inherited from the Labor government. There is \$172 million going into the regional rail network to make sure it can plan for maintenance and do the infrastructure work and asset renewal that it needs. We responded to the floods with \$121.5 million to repair roads and bridge structures; \$160 million has gone into the Country Roads and Bridges Fund to assist small country councils that are struggling to maintain their assets; \$222 million has gone into new trains; and a business case is being developed for a further 33 new trains.

There is \$350 million that has gone into grade separation programs at Springvale Road, Rooks Road, Mitcham Road, and of course there are the two grade separations projects at Anderson Road, which is in Labor Party heartland, that were abandoned by the former government. There is \$156 million for the Dingley bypass; \$92 million for the Western Highway duplication; \$50 million for the Metro rail tunnel; \$15 million towards the east-west link; and \$432 million for road asset management, which is a massive increase in terms of the former government's budget.

There are some challenges, and one of the great challenges that we face as a state government is a threat from the federal government. One only has to look at the Senate Estimates Committee report and at a line in that report which states:

... the government will start seeking 50-50 funding on nation-building projects.

To give you an idea of what the federal government would do to us, for the Western Ring Road we would have been \$299 million worse off; the regional rail link would have lost \$1 billion under this scenario; the Deer

Park bypass would have lost \$100 million; and at Anthonys Cutting between Melton and Bacchus Marsh you could shave nearly \$60 million off that. That is what the Gillard government has planned for Victoria.

We have a lot of people on our side in terms of arguing the case for Victoria and arguing for our fair share of infrastructure funding. The Royal Automobile Club of Victoria said:

This is clearly a betrayal of regional Victorians particularly those in the west of the state.

Infrastructure Partnerships Australia called it:

... a compelling case for the Australian government to help fund megaprojects of national significance such as the east-west —

link. The support is there in the broader community, but there are other prominent public figures here in Victoria who have also in the past supported our position. This prominent individual says he would argue for Victoria to get its fair share of national infrastructure funds for transport. Who would that have been? It was none other than the chair of the ALP platform committee, who is the Leader of the Opposition. A toothless tiger!

*Honourable members interjecting.*

**The SPEAKER** — Order! The minister can sit down.

**An honourable member** interjected.

**The SPEAKER** — Order! That is true. I am pleased it is Thursday, and I am pleased that question time has now concluded.

**Dr Sykes** interjected.

**SUSPENSION OF MEMBER**

**Member for Benalla**

**The SPEAKER** — Order! The member for Benalla can have an hour out of the chamber for that outburst.

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

## EDUCATION LEGISLATION AMENDMENT (GOVERNANCE) BILL 2012

### *Second reading*

#### **Debate resumed.**

**Ms GRALEY** (Narre Warren South) — As I was saying before the luncheon break, this is a very important piece of legislation and, having just sat through question time and seen yet again the government's utter disregard for the quality of the education being provided to the students of Victoria, I again ask those opposite to reconsider their position on this bill and the reasoned amendment. This is an opportunity for them to fix this problem, to do the right thing by the community, the students and the staff who work in our educational environments by getting behind the opposition's reasoned amendment. There are a few more government members in the chamber than there were before lunch, but we are still getting the same inane quality of interjection.

I am going to confine my extra comments to the part of the bill that amends the governance arrangements in the university acts to provide for governing councils to be appointed solely on the basis of relevant skills and experience, with no elected members and no fewer government-appointed members than council-appointed members, with the size of the council able to be varied by the Governor in Council.

I have been a student and staff member at both La Trobe University and the University of Melbourne, and I am a great supporter of university education and the university experience. It is important not only for people to become well educated but also for our community and our economy. At present the university acts provide for university councils to consist of between 14 and 21 members, including at least 3 elected members who represent the staff and students. I expect that most of us in this chamber have served on boards, even if only at a local level of management, and we have all been impressed, I am sure, by the quality of people who put their hands up to be on boards and the breadth of their experience. It has been my experience, because I serve on the Monash University Community Council at the Berwick campus, that it is a very good experience for students and staff to be involved in. Indeed their contributions are invaluable. I have been especially impressed by the quality of the staff engagement with the real issues that challenge our local area in Berwick and Narre Warren South.

I draw the house's attention to the comments of Colin Long in an article in yesterday's *Age*, where he said that

the state should butt out of our universities. His comments ring true. When talking about the fact that no longer will staff and students be on boards, he said:

In the case of universities, it is remarkable that an allegedly 'conservative' government would seek to destroy, in one fell swoop, centuries of constitutional tradition that protect universities from the heavy hand of state interference.

The government's changes to university governance arrangements not only remove elected representatives, they provide the state government with unprecedented ability to interfere in the running of universities.

As I have said, I have worked as a staff member and I have been a student at two universities. I am very aware that the way that a university will grow to do its best work is without outside interference, and the staff and the students of the University of Melbourne, and indeed the chancellor, Ms Elizabeth Alexander, have expressed extreme disappointment over the state government's decision. Ms Alexander has said that the University of Melbourne Council resolved unanimously to oppose these changes because she sees the heavy hand of state interference in these changes. She has also said:

The University of Melbourne Council is of the strong opinion that each institution should be allowed to choose the governance mission that best reflects its mission and values.

The government should stay out of it. The state government should get out of it and allow the universities to run their business and allow the staff and students who work, study and do research at these institutions to look after them.

I am very aware of the concerns because I have been contacted by numerous students who are very upset about these changes. One of them has written to me and said:

I have personally sat as a student-elected representative on the Monash Academic Board, and it was one of the most valuable experiences I have had as a student leader. I was involved in determining what programs were offered by my university, in overseeing student complaints and questioning the faculties with the highest number of student complaints, in passing policy documents that affect my university and the students there at a governance level. Having the voices of student representatives, elected by their peers, heard at this level is critical.

I have heard the member for Mitcham say they can go on some subcommittee — that is, students can be put out where they are not going to be heard because the government does not want to hear their complaints — but the fact is students and staff deserve to be sitting at the big table where the decisions are made, because the decisions are going to impact on them.

I draw the attention of the house especially to the concerns of postgraduate students. If you have been a postgraduate student you would realise that they have special needs and requirements. They are usually busy balancing family life and work, and paying fees. The fact that postgraduate students, through these changes, will be effectively discriminated against in that they will not have a voice is an area of real concern. Postgraduate students are often our key researchers, people who will be making an incredible contribution to the quality of our community in the future and our future leaders, yet with this legislation those opposite will be denying them the opportunity to voice their concerns and get their experience across to those who make decisions where it matters, effectively locking them out. Postgraduate students are very concerned about it.

I will finish by saying that those opposite should get behind our reasoned amendment. The ALP — —

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

**Debate adjourned on motion of Mr BATTIN (Gembrook).**

**Debate adjourned until later this day.**

## CRIMINAL ORGANISATIONS CONTROL BILL 2012

### *Statement of compatibility*

**Mr CLARK (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the Criminal Organisations Control Bill 2012.

In my opinion, the Criminal Organisations Control Bill 2012, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

#### **Overview of bill**

The bill provides for the making of declarations and control orders for the purpose of preventing and disrupting the activities of organisations involved in serious criminal activity. These orders are made by the Supreme Court, on the application of the Chief Commissioner of Police. The bill also provides for the recognition and application of declarations and control orders made in other states and territories.

#### **Human rights issues**

##### *Impact of control orders on expression, association, privacy, movement and property*

If a control order is made, the court is empowered to impose a range of conditions that may have an impact upon a range of rights of individuals, including freedom of expression, freedom of association, privacy, freedom of movement and property rights. The types of conditions are set out in clauses 45 and 47.

Freedom of expression will clearly be limited through prohibitions upon the wearing of patches or insignia (clauses 45(2)(d) and 47(2)(e)) but may also occur as a consequence of the other conditions that are imposed upon an individual or the declared organisation. For example, a prohibition upon carrying out a business may have the consequence of restricting the publication of advertising material. Similarly, if a condition is imposed that restricts an individual's association with another member, in some cases it may also have an impact upon the individual's right of expression under section 15 of the charter act.

Many of the conditions will have an impact upon an individual's ability to associate with other persons, particularly members of a declared organisation, thereby affecting the right to freedom of association in section 16(2) of the charter act. Similarly, many of the conditions enable restrictions to be imposed upon activities of individuals which may fall within the scope of the right to privacy in section 13 of the charter act. Some conditions may result in limits being imposed upon an individual's freedom of movement under section 12 of the charter act.

A number of conditions will affect an individual's property (see, for example, clauses 47(2)(f), (g) and (h) and clauses 47(3)(f), (g) and (h)). To the extent that any restrictions may involve a 'deprivation' of property, the right to property in section 20 of the charter act is relevant but as any deprivation would occur in accordance with conditions imposed by a court, no incompatibility would arise.

It is not possible to exhaustively set out the limits upon rights that may be imposed, as this will depend upon the particular circumstances. Nevertheless, I consider that the powers given to the court to impose conditions that are likely to result in restrictions upon rights are compatible with those rights either because they do not limit the rights as described in the charter or because any such limits are reasonable and justified under section 7(2).

The bill sets out clear criteria for the making of declarations (clause 19) which require serious criminal activity and a serious threat to public safety and order.

A declaration can only be made against an organisation or an individual if the court is satisfied:

(beyond reasonable doubt) that the organisation, or the individual and other members using the organisation, have engaged in, organised, facilitated or supported serious criminal activity or are currently doing so; and

(on the balance of probabilities) that the activities of the organisation or of the individual and other members acting together pose a serious threat to public safety and order.

The bill also sets out clear criteria for the making of control orders (clause 43). These criteria reflect the important purposes of such orders, namely to prevent and disrupt the activities of organisations involved in criminal activity. These purposes will also guide the court in determining what conditions should be imposed.

The court will also need to have regard to clause 11 which makes clear that it is not intended that the powers in the bill be exercised in a way that diminishes the freedom of persons to participate in lawful protest, advocacy, dissent or industrial action. In addition, the bill contains a range of procedural safeguards before such conditions are able to be imposed.

Having regard to these factors, I consider that the imposition of restrictions upon expression, association, privacy, movement and property under a control order made by the court in respect of an organisation or individual declared by the court, either fall within the express limits referred to in the relevant right or are reasonable and justified for the purposes of section 7(2) of the charter act.

#### *Protection of criminal intelligence material*

Part 4 of the bill contains provisions that are aimed at the protection of criminal intelligence material. Disclosure of such material has the potential to have serious consequences for the future investigation, detection and prevention of serious criminal activity. However, non-disclosure of the material has the potential to impact upon the fairness of court proceedings. Section 24(1) affirms the right to a fair hearing in civil proceedings. The bill provides for special procedures to determine whether such material is disclosed or used. These provisions are aimed at protecting the confidentiality of material while also ensuring a fair hearing for respondents in declaration and control order proceedings.

#### Criminal intelligence protection orders

Division 2 of part 4 provides for the making of criminal intelligence protection orders. The common law has long recognised a public interest in maintaining the confidentiality of certain types of documents. It is commonplace, and indeed necessary, for courts to determine public interest immunity claims without the other party to a proceeding being able to have access to the documents.

Clause 73 provides that a protection application should be heard in closed court, unless the court otherwise orders. Because of the nature of criminal intelligence material relating to organised crime, and the fact that the respondent is likely to be a person who is alleged to have some relationship with a person or organisation engaged in such activities, holding such hearings in open court will usually be inappropriate.

The effect of a closed hearing, however, is to exclude the respondent from the hearing of that issue. In order to safeguard the respondent's interests, pursuant to clause 71, the court may appoint a special counsel. The role of special counsel is to represent the respondent's interests. Special counsel is able to freely communicate with the respondent prior to the commencement of the hearing or receipt of the material. Once the hearing has commenced, some communication can occur (clause 71(4)) and the court may adjourn the hearing to allow such communication (clause 72) but restrictions are placed upon the extent of that

communication in order to protect against disclosure of the protected information.

In my view, these provisions represent an appropriate balance between the need to retain the confidentiality of such material and the interests of the respondent in being able to participate in a hearing that may impact upon his or her interests. Further, the court retains a discretion to adopt a different procedure if a closed hearing is inappropriate. Accordingly, I consider the provisions are compatible with the right to a fair hearing in section 24(1) of the charter act.

#### Use of criminal intelligence material

Non-disclosure or use of criminal intelligence material has the potential to cause such unfairness to a respondent as to result in an unfair hearing. Unfairness could potentially arise where criminal intelligence material is not disclosed in circumstances where it tends to disprove the chief commissioner's case. Unfairness could also arise where the case material is relied upon by a court in circumstances where a respondent is not able to properly respond to that material.

The bill contains a number of provisions to protect against such unfairness.

Firstly, if criminal intelligence material is relied upon by the chief commissioner, the court is able to appoint a special counsel under division 3 of part 4 of the bill. The special counsel would represent the interests of the respondent, including by testing the evidence and making submissions in respect of that evidence.

Secondly, clause 75(1)(b) provides that in making a protection order the court must be satisfied that the reasons for maintaining the confidentiality of the criminal intelligence outweigh any prejudice or unfairness to the respondent to the substantive application. The question of prejudice or unfairness would have regard to issues such as the extent to which the case is based upon the material, its cogency, the extent to which the respondent is aware of the nature of the material and thereby respond to it either himself or through the special counsel procedure. In making a determination under clause 75(1)(b), the court would have had the benefit of submissions from special counsel.

Finally, the court retains a discretion as to whether to admit the evidence and the weight to be placed upon it, as well as its inherent jurisdiction to stay a proceeding if it amounts to an abuse of process.

Having regard to these factors, I consider that the provisions are compatible with the right to a fair hearing in section 24(1) of the charter act.

#### **Right to be presumed innocent**

The bill contains a number of offences. These provisions attract the rights in criminal proceedings in section 25 of the charter act, including the right to be presumed innocent in section 25(1). The right to be presumed innocent requires that the prosecution bears the burden of proving an offence beyond reasonable doubt. Some of the offences contain provisions which place a burden upon the accused.

Clause 68 provides for an offence of contravention of a control order. Pursuant to clause 68(3), service of a copy of a control order that applies to the individual is proof, in the absence of evidence to the contrary, that the individual knows

that a control order applies to him or her. I consider that this provision is compatible with the right to be presumed innocent. In the absence of other evidence, it is reasonable to infer that a person who is served with a document knows of its contents. The provision only requires that an accused point to or present evidence to the contrary, which is something entirely within their knowledge. The burden then lies on the prosecution to prove absence of knowledge beyond reasonable doubt, and there is no risk of conviction if a reasonable doubt exists.

Clause 68(4) provides for a defence to the offence of contravention of a control order if the individual took all reasonable steps to cease to be a member of the organisation as soon as practicable after he or she knew the order took effect. The burden is on an accused to present or point to evidence that would make out that defence in circumstances. I consider that this provision is compatible with the right to be presumed innocent. The evidence required to discharge the burden is within the knowledge and control of the accused. The burden then lies with the prosecution to disprove the defence beyond reasonable doubt, and there is no risk of conviction if a reasonable doubt exists.

Clauses 74 and 82 provide for offences of knowingly or recklessly entering a closed court. Clause 82(3) provides that if the prosecution proves that a notice was posted in accordance with clause 81(4) at the time of the alleged offence, the person is presumed to have known or to have been reckless as to the fact that the hearing was in closed court. Clause 74 contains a provision that applies an equivalent presumption. I consider that these provisions are compatible with the right to be presumed innocent. It is reasonable to make such an assumption where a notice is posted on the court door or other conspicuous place. If the person points to or presents evidence to the contrary, which is a matter entirely within their own knowledge, the burden will be on the prosecution to prove absence of knowledge or recklessness, and there is no risk of conviction if a reasonable doubt exists.

Clauses 84 and 85 provide for an offence relating to disclosure, receipt or solicitation of protected criminal intelligence, or material in respect of which an application has been made. A range of defences are provided in clauses 84(3) and 85(4). Clauses 84(4) and 85(5) place a burden on the accused to point to or present evidence sufficient to suggest a reasonable possibility of circumstances that would establish such a defence. The burden then falls to the prosecution to disprove the defence beyond reasonable doubt.

I consider that these provisions are compatible with the right to be presumed innocent. There are a range of potential defences available. In the absence of a requirement to give notice of a defence, it would be very onerous for the prosecution to have to prove that none of those defences apply. Further, some of the defences would require the prosecution to prove a negative, which is notoriously difficult. In contrast, it would be relatively easy for an accused to present or point to evidence, if the defence applies. The burden will then be on the prosecution to disprove the defence, and there is no risk of conviction if a reasonable doubt exists.

Robert Clark, MP  
Attorney-General

### *Second reading*

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

That this bill be now read a second time.

Criminal organisations pose a serious and ongoing threat to public safety and order in Victoria. They are involved in serious criminal activities including drug offences, violence and intimidation.

More needs to be done to tackle the criminal activities of these organisations than simply waiting until crimes are committed and then seeking to prosecute and punish those involved after the event. Where there is clear evidence that such organisations are being run or used as a vehicle for serious crimes, law enforcement agencies need the power to act against those organisations and their members.

This bill will deliver on the government's election commitment to legislate to allow criminal bikie and similar organisations to be outlawed where they are used for serious criminal activity and the organisation's continued operation represents a serious threat to public order and safety. The bill will do so while ensuring these decisions are made by the courts, after a robust assessment of the evidence and with affected parties having the opportunity to be heard.

Law enforcement agencies have made clear that criminal organisations are involved in a variety of crime including the production and distribution of drugs, vehicle rebirthing, serious assaults, illegal firearms trafficking, prostitution, serious fraud and extortion. Organisations involved in serious criminal activity, including bikie gangs, often regard themselves as beyond the reach of the law, and commonly use violence and intimidation to achieve their criminal aims.

These criminal organisations are resistant to traditional policing methods. Such groups typically intermingle their illegal activities with lawful business or social activity. This makes such groups harder to detect and prosecute using the criminal law.

This bill recognises that traditional criminal laws are limited in their effectiveness to respond to these organisations, as such laws can only be used to prosecute illegal activity on a case-by-case basis after the event. This bill provides new powers that will allow Victoria Police to apply to the Supreme Court for orders that will prevent and disrupt serious criminal activity before more crimes are committed.

These powers are not designed to be used in every case. The legislation is targeted at organisations and individuals that are involved in, or support, serious criminal activity. ‘Serious criminal activity’ is carefully defined to refer to offences that involve two or more offenders and substantial planning and organisation; and that form part of systemic criminal activity undertaken for the purpose of profit, power or influence, or sexual gratification where the victim is a child.

In some cases organisations are primarily established and exist for the purpose of criminal activity. In other cases legitimate organisations with lawful purposes may have members and associates that seek to infiltrate and use the organisation for serious criminal purposes.

The Criminal Organisations Control Bill addresses both these situations. Thus, the Supreme Court, on application by the chief commissioner, may make a declaration that an organisation is a declared organisation, or that an individual is a declared individual.

The bill provides that, to make a declaration order against an organisation, the court must be satisfied beyond reasonable doubt that the organisation has engaged in, organised or otherwise facilitated serious criminal activity, or else that two or more members of the organisation have used or are using the organisations, or their relationship with that organisation or its members, for such a purpose. In either case, the court must also be satisfied that the activities of the organisation pose a serious threat to public safety and order.

To make a declaration against an individual, the court must be satisfied beyond reasonable doubt that the individual is a member, former member or prospective member of an organisation; and that the individual, with at least one other member, former member or prospective member, is using the organisation or their relationship with it for the purpose of serious criminal activity. The court must also be satisfied that the activities of those members pose a serious threat to public safety and order.

Where the court has made a declaration, the chief commissioner will be able to apply for a control order against the declared organisation and its members or against the declared individual. It is the control order that will limit the activities of the organisation and its members, or the declared individual.

To make a control order, the court must be satisfied that the order is likely to contribute to the purpose of

preventing or disrupting serious criminal activity. To come to this conclusion, the court must be satisfied by acceptable, cogent evidence that is of sufficient weight to justify the making of a control order. If the court decides to make a control order, it will be able to impose a wide range of prohibitions and conditions that will operate to disrupt the serious criminal activity of the declared organisation, its members or the declared individual.

For example, a control order can prohibit the organisation from continuing to operate, prohibit members from participating in the activities of the organisation or wearing or displaying the patches of the organisation, or restrict the organisation from carrying out an activity or activities specified in the order.

Orders can also be made against specific members of the declared organisation that would prohibit them from associating with other members of that organisation, or from continuing to be a member of the declared organisation.

Control orders over individuals may include conditions that, among other things, prohibit that individual from associating with any member of the organisation or prohibit the individual from continuing to be a member of the organisation.

A control order will last for three years, although it may be revoked earlier in certain situations. In addition, the chief commissioner will be able to apply for the renewal of an order.

These control orders will be backed by offences carrying jail terms. Contravention of a control order will carry a penalty of five years jail, and in the case of bodies corporate, a fine of 3000 penalty units. This offence will also link to the asset confiscation regime, so that assets used in contravention of a control order will be liable to be seized and forfeited.

The powers contained in this bill are significant and far reaching. They are also subject to carefully framed safeguards.

Orders can only be made by the Supreme Court based on evidence provided to the court and after parties have had the opportunity to be heard.

Where Victoria Police wish to present evidence based on criminal intelligence material, the bill protects this sensitive criminal intelligence material but also ensures that it can be tested before the courts.

Criminal intelligence material may include any information, document or other thing relating to actual

or suspected criminal activity. This is information that will not often be publicly available, and its release, either to the public or to those potentially affected by the declaration or control order, may harm ongoing investigations, or endanger the safety of covert police members or those who have cooperated with police.

In order to ensure that the courts are presented with the best information available, and that this information can be protected, the bill creates a mechanism to both protect and test criminal intelligence.

Where the police wish to rely on sensitive criminal intelligence information to support an application, the chief commissioner will be able to apply to the court for an order to protect criminal intelligence. Criminal intelligence applications will be heard in closed court, unless the court determines otherwise. If the court determines that the application should be heard in open court, the chief commissioner will have the option of withdrawing the application to ensure the confidentiality of the criminal intelligence is maintained.

A hearing in a closed court will prevent the respondents to the application from hearing the criminal intelligence. However, where the application is heard in closed court, the court will be able to appoint a 'special counsel' to represent the interests of the respondent organisation or person against whom the criminal intelligence information may be used.

The special counsel will be able to consult with the subjects of the application at any time before the special counsel receives the information that is sought to be protected. However, once the criminal intelligence is provided to the special counsel, he or she must not communicate any information about the hearing, other than orders made by the court, to the respondent. Special counsel may, however, continue to seek information from the respondent that is necessary to represent the respondent's interests.

At the criminal intelligence protection application the court will consider whether the reasons for maintaining the confidentiality of the criminal intelligence outweigh any prejudice or unfairness to the respondents.

Unless the court determines otherwise, it will be required to make an order to protect the confidentiality of criminal intelligence information where the disclosure of that information could reasonably be expected to:

prejudice a criminal investigation, including by revealing investigative techniques and technologies or covert practices; or

reveal the existence or identity of a confidential police source; or

endanger a person's life or physical safety.

If the court does not make an order to protect criminal intelligence, the chief commissioner will be able to choose to continue with the application, and rely on the unprotected criminal intelligence, which will then become public, or else proceed with the application without using the criminal intelligence, or withdraw the application — which will also ensure that the criminal intelligence remains confidential.

If the criminal intelligence is protected, a special counsel will continue to represent the interests of the respondents to the application before the courts at the hearing of the application.

Many other jurisdictions have already created similar regimes to address serious, organised crimes. Under the bill, when orders are made in other states and territories, Victoria will have the necessary mechanisms for those orders to be recognised in Victoria. Criminal organisations will thus find that they cannot avoid the restrictions of an order by simply moving from state to state.

This will ensure that the Victorian and interstate schemes complement one another in tackling the activities of criminal organisations.

The bill will provide for the mutual recognition and enforcement of declarations and control orders made under corresponding interstate legislation.

Under the mutual recognition arrangements, the chief commissioner will be able to apply for the registration of a declaration or control order made under an interstate scheme. The court will be able to register a corresponding interstate order with variations that will enable it to have effect in Victoria.

Once registered, these declarations and orders will be treated and enforced in the same way as declarations and orders made under Victorian legislation. For example, the chief commissioner will be able to rely upon a registered interstate declaration to apply for a control order, without needing to obtain a separate declaration under the Victorian scheme.

The measures in this bill will give Victoria Police strong, proactive powers to prevent, disrupt and deter the activities of criminal organisations, based on evidence by which the Supreme Court is satisfied that the organisation is being used for serious criminal

activity and that a declaration or control order ought to be made.

I commend the bill to the house.

**Debate adjourned on motion of Mr MADDEN (Essendon).**

**Debate adjourned until Thursday, 29 November.**

## JUSTICE LEGISLATION AMENDMENT (FAMILY VIOLENCE AND OTHER MATTERS) BILL 2012

### *Statement of compatibility*

**Mr CLARK (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, (the 'charter act'), I make this statement of compatibility with respect to the Justice Legislation Amendment (Family Violence and Other Matters) Bill 2012.

In my opinion, the Justice Legislation Amendment (Family Violence and Other Matters) Bill 2012, as introduced to the Legislative Assembly, is compatible with the human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

#### **Overview of bill**

The purposes of the bill are to make the following amendments to a number of acts administered within the justice portfolio.

Amendments to the Family Violence Protection Act 2008 in the bill:

create new indictable offences for contraventions of family violence safety notices (FVSN) and family violence intervention orders (FVIOs) and make related amendments to the Bail Act 1977;

improve the FVSN process, by extending the period of their operation from 72 hours to 120 hours;

enable the expansion of the court-directed men's behaviour change counselling program;

repeal the provisions in the Family Violence Protection Act 2008 that would repeal the counselling order-related provisions in that act.

The bill also amends:

the Crimes Act 1958 to insert a new police pursuit indictable offence;

the Crimes (Assumed Identities) Act 2004 to provide a clear legislative basis for Victoria Police members to acquire and use assumed identities for the purpose of Victoria's witness protection program;

the Coroners Act 2008 and the Human Tissue Act 1982 to facilitate the timely provision of the details of a deceased's next of kin to the Donor Tissue Bank of Victoria; and

the Victorian Civil and Administrative Tribunal Act 1998, in relation to oaths and affirmations and the term of office of tribunal members.

#### **Human rights issues**

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

#### **Amendments to the Family Violence Protection Act 2008**

##### **Indictable offences**

New sections 37A(5), as inserted by clause 6, and 123A(5), as inserted by clause 9, provide defences to the offences in new sections 37A and 123A of contravention of an FVSN or FVIO intending to cause harm or fear. As the accused has the legal burden of establishing the defence, this limits the right to be presumed innocent under section 25(1) of the charter act. However, I consider that in this case the limit is reasonable and justifiable, having regard to the following factors.

The purpose of the defence is to ensure that an accused person is not liable for these offences where both an FVSN and FVIO are in place with different conditions and the accused's conduct contravenes one of the FVSN or FVIO but not the other. For example, the defence would be available for the offence under new section 37A (contravening an FVSN intending to cause harm or fear) if an accused contravenes an FVSN in circumstances where there is also a FVIO in place and the accused's conduct did not contravene the FVIO. The defence currently applies to the existing summary offences for contravention of FVSNs and FVIOs.

The circumstances in which the defence will apply will not arise very often, as under the Family Violence Protection Act, FVSNs and FVIOs are not intended to be in place at the same time. Should such circumstances arise, the onus on the accused to prove the defence is not unduly burdensome. An accused will have personal knowledge of the circumstances giving rise to the defence, such as that they were a respondent to the FVSN or FVIO (as the case requires), or that an FVSN or FVIO (as the case requires) was in place. For this reason, it would be more difficult for the prosecution to prove than the accused to disprove as well as being impractical.

##### **Bail amendments**

Clause 31(1) amends section 4(4)(ba) of the Bail Act so that in specified circumstances a person who is arrested and charged with any of the indictable offences in new sections 37A, 123A or 125A of the Family Violence Protection Act must show cause why their detention in custody is not justified. The specified circumstances are where the accused person is alleged to have used or threatened to use violence in the course of committing the offence and:

within the preceding 10 years the accused person has been convicted or found guilty of an offence involving the use or threatened use of violence against any person; or

the court is satisfied that on a separate occasion the accused used or threatened to use violence against the protected person, whether or not the accused has been convicted or found guilty of, or charged with an offence.

Section 21(6) of the charter act provides that a person awaiting trial must not be 'automatically detained' in custody, but the person's release on bail may be subject to guarantees to appear.

It has not been determined under Victorian law whether a 'show cause' requirement to obtain bail is a limitation on the right against 'automatic detention' under section 21(6). There are good arguments that in this case there is no 'automatic detention' because before the show cause requirement applies, the prosecution must prove either a prior offence of violence or threat of violence or satisfy the court that on a prior occasion the accused used or threatened to use violence against the protected person.

But even if the right in section 21(6) is limited by these show cause provisions, the limitations are reasonable and demonstrably justifiable under section 7 of the charter act. For example, pretrial detention may be necessary to ensure the presence of the accused at the trial, to prevent interference with witnesses and other evidence, or the commission of other offences.

The paramount purpose of the changes to the Bail Act is to ensure the safety and welfare of protected persons under FVSNs or FVIOs, who are predominantly women and children. Releasing the accused person on bail without requiring cause to be shown, once a history of act or threats of violence has been proven, could be dangerous for the protected person and their family. As noted by the Australian Law Reform Commission:

Where a crime is committed in the context of family violence, the accused will know the victim; he or she might often want to return to the victim; the victim and the accused may have had children together; the victim and the accused might live in the same home. All these factors suggest that a person who has committed a crime in the context of family violence might, if granted bail, be more likely to see the victim — and so endanger the victim — than a person accused of a crime against a stranger.

In an ACT decision *In the matter of an application for bail by Isa Islam* [2010] ACTSC 147, the relevant bail provision required accused persons charged with murder, attempted murder and drug-related offences carrying a maximum penalty of life imprisonment to satisfy the court that special or exceptional circumstances existed favouring the grant of bail. The ACT court found the provision to be incompatible with the right that 'anyone who is awaiting trial must not be detained in custody as a general rule', and made a declaration of incompatibility. The reasons for this were that the provision was not rationally connected to its purpose because of its arbitrary or irrational operation, and that it limited the right to liberty more than was reasonably necessary.

The ACT court decision was based on different charter wording, the absence of any requirement other than the nature of the offence charged before the accused had to justify bail and a much stricter justification requirement on the accused than the Victorian show cause requirement.

In contrast with the bail provision considered in the Islam case, the limitation in clause 31(1) only applies in circumstances where in contravening the FVSN or FVIO the accused used or threatened to use violence and has a history of violent conduct. In determining whether an accused has shown cause why their detention in custody is not justified the court considers the four risk factors in section 4(2)(d) of the Bail Act — whether the accused would fail to attend court, commit an offence while on bail, endanger the welfare or safety of the public, or interfere with witnesses or otherwise obstruct the course of justice.

There is no definitive definition of show cause; each individual case is assessed on its own unique facts. A combination of factors can result in the accused showing cause. Factors that have been found to contribute to an accused having shown cause include permanent employment, permanent and stable employments, delay, conditions in custody, ill health, a weak prosecution case, and the criminal history of the accused. For these reasons, the limitation is narrow and tailored to fit its purpose and is therefore rational and proportionate.

Given the specific characteristics of crimes related to family violence, and in particular the higher risk to the safety and welfare of victims, a more rigorous approach to bail is justified. The amendment in clause 31(1) falls within a range of reasonable alternatives to achieve the important purpose of ensuring the safety and welfare of protected persons. Any limitation on the right in section 21(6) of the charter act strikes an appropriate balance between ensuring the safety and wellbeing of protected persons, and safeguarding the rights of accused persons.

#### Family violence safety notices

Clause 4 of the bill extends the period of operation of FVSNs from 72 hours to 120 hours. This means that any limitations on charter act rights arising from the conditions included in the FVSN may operate for a slightly longer period (of up to 48 hours). Relevantly, an FVSN may include conditions:

- excluding the respondent from the protected person's residence;
- relating to the personal property of the parties;
- prohibiting the respondent from approaching, telephoning or otherwise contacting the protected person, unless they are in the company of a police officer or a specified person;
- prohibiting the respondent from being anywhere within a specified distance of the protected person or a specified place.

These conditions are relevant to the charter act rights of freedom of movement, privacy, freedom of expression, protection of families and children, and property. In accordance with the statements of compatibility for the Family Violence Protection Act and the Family Violence Protection Amendment (Safety Notices) Act 2011, these conditions are compatible with the charter act.

The rights to privacy, property and freedom of expression are not limited as any interferences or restrictions are not unlawful or arbitrary. Any limitations on freedom of movement and protection of families and children are for the important purpose of ensuring the safety of the protected

person. They are both rational and proportionate, noting that police may only issue an FVSN after hours in circumstances that require an urgent response. Further, FVSNs only operate for a limited duration and are subject to the supervision of the courts.

#### **Counselling orders**

Clauses 13 to 28 of the bill set up a mechanism by which venues of the Magistrates Court other than the Family Violence Court Division can be empowered to make counselling orders, and clauses 3 and 30 remove the provisions that would repeal the counselling order-related provisions. This means that any limitations on charter act rights arising from the counselling order provisions will continue on a permanent basis and have the potential to affect a greater number of respondents.

The counselling order provisions are potentially relevant to the charter act rights of not being subject to medical treatment without consent (if counselling is medical treatment), freedom of movement as the respondent is required to attend counselling, and privacy as the provisions provide for the disclosure of personal information in limited circumstances. In accordance with the statement of compatibility for the Family Violence Protection Act, the counselling order provisions are compatible with the charter act.

The right to privacy is not limited as any interference with that right is neither unlawful nor arbitrary. Any limitations on the right not to be subject to medical treatment without consent and freedom of movement are for the purpose of encouraging respondents to change their behaviour and reduce the risk of future family violence. Given the importance of the purpose, the limitations are both rational and proportionate.

#### **Amendments to the Victorian Civil and Administrative Tribunal Act 1998**

Clauses 41, 42 and 43 of the bill change the employment conditions for deputy presidents, senior members and ordinary members of VCAT, by introducing a requirement that their term of office expires either seven years after appointment or at the age of 70 years, whichever occurs first.

The introduction of an age limit is relevant to the right protected by section 8(2) of the charter act as it constitutes direct discrimination on the basis of age. However, I consider that providing an age limit for non-judicial members of VCAT is a reasonable and justifiable limitation on the right protected by section 8(2).

Judicial members of VCAT are already subject to a mandatory retirement age of 70. The Australian constitution provides for a mandatory retirement age for High Court judges of 70 years. Other federal judges are also subject to mandatory retirement at 70. Additionally, the bill includes transitional provisions to ensure that the age limits will not apply in respect of existing terms of appointment of members until the expiry of their current term.

The bill will allow senior and ordinary members to continue to be engaged by VCAT on a sessional basis after the age of 70. In appropriate cases, this will allow members over 70 to continue to contribute their experience and skill to the tribunal.

Robert Clark, MP  
Attorney-General

#### *Second reading*

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

That this bill be now read a second time.

The Justice Legislation Amendment (Family Violence and Other Matters) Bill 2012 makes a range of amendments to the Family Violence Protection Act 2008 that aim to reduce family violence and provide better protection for women and children. These amendments will:

introduce new indictable offences for serious and persistent breaches of family violence intervention orders;

extend the operation of family violence safety notices from three to five days; and

enable a greater number of Magistrates Court venues to require respondents to undertake men's behaviour change programs.

The bill will further improve the operation of the justice system by:

introducing a new indictable police pursuit offence in the Crimes Act 1958;

providing an express legislative authority for Victoria Police to use assumed identities to ensure the effective and safe exercise of functions in administering the Victorian witness protection program;

facilitating the timely transfer of next-of-kin information from the Coroners Court to the Victorian Institute of Forensic Medicine, which operates the Donor Tissue Bank of Victoria; and

enhancing the independence and accountability of the Victorian Civil and Administrative Tribunal by requiring non-judicial members to take an oath or affirmation of office.

increasing the standard term of appointment for non-judicial members of VCAT from five years to seven years.

#### **Family Violence Protection Act amendments**

Violence against women and children is unacceptable in any form and under any circumstances. The government is committed to tackling family violence,

holding perpetrators to account and supporting women and children who experience violence.

In 2012–13 the government is providing over \$90 million to help prevent violence against women and children, provide early intervention services and fund support services. This represents a 20 per cent increase in funding in just two years.

This bill delivers a number of government commitments in the recently released Victoria's Action Plan to Address Violence Against Women and Children to improve court and intervention order processes, to hold perpetrators to account and to improve safety for women and children.

Specifically, the bill amends the Family Violence Protection Act 2008 to:

create new indictable offences for contravention of a family violence intervention order (FVIO) or a family violence safety notice (FVSN), with maximum penalties of five years imprisonment;

improve the FVSN process, by extending the protection offered by FVSNs from 72 hours to 120 hours;

enable the expansion of court-directed men's behaviour-change programs.

### ***Indictable offences***

The new indictable offences signal the government's determination to deter perpetrators from committing violence, hold them accountable for their behaviour and bring about change to that behaviour.

The offences will give police more options to deal with contraventions of FVIOs and FVSNs that are particularly heinous, persistent or show a flagrant disregard for the law or for those whom the law protects. The new offences will enable courts to impose a higher maximum penalty when sentencing offenders for such contraventions.

The first offence targets respondents who persistently contravene the conditions of their FVIO or FVSN. A respondent will be guilty of this offence if they contravene their FVIO or FVSN on three or more occasions within any 28-day period and they knew or ought to have known that the conduct contravened the FVSN or FVIO. The offence will target cases where the respondent has persistently flouted the law and showed complete disregard for the conditions of the FVIO or FVSN. It will allow police to target recidivist family violence offenders and ensure that when the courts

sentence those offenders, the court will be aware of the context and persistent nature of their offending.

The second offence targets conduct that contravenes an FVSN or FVIO where the accused either:

intended to cause physical or mental harm to the victim or apprehension or fear in the victim for their own safety or that of any other person; or

knew the conduct would probably cause physical or mental harm to the victim or apprehension or fear in the victim for their own safety or that of any other person.

This offence is aimed at contraventions that are particularly harmful to the victim. Just as in Brodie's law, we have ensured that the definition of mental harm covers psychological harm and suicidal thoughts and situations of self-harm.

Any contravention of a FVIO or FVSN is unacceptable and unlawful. This new offence targets the type of case where a respondent not only contravenes the terms of a court order or police notice but actually intends to cause their victim harm or is reckless about whether harm is caused. The government considers that such conduct should be met with an indictable offence carrying a five-year maximum penalty, not just a summary offence with a two-year maximum.

The bill also amends the Bail Act 1977 to provide that a person charged with one of the new indictable offences must show cause why they should be granted bail where they are alleged to have used or threatened to use violence and:

within the preceding 10 years have been convicted or found guilty of an offence involving the use or threatened use of violence against any person; or

the court is satisfied that on a separate occasion they used or threatened to use violence against the protected person, whether or not they have been convicted or found guilty of, or charged with an offence.

This amendment aligns the Bail Act provisions relating to the new indictable offences with the provisions relating to the existing summary offences against sections 37 and 123 of the Family Violence Protection Act of contravening an FVSN or FVIO.

These provisions recognise the particular vulnerability of victims of family violence when an alleged perpetrator of family violence has been arrested and applies for bail.

***Family violence safety notices***

FVSNs enhance access to protection for victims of family violence and their children outside of court hours.

A police officer at the rank of sergeant or above can issue an FVSN. The officer may issue an FVSN if they believe on reasonable grounds that issuing the FVSN is necessary to ensure the safety of the affected family member or protect their children until the application for an intervention order can go before a magistrate.

FVSNs aim to increase the safety of victims of family violence and their children by:

providing immediate protection after hours;

acting as an application to the court for an FVIO that can put long-term protection in place; and

acting as a summons for a respondent to attend court.

An FVSN protects a victim until the first court mention date, which must be within 72 hours of issue. The bill extends this time frame to 120 hours. This will give courts more flexibility to list family violence matters and avoid the current problems of large numbers of matters needing to be listed before courts on Mondays and Tuesdays after the weekend, with consequent congestion, longer waiting times and greater stress for victims. It may also increase the opportunities for police to use FVSNs in rural areas where local courts might not sit frequently enough to allow the regular issue of FVSNs at present.

Extending the time before the first mention date will also give victims more time to obtain advice and make decisions.

***Court-directed men's behaviour change programs***

Part 5 of the Family Violence Protection Act makes provision for court-ordered counselling to be undertaken by respondents to FVIOs.

That part allows the family violence court division of the Magistrates Court to make orders to assess the eligibility of certain respondents for counselling and, if appropriate, to require respondents to attend counselling. The aim is to increase their accountability for the violence they have used against a family member and to encourage them to change their behaviour.

The coalition government recently committed \$2 million over four years to expand the number of places available in court-directed men's behaviour

change programs. This additional funding will nearly double the number of available places.

The bill amends part 5 so that magistrates at Magistrates Court venues other than the family violence court division can be empowered to make counselling orders.

Court-directed counselling programs have become recognised in national and international settings as an important component in justice responses to family violence. The bill therefore repeals the sunset of part 5 of the Family Violence Protection Act that would otherwise occur at the end of 2013. Programs established under part 5 will continue to be evaluated on an ongoing basis.

***Indictable police pursuit offence***

The bill amends the Crimes Act 1958 to establish a new offence of dangerous or negligent driving while being pursued by police. There is an existing offence under section 64A of the Road Safety Act 1986 that applies to a person who continues to drive a motor vehicle when he or she knows, or ought reasonably to know, they have been given a direction to stop by a police member. That offence carries a maximum penalty of 60 penalty units or six months imprisonment for a first offence or double that penalty for a second or subsequent offence.

Despite this, some drivers continue to seek to flee from police. A Victoria Police internal evaluation of pursuit data from 2002 to 2011 found that there were 721 pursuits in 2011, giving rise to 102 collisions and 3 fatalities. This is 62 more pursuits than in 2010, 91 more than 2009 and 176 more than in 2002.

Victoria Police do not instigate pursuits — it is individual drivers who decide to disregard clear and lawful directions from police members to pull over and who then flee at speed, driving dangerously or highly negligently, and thereby create danger to other road users, police members and themselves.

It is clear that more needs to be done to get through to drivers the clear message that if they seek to flee from a lawful police direction to stop, they will face very serious consequences. The bill therefore introduces a new indictable offence under the Crimes Act 1958, carrying a penalty of three years imprisonment. It will apply where a person drives dangerously or negligently where the person knows, or ought reasonably to know, that he or she has been given a direction to stop the vehicle and the vehicle is being pursued by a member of the police force.

The bill specifies that driving dangerously for the purposes of the offence occurs if the person drives at a speed or in a manner that is dangerous to the public in all of the circumstances of the case. A person will drive negligently if he or she unjustifiably and to a gross degree fails to observe the standard of care that would be observed by a reasonable person in the circumstances of the case.

In any given pursuit situation, police may decide to suspend, terminate or resume a pursuit having regard to many factors, especially the level of risk involved, particularly to members of the public. The bill therefore makes clear that the offence can be committed even if the police member is not driving at the same speed as the vehicle being pursued or if the pursuit is suspended or terminated by police before the vehicle being pursued comes to a stop.

The bill also makes consequential amendments to the Sentencing Act 1991 to include the new pursuit offence in the existing licence cancellation, driver disqualification and licence restoration regime that already applies under that act for the purposes of other serious driving offences under the Crimes Act 1958. The offence will attract a minimum 12-month licence disqualification period.

Further consequential amendments to the Road Safety Act 1986 will categorise the new offence as a tier 1 relevant offence for the purposes of the vehicle impoundment, immobilisation and forfeiture regime under that act.

#### **Assumed identities for witness protection purposes**

The bill amends the Crimes (Assumed Identities) Act 2004 to facilitate the use of assumed identities by Victoria Police in relation to the administration of the witness protection program operating under the Witness Protection Act 1991. Assumed identities can be important for the purpose of safeguarding the security, identity and whereabouts of participants in the witness protection program.

The New South Wales assumed identities legislation provides an express authority for employees of the New South Wales police force to use assumed identities to exercise their functions in administering witness protection programs and ensuring their safety while doing so. The bill amends Victoria's assumed identities act to ensure that a similarly express authority is available on the face of the legislation for the benefit of Victoria Police members involved in the witness protection program.

The bill amends the purposes of the assumed identities act to specify that a purpose of the act is to enable the safe and effective exercise of functions in administering the Victorian witness protection program. It allows for an application to be made to the Chief Commissioner of Police for the acquisition and use of an assumed identity for witness protection purposes and requires the chief commissioner to be satisfied, on reasonable grounds, that the assumed identity is necessary to enable police members to exercise their witness protection functions and to ensure their safety whilst doing so.

The bill also amends the existing provision of the act that makes it an offence to disclose information that reveals or is likely to reveal that an assumed identity acquired or used by another person is not their true identity. This amendment clarifies that a person is guilty of the offence if they intend to prejudice the implementation of the Victorian witness protection program or they know or are reckless as to whether the disclosure will have that effect.

#### **Amendments to the Coroners Act 2008 and the Human Tissue Act 1982**

The Donor Tissue Bank of Victoria is part of the Victorian Institute of Forensic Medicine. It is an important facility that collects and stores donated tissue. The tissue is used to provide safe and effective tissue grafts for transplantation in a range of circumstances, including reconstructive surgery and burn care.

Most of the donations received are from those who have died unexpectedly. It is the generosity of their families that allows the DTBV to continue to provide tissue for transplantation.

The DTBV needs to begin the process of collecting tissue within 24 hours or less of a person's death. And of course the DTBV needs the consent of the family in time for this to occur.

The amendments to the Coroners Act 2008 and the Human Tissue Act 1982 will streamline the process of information sharing between the court and the DTBV, so that families are given the best opportunity to be approached and be able to consider allowing the donation of tissue before it is too late.

Under the amendments the principal registrar of the Coroners Court will provide a copy of the initial police report of a death, and any other details of next of kin that are received, to the Victorian Institute of Forensic Medicine. This will apply only for the first 24 hours after the report of the death, as after this time it will be

too late for the DTBV to seek consent to a tissue donation.

The bill also amends the Human Tissue Act to support the provision of information, by making it clear that the principal registrar of the Coroners Court can share health information with the Victorian Institute of Forensic Medicine in order to assess whether a case is an appropriate case for tissue donation.

Times of sudden and unexpected death are likely to be difficult for any family, and while the opportunity for families to be able to consider the donation of tissue is important, there can be unexpected circumstances in particular cases. For this reason, a coroner will retain a power to direct that the relevant details not be provided in cases where the coroner considers it appropriate to do so.

### **VCAT amendments**

The bill implements several reforms regarding membership of VCAT. Most of these reforms have their origins in the 'Transforming VCAT' project that commenced in 2008. The reforms will:

increase the standard term of appointment for non-judicial members of VCAT from five years to seven years, subject to a statutory limit of age 70 other than for sessional members;

allow deputy presidents of VCAT to be appointed on a part time basis, as is currently the case for ordinary and senior members; and

require non judicial members to take an oath or affirmation of office, following on from the successful introduction of voluntary oaths or affirmations in recent times.

I commend the bill to the house.

**Debate adjourned on motion of Mr MADDEN (Essendon).**

**Debate adjourned until Thursday, 29 November.**

## **EDUCATION LEGISLATION AMENDMENT (GOVERNANCE) BILL 2012**

*Second reading*

**Debate resumed from earlier this day; motion of Mr DIXON (Minister for Education); and Mr MERLINO's amendment:**

That all the words after 'That' be omitted with the view of inserting in their place the words 'this bill be withdrawn and

redrafted to require the secretary to provide sufficient VET funding for the continuation of existing campuses, in particular the Lilydale and Prahran campuses of the Swinburne University of Technology'.

**Mr MORRIS (Mornington)** — It is a pleasure to rise this afternoon to speak in the debate on the Education Legislation Amendment (Governance) Bill 2012. I have had the pleasure of listening to and observing the debate from a number of vantage points both within and outside the chamber. It has been an interesting debate, but it has been anything but enlightening. It has been interesting listening to the architects of a failed system try to defend it and justify its retention. It was a failed system on two counts. Most importantly it failed the people it was intended to serve. It failed its basic purpose, and, as a secondary matter, it also failed to give the community value for its dollar.

I cannot recall which member of the opposition was making the comments in question this morning but to try to justify the protection and promotion of particular special interest groups through the allocation of seats on a board to specific interest groups and to suggest that somehow a particular group has the right to nominate individuals regardless of the public interest — in fact almost despite the public interest — is something I quite frankly find amazing. It is clear to me from the commentary we have heard from opposition speakers on this bill that there is a desire to protect the entrenched ways of doing business and the entrenched standards, none of which are acceptable in this environment or have been acceptable for a very long time. There is also the very clear view that has been expressed by the opposition that there should be a situation of business as usual — in other words, TAFEs should continue to be run along lines that are clearly failing their business structure.

The hysterical response suggests that somehow there is a conflict between on the one hand delivering a good standard of education and good educational outcomes and on the other hand running TAFE institutes in a businesslike manner. It has been displayed again and again from the opposition lead speaker on. It is just complete and utter nonsense. The member for Richmond talked about 'vicious cuts' and taking away training pathways, particularly in regional Victoria. The fact is that what the coalition is doing — not seeking to do, but doing — is putting in place a sustainable system that will provide training that is appropriate and will result in jobs.

The bulk of the training we have seen over the last few years, from the time the former government put in place the demand-driven system, has not been the sort of training that in the end delivers jobs. If you look at the

figures, and I will go to those in a minute, you will see that a lot of the extra demand that has been generated has been based on recreational requirements rather than job-training requirements. I have absolutely no problem at all with people extending their skills not only in areas of work but also in areas of recreation. Ongoing lifelong learning is a very important part of a fulfilling life. However, should that be done at a cost to the public when we are not able to provide the necessary skills to keep supplying the workforce and when we are trying to get people on the path that others have talked about, the very necessary path of employment? I say that is absolutely wrong. If people want to engage in extending their skills and pursuing their recreational aims, that is a good thing, but they should do it at their own expense. The use of public money should be confined to providing skills for further useful personal development, including work.

I am tempted to reflect upon the comments of the member for Essendon. I had the pleasure, one might say, of hearing his entire contribution —

**The DEPUTY SPEAKER** — Order! Perhaps one should resist temptation and stay on the bill.

**Mr MORRIS** — He focused on tragedy. I could not help reflecting on the fact that probably the only tragedy that is associated with the member for Essendon is the tragedy of his aspirations, and —

**The DEPUTY SPEAKER** — Order! I ask the member for Mornington to come back to the bill.

**Mr MORRIS** — I am sure his field marshal's baton is well and truly stowed.

To return to the subject at hand, it is important as part of this discussion to look at some facts about expenditure. In 2008, when the demand-driven system was introduced, we had expenditure on skills of about \$800 million a year. The former government forecast expenditure on skills in the year 2011–12 of some \$900 million, and yet the projection in May for the 2011–12 year was \$1.3 billion. I contrast that with the \$900 million; it is a more than one-third blow-out in costs over that period. The government has taken steps to put the skills system on a sustainable basis and put considerably more funds in. For 2012–13 the government has made a provision of \$1.2 billion. In other words, the government has provided 33 per cent more than what the former government projected it would spend.

I indicated that I would return to the figures around training. In 2008 there were 74 enrolments in the certificate II course in customer contact; in 2011 there

were 1727. In the certificate IV course in fitness — and I mentioned who should pay for developing recreational skills — there were 188 enrolments in 2008 and 3863 in 2011. For a skill like plumbing, and we know there is a shortage of people with skills in this area, so clearly there are jobs to be had, in 2008 there were 4174 enrolments and in 2011 there were 5601. There was a healthy increase, but nothing like the sort of increase we have seen in the other areas. The intent of the government is clearly to put its support and taxpayers money into areas where there is a real return for the community.

There is now a much stronger focus on skills and a much stronger focus on practical outcomes. All apprenticeship subsidies have increased. Over half of all courses now being conducted fall into the two highest bands in terms of funding. Twenty-one per cent of courses have a higher subsidy than they had under the old system, and a further 150 courses remain largely unchanged. To suggest, as numerous opposition speakers have done, that this is a catastrophe and an ideological plot to bring down the TAFE system, to drive the disadvantaged into the ground and to somehow take revenge on them is just complete and absolute nonsense. This is a practical, considered and well-thought-out plan to address skills training in Victoria, and I think it will produce some excellent outcomes. With those few remarks, I hope to have responded to some of the more extreme claims that have been made by the other side. I commend the bill to the house.

**Mr PANDAZOPOULOS** (Dandenong) — It is a pleasure to speak on the bill. The member for Mornington said that members on this side of the house have a concern about a conspiracy of ideology, but this issue seems very ideological from our point of view. He told us that our tertiary education system — our TAFEs and universities — should simply be about training people for jobs. In Victoria we have had a reasonable balance around knowledge for its own sake while at the same time matching training with the needs of industry.

I used to be the Minister for Employment. Historically we have had a pretty low unemployment rate. One would think that once your unemployment rate is around the 5 per cent mark you are technically at full employment and your system of training is relatively matching your job needs. If you want to go further down that road, that is fine. The whole idea of this bill is that the government should take a more managerialist approach that moves away from the recognition that there are a number of stakeholders in education. It is not just about people with expertise in the private sector

and people who have run businesses; it is also about an environment of learning.

I turn to the ancient world, which is part of my culture. If people in ancient Greece had only thought about life and engaged in learning just to get a job rather than developing philosophy and science, we would not have all of those things that have added to world knowledge and made us all better off. What we are seeing as part of this debate is government members saying that humanities courses are not going to get you anywhere so maybe universities should consider not delivering those courses. There are a whole lot of businesspeople who will say that foreign language learning is not important because everyone should be speaking English and most people speak English. We have a decline in foreign language learning rather than an increase.

What about all the other things that people learn in the education system that they bring to society that are not about a getting job? The member for Mornington mentioned recreation. How many people do we know in grassroots sports who have done recreation courses not because they want to get a job out of them but because they are really interested in being involved throughout their whole lives in sport and recreation management at the community level? Those skills are being adapted and applied at a local level, which involves the participation of all the community, particularly young people, and they promote healthy lifestyles.

All that is being lost because suddenly we are sending a message to these governing boards. We want to move away from using the terminology 'council', because 'council' refers to something broader than just technical expertise. A company board is comprised of technical experts; a council or a university council is something a little bit bigger. That is why the United Nations Educational, Scientific and Cultural Organisation has recognised that the pursuit of knowledge as a council comprised of different stakeholders, including academic and student representatives, is a better way to plan for meeting the knowledge needs of a community, which can change over time. That is why UNESCO supports and recommends the system we have had, in which we have academic and student representatives on councils, even though those representatives have been a very small component of those councils.

Under the current act what we have in a university, for example, is 11 appointed technical experts, 2 or 3 staff representatives and 1 or 2 student reps, so the numbers are 11 versus 3 or 5. The majority are technical experts. What is wrong with including the knowledge of some

of the other stakeholders, including the staff? Nowhere have we had a comment being made that the current system is managerially poor and delivers bad outcomes. In fact I am very much aware that when reform and change has needed to occur in the university and TAFE sector engagement with staff and students has been a positive thing because they are stakeholders who become involved in selling the need for change.

Yes, all organisations, including academic institutions, have to be subject to good financial management and have to change as well, as society changes. We have a very big international student market now which we did not have 15 years ago, so of course organisations change their governance and change their planning to meet new needs and opportunities. That strengthens us overall, both economically and in terms of the social outcomes of having international students. But simply moving down a road that focuses on the contributions that institutions make economically — which is part of the redefinition of the roles of boards — is telling us that the other things are less valuable. I do not think that is correct.

I assume all members received the VECCI (Victorian Employers Chamber of Commerce and Industry) newsletter of 13 November this week, and it is interesting that one of the items in the newsletter is headed 'Business tips — How to encourage employee participation in team meetings'. That article says:

Small business owners and managers know that the most effective meetings they participate in are those where all team members make a meaningful contribution ... How can you ensure that all of your meetings have full employee participation?

VECCI is recognising the role of employees in the same week that we will be voting on a bill that says employees — elected staff representatives — are no longer relevant for TAFE and university boards. Business around the world recognises the value of employee participation in management. Having employee participation in decision making not only recognises the rights that employees have as a separate entity — because organisations are made up of entities, which have rights: employers, in this case governments as owners of the entities, students and employees — but also leads to more effective management and outcomes over time. That is basically what the VECCI newsletter is telling us — how to engage with staff in a meaningful way that ensures that there is full participation for rolling out the needs of the organisation.

This seems to me to be a back to the future scenario. When I was first elected to this place in 1992, as a

former student and secretary of the Monash Association of Students I knew how important this area was. I had personal experience of the value of student participation in university decision making. We are going back to what occurred in those days. It is a fact about conservative parties that every time they get into government one of their big reforms is getting rid of employee and student representatives. At the end of the day, is it essential to go and do that if you do not have an additional agenda?

I think there is an additional agenda here. It is about moving away from and cutting funding for certain sorts of courses. The government needs to be up-front about that. I think it also means that as part of this rationalisation we are going to see an environment where TAFEs will be merged, maybe even with universities. That might be a positive outcome, but if that is the intention, and this bill is enabling that, the government should come out and tell us that that is the case, because there are a number of implications of that.

That is why the opposition has moved the amendment that it has. We are concerned that the government is not being up-front about the changes it really wants to make in the education system. We have had the Minister for Education in question time complaining about the federal government, saying that it hardly funds state education and that he is not going to sign up to something the federal government does not fully fund, yet universities are hardly funded by the states. Half their revenue is earned from fees and other income sources and the vast majority of the other half of the funding comes from the federal government, yet here we have the same minister in this house telling us this government is going to tell universities what to do and that it might only fund up to 2 per cent of their budgets. What sheer hypocrisy. And the government asks us to believe it every time it blames someone else.

This is an ideological agenda. Yes, it is good to have a statement of the economic objective in the legislation which is stronger and which clarifies that value, because I think we can do better work around the economic value of our institutions. We have seen the potential of international education, but we have also seen that there are a number of other areas in which we do not want to lose our strength.

We do not want to just be a university and TAFE factory system that produces a whole lot of people to work in certain sorts of areas but loses a whole lot of other areas of knowledge. That is not a system that would serve our interests well. Our education reputation has helped build us as an international education market. Our institutions have a reputation as

strong, globally competitive educational institutions highly ranked for their education outcomes around the world. It is not just because they are linked to delivering jobs but also because they are seen as delivering essential knowledge that all of us as citizens should be entitled to access and to gain. I was a humanities student, and I think that my courses served me well.

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

**Mr BATTIN** (Gembrook) — I rise today to speak on the Education Legislation Amendment (Governance) Bill 2012. Obviously the time we have left today is limited. I would first like to refer to the reasoned amendment moved by the member for Monbulk and state that I strongly oppose that amendment in relation to this bill. The amendment calls for funding arrangements to be returned to those that the previous government had set up. That would mean a return to less funding than we are actually providing now. The \$850 million in the forward estimates of the previous government to fund a system that had a cost blow-out every year of about \$350 million is probably not the way to go to ensure that we have a sustainable vocational training system into the future.

Because I have limited time, I will quickly refer to a few of the comments made by the member for Narre Warren South, who referred to a couple of university committees, including a Monash University committee of which she was a member. She quoted a member of a board, whom she did not name, who was also a member of the Monash University committee. One committee was a local advisory board, which was not a government board, and the other was an academic board. Neither of these will change under the current proposals. I think this is what members on the other side of the chamber do not understand.

There are still many opportunities for students and teachers to put their advice forward. There are others in the community who will still have opportunities under the changes we are introducing. It is important that that is on the record, because I can already see in my mind a media release issued tomorrow that has more scaremongering in relation to local advisory boards. These advisory boards will not change, and the facts, when they are put out, will not be correct.

I will put a few facts on the table in relation to TAFEs in Victoria. The first is that the Victorian government is investing an additional \$1 billion over four years in vocational training. In the forward estimates — over the next four years — the funding will increase from \$850 million to \$1.2 billion. The second fact is that the

Victorian government has increased training subsidies for every apprenticeship in Victoria. Every apprenticeship currently in Victoria will get extra funding to ensure that TAFE students can expect real job outcomes. This will ensure that we do not end up with the shortages that we had in the past in the building industry, and that is very important.

This government is also investing in Chisholm Institute of TAFE in Berwick where we are putting in place funding for a trades training centre, because we understand that we need more people trained in trades, particularly in the south-east where we are experiencing growth. Some of that growth is around areas like Officer. With so many planning approvals coming through, over 10 000 houses will be built over the next 15 years. It is important to keep the construction costs down and for there to be more people available to work in the construction industries, so that the construction jobs can be done as they come through. These are the facts that are on the table.

**Mr Merlino** interjected.

**Mr BATTIN** — I note the member for Monbulk has made a comment. The fact is that we have increased the funding. The decision regarding Lilydale TAFE was made by that TAFE; it was not a decision made by the government. It was a decision that was well and truly — —

**Mr Merlino** — What is Lilydale TAFE?

**Mr BATTIN** — It was Swinburne TAFE in Lilydale. I stand corrected. The decision was made by the board and not by the government. This government stands proudly by the decisions it has made to increase funding to vocational training in Victoria, to ensure we get the best outcomes for our young people and to give them training opportunities in the future.

**The SPEAKER** — Order! The time set down for consideration of items on the government business program has expired, and I am required to interrupt business. The member for Monbulk has moved a reasoned amendment. The question is:

That the words proposed to be omitted stand part of the question.

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

*Ayes, 44*

Angus, Mr  
Asher, Ms  
Baillieu, Mr  
Battin, Mr

Mulder, Mr  
Naphthine, Dr  
Newton-Brown, Mr  
Northe, Mr

Bauer, Mrs  
Blackwood, Mr  
Bull, Mr  
Burgess, Mr  
Clark, Mr  
Crisp, Mr  
Delahunty, Mr  
Dixon, Mr  
Fyffe, Mrs  
Gidley, Mr  
Hodgett, Mr  
Katos, Mr  
Kotsiras, Mr  
McCurdy, Mr  
McIntosh, Mr  
McLeish, Ms  
Miller, Ms  
Morris, Mr

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

**Amendment defeated.**

**House divided on motion:**

*Ayes, 44*

Angus, Mr  
Asher, Ms  
Baillieu, Mr  
Battin, Mr  
Bauer, Mrs  
Blackwood, Mr  
Bull, Mr  
Burgess, Mr  
Clark, Mr  
Crisp, Mr  
Delahunty, Mr  
Dixon, Mr  
Fyffe, Mrs  
Gidley, Mr  
Hodgett, Mr  
Katos, Mr  
Kotsiras, Mr  
McCurdy, Mr  
McIntosh, Mr

O'Brien, Mr  
Powell, Mrs  
Ryall, Ms  
Ryan, Mr  
Shaw, Mr  
Smith, Mr R.  
Southwick, Mr  
Sykes, Dr  
Thompson, Mr  
Tilley, Mr  
Victoria, Mrs  
Wakeling, Mr  
Walsh, Mr  
Watt, Mr  
Weller, Mr  
Wells, Mr  
Wooldridge, Ms  
Wreford, Ms

*Noes, 43*

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

Mulder, Mr  
Naphthine, Dr  
Newton-Brown, Mr  
Northe, Mr  
O'Brien, Mr  
Powell, Mrs  
Ryall, Ms  
Ryan, Mr  
Shaw, Mr  
Smith, Mr R.  
Southwick, Mr  
Sykes, Dr  
Thompson, Mr  
Tilley, Mr  
Victoria, Mrs  
Wakeling, Mr  
Walsh, Mr  
Watt, Mr  
Weller, Mr

McLeish, Ms  
Miller, Ms  
Morris, Mr

Wells, Mr  
Wooldridge, Ms  
Wreford, Ms

*Noes, 43*

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

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

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**OFFSHORE PETROLEUM AND  
GREENHOUSE GAS STORAGE  
AMENDMENT (NOPSEMA) BILL 2012**

*Second reading*

**Debate resumed from 13 November; motion of  
Mr O'BRIEN (Minister for Energy and Resources).**

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**CLASSIFICATION (PUBLICATIONS,  
FILMS AND COMPUTER GAMES)  
(ENFORCEMENT) AMENDMENT  
BILL 2012**

*Second reading*

**Debate resumed from earlier this day; motion of  
Mr CLARK (Attorney-General).**

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**POLICE REGULATION AMENDMENT  
BILL 2012**

*Second reading*

**Debate resumed from earlier this day; motion of  
Mr RYAN (Minister for Police and Emergency  
Services).**

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**ROAD SAFETY AMENDMENT  
(OPERATOR ONUS) BILL 2012**

*Second reading*

**Debate resumed from 14 November; motion of  
Mr MULDER (Minister for Roads).**

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

## STATE TAXATION AND OTHER ACTS AMENDMENT BILL 2012

*Second reading*

**Debate resumed from 14 November; motion of Mr WELLS (Treasurer).**

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**Business interrupted pursuant to sessional orders.**

### ADJOURNMENT

**The SPEAKER** — Order! The question is:

That the house now adjourns.

**Mr Noonan** — On a point of order, Speaker, I draw your attention to the failure of the Minister for Health to respond to an adjournment matter I raised in this place on 9 October regarding Sunshine ambulance station, including various health and safety matters at that site. Sessional orders require ministers to respond in writing to adjournment matters within 30 days, so I would appreciate your writing to the minister to seek an explanation for the delay and ideally a response to that adjournment request.

**The SPEAKER** — Order! I will send off a letter in regard to that matter.

#### **Kyneton Hospital: ambulatory care centre**

**Mr HOWARD** (Ballarat East) — I raise a matter for the attention of the Minister for Health. It relates to a commitment made by the federal government to make \$6.79 million available to Kyneton Hospital to support its plan to build an ambulatory care centre. Despite requiring no funding from the state, the hospital requires the state government to sign off on this project, and I ask the minister to act to do so.

Clearly the hospital's management was very excited when the federal health minister announced it would contribute \$6.79 million to enable the hospital's management's plans for this purpose-built ambulatory care centre to be built alongside the hospital and become a reality. This announcement was made by the federal health minister in May last year. Soon after

there were discussions between the commonwealth and the state health department. My understanding is that an agreement was reached with the state health officials in July last year — 15 months ago — and that the project then needed to go to the minister to be signed off so this significant funding could be made available for a facility that will cost more than \$7 million to build.

This facility for ambulatory care will provide not only primary care and GP services but also visiting services, including antenatal, infant audiology, sexual assault counselling and community mental health services all in this one building on the hospital site. Staff at the hospital and people in the community are very excited about the project because it will provide great benefits to the overall community. Recently when asked why this project has not been signed off, the minister simply responded by attacking the federal government over recently announced budget cuts. He wanted to engage in some political point-scoring on a recent issue that is not relevant to the issue of the funding of the hospital and has not explained to the Kyneton community why he has not signed off on this project.

If there is a reason the minister has not been able to sign off on it, he should be honest with people in the community and tell them that. Rather than responding with irrelevant political point-scoring, the minister needs to sign off on this project to save it from escalating costs so that it can become a reality sooner rather than later. While the minister is about it, he could explain why he has left two vacancies on the hospital's board for such a long period. He could explain why he has not agreed to the recommendations of the hospital but has left those two board positions vacant and has not appointed anybody else. He simply does not appear to care about the health needs of those in the Kyneton area.

#### **East Bentleigh Child Care Centre: ministerial visit**

**Ms MILLER** (Bentleigh) — I direct my request to the hardworking Minister for Children and Early Childhood Development. The action I seek is that the minister visit the Bentleigh electorate to meet with families at the East Bentleigh Child Care Centre to see the newly installed rainwater tank and pump and to hear how two other kindergartens are benefiting from the child services grant. East Bentleigh Child Care Centre is a not-for-profit, 37-place long day care centre which provides child care to children whose families live and work in the city of Glen Eira.

The child-care centre had not been able to use a rainwater tank for its yard because there was no pump

attached to it. I was pleased to be invited by Savanna Quinnell and families who use the centre to contribute to their environmental and sustainability project by purchasing the much-needed pump. I was happy to oblige and have provided funding for the new water pump to be installed in the centre's yard. On 16 September I joined local families at the centre for a social family planting day. Parents were busy replacing trodden plants and installing a new barbecue. It was a wonderful day, and I enjoyed meeting the dedicated parents who are ensuring that their children enjoy a wonderful environment.

The minister will meet this wonderful community and be able to hear more about the work it is doing to enhance the children's experience at the centre and their understanding of the importance of responsible water use. I am proud to see parents, children and staff of the East Bentleigh Child Care Centre community setting a wonderful example for other local organisations. With these innovative changes, members of this community are making a difference to our local environment and its future, as well as to the environmental education of their children.

Two of our local children's services are beneficiaries of the minister's \$40 million in capital grants — 92 services statewide have received grants. I would be delighted to discuss the progress of renovations and plans to add an additional 33-place playroom at McKinnon Kindergarten, as well as an extension of two new children's rooms at Kids Time Early Learning Centre in Moorabbin. These projects demonstrate the coalition's commitment to educating Victoria's youngest children and setting them up for a life of learning.

I would like to thank Savanna Quinnell, president of the committee of management at the East Bentleigh Child Care Centre, for approaching me and my office to contribute to this wonderful initiative. I have been delighted to be involved in this worthy project, and I will be proud to show the minister the wonderful results of this community's work. I invite the minister to visit the Bentleigh electorate and the East Bentleigh Child Care Centre to see the wonderful work being done to promote sustainability.

### **Towing services: Bellarine electorate**

**Ms NEVILLE** (Bellarine) — The matter I raise is for the Minister for Roads, and the action I seek is for the minister to review the recently gazetted towing boundaries in the Geelong region, particularly the Bellarine Peninsula. At the end of September the towing boundaries for Geelong and the Bellarine

Peninsula were gazetted without any consultation with towing businesses on the peninsula. This has raised serious concerns for local businesses. The licence held by Drysdale Smash Repairs enabled the company to tow vehicles in the whole of the Drysdale-Clifton Springs area. However, the gazetted boundaries mean that the business is now restricted to the east side of Princess Street and Clifton Springs Road, excluding a large part of the local area, which will now be serviced by Geelong-based towing companies.

The boundary divides the area and is not a common-sense approach to providing an effective local towing service. Anyone who knows the area knows it is one geographical area and one community. This arrangement is causing inconvenience and additional expense to drivers as well as to Victoria Police and other agencies involved when accidents occur. It is a negative outcome for local residents and their local towing company. Drysdale Smash Repairs is extremely concerned that the newly gazetted boundaries alter its licence rights. According to a recent letter from VicRoads to Drysdale Smash Repairs, at some stage there will be a review of the economic regulation of accident towing services in Victoria, and yet these boundary changes have been gazetted without consultation and prior to a planned statewide review.

Early in October I wrote to the minister to raise this matter, but with the recent gazetting, the issue is now urgent. In an example of the immediate impact this is having, at the weekend a vehicle crashed into the Queenscliff Blues Train in Drysdale. Despite Drysdale Smash Repairs being within minutes of the site of the accident, a Geelong-based towing company was called, and it towed the vehicle to the company's depot in Geelong. The vehicle involved belonged to a local Drysdale resident.

This situation demonstrates the practical problems being encountered by both the drivers and the towing companies. The local company missed out on work from an accident just around the corner, and the driver now faces unnecessary additional costs because of the extra kilometres travelled to the Geelong-based towing company. Another recent example saw a young woman and her small children waiting beside the road in pouring rain for a Geelong-based tow truck to assist them. It took about 45 minutes for the truck to arrive, whereas the Drysdale-based tow truck would have been there within minutes.

The inconvenience and costs involved for drivers and the effect on the towing companies' businesses are clear, and I ask again for the minister to act as a matter of urgency to have the boundaries reviewed in

consultation with local operators and the local community.

### **Schools: Mordialloc electorate ministerial visit**

**Ms WREFORD** (Mordialloc) — I wish to raise a matter for the Minister for Education. The actions that I seek are for the minister to come and visit two schools and a world-leading educational furniture design and construction business in my electorate.

Schools are a very important part of life in the Mordialloc electorate, and we are fortunate to have such good ones. I want the minister to come and visit Le Page Primary School. Le Page is a very interesting school. Due to demographic changes and other factors, it is a school with just 93 students, although it has the capacity for several hundred. Even with its small size, it is one of the few local schools that received Building the Education Revolution funding. It is well set up with facilities, but they are underutilised.

If you needed a word to describe the school, it would be 'community'. The school has a strong community of its own, and it works well with the larger community around it. For instance, its famous car boot sale was held last Sunday, and people came from everywhere. I want the minister to see the school in operation and to see what we can do to help it grow.

I also want the minister to visit nearby Parktone Primary School, which was in a similar situation a few years ago. Principal George Danson implemented a program titled 'The Leader in me', based on Stephen Covey's *The 7 Habits of Highly Effective People*. There is a vision — all the staff have written a personal mission statement that they share with the class, and there is much more. The program has made a huge difference to the school, which is growing and thriving and seeing better and better outcomes.

Finally, I want the minister to visit Reed Furniture in Braeside, which specialises in educational furniture and is regarded as an Australian and world leader. This is a company at the cutting edge of educational furniture design and construction. It won a 2012 Australian International Design Award for its Goggle chair. It is a very modern, ergonomic chair that reaches the highest standards internationally and leads to better learning outcomes. It is endorsed by the Australian Physiotherapy Association. I have even tried the chair myself. It is important that we recognise and encourage local products, particularly when they are world-leading products. Victoria's students could benefit from what Reed has to offer. I look forward to a positive response from the minister.

### **Consumer affairs: True Value Solar**

**Ms CAMPBELL** (Pascoe Vale) — I want to ask the Minister for Consumer Affairs to send a senior ministerial staff member and departmental officer to the home of one of my constituents. I will provide the constituent's name, but I do not want to put it on the public record. The matter is to do with True Value Solar, which has abysmally failed one of my constituents, who it referred to as 'T32075'. This person has a name. She and her husband have been put through hell for nearly two years by True Value Solar, and I want to put on the record a little bit about this particular case.

The lady concerned had a solar system installed in April 2011. True Value Solar was spoken to by one of my electorate officers on 27 March this year. I can provide to the minister 30 pages of documented emails and phone calls. On Friday I rang True Value Solar and asked to be put through to the state manager or the national CEO, and the person I spoke to would not do so. I explained that I was a state member of Parliament and that there was a very long-running issue that my electorate office, AGL and Jemena had been unable to resolve and that True Value Solar seemed to have been the problem the whole way through.

If the CEO of the company will not speak to a state member of Parliament, I cannot see any other way of resolving this constituent's concerns than for the Minister for Energy and Resources and Consumer Affairs Victoria to become involved and, where appropriate, for penalties to be imposed on the company concerned. The phone call list includes an item on 27 March this year. On 3 April True Value Solar claim forms had been lodged with AGL. Then paperwork went missing. Jemena became involved in April. Jemena has been absolutely sensational in following up matters for us. It has tried to resolve the matter, right through to contacting True Value Solar in October, and it has highlighted the importance of energy equipment being installed correctly. The energy provisions of Energy Safe Victoria have not been adhered to, and no matter what my office and other groups have tried to do to resolve this matter, True Value Solar is stalling and —

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

### **Bushfires: Kinglake schools ministerial visit**

**Ms McLEISH** (Seymour) — My adjournment matter is directed to the Minister for Education. The action I seek is that he meet with representatives of a

range of schools in the Kinglake area that were impacted upon by the Black Saturday bushfires. It was probably 18 or 20 months ago that the minister visited the area and attended a forum of teachers from Kinglake primary and secondary schools for the opening of Kinglake Middle Primary School and to discuss many issues that concerned the teachers at both primary and secondary level. There are three primary schools in the Kinglake Ranges: Kinglake West Primary School, Kinglake Middle Primary School and Kinglake Primary School. There are also the Yea, Flowerdale and Whittlesea primary schools and Yea High School, Whittlesea Secondary College, Diamond Valley College and Assumption College. A number of schools service that area.

The schools continue to report issues that the students face. Counselling of the students is continuing. There is a high degree of absenteeism, and there are literacy and numeracy gaps. These gaps have been highlighted previously, but while teachers thought the children were starting to get on with it, the teachers now realise that these children sometimes still have a two-year learning gap. It is interesting to think that this does not affect just secondary school students but also primary school students and even those beginning primary school. Children at prep level were only two years old at the time of the fires and may not have been thought to have been impacted upon by them. However, it is now thought that the trauma of what happened to their parents and the attention that was given to other areas and not to them may have caused some attachment problems and also affected their reading ability. It is interesting to hear that at one school the prep class this year had 100 per cent of bed-wetters, which is quite alarming.

As kids make the transition from home to school or from primary to secondary school, which can be traumatic in itself, this can revive traumas. There is a lot happening that the teachers, welfare workers and people in schools, including counsellors, who are working closely with this group of youths through to younger children are concerned about. There has been a wonderful collaboration between the youth workers at Ellimatta Youth Group in Kinglake and the schools, and they are starting to build some good initiatives. However, given the degree of absenteeism and the literacy and numeracy gaps, which are accompanied by sleepless nights caused by nightmares, there are significant impacts on the schools. I know the minister got a lot from his first forum with this group of people some 18 or 20 months ago. The end of the year is fast approaching, but if the minister could visit this area at the end of this year or early next year, it would be greatly appreciated by me and the community.

### Students: education conveyance allowance

**Mr FOLEY** (Albert Park) — I rise to raise a matter for the attention of the Minister for Education. The action I seek is that the minister reverse his government's cruel decision to cut the bus service to specialist schools as reflected in the administrative and process changes his government has introduced for the 2013 year to the conveyance allowance and related procedures and policies. In so doing, he would ensure the continuation of bus services for children at specialist schools in 2013 and beyond. The details of this policy change, for the attention of members, are set out on the Department of Education and Early Childhood Development website.

Many in this place are familiar with the impact of these cuts on urban fringe students, but they also affect all Victorian specialist schools in different ways. I raise this matter following representation from parents and supporters of the state's leading specialist school, Port Phillip Specialist School. They have pointed out that the government's actions will mean cuts not just to their school but also to all specialist schools and that these cuts to bus services will force families to make a number of choices as to whether they continue to take their children to this fantastic school and whether they can continue to act as productive and contributing members of society through their various jobs.

That is the decision that these people are facing with their high-needs children. These families are confronted with having to make a choice between participating fully in this society and making sure that they are in a position to simply take their children to and from school each day. Having to choose between continuing to care for your children and participating in the broader community or having to retreat from the workforce and look after your high-needs child is a terrible decision that we should not force any family to make.

The minister is not unaware of this particular school, and neither are the minister's parliamentary secretary and the two Liberal upper house members in the area. Only a few short months ago they all attended the launch by the minister of a book entitled *An Extraordinary School — Re-modelling Specialist Education*. The minister, together with his Liberal Party colleagues, wallowed in the attention given and the hospitality provided by the generous school community and its equally generous supporters. Imagine the sense of betrayal felt by the school community and its supporters when a few short months later this same minister and this same government cruelly cut the bus services that this family relies on.

This is a school with a full service school model which brings together wide-ranging education, medical, paramedical and other services that make it the leading specialist school in not just Australia but indeed internationally. It deserves government support.

### **Wild dogs: control**

**Mr BULL** (Gippsland East) — I raise a matter for the attention of the Minister for Agriculture and Food Security. The action I seek is for the minister to provide more flexibility for vegetation clearing adjacent to wild dog electric fencing in my electorate and indeed across Victoria.

As the minister would be well aware, many farmers in wild dog impacted areas invest heavily in electric fencing, which is one of the critical control measures in limiting the impacts of wild dogs on stock. However, their adversaries, as we well know, are very cunning animals and will quickly seize on any opportunity to impact on stock. So when, for example, a fallen tree limb results in the electric fence failing, they will make the most of this opportunity and the killing of stock is imminent. Apart from the stock losses that result there is also the cost of repairs to the fences.

This government has made many changes in relation to wild dog control. They include the introduction of a wild dog and fox bounty that has seen over 300 wild dogs destroyed and handed in, many of those in East Gippsland. We have reintroduced the Lanes traps at the request of doggers and local community members. We have established and grown community baiting programs, we have maintained 72-hour trap checking for doggers rather than moving to 24-hour checking as was proposed and we have restructured the wild dog management group. We have allocated funds for aerial baiting, and when permission was refused federally we introduced an extensive ground baiting program. We have allowed baiting by landowners in the Tambo Valley on public land around private property boundaries, and we have allowed baiting to occur deeper into Crown land outside the 3-kilometre livestock protection zone.

Even schoolchildren within my electorate, some of whom are here today, know that wild dogs are a scourge on our farming community, and whilst this government has made many changes to support wild dog control and implemented many strategies, this is one more step that this government can take to assist property-holders not only within my electorate of Gippsland East, where they are impacted severely, but also in the electorate of my colleague the member for

Benambra, over the other side of the hill, where he has a significant wild dog problem as well.

It is a fact that the vast majority of farmers who are impacted by wild dogs have properties that interface with public land and Crown land and are therefore more susceptible to tree limbs falling and impacting on their fencing and causing stock losses and impacting on their overhead costs of running farms and keeping up maintenance. I therefore call on the minister to provide more flexibility for vegetation clearing adjacent to wild dog electric fencing where it abuts public land.

### **Moonee Valley Racecourse: development**

**Mr MADDEN** (Essendon) — The matter I wish to raise tonight is for the Minister for Planning. The request I have for the minister is that he put in place heritage protection across the Moonee Valley Racecourse.

The reason I ask for this is that it has currently been identified by a number of parties that there are a number of very significant heritage aspects on the site that need to be protected, particularly because there is a development looming that has been sought by the Moonee Valley Racing Club, and as such there is a need for at least an interim protection order if not more broader protection controls across the site, particularly in relation to what I understand is the identification of the Edna Walling garden at the Moonee Valley Racecourse.

I understand that the garden is located to the rear of the original operator's home, which I understand is now used by the CEO or somebody in the senior levels of administration. It is a beautiful garden, which I saw many years ago, and that needs to be protected, regardless of what sort of development may or may not take place on the site.

I also understand that there have been a number of other buildings that have been identified which could be or should be considered for heritage protection. They relate to the great history of racing in and around the Moonee Valley Racecourse.

It has also been brought to my attention that as well as these significant heritage areas the great horse Manikato, after which the Manikato Stakes is named, is buried at the Moonee Valley Racecourse. It is believed that the horse is buried quite close to the finish line, or somewhere around that location, and as part of any potential redevelopment the Moonee Valley Racing Club has identified realigning the track, which may

have an impact in relation to where Manikato is buried, if Manikato is buried in the finish post area.

I understand the Moonee Valley City Council has made requests to the minister to put in heritage protection orders, but I also understand that the developer has asked the minister to intervene to assist with the rezoning. What I would ask the minister to undertake to do urgently is to make sure that heritage controls are put in place so that none of these valued cultural assets that reflect the history of the Moonee Valley Racecourse are threatened in any way by the potential of any sort of redevelopment across the racecourse site.

### Legacy: Somers camp

**Mrs FYFFE** (Evelyn) — My request for action is to the Minister for Veterans' Affairs. The action I request is for the minister to advise me if funding is available to provide social and recreational opportunities for Legacy to allow it to continue its good work and run the Somers camp in 2013.

Everyone will be aware — possibly from personal experience — of the great work that Legacy has done in caring for war widows and their children ever since its establishment by ex-servicemen in 1923. For nearly 90 years Legacy has cared for war widows and dependants from both world wars, as well as from the conflicts in Korea, Malaya, Vietnam, East Timor, Iraq and Afghanistan. Legatees currently care for more than 120 000 people across Australia who were left behind by those who made the supreme sacrifice. The Melbourne branch alone cares for around 20 000 people, which includes widows, children and dependants with disabilities.

A crucial aspect of Legacy is the thousands of volunteers Australia-wide who dedicate their time as mentors to the widows and families in order to ensure that Legacy's promise of caring for the families of deceased and incapacitated veterans is upheld.

One of the great things done by Legacy is the running of its Somers camp. It is a getaway for those Legacy dependants who live with a disability, whilst also providing a form of respite for widowed mothers around Australia. Approximately 65 dependants, accompanied by their support workers, will travel to Somers on the Mornington Peninsula during January next year. This camp reflects the generosity of the volunteers and supporters who make it possible. In previous years those attending the camp have been able to enjoy a wide array of activities from sailing on the bay to riding around the peninsula in restored classic cars and going to Phillip Island to see the fairy penguin

parade. Even spending a day at the races at the nearby Cranbourne Racecourse has been popular with past camp attendees.

Legacy sets aside an open day when family and legatees can visit the camp and see firsthand all the activities that the campers are able to enjoy. By providing opportunities for social inclusion, the Somers camp is a fantastic way of giving dependants with a disability the chance to experience an accessible holiday. I ask the minister to provide support for this excellent organisation.

### Responses

**Mr DELAHUNTY** (Minister for Veterans' Affairs) — I rise to respond to the matter raised with me tonight in front of these members by the member for Evelyn, who has highlighted the important need for social and recreational opportunities for Legacy dependants. I thank the hardworking member — I have worked with her on a lot of projects — for her awareness of this issue. It is good to see someone raising a matter regarding veterans affairs. Our government's priority is to look after Victoria's veterans and their families who have sacrificed so much for this country. I am pleased to advise the member that the Victorian Veterans Council has approved funding, through the ANZAC Day Proceeds Fund, for a grant of \$10 000 to Melbourne Legacy for the 2013 Somers camp for Legacy dependants with a disability.

This is 1 of 32 individual projects that will be delivered by 23 organisations from the 2012–13 Victorian Veterans Council ANZAC Day Proceeds Fund, which provides practical support to the veteran community through the provision of funding for a range of welfare-related activities. As the Minister for Veterans' Affairs, I believe it is vital to ensure that people with a disability are involved in social and recreational activity. I hold the same view in my capacity as the Minister for Sport and Recreation. This grant will help Legacy meet the costs of running the camp, which is designed to provide an accessible and socially inclusive holiday program for Legacy dependants with a disability, as the member has highlighted tonight.

The program also aims to provide a range of social and recreational opportunities to help address the risk of older dependants with an intellectual disability becoming socially isolated. I am informed that the camp is run annually. It is scheduled to take place on 6 and 7 January 2013 and will involve around 65 dependants. Again I thank the member for Evelyn for raising this matter, and I am sure the group will be

very appreciative of the \$10 000 to help with the running of this program.

**Mr DIXON** (Minister for Education) — The member for Mordialloc raised an issue for me and asked me to visit her electorate. She has put forward a worthwhile program and my office will be in touch with her office to organise a time for me to once again visit the wonderful electorate of Mordialloc.

The member for Seymour asked me to meet with representatives from schools in bushfire-affected areas. The member is a great advocate for those schools, and as she said, I did meet them about 18 months ago. I would be very interested in getting up there as soon as possible to talk to them about their ongoing concerns and how the effect of the fires is continuing for students, teachers and the community there. I am more than happy to do that.

The member for Albert Park raised with me the matter of funding for bus services for a specialist school. I can inform him there has been absolutely no reduction in bus services or funding. In fact we have increased funding for bus services for specialist schools, both in last year's budget and this year's budget. I do not know what the issue is. The only thing that might occasionally change is the bus route that is taken, which takes into account where students live and gets them there at the earliest possible time. That would be the only possible change in transport arrangements. But, as I said, there has been absolutely no change to the funding of transport for students with a disability. We have a proud record of increasing the funding.

**Mr WALSH** (Minister for Agriculture and Food Security) — I rise to respond to the member for Gippsland East who has raised an issue of clearance on wild dog electric fences. I thank the member for Gippsland East and also the members for Benalla and Benambra for the work they do with the Wild Dog Advisory Committee right across the state. One of the things this government has been very good at is working with country people to get good outcomes. I think the new Wild Dog Advisory Committee that has been set up is working very well. I recently attended a forum conducted by the committee at Telangatuk at which there was a lot of discussion around wild dog issues. The general feeling in the room was that it is a big issue for those who are impacted upon, but the government, the community and the industry have been working well together to try to solve some of the issues they face.

The member outlined quite a few of those issues in his adjournment matter tonight. I thank him for his

acknowledgement of the work that the government has done in this area of wild dog control. I suppose, for the benefit of members in the house, the issue for farmers who put electric fences in is that they are allowed to have a 3-metre clearance zone to keep vegetation away from their fences. The fences are put there because they want to control wild dogs coming onto their private property off public land. But, as we know, some trees are more than 3 metres high so there is the issue of branches or a whole tree falling over, shorting the electric fence and the farmer losing the benefit of that fence. It was an issue that was raised in this place when we met with the Wild Dog Advisory Committee a couple of sitting weeks ago. At that time we gave the committee a commitment that we would look at how we could come up with a better outcome to make sure that farmers can really have that clear 3-metre zone close to the fence but also have the opportunity to have clearance further away for trees that are higher than 3 metres so there is not the risk of branches falling on to those fences.

It is something that I will take up on behalf of the member to see if we can get a better outcome for those farmers who have gone to the expense of putting electric fences in, so they can have a clearance zone that is further away from their fence than 3 metres to allow for higher trees.

**Mr McINTOSH** (Minister for Corrections) — The member for Bentleigh raised a matter for the Minister for Children and Early Childhood Development and asked that the minister visit the East Bentleigh Child Care Centre in the Bentleigh electorate to have discussions with people there. I will pass that on to the minister.

The member for Ballarat East raised a matter for the Minister for Health in relation to the funding of the Kyneton hospital, and I will ensure that the minister does respond. I notice the member is not in the chamber, but I will alert him to the fact.

The member for Pascoe Vale raised a matter for the Minister for Consumer Affairs in relation to an issue with True Value Solar and asked that the minister have a senior adviser and a staff member from the department attend a constituent she did not name. I will ensure that the minister does get the details of that. I will ask the minister, if he wants to, to request the name of the constituent the member was speaking about.

The member for Essendon raised a matter for the Minister for Planning about protecting aspects of heritage in and around Moonee Valley Racecourse in relation to a proposed development.

And lucky last, the member for Bellarine raised a matter for the Minister for Roads about reviewing the towing boundaries in Geelong and on the Bellarine Peninsula.

**Mr Nardella** interjected.

**Mr McINTOSH** — Speaker, I hear a lot of noise from the other side, but I am choosing to ignore it.

**The SPEAKER** — Order! I know; it is appalling. I do understand. Having said that, I declare that the house is now adjourned.

**House adjourned 4.47 p.m. until Tuesday,  
27 November.**