

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY  
FIFTY-SEVENTH PARLIAMENT  
FIRST SESSION**

**Thursday, 21 June 2012**

**(Extract from book 9)**

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### Legislative Assembly committees

**Privileges Committee** — Ms Barker, Mr Clark, Ms Green, Mr McIntosh, Mr Morris, Dr Napthine, 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 Napthine 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 Foley, Mr Noonan 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*): Mrs Bauer, Ms Halfpenny, Mr McGuire and Mr Wakeling. (*Council*): Mrs Coote and Ms Crozier.

**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 and Mr Watt. (*Council*): Mr O'Brien and 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

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**FIFTY-SEVENTH PARLIAMENT — FIRST SESSION**

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The Hon. J. A. MERLINO

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Beattie, Ms Elizabeth Jean	Yuroke	ALP	Morris, Mr David Charles	Mornington	LP
Blackwood, Mr Gary John	Narracan	LP	Mulder, Mr Terence Wynn	Polwarth	LP
Brooks, Mr Colin William	Bundoora	ALP	Napthine, Dr Denis Vincent	South-West Coast	LP
Brumby, Mr John Mansfield <sup>1</sup>	Broadmeadows	ALP	Nardella, Mr Donato Antonio	Melton	ALP
Bull, Mr Timothy Owen	Gippsland East	Nats	Neville, Ms Lisa Mary	Bellarine	ALP
Burgess, Mr Neale Ronald	Hastings	LP	Newton-Brown, Mr Clement Arundel	Prahran	LP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Noonan, Mr Wade Mathew	Williamstown	ALP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Northe, Mr Russell John	Morwell	Nats
Carroll, Mr Benjamin Alan <sup>2</sup>	Niddrie	ALP	O'Brien, Mr Michael Anthony	Malvern	LP
Clark, Mr Robert William	Box Hill	LP	Pallas, Mr Timothy Hugh	Tarneit	ALP
Crisp, Mr Peter Laurence	Mildura	Nats	Pandazopoulos, Mr John	Dandenong	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Perera, Mr Jude	Cranbourne	ALP
Delahunty, Mr Hugh Francis	Lowan	Nats	Pike, Ms Bronwyn Jane <sup>5</sup>	Melbourne	ALP
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Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Duncan, Ms Joanne Therese	Macedon	ALP	Ryall, Ms Deanne Sharon	Mitcham	LP
Edwards, Ms Janice Maree	Bendigo West	ALP	Ryan, Mr Peter Julian	Gippsland South	Nats
Eren, Mr John Hamdi	Lara	ALP	Scott, Mr Robin David	Preston	ALP
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Gidley, Mr Michael Xavier Charles	Mount Waverley	LP	Southwick, Mr David James	Caulfield	LP
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Helper, Mr Jochen	Ripon	ALP	Tilley, Mr William John	Benambra	LP
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Herbert, Mr Steven Ralph	Eltham	ALP	Victoria, Mrs Heidi	Bayswater	LP
Hodgett, Mr David John	Kilsyth	LP	Wakeling, Mr Nicholas	Ferntree Gully	LP
Holding, Mr Timothy James	Lyndhurst	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Watt, Mr Graham Travis	Burwood	LP
Hulls, Mr Rob Justin <sup>3</sup>	Niddrie	ALP	Weller, Mr Paul	Rodney	Nats
Hutchins, Ms Natalie Maree Sykes	Keilor	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Kairouz, Ms Marlene	Kororoit	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 19 February 2011

<sup>5</sup> Resigned 7 May 2012



# CONTENTS

## THURSDAY, 21 JUNE 2012

### BUSINESS OF THE HOUSE

<i>Notices of motion: removal</i> .....	2911
<i>Adjournment</i> .....	2913

### PETITIONS

<i>Sunbury: closed-circuit television cameras</i> .....	2911
<i>Higher education: TAFE funding</i> .....	2911
<i>Buses: Hallam service</i> .....	2911
<i>Planning: Paine Street, Newport</i> .....	2912
<i>Rail: Epping line extension</i> .....	2912
<i>Buses: northern suburbs</i> .....	2912
<i>Country Fire Authority: north-eastern suburbs</i> .....	2912

### VICTORIAN CHILD DEATH REVIEW COMMITTEE

<i>Report 2012</i> .....	2913
--------------------------	------

### AUDITOR-GENERAL

<i>Reports 2010–11</i> .....	2913
------------------------------	------

### DOCUMENTS

.....	2913
-------	------

### PLANNING: URBAN GROWTH BOUNDARY

AMENDMENTS.....	2913
-----------------	------

### MEMBERS STATEMENTS

<i>Werribee Mercy Hospital: short-stay units</i> .....	2914
<i>Schools: capital works funding</i> .....	2914
<i>Dromana Bay Life Saving Club:</i>	
<i>15th anniversary</i> .....	2914
<i>Arthur Sweatman</i> .....	2914
<i>Warrandyte electorate: Ride2Rescue team</i> .....	2915
<i>Yallambie Park Preschool: facilities</i> .....	2915
<i>Australian Labor Party: performance</i> .....	2915
<i>Burwyn Davidson</i> .....	2916
<i>Rodney electorate: tourism events</i> .....	2916
<i>Parks Victoria: industrial action</i> .....	2916
<i>Peter Marke</i> .....	2917
<i>Opposition members: performance</i> .....	2917
<i>Jennifer Kanis</i> .....	2917
<i>Parkdale Secondary College: elite athlete</i>	
<i>funding</i> .....	2917
<i>Mornington Peninsula Freeway: extension</i> .....	2918
<i>Carbon tax: economic impact</i> .....	2918, 2921
<i>Rail: Frankston line</i> .....	2918
<i>Member for Mount Waverley: letter to</i>	
<i>constituents</i> .....	2918
<i>Balnarring Tennis Club: new courts</i> .....	2918
<i>Country Fire Authority: Somerville brigade</i> .....	2918
<i>Somerville Kindergarten: trivia night</i> .....	2918
<i>Merinda Park Learning and Community Centre:</i>	
<i>20th anniversary</i> .....	2918
<i>Gembrook electorate: community projects</i> .....	2919
<i>Travis Berketa</i> .....	2919
<i>Carbon tax: community forum</i> .....	2920
<i>Bentleigh Secondary College: debutante ball</i> .....	2920
<i>Bentleigh Secondary College: specialisation</i>	
<i>grant</i> .....	2920
<i>Cyberbullying: P-Rock Online</i> .....	2920
<i>National Cybersecurity Awareness Week</i> .....	2920
<i>Tucker Road Bentleigh Primary School:</i>	
<i>parliamentary role-play</i> .....	2920
<i>K. G. Putt Senior Citizens Centre</i> .....	2920
<i>Bethany Community Support: funding</i> .....	2920

<i>Emergency services: earthquake response</i> .....	2921
--	------

### WORKING WITH CHILDREN AMENDMENT

BILL 2012	
<i>Second reading</i> .....	2921, 2970
<i>Third reading</i> .....	2970

### CRIMINAL PROCEDURE AND SENTENCING ACTS

AMENDMENT (VICTIMS OF CRIME) BILL 2012	
<i>Statement of compatibility</i> .....	2941
<i>Second reading</i> .....	2941

### CRIMINAL PROCEDURE AMENDMENT BILL 2012

<i>Statement of compatibility</i> .....	2943
<i>Second reading</i> .....	2944

### CIVIL PROCEDURE AMENDMENT BILL 2012

<i>Statement of compatibility</i> .....	2946
<i>Second reading</i> .....	2946

### FORESTS AMENDMENT BILL 2012

<i>Second reading</i> .....	2949, 2958, 2971
<i>Third reading</i> .....	2971

### QUESTIONS WITHOUT NOTICE

<i>Whistleblowers: legislation</i> .....	2951
<i>Carbon tax: economic impact</i> .....	2951, 2955
<i>Minister for Police and Emergency Services:</i>	
<i>conduct</i> .....	2952, 2954, 2956
<i>Carbon tax: regional and rural Victoria</i> .....	2953
<i>Carbon tax: local government</i> .....	2956
<i>Premier: answers to questions without notice</i> .....	2957
<i>Carbon tax: energy prices</i> .....	2957

### SUSPENSION OF MEMBER

<i>Member for Altona</i> .....	2951
--------------------------------	------

### EDUCATION LEGISLATION AMENDMENT (VET SECTOR, UNIVERSITIES AND OTHER MATTERS) BILL 2012

<i>Second reading</i> .....	2963
<i>Third reading</i> .....	2970

### RESIDENTIAL TENANCIES AMENDMENT BILL 2012

<i>Second reading</i> .....	2972
<i>Third reading</i> .....	2972

### STATUTE LAW REVISION BILL 2012

<i>Second reading</i> .....	2972
<i>Third reading</i> .....	2972

### ADJOURNMENT

<i>Namatjira Park, Clayton South: redevelopment</i> .....	2972
<i>Gas: Hastings electorate supply</i> .....	2973
<i>Preston West Primary School: portable</i>	
<i>classrooms</i> .....	2973
<i>Frankston Youth Prevention and Recovery Care</i>	
<i>Service: opening</i> .....	2974
<i>Regional rail link: North Melbourne station</i> .....	2974
<i>Churchill Football Netball Club: funding</i> .....	2975
<i>Manufacturing: Geelong region jobs</i> .....	2975
<i>Tourism: Mornington Peninsula</i> .....	2976
<i>Higher education: TAFE funding</i> .....	2976
<i>Disability services: Benambra electorate</i> .....	2977
<i>Responses</i> .....	2977



## Thursday, 21 June 2012

**The SPEAKER (Hon. Ken Smith) took the chair at 9.33 a.m. and read the prayer.**

**Ms Hennessy** — I wish to raise a point of order, Speaker, with respect to questions on notice that have been filed by members of the Legislative Assembly. There are currently over 1600 questions on notice that have not yet been answered. Almost 300 of those are in my name. There are even 15 questions from government members which ministers have not felt the need to answer. I would ask that you raise this unacceptable delay in responding to questions with government ministers in the hope that members on both sides of the house may have their questions answered.

**The SPEAKER** — Order! The member has raised an issue, and members and ministers of the house should take note of it.

**Mr McGuire** — Speaker, I also wish to raise a point of order regarding responses to questions on notice. There are currently 63 unanswered questions on notice in my name in this place. These include questions to the Minister for Planning on the important issue of the government's amendments to the growth areas infrastructure contribution.

**The SPEAKER** — Order! There is no need to go into details. In fact, those of the member for Broadmeadows would be amongst the 1600 the member for Altona raised. The issue in regard to questions on notice has been raised, so it does not have to be gone into again.

## BUSINESS OF THE HOUSE

### Notices of motion: removal

**The SPEAKER** — Order! Notices of motion 1 and 12 to 21 will be removed from the notice paper unless members wishing their notice to remain advise the Clerk in writing before 2.00 p.m. today.

## PETITIONS

### Following petitions presented to house:

#### Sunbury: closed-circuit television cameras

To the Legislative Assembly of Victoria:

The petition of residents of the Sunbury region draws to the attention of the house the Victorian government's commitment to fund closed-circuit television (CCTV) cameras in the Sunbury town centre. On 23 September 2011 the Minister for Crime Prevention announced \$200 000 to Hume City Council to install closed-circuit television in

Sunbury's town centre. Residents, ratepayers and businesses in Sunbury have been campaigning for CCTV for many years and are disappointed in the lack of progress since this announcement by both the state government and Hume City Council. The petitioners therefore request that the Legislative Assembly of Victoria commit fully to the installation, maintenance and ongoing operation of a comprehensive CCTV network in the Sunbury town centre to protect public and private assets and increase personal safety.

**By Mr SOUTHWICK (Caulfield) (113 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 Legislative Assembly 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 Mr ANDREWS (Mulgrave) (1306 signatures).**

#### Buses: Hallam service

To the Legislative Assembly of Victoria:

The petitioners below, who are residents of Saffron Grove retirement village in Saffron Grove, Hallam, draw to the attention of the house that bus 827 that used to stop near the village and travel on to Dandenong has ceased.

Elderly residents must now walk at least 15 minutes to reach the closest stop on Princes Highway in Hallam to catch bus 828 that takes them to Dandenong. Many residents use walking sticks and frames and we must cross a dangerous four-lane highway to get to the bus stop. Dandenong is our community of interest where we can access government offices, doctors, the hospital, solicitors et cetera and do our shopping. The return journey is difficult if we have shopping to carry.

The petitioners therefore request that the Legislative Assembly of Victoria divert bus 828 to include Tinks Road/Fitzgerald Road, which would allow residents to walk only a short distance to access the bus.

**By Mr DONNELLAN (Narre Warren North) (38 signatures).**

**Planning: Paine Street, Newport**

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to be attention of the house the need for the Baillieu government to support the Hobsons Bay City Council’s decision to reject a new multistorey, high-density development at Paine Street, Newport.

In particular we note:

1. the Baillieu government’s statement that local councils should have more power to exercise control over planning;
2. three hundred and sixty local residents have objected to the developer’s proposal to build 42 new apartments at the Paine Street site in Newport;
3. Hobsons Bay council planners assessed the proposal and refused it in 2010 (upheld by VCAT) and refused it again in 2011.

The petitioners therefore request that the Legislative Assembly urge the Baillieu government to support the Hobsons Bay City Council’s decision to reject a proposal to build more than 40 new multistorey apartments on the old Newport timberyard site.

**By Mr NOONAN (Williamstown) (244 signatures).**

**Rail: Epping line extension**

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled:

The petition of the residents of the city of Whittlesea, their families and friends draws to the attention of the house, the need for the Epping rail line to be extended to Mernda by 2014 in recognition of the city’s booming population.

There are growing fears that without the extension, car dependency, social isolation, pollution and a lack of job opportunities will rise, and road networks within developing suburbs will become unworkable.

And your petitioners, as in duty bound, will ever pray.

**By Ms GREEN (Yan Yean) (4624 signatures).**

**Buses: northern suburbs**

To the Legislative Assembly of Victoria:

This 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) (148 signatures).**

**Country Fire Authority: north-eastern suburbs**

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the need for new CFA stations in Whittlesea and Nillumbik. In particular we note:

1. the vital work of local firefighters in protecting our communities;
2. since 1999 Victorian Labor has built or upgraded 14 CFA stations in this area;
3. in 2010 Victorian Labor committed to build and upgrade 250 CFA stations across the state by 2014. The Baillieu-Ryan government has promised to build or upgrade just 60 CFA stations.

The petitioners therefore request that the Legislative Assembly urge the Baillieu-Ryan government to build new CFA stations for Eden Park, Eltham, Kangaroo Ground, Plenty and Wattle Glen.

**By Ms GREEN (Yan Yean) (4 signatures).**

**Tabled.**

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

**Ordered that petitions presented by honourable member for Essendon on 20 June be considered next day on motion of Mr MADDEN (Essendon).**

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

**Ordered that petitions presented by honourable member for Macedon on 20 June be considered next day on motion of Ms DUNCAN (Macedon).**

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

**Ordered that petition presented by honourable member for Narre Warren North be considered next day on motion of Mr DONNELLAN (Narre Warren North).**

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

## VICTORIAN CHILD DEATH REVIEW COMMITTEE

### Report 2012

**Ms WOOLDRIDGE (Minister for Community Services), by leave, presented report.**

**Tabled.**

## AUDITOR-GENERAL

### Reports 2010–11

**Mr CLARK (Minister for Finance), by leave, presented government response.**

**Tabled.**

## DOCUMENTS

**Tabled by Clerk:**

*Agricultural Industry Development Act 1990* — Order under s 8

*Members of Parliament (Register of Interests) Act 1978* — Summary of Variations notified between 22 May 2012 and 20 June 2012 — Ordered to be printed.

*Multicultural Victoria Act 2011* — Victorian Government Initiatives and Reporting in Multicultural Affairs Report 2010–11

Ombudsman — *Whistleblowers Protection Act 2001*: Investigation into allegations of detrimental action involving Victoria Police — Ordered to be printed.

*Parliamentary Committees Act 2003*:

Government response to the Public Accounts and Estimates Committee's Report on the Review of the Auditor-General's Report on Access to Public Hospitals: Measuring Performance

Government response to the Public Accounts and Estimates Committee's Report on the Review of the Auditor-General's Report on Preparedness to Respond to Terrorism Incidents: Essential Services and Critical Infrastructure

Police Integrity, Office of — Victoria Police: Recurring themes in the management of high profile investigations — Ordered to be printed.

*Subordinate Legislation Act 1994* — Documents under s 15 in relation to Statutory Rules 42, 43.

## PLANNING: URBAN GROWTH BOUNDARY AMENDMENTS

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

That under section 46AH of the Planning and Environment Act 1987, the following amendments to modify the urban growth boundary be ratified:

Cardinia planning scheme — no. C190

Casey planning scheme — no. C170

Hume planning scheme — no. C166

Melton planning scheme — no. C128

Mitchell planning scheme — no. C100

Wyndham planning scheme — no. C180

Whittlesea planning scheme — no. C167.

**Motion agreed to.**

## BUSINESS OF THE HOUSE

### Adjournment

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

That the house, at its rising, adjourn until a day and hour to be fixed by the Speaker, which time of meeting shall be notified in writing to each member of the house.

**Motion agreed to.**

## MEMBERS STATEMENTS

### Werribee Mercy Hospital: short-stay units

**Ms HENNESSY** (Altona) — Over a year ago, in April 2011, the Minister for Health, Mr Davis, officially opened a short-stay unit at the Werribee Mercy Hospital emergency department. Short-stay units are attached to emergency departments. They provide up to 24 hours of inpatient care and have been shown to reduce the length of a stay at hospital and take a load off the emergency department.

I have had various members of the local community provide feedback to me expressing concern that those 10 short-stay beds are not all operational and that at varying points of time only four or five of those short-stay beds have been utilised. If this is in fact the case, there is an urgent need to increase the health funding so that these greatly needed short-stay beds can be made fully operational. I am also concerned about the impact a reduced health budget will have out in the west, and these beds are just one example. What I would like is for the minister to take steps to assure himself that these 10 short-stay beds, announced as part of the short-stay facility, are actually available for use by local community members and staff of the hospital.

The minister issued a media release on 27 April 2012 in which he claimed this would enable the hospital to enhance the emergency department's efficiency, capacity and patient flow and reduce emergency department waiting times for patients. Surely all 10 beds have to be in use to achieve the increased performance of the emergency department as claimed. Otherwise the \$1.2 million provided to build this facility is not being utilised in the way that it was intended.

### Schools: capital works funding

**Mr DIXON** (Minister for Education) — Last week I enjoyed travelling to a number of schools around the state. In country Victoria I inspected the plans for Golden Square Primary School's new facility at the Maple Street site. I then visited Castlemaine Secondary College to speak at the assembly and look at the master plan for the school's redevelopment. I also enjoyed an intense interview with the student reporters from their school newspaper. At Gisborne Secondary College I met with the school to discuss stage 4 of its redevelopment, hopefully in partnership with Macedon Ranges shire, and then announced a feasibility study for secondary school provision in the Romsey and Macedon Ranges area. All these projects have been

funded by over \$50 million, which was announced in this year's budget.

Around Melbourne I opened a brilliant renovation and extension of Hartwell Primary School, which included a non-template Building the Education Revolution project, which is always refreshing to see — that is, a school building a facility that it wants, where it wants it and what it wants it to look like. At Valkstone Primary School I saw the great work being done on cybersafety with the students of this great school.

On Friday night I opened the Emerson School's new middle school. John Mooney has led an incredible transformation of a derelict site through astute planning, community partnerships, clever purchasing and plain hard work. John, his team and his school are a model for all Victorian schools.

### Dromana Bay Life Saving Club: 15th anniversary

**Mr DIXON** — On another matter, it was a privilege to join Dromana Bay Life Saving Club's 15th birthday celebrations on the weekend in their brand-new clubrooms on Dromana foreshore. This new community facility is a great asset to many local groups, with the state government contributing over \$700 000 to the project.

### Arthur Sweatman

**Ms NEVILLE** (Bellarine) — Arthur Sweatman was an exceptional person, and all of us who knew him are deeply saddened by his recent passing. Arthur really did fit the description 'a pillar of the community'. He was a great family man, a TAFE teacher for many years, an internationally acknowledged Vauxhall car expert and an outstanding community volunteer. Arthur was involved in a range of organisations in Portarlington, Indented Head and the region, and he gave generously of his time, his experience and his considerable talents.

Arthur had a deep commitment to environmental sustainability. For 38 consecutive years he made an outstanding voluntary contribution to the Bellarine Bayside Foreshore Committee of Management and its predecessor, including during the two major amalgamations that led to the committee's establishment. He was the treasurer for many of those years, and he also contributed in practical ways, most notably with the invention of removable power head technology, which is now widely used across Victoria and is being marketed worldwide. His interest in the environment extended to wildlife and animal protection

issues, and that is reflected in his contribution to Geelong Animal Welfare Services.

Arthur was also a central figure in Rotary's Portarlington Miniature Railway. Though not a Rotarian, he gave of his expertise and ingenuity. Arthur was a keeper of our local history, and he generously shared his extensive knowledge, particularly in including and encouraging new people as they joined in the life of the community's groups and organisations.

I join with many others in offering my sincere sympathy to Arthur's wife, Monica, his children, Carole, Allison and Andrew, and their families.

### **Warrandyte electorate: Ride2Rescue team**

**Mr R. SMITH** (Minister for Youth Affairs) — I rise to highlight the outstanding achievements of four young people from my electorate — Tim Holman, Daniel Seehusen, John Clark and Aaron Turner. I met with Tim and Aaron in March last year before they departed to London to commence the Ride2Rescue.

The Ride2Rescue team highlights the fact that more than 1.2 million children around the world are being tricked, forced or sold into slavery, child labour, combat and prostitution through no fault of their own. To put that into perspective, that is more than the entire Victorian youth population. Every member of this house would agree that all young people have the right to a childhood that is free from fear.

On Sunday, with Scott McGrory and Tim Costello, I will be welcoming home these young gentlemen at Federation Square as they conclude their 25 000-kilometre ride from London to Melbourne. They have cycled through some of the toughest climates and terrains — through Europe to the Middle East, Pakistan, India, South-East Asia and back to Australia. I am delighted to have been able to support and follow the journey of these passionate young Victorians.

More than 1 million young people aged between 12 and 25 reside in Victoria. They make up about 20 per cent of the state's population, which is Australia's highest youth population. The Victorian coalition government is committed to providing opportunities for these young Victorians to participate as fully as possible in their communities. It is an opportunity that many across the globe do not have.

We should all be proud that young Victorians like the Ride2Rescue team — Tim, Aaron, Daniel and John — are willing to invest so much of themselves in order to

raise awareness about the scourge of child trafficking. I commend them for their efforts.

### **Yallambie Park Preschool: facilities**

**Mr BROOKS** (Bundoora) — The Minister for Children and Early Childhood Development came out to my electorate last week to open a renovated Yallambie Park Preschool. The renovation occurred because of the hard work of the preschool community and funding from the Labor government.

I took the opportunity to present the minister with a symbolic invoice for \$31 000, which is the amount the Baillieu government has ripped away from Watsonia Occasional Child Care Centre in my electorate, which was part of the Take a Break program. The minister's response was to blame the federal government and the previous state government and then to blame me for raising this matter with her as she was about to get in her chauffeur-driven car and leave the electorate. The fact is that the Take a Break program was axed by the Baillieu government. I place on the record my intention to politely confront the minister by raising this issue every time she sets foot in my electorate until she reinstates the funding the government decided to cut from Watsonia Occasional Child Care Centre.

On top of this the Baillieu government has provided not one cent in this year's budget for capital improvements in Victoria's preschools at a time when significant investment is required to meet the need for extra space created by the move to 15 hours preschool for four-year-olds. This government does not understand the importance of investing in early years education or the pressures faced by volunteer kindergarten committees across the state. This is just another example of Victorian families losing out because of this government's dithering and uncaring attitude.

### **Australian Labor Party: performance**

**Mr HODGETT** (Kilsyth) — The question is: what does Labor stand for? The answer is absolutely nothing — zilch, zero, nought, nil. It is time Labor joined the coalition in speaking up for Victoria.

Labor has sold out Victoria on the cost of construction. This government has fought hard for an inquiry into the cost of construction, but there has been silence from the opposition. It is time for Labor to speak up for Victoria.

Labor has sold out Victoria on the carbon tax. This government has fought hard against the job-killing tax, but there has been silence from the opposition. It is time for Labor to speak up for Victoria.

Labor has sold out Victoria on infrastructure funding. This government has fought hard to get funding from Canberra, but there has been silence from the opposition. It is time for Labor to speak up for Victoria. Labor has sold out Victoria on cuts of billions of dollars in GST revenue. This government has fought hard to get Victoria's fair share of GST funding, but there has been deafening silence from the opposition. It is time for Labor to speak up for Victoria.

The coalition will continue to fight for a better deal for Victoria in every sphere. The opposition sits on its hands, with no policies and no defence — just deafening silence. It stands for nothing. It stands up to no-one. It is time for the opposition to speak up for Victoria. What is Labor's position on the carbon tax? Who would know? What is Labor's position on the unfair GST cuts? Who would know? What is Labor's position on infrastructure funding? Who would know? It is time for Labor members to tell Victorians what they stand for. It is time for Labor to speak up for Victorian families, speak up for the economy and speak up for Victoria.

### **Burwyn Davidson**

**Ms THOMSON** (Footscray) — I rise to express my condolences on the death of Burwyn Eric Davidson, who was a member for Chelsea Province in the Legislative Council. For many who knew Burwyn, he was the funny man; he was certainly the funny man of the Parliament. There was many a witty interjection and statement made by him in the Parliament that members on both sides of the house would sit and listen to and laugh at and enjoy.

He was a man who was very committed to his family. His wife, June, was always by his side. His sons were always around. We always knew what was happening with Burwyn's family, and he was always proud to talk about what his family was up to. In this life we tend to forget that every member of Parliament has a family and has people at home whom they love and need to support. With Burwyn, you never forgot. His family was his first priority.

Burwyn will be sadly missed by the people in his community. He will be very sadly missed by the people of the Labor Party, and he will be most sadly missed by his very dedicated and beautiful wife, June; his sons, John, Jason and Robert; his daughter-in-law, Marlene; and his granddaughters, Kylie and Jessica. He will be remembered by the Labor Party. He was one of the first people I met in the Labor Party when I joined at a very young age, and he will be very much missed.

### **Rodney electorate: tourism events**

**Mr WELLER** (Rodney) — Over the Queen's Birthday long weekend in the Rodney electorate we were grateful for a host of fantastic regional tourism events to choose from as well as fantastic weather for our many visitors to enjoy. The Echuca visitor information centre showed that visitor figures were up on previous years, with accommodation bookings up as well.

Thousands attended the 49th annual steam rally in Echuca, a well-known regional tourism event that attracts huge visitor numbers each year, bringing much-needed tourism dollars to the area. Thousands flocked through the gates to enjoy the fine wines, food and hospitality of the Heathcote on Show event, which recently received a boost in funding from the Victorian state government to help with marketing.

There is no doubt that support and funding for tourism events in our region have flow-on effects to the local accommodation, retail and hospitality industries and give local small businesses a boost. The coalition government fully supports tourism across the state and recognises and values the importance of tourism to our rural and regional areas. Through funding for tourism events the government is working to build a stronger and more vibrant future for regional and rural areas by growing Victoria's regional events calendar.

I welcome all members to the Rodney electorate at any time of the year to attend our fantastic tourism events. I suggest they mark 27–29 July in their diaries; that is when the next major tourism event in our region is on — the hugely popular free Echuca-Moama winter blues festival.

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

### **Parks Victoria: industrial action**

**Mr MERLINO** (Monbulk) — The iconic 1000 steps at the foothills of the Dandenongs is well known as an important commemoration of the Kokoda campaign and is important to those who access the venue for fitness training. Unfortunately the critical importance of the role played by Parks Victoria staff in maintaining this site and parks across the state is lost on the Baillieu government.

These workers, the majority of whom are on an annual base salary of between \$43 000 and \$56 000, are in effect being asked to take a pay cut of up to 19 per cent. The government, which claims not to be able to offer an increase of more than 2.5 per cent, is seeking

concessions from these workers such as the removal of progression payments and allowances that would lead to a cut in take-home pay of up to 19 per cent.

These workers have participated in good faith in numerous meetings since July last year with Parks Victoria, including at Fair Work Australia. They have been left out in the cold by the Baillieu government. They have been forced to take industrial action such as the closure of the car park at the 1000 steps on the Queen's Birthday long weekend. Members of the Victorian public are supportive of these workers, unlike the government, and together with the union they demand justice for the guardians of our parks.

### **Peter Marke**

**Mr MERLINO** — I want to take this opportunity to congratulate a great community leader, Peter Marke, on being awarded the Australian Fire Service Medal in the recent Queen's Birthday honours list. An absolute champion of the community, Peter was captain of the Upwey fire brigade for 35 years and continues to serve the brigade in many ways. The award citation refers to Peter as an 'outstanding leader and volunteer firefighter', and it highlights his 'exceptional and practical zeal' and 'exceptional leadership qualities'. For more than five decades Peter has dedicated himself to the Upwey community, not only as a firefighter but also as a councillor and as the greatest advocate for community banking you will ever see. Well done, Peter.

### **Opposition members: performance**

**Dr SYKES** (Benalla) — I recently heard about some Labor Party MPs conducting jobs forums around the state. 'What a good idea', I thought, but then I learnt who was involved and the whole idea quickly lost credibility. 'Why?', members may well ask. Well, the member for Lyndhurst seems to be a key player in these forums. This is the same man who, as Minister for Water, conceived and had constructed his own massive white elephant — the desalination plant. In doing so he single-handedly pushed up construction costs by 40 per cent. This one act has made Victoria uncompetitive with other states and other countries when it comes to major infrastructure projects. This has massively depressed job opportunities for Victorian workers. The member for Lyndhurst has also saddled Melbourne water customers with a \$2 million per day bill for the next three decades. This \$2 million per day Holding tax would pay for 10 000 to 20 000 jobs for Victorians.

On Tuesday of this week we debated the carbon tax. Only three Labor MPs attempted to defend the tax, and

the member for Lyndhurst was not one of them. When the motion was put to the vote neither the member for Lyndhurst nor any of his colleagues called for a division to place on record their support for Julia Gillard's job-wrecking carbon tax. In spite of the job-wrecking actions of the member for Lyndhurst and Julia Gillard, the Baillieu-Ryan government will get on with the job of fixing the mess.

### **Jennifer Kanis**

**Mr LIM** (Clayton) — Last Friday evening I attended the Pop Up Chinatown Treats market in Heffernan Lane off Little Bourke Street with Labor's candidate for the seat of Melbourne, Cr Jennifer Kanis, who greeted the crowds after work with dozens of her supporters. As the chair of the People and Creative City segment of the Future Melbourne Committee, Jennifer has been actively involved in community events that move the city towards becoming a vibrant and culturally diverse metropolis. The Pop Up Chinatown Treats market is held every third Friday evening of the month, and it attracts thousands of visitors. The market has hawker-style stalls that offer an enjoyable food experience. Jennifer's appearance with her supporters in red T-shirts handing out balloons to the passers-by created a pleasant sensation in the already crowded Chinatown lane. She was followed everywhere by a small contingent of Chinese media representatives.

The Melbourne electorate's Chinese community is quickly growing, with around 2500 voters who are savvy about the Liberal state government's budget cuts, particularly the cuts to education and health, and many voiced their concerns. I would like to thank Danny Doon and Eng Lim of the Chinatown precinct and the Chinese Restaurateurs Association, who made Jennifer's presence on this occasion possible. Jennifer will make an excellent member for Melbourne. I urge all electors, and especially Chinese electors, to back her on Saturday, 21 July.

### **Parkdale Secondary College: elite athlete funding**

**Ms WREFORD** (Mordialloc) — Last week I was pleased to announce that Parkdale Secondary College is to receive \$100 000 to expand its elite sports program. This program already includes AFL, golf, triathlon and soccer, but the new funding allows it to expand to include netball, basketball and cricket under this initiative. People who have performed at the highest level instruct the students in a program that runs parallel to normal studies.

### **Mornington Peninsula Freeway: extension**

**Ms WREFORD** — This week I was pleased to announce, along with the member for Carrum, the delivery of an election promise to study the feasibility of extending the Mornington Peninsula Freeway from Springvale Road, Aspendale Gardens, to the Dingley bypass in Heatherton.

### **Carbon tax: economic impact**

**Ms WREFORD** — The opposition's silence on the carbon tax is shameful. This tax, which its supporters admit will probably only drop temperatures by 0.02 degrees in 1000 years time, will do massive damage to the state's manufacturing sector. That sector is a huge part of my electorate. The job losses that result from this tax will be enormous. It is a shameful tax that is going to hurt all families.

### **Rail: Frankston line**

**Ms WREFORD** — In May 2012 there were 11.1 per cent more trains running on the Frankston line, and 89.3 per cent of them were on time. That is a significant improvement on the 72 per cent a year earlier and the 65.5 per cent under Labor.

### **Member for Mount Waverley: letter to constituents**

**Mr HERBERT** (Eltham) — I rise to draw the attention of the house to a serious case of misleading information being distributed that involves the member for Mount Waverley. The member for Mount Waverley has been distributing a letter throughout his electorate that spruiks the government's supposed assistance to households in meeting day-to-day living expenses. The letter says that the government has:

... reintroduced student fee concessions for those aged 25 and under who have a health care card and are studying diploma or advanced diploma qualifications at Victorian TAFEs.

This information is clearly wrong, and worse, it is cruelly misleading to potential students and their families who would have thought that they could access student fee concessions. The truth is that this government is abolishing student concessions for diploma and advanced diploma students who are aged 25 and under. Along with the abolition of these fee concessions, students will cop a massive fee rise from the start of the next financial year as a direct result of the slashing of funding to TAFEs and the slashing of subsidies down to as little as \$1.50 per hour.

This misleading information is another example of spin from this dishonest and incompetent government. Only today we read that its solution to the mire of problems it has created in education and training is to sack teachers. The only people who should be sacked in this state are the Minister responsible for the Teaching Profession and those opposite who peddle their disgraceful spin and misinformation to the constituents they have pledged to serve.

### **Balnarring Tennis Club: new courts**

**Mr BURGESS** (Hastings) — I was pleased to be invited to the official opening of the new grass tennis courts at the Balnarring Tennis Club on 26 May. Quality sporting facilities are critical in providing Balnarring and its surrounding communities with important recreational opportunities, and these new facilities will provide enormous enjoyment for the hundreds of people who will use them. I congratulate the Balnarring Tennis Club on this achievement.

### **Country Fire Authority: Somerville brigade**

**Mr BURGESS** — On the evening of Thursday, 7 June, I attended a community meeting at the Somerville fire station. The meeting was called by the Somerville Country Fire Authority brigade to establish a Somerville fire brigade auxiliary — a very important initiative. Local community members were encouraged to attend and meet with brigade members and supporters to form a fire brigade auxiliary. The purpose of the meeting was to encourage people to become auxiliary members and enjoy the personal reward of assisting their local volunteer fire brigade. I wish the Somerville fire brigade well with this new initiative and would also like to acknowledge the important work its members do in protecting our community.

### **Somerville Kindergarten: trivia night**

**Mr BURGESS** — Last Saturday evening I attended the Somerville preschool's trivia night. A raffle and an auction were also held to raise funds to purchase new and additional resources for the preschool. It is always a pleasure to spend time with people who are so obviously dedicated to their children and the community. I am very pleased the Victorian coalition government was recently able to provide a grant of \$300 000 for this important facility.

### **Merinda Park Learning and Community Centre: 20th anniversary**

**Ms GRALEY** (Narre Warren South) — Merinda Park Learning and Community Centre recently held a

week-long celebration for its 20th birthday that culminated in a lovely dinner on Saturday night. It was such a great pleasure to attend this happy occasion with my husband to celebrate 20 years of outstanding work for the Cranbourne community.

In March 1991 the Labor Premier, Joan Kirner, announced funding for the establishment of four pilot service and coordination and integration projects in rapidly growing outer urban areas. Merinda Park Learning and Community Centre was one of those pilot programs, and it commenced operation in June 1992. This wonderful organisation provides family support and educational and vocational training, as well as recreational and personal developmental activities, for the local community. In fact it now offers in excess of 70 courses, a range of child-care services and a counsellor funded through the City of Casey. In attendance on the night was the first ever president, Gary Edwards, as well the current president, Kevin Harris, and chief executive officer, the enthusiastic Jan Gilchrist.

Since its establishment Merinda Park Learning and Community Centre has been exceptionally well led at both the executive and committee levels. Jan Gilchrist and her incredible team include treasurer Frank Kauhausen, secretary and public officer Hayley Robinson, Helen Datson, Ferdinand Anciano, Lindy Tuffnel, Heather Evers, Senthil Kumar Dharmalingam and Nev Blackley. They are all kind, generous and hardworking people, and they take to heart the centre's motto — Serving the Community. I would like to make special mention of Athena Jones and Coreena Bron, who were recognised for their long and dedicated service to the local community. Thank you, ladies.

As the night drew to a close we lit the candles on the cake and sang a rousing rendition of *Happy Birthday*, all under the watchful eye of the indefatigable Jan.

### **Gembrook electorate: community projects**

**Mr BATTIN** (Gembrook) — In the Gembrook electorate we have some of the fastest growing communities in Australia, and as these communities grow we will face many issues along the way. The government can offer some solutions, others can be handled by the local council and yet others by local schools and community groups. We are lucky to have many groups in our area that are willing to assist and put their hands up. These include but are not limited to both the City of Casey and the Cardinia Shire Council, the 4Cs in Pakenham, Windermere, the Cardinia Foundation, ECHO Youth and Family Services and the

Emerald community house, as well as the many other sports clubs and day clubs that help out.

On occasion issues arise that no individual or government can resolve. It is not a simple matter of putting them in the too-hard basket; it is a matter of asking, 'What is the solution?'. If that could be answered, then issues like youth suicide could be resolved. The conversation is starting in our local area, and we are hearing more talk about what needs to be done. I have spoken to many people who ask, 'What are you doing about it?'. The answer to this is as previously stated: there is no individual answer. The answer is that it is a whole-of-community issue that will take a whole-of-community approach to establish ideas and solutions.

I would like to congratulate some young people in the community for taking a stance and getting the conversation happening. Jessica, who turns 18 today, and Thom started the Facebook site 'Coming together to prevent youth suicide'. While they got people talking, they also arranged meetings with support from many in the group to raise awareness, saying, 'It's okay to ask for help' and 'Always look out for a friend'. If everyone in this chamber could get one message out this week, they should take the lead from these young people and point young people in the right direction. There are great sites like [headspace.org.au](http://headspace.org.au), and I ask all members to never give up on tomorrow, never give up on the future.

### **Travis Berketa**

**Mr CARROLL** (Niddrie) — I rise to congratulate Travis Berketa, a constituent of mine. Travis has written and published his third book, *Jack Majors: SuperHero*, which I will have the pleasure of launching tonight at a function at St Bernard's College in Essendon. I have known Travis for many years. I had the good fortune of attending St Christopher's Primary School in Airport West and St Bernard's College with him.

Travis is a father, a teacher and a passionate writer, who hopes to share his many and varied stories with the world. Travis is currently teaching at Brunswick North Primary School. *Jack Majors: SuperHero* is Travis's third book; however, it is his first book aimed at young people. His first two books were adult crime fiction thrillers. In 2007 Travis published his first book, *Dark Heart — Images of a City*, which he wrote while teaching at Stawell West Primary School. This was followed in 2010 by *Dark Heart — Angels in the City*.

I was pleased when our paths crossed recently and Travis advised me of the latest book he had written and

published. Over the past week of state Parliament I have managed to read *Jack Majors: SuperHero*, and it is a real page-turner aimed at teenagers and young people. I recommend the book to any students who want some entertaining reading dealing with interesting subjects such as growing up, a boyhood crush or just feeling like you do not fit in. I congratulate and commend Travis on his third book, and I wish him every success in his writing and teaching in the future.

### **Carbon tax: community forum**

**Ms MILLER** (Bentleigh) — Last week I co-hosted a community forum on the federal Labor government's carbon tax with the member for Caulfield. The Minister for Energy and Resources, in addition to a panel of small businesses, local government and a not-for-profit organisation, discussed the massive impact the carbon tax will have on business and Victorian families. The opposition refused to speak up and oppose the tax on behalf of all Victorians. Shame!

### **Bentleigh Secondary College: debutante ball**

**Ms MILLER** — Last month I was delighted to attend the year 10 debutante ball at Bentleigh Secondary College. The women looked gorgeous and the men handsome in their suits. It really was a beautiful night, and one I hope they will remember.

### **Bentleigh Secondary College: specialisation grant**

**Ms MILLER** — At the school assembly last week I presented the college with a school specialisation grant of \$100 000 which will go towards their wellness centre. This is another step towards the sustainability goals of the school that the previous government failed to take.

### **Cyberbullying: P-Rock Online**

**Ms MILLER** — It was a privilege to launch the P-Rock Online anti-cyberbullying and leadership e-learning program at McKinnon Secondary College. The program is designed to educate, motivate and teach strategies to combat bullying. The program is run for young people by young people in schools, community groups and university settings. Congratulations to Lucy and Rosie Thomas on their initiative to address this important issue, which the previous government failed to do.

### **National Cybersecurity Awareness Week**

**Ms MILLER** — Coinciding with National Cybersecurity Awareness Week, I attended Valkstone

Primary School with the Minister for Education, and Georgie Crozier, a member for Southern Metropolitan Region in the other place, to tour the school and watch a Cybersafety Project video, the Australian Centre for the Moving Image's award-winning film, *Respect the Internet*. It is a creative, informative and fun video. Congratulations to the students.

### **Tucker Road Bentleigh Primary School: parliamentary role-play**

**Ms MILLER** — The Victorian Parliament came to Tucker Road Bentleigh Primary School last week, when students participated in role-plays. The students presented some strong ideas to debate, and it was terrific to see them get real experience of how a politician would debate a point of view. Well done.

### **K. G. Putt Senior Citizens Centre**

**Ms MILLER** — Last week I attended the K. G. Putt Senior Citizens Centre in Bentleigh, where we listened and danced to the songs of Liza Minelli and Shirley Bassey. It was a wonderful afternoon and lovely to chat to locals.

### **Bethany Community Support: funding**

**Mr TREZISE** (Geelong) — On Monday I met with representatives of Bethany Community Support, an organisation in Geelong that has delivered effective and efficient child and family care for more than a century, as well as other services in recent years, including housing services. On Monday Bethany representatives expressed to me their serious concerns with the significant funding cuts for the social housing advocacy and support program announced by Ms Lovell, the Minister for Housing, in May this year. Funding for this important program has been reduced across the state by \$2.8 million this financial year and a further \$1.1 million next year. It is estimated that this will be a funding cut to Bethany's program of 32 per cent this year, growing to 44 per cent in 2013–14.

These significant cuts will mean the loss of two front-line staff at Bethany and a reduction in services to the most vulnerable people in our community who rely on public housing. These are front-line staff cuts that this heartless government had assured us would not occur. The effects will include a reduction in the number of clients who will receive the service, an increase in eviction breach notices and rental arrears, an increase in antisocial behaviours and neighbourhood disputes, and a questionable ability to service Colac on that reduced funding. These effects are another example of the Baillieu government not giving a stuff about the

needy within our community. I call on the minister to reinstate full funding to the social housing advocacy and support programs across this state.

### **Emergency services: earthquake response**

**Mr NORTHE** (Morwell) — The earthquake tremor that hit Victoria on Tuesday evening was a concerning event for many residents and businesses in the Gippsland region. Thankfully the earthquake, which had a magnitude of 5.3, does not appear to have caused any major structural damage. Unfortunately our region has had to endure a number of disasters in recent times, including floods, fires, land and road slips, and now tremors, amongst other emergencies, including serious accidents and incidents that occur on a regular basis. On behalf of the Gippsland community I wish to pay tribute to all the emergency service personnel and volunteers who play such a significant role in response and recovery during those sorts of events.

### **Carbon tax: economic impact**

**Mr NORTHE** — On another note, the Gillard government's carbon tax is only days away from being enacted, and it appears that the federal government does not understand some of the prospective local implications of this tax, nor does it appear to have a plan to tackle these challenges.

For example, the Energy Brix power station in Morwell will become unviable post 1 July, due to the carbon tax. If this facility were to cease operations, many other businesses across Gippsland and Victoria would likewise be threatened. That is because steam is taken from the Energy Brix power generation process and used to manufacture briquettes. These briquettes are in turn utilised by a number of Gippsland businesses for their operations, including large employers like Auschar and Murray Goulburn. Quite simply, if there are no briquettes available, then these and many other businesses will be under severe pressure and therefore hundreds of jobs will potentially be jeopardised.

Labor just does not seem to get it or does not care!

## **WORKING WITH CHILDREN AMENDMENT BILL 2012**

*Second reading*

**Debate resumed from 19 June; motion of  
Mr CLARK (Attorney-General).**

**Ms GREEN** (Yan Yean) — It gives me great pleasure to join the debate on the Working with

Children Amendment Bill 2012. I spoke in previous debates on the Working with Children Amendment Bill 2010 when Labor introduced it during its time in office. We have a proud record because we believe as a society we should rightly be judged on how effectively we protect our most vulnerable, and this includes our children. We can see, with the tabling in Parliament this morning of the report on child deaths, why it is absolutely crucial to ensure that we have a legislative and regulatory regime that protects our most precious assets: our children.

As part of Labor's comprehensive approach to child safety it introduced the Working with Children Bill in 2005 to assist in protecting children from sexual or physical harm by ensuring that people who work with, volunteer with or care for children have their suitability to do so checked by a government body. This was not an easy thing to do; there was quite a bit of opposition at the time in this place. But sometimes, when it is the right thing to do to protect the most vulnerable, it is important to nail your colours to the mast. At the time it was disappointing that those on the other side raised questions about that proposition, and I am pleased that the minister has now supported the earlier bill and is going further.

It should never be forgotten that The Nationals opposed the Working with Children Bill in 2005 and voted against it at its second reading. Their main concern at the time was supposedly the burden on volunteers. The Liberal Party attempt to stall the legislation to put in place an independent child commissioner in addition to the child safety commissioner this government had introduced to oversee the implementation of the legislation; however, that was not supported by the government at that time and the Liberals did not oppose the passage of the legislation.

In the past the Liberals also advocated a streamlined scheme where all people who work with or volunteer with vulnerable people, including the elderly or people with a disability, would be brought into the one scheme. However, now that they are in government, they no longer talk of expanding the system in that way.

The principal act commenced operation in 2006 and was phased in over a period of five years. Since that time there have been two amending bills, on which I have spoken, whose aim was to further improve the safety of children and enhance the clarity and efficiency of the act by addressing practical and legal issues that had arisen during the operation of the scheme. Those amending bills were introduced in 2007 and 2010. Members on this side welcome the changes being made by the bill before the house.

Since 2010 information has obviously been fed in from the Department of Justice and those administering the Working with Children Act 2005, and so we see the additional amendments to the principal act in the bill before the house. Labor supports the changes that are proposed by the bill because they address practical and technical issues. We do not oppose the amendments and encourage the government to continue to monitor the scheme to improve it, because that is what the community wants.

The current test applied by the Secretary of the Department of Justice and VCAT (Victorian Civil and Administrative Tribunal) for assessing the suitability of an applicant is whether, having regard to a number of factors, they pose an unjustifiable risk to the safety of children. The bill adds some additional criteria. The secretary must also be satisfied that a reasonable person would allow his or her child to have direct contact with the applicant that was not directly supervised by another person and that the applicant's engagement in any type of child-related work would not pose an unjustifiable risk to the safety of children.

The second criterion is intended to address cases where VCAT has decided to grant a card after consideration of the purpose for which the applicant has applied for the check. VCAT may not have given significant weight to the fact that the card is portable and, once obtained, permits the cardholder to engage in any type of child-related work. This is an important change.

Currently an application is in category 1 if an applicant is subject to the sex offenders register or the Serious Sex Offenders Monitoring Act 2005 and they have no appeal rights or have been convicted of a sexual offence against a child, including child pornography. Category 2 applications are those where the applicant has committed an offence such as a sexual offence against an adult; a serious violent crime, including murder or intentionally causing serious injury; or a serious drug offence. There is a presumption that a category 2 application will be refused a card unless the secretary is satisfied that there is not an unjustifiable risk to the safety of children. The applicant may then appeal to VCAT.

The bill moves murder from category 2 to category 1, which in effect means that the secretary has no discretion to issue a working-with-children card. An applicant may still apply to VCAT for review under the new test. The strengthened test and moving murder to category 1 are responses to cases where VCAT has overturned the secretary's decision not to issue a working-with-children card to certain applicants. The *Herald Sun* reported that the government is responding

to a campaign by acknowledging that decisions made by VCAT are not always in the interests of children and their parents. For example, the secretary refused a working-with-children card to an applicant who had stabbed a man to death, and VCAT overturned that decision.

Currently there are four cases in the Supreme Court in which the Department of Justice is appealing VCAT's decision to overturn the original decision to deny a working-with-children card. VCAT can consider in-depth submissions, references from employers and psychologists reports and the like in determining whether issuing a card to an applicant poses an unjustifiable risk to the safety of children. The new test requires VCAT to consider what a reasonable parent would think about the applicant having direct and unsupervised contact with their child.

Under the current legislation the secretary is able to suspend a working-with-children check for up to six months if she becomes aware that the cardholder has been charged with, convicted of or found guilty of a serious offence. The bill provides that the secretary may revoke the card if the suspended person fails to provide the secretary with requested information. That will prevent applicants from stalling the reassessment process when the department is advised of a change in circumstances — namely, a conviction or being detected via ongoing monitoring of the applicant.

Another change is the removal of the right to work while having only an application receipt. Currently applicants who begin a job can show an employer their receipt and are permitted to engage in child-related work. This ensures that an applicant's job prospects are not unfairly affected while the department processes their application. The bill removes that automatic right to work when in possession of a receipt if a person has been charged with, has a conviction for or has been found guilty of a serious sexual, drug or violent offence — that is, a category 2 offence. The onus is on the applicant. It will be an offence if the applicant commences work before being issued with a working-with-children card if they knew or ought to have known their category offence had to be assessed.

In practice currently many employer and volunteer organisations wait for the assessment to be completed before allowing the applicant to commence work. The opposition does not oppose this measure but expects that the department will ensure that there are no unreasonable delays in assessing applications. I urge the Attorney-General and other ministers responsible for justice matters to ensure that this is considered a front-line service, not a back-office service. The

government's efficiency cuts involve public sector jobs being reduced by 4200, so to say that the section within the Department of Justice that issues these very important checks and monitors the operation of the system should be exempt from staff reductions has absolute merit.

Finally, I acknowledge that I have a fantastic young work experience student working with me this week. Jacinta Abandowitz-Lee is from Warrandyte High School. It is always fantastic and inspirational to have a young person with an interest in politics and the welfare of our society working with you. When I am speaking on a bill like this and when I am working with a young person, as I am this week, I fully understand the importance of having a regime of legislation and regulation that supports the development and safety of young people. I commend the bill to the house.

**Mr BULL** (Gippsland East) — It is a pleasure to speak in favour of the Working with Children Amendment Bill 2012. This bill is very important, as previous speakers have outlined, in relation to the protection of children, who are the most vulnerable people in our community. That any child should be abused is appalling, and as we have seen time and again, such abuse can inflict a lifetime of pain and suffering on victims. This bill improves the protective measures in the Working with Children Act 2005. One of the most important changes is the removal of the ability of a person to engage in child-related work once that person has received an application receipt or during a period when their application is being reassessed when a non-child-related offence is being investigated.

To have a receipt for a working-with-children application or to be going through a further assessment process in relation to a criminal charge should absolutely not, in any circumstance, provide a window of opportunity for an applicant to start working with children. Under the bill it is an offence for a person who has been charged with an offence, has a conviction or in respect of whom there has been a finding of guilt to engage in child-related work while their application is being further assessed. Quite rightly there is a very strong public expectation that people with a criminal history should not be able to engage in activities and jobs — whether they be on a volunteer or employment basis — with children while such investigations and assessments are under way.

Prior to being elected to Parliament, I worked at the Australian Sports Commission. My work involved training coaches to work in around 40 primary schools throughout my electorate of East Gippsland. Before coaches could work in those primary schools, they had

to undertake training courses. This involved putting thousands of people through the working-with-children checking process, and they clearly understood it was an important step in protecting the most vulnerable people in our community. During my seven years of working at the sports commission only a handful of people were critical of the process. Those people said it was red tape and was unnecessary. When it was explained to them why this process takes place, however, and why it was in existence and how it protects our children, people were far more appreciative of the process and the reality that they had to go through it.

How this check is a vast improvement on the old police check processes is certainly something worth visiting and acknowledging. After an applicant has undertaken the police check process the check lists offences only up until the date of issue of the check, so hypothetically an individual could get a police check done and go away and offend within the following weeks or months and that would not be flagged. Given that police checks only record offences up until the time of their issue, it was incumbent on volunteer organisations or employees to determine how often they would request police checks to be undertaken.

As I have said, under the police check system, if a police check holder was subsequently charged with, convicted of or found guilty of a relevant offence, that is not flagged, but under the working-with-children check system there is an automatic flagging if there is an offence falling within the concerns relating to working with children. As we have heard from previous speakers, 910 000 applications have been made for working-with-children checks, and we have also heard that 1000 people have failed them. It could be argued that is good proof that the system is working effectively.

Another amendment relates to making murder a category 1 offence. I found it quite amazing that murder was rated as a category 2 offence. The difference between those two categories is that a category 1 offence means an instant failure of the working-with-children check, while a category 2 offence requires further investigation to be undertaken before a working-with-children assessment notice can be granted. I certainly would not want someone who has been found guilty of murdering another person looking after my children.

**Ms Duncan** interjected.

**Mr BULL** — And I think the member for Macedon agrees with me. I do not think any member in the house would want somebody who has been convicted of

murder working with their children. I dare say this was an oversight in the previous legislation, one I am sure members on both sides of the house would support addressing.

The bill also provides the power to revoke a working-with-children assessment notice in cases where the holder has failed to provide requested information. Currently under the working-with-children check process, as the holder is going through the assessment further information can be requested that may be to allay a concern that has arisen during their assessment process. The Secretary of the Department of Justice has the opportunity to suspend an assessment notice should that situation of concern arise. The anomaly that occurs, however, is that if in the six-month time frame the applicant has not provided the information required, the working-with-children assessment notice becomes valid again.

If the person has not provided the required information to supposedly clear their name, how could their working-with-children assessment notice be made valid again? You would think their non-preparedness to supply the information required would certainly raise further question marks about the original issue of the document. The amendment will make it possible to revoke a working-with-children assessment notice if the suspension period expires and the additional information has not been provided. People who find themselves in this situation will still have the right to follow the normal course of action and reapply in the usual manner if they wish.

Finally, the bill will streamline the process for moving from a volunteer working-with-children check to an employee working-with-children check. The process will not involve reviewing any of the offences that were already considered in the original check and so will be more efficient and timely. Speaking as someone who had to move from having a volunteer working-with-children check for weekend football coaching to having an employee working-with-children check when I took up employment with the sports commission, I can say that the process I went through was certainly not streamlined.

The move between checks can be needed by people who may be in volunteer capacities such as weekend sporting coaching or scout volunteering and who may have needed only a volunteer working-with-children check and who may then transition into employment such as working as a lifeguard in one of our swimming centres or something along those lines where they are generating an income in a position where a working-with-children check is required.

These changes will certainly streamline that transition and make sure that any aspects that were considered in the original working-with-children check application will be taken into account and that people will not have to jump through those hoops again when they are going through their employee check process.

This is a common-sense bill. It further tightens elements of protecting our children — the most vulnerable people in our community. I note it has support on both sides of the house, and I am very pleased to commend it to the house.

**Ms RICHARDSON** (Northcote) — I am very pleased to rise to speak on the Working with Children Amendment Bill 2012. As other speakers have noted, the bill will make a number of changes to the Working with Children Act 2005. It will amend the act to alter the test that the secretary and the Victorian Civil and Administrative Tribunal must apply in deciding whether or not an applicant should be issued with a working-with-children assessment notice. It will also make murder a category 1 offence, as it should have been in the first instance, and it will remove the right to work in child-related work whilst an application is being considered, which of course makes common sense. The secretary will also be given the power to revoke any working-with-children check card following any sort of suspension that has been issued. The bill will also clarify the various provisions of the act and streamline the administrative support provided for the working-with-children checks.

We on this side of the house are very proud of the measures we undertook in introducing this initiative in the first place in 2005. As I think all members of the house do, we believe working with children and protecting children in every situation possible has to be a priority we have in this place. The measures that were put in place in 2005 were designed to protect children from people who posed a risk in a working or voluntary capacity and ensure that any person who was engaged with children in any way, shape, or form would conduct themselves with the children in a way that was at all times in the children's best interests. The working-with-children check is different from the normal police check, because those who pass the check are monitored on an ongoing basis with respect to any offences that may arise in the future. Obviously that has an impact on the working-with-children check.

The legislation Labor initiated had the primary aim of protecting our most precious asset — that is, our children. At the time it was of great concern to us that members of The Nationals had some reservations about the legislation and some concerns about the burden

being placed on volunteers. Liberal members at the time also sought to stall the legislation to see that it, in a sense, got bogged down in this place. I am pleased that since that time government members have determined that this is a worthy initiative that Labor undertook and that it should be strengthened and enhanced into the future.

With the new tests the bill is proposing through the amendments to the working-with-children check an additional criterion that must be considered is whether a reasonable person would form the view that they would allow their child to have direct contact with the applicant while not being supervised by another person. The other additional criterion is that the applicant's engagement in any type of child-related activity would not pose an unjustifiable risk to the safety of children. These amendments have been introduced to deal with some Victorian Civil and Administrative Tribunal (VCAT) decisions that have had an impact on the working-with-children check. These are important additional criteria.

The bill also moves murder from a category 2 to a category 1 offence, which is of course a common-sense approach. It relates to cases where VCAT has dealt with decisions that have been made by the secretary and there has been an attempt to overturn those decisions. This measure makes it abundantly clear that that will not be acceptable in the future.

In conclusion, we on this side of the house obviously do not oppose the amendments being put forward. We take this opportunity to encourage the government to consider further improvements and to have an ongoing monitoring role in how the working-with-children checks are being administered. Given our proud record in this area and having come forward with the initiative in the first place, the opposition would like to work closely with the government on ways and means to see the working-with-children check improved in the future. With those brief words I commend the bill to the house.

**Mrs BAUER** (Carrum) — It is a pleasure to rise to make a contribution on the Working with Children Amendment Bill 2012. This is certainly an important bill, as it will improve the safety of our children and make changes to strengthen the act as it relates to working-with-children checks.

As we have heard, the working-with-children check legislation was passed in 2006. Since then 910 000 applications have been accepted and just over 1000 have been rejected. This is an indication that the system is working well. Over the past five years the program

has been rolled out to over 20 different occupational categories. They include people who are working with children in child care and people who are volunteers in schools. For example, working-with-children checks are necessary for people from volunteer angling clubs who come to the local area to teach fishing programs, as they are for artists in residence in local schools. They are just a couple of examples.

I am pleased to say that the program has been widely accepted in the general community. However, since its inception the members of the now government have recognised some weaknesses in the legislation which have become evident, and this bill aims to address those. We need to address them in order for the program to continue to run successfully.

Throughout the past 18 years my four sons have been taught, coached and cared for by a variety of wonderful organisations, community groups and clubs in my local area. When I was thinking about the working-with-children legislation and the impact that volunteers, coaches and teachers have had during the last 18 years of my four sons' lives, I realised that volunteers and others involved with more than 30 different community groups would have had to have working-with-children checks. I am pleased to say that my sons' experiences have generally been positive. Over the years they have built strong bonds with their mentors, their coaches and their leaders, and those bonds continue today.

People working with our children have positions of trust in our society, and it is important that, as parents, we are confident that our children are safe and are not at risk from the people who are there to help and care for them. Every volunteer who works directly with children is now required to have a working-with-children check. Prior to being elected to Parliament I was engaged in several forms of volunteer work. I am proud to say that I have undergone a working-with-children check. This was required for me to work on a committee of management at our local kindergarten and to assist as a volunteer in the school community as well as with our local basketball club.

**Mr Battin** interjected.

**Mrs BAUER** — Yes, I am pleased to say that I had a smooth transition and received approval after my check; it all went very well. Although not a guarantee, the check assists in providing this level of reassurance to us as parents. I found that completing the working-with-children check was a simple process; only a small amount of paperwork was involved. In the weeks leading up to this parliamentary session I spoke

to people in my electorate of Carrum about the check. Generally they are quite happy with the process. They are surprised at how quickly their applications have been processed and their cards have been sent out. The procedure seems to be working well.

Many times in this house I have mentioned the wonderful community facilities in my electorate. We have an exceptional range of child-care facilities in the electorate of Carrum that are run by both the council and privately. For example, the City of Kingston has 24 kindergartens, which are managed by voluntary parent committees. In the family day care sector the City of Kingston has 60 educators alone, who provide child care for 550 children, which equates to over 500 local families.

Similar numbers use the family day care program of the City of Frankston, in which 55 educators look after 870 children for 590 local families. All the providers have had working-with-children checks. Also in my electorate are 15 primary schools and two secondary schools, thriving community programs, sporting groups, lifesaving clubs and churches. This legislation impacts on them all. All these organisations run wonderful programs for local children, and for some time now they have required their volunteers and staff to have working-with-children checks. Initially there was some resistance from some members of the community, but it has now been widely accepted and embraced. Fortunately it has not been as onerous as some people anticipated and feared when the program was first introduced.

The primary purpose of the working-with-children check is to protect our children. However, in practice the approval process has focused on protecting the rights of the individual applying for the check. We need to strengthen the testing and the procedures so that the focus stays firmly on our children. I welcome the proposed amendments in this bill that will strengthen the test.

The bill strengthens the unjustifiable risk test so that now the Secretary of the Department of Justice and the Victorian Civil and Administrative Tribunal (VCAT) must be satisfied that a reasonable person would allow his or her child to have direct contact with the applicant that was not directly supervised by another person while the applicant is engaged in any type of child-related work — that is, would a reasonable person, a parent or guardian, agree to their child being cared for by the applicant in an unsupervised capacity? I really like this test because every parent wants authorising bodies to ask whether you would be comfortable as a parent to have your child supervised

alone with a person. It is as simple as that, and that is certainly the key to this program.

I also welcome other amendments, including that the secretary and VCAT must be satisfied that the applicant is able to engage in any type of child-related work without posing an unjustifiable risk to the safety of children. This adds a new level of efficiency to the process so that the working-with-children check is portable for someone moving from a volunteer position to an employer-based position and vice versa. It is a common-sense change that should help reduce paperwork and wait times. For example, a volunteer at one of our local scouts or lifesaving clubs may end up in paid employment, such as a teaching position. This is certainly a very common-sense amendment to the bill.

In closing I would like to take this opportunity to acknowledge the efforts and dedication of many people in my local community of Carrum who hold working-with-children cards and who generously and regularly donate their time, often on a daily basis, to local children in many different contexts — from coming in and reading with little preppies at our local schools to working on weekends at lifesaving clubs or service club organisations. I have seen firsthand the wonderful work that our volunteers do to train, teach, mentor and care for our children. They provide a great service to our community, one that I certainly appreciate. It makes my job as a local member of Parliament so much more enjoyable being able to engage and interact with all of our terrific volunteers from close to 200 organisations within my electorate.

I see this bill and the amendments that this bill makes as necessary for the continued success of the process. It will certainly improve the current criteria and strengthen the processes to ensure that the working-with-children check focuses first on children, children's safety and the protection of our children. I am also very pleased to see that the opposition is supporting the bill, and for this reason I commend the bill to the house.

**Ms DUNCAN** (Macedon) — I rise to support the Working with Children's Amendment Bill 2012. This bill continues the work started when the previous Labor government introduced the original bill in 2005 and passed it in 2006. A number of other amendments were made in 2007 and 2010. The bill before the house today continues that work and makes some other relatively minor amendments in the scheme of things. I am very pleased to support these amendments. They continue the good work.

At the time this bill was introduced it was unique, and it generated a lot of opposition at the time. I remember some of the debates that were generated, which were mostly started, from memory, by members of The Nationals, who tried to suggest that this bill would prevent grandparents from having their grandkids come up to the farm and collect eggs during the holidays. So the original bill that this bill seeks to amend was quite groundbreaking at the time.

This bill makes a number of other amendments to continue that initial work, mostly to streamline processes around the working-with-children checks for people who are transitioning from volunteer work to paid work. The process was always designed to have a long phase-in period, somewhere in the order of five years. The legislation initially addressed volunteers, and it imposed no costs on volunteer groups, which we considered to be an important aspect of the original bill. We did not want to create financial burdens on volunteer groups, as we know many of them struggle to fund their activities. We know the amount of work they do in our communities. We would be completely lost without them. But this bill tries to get the balance right between supporting volunteer groups and at the same time protecting our children. No-one would argue with that.

The merit of this bill is that it is in addition to the ordinary police check that people need to go through for other purposes. This is specifically about people who are planning to work with children. Unfortunately we know, and one only has to spend time in any of our criminal courts to understand, that many perpetrators of crimes against children come from organisations and work in capacities that put them into contact with children. In fact I remember some years ago a situation occurring in my electorate where someone who had been released from jail in Western Australia, and who had committed offences against children many years earlier, moved into the electorate. He was a very old man by that time, but members of the community were naturally very distraught to hear that this man, someone who had a record of criminal and offending behaviour, was living in their community.

I remember spending many hours on phones with distressed parents trying to explain to them that in this man's situation and in many situations — in fact by far the majority of situations — when children are at risk it is from people who are known to them and who have contact with them through legitimate means. The tragedy in this case, as is the case for many families, is that this man was working with children. I will not go into what areas he was working in, but parents were voluntarily giving their children over to the care of this

man and those offences were then occurring. The principal act was specifically aimed at ensuring that anyone who was in that position of working with children unsupervised would have to go through this check.

As I said, this bill continues that work. It extends checks to people working in paid employment, and it makes a number of other amendments. For example, it alters the test that the secretary and the Victorian Civil and Administrative Tribunal must apply in deciding whether to issue an applicant with a working-with-children check. It makes murder a category 1 offence; it is currently a category 2 offence. I remember there was some debate about that at the time. When you look back now it does seem common sense that it should be category 1, but at the time the discussion was around trying to identify offences that were specifically against children. Murdering someone other than a child, at that stage, was seen as not necessarily a direct threat.

A lot of new laws, particularly groundbreaking laws, develop over time and through practice after they have been in place for some time. We all look back and say, 'Yes, murder should always have been category 1'. This bill makes that change. It also removes a person's right to work in child-related work whilst an application is being considered in certain circumstances, it provides the secretary with powers to revoke a card following a suspension, it clarifies the application of the provisions of the act and it streamlines the administration of the act.

It is for these reasons that the opposition does not oppose the bill. Why would we? It is based on our bill, which was a good piece of legislation at the time. It has been tweaked a number of times since then. This is a further tweaking of it, which continues the primary purpose of protecting children. With those few words I commend the bill to the house.

**Mr BATTIN** (Gembrook) — I rise today to support the Working with Children Amendment Bill 2012. We talk about it being a common-sense bill. It is common-sense legislation, and it contains common-sense amendments. This is an area that is very important not just to my electorate of Gembrook but to the entirety of Victoria. It is about people working with our most vulnerable citizens, it is about people in counselling positions, it is about people in councils and it is about people in sports clubs and other volunteer clubs, such as scouts. Many volunteers work in those areas.

The idea behind these amendments is to improve the protective measures that are in place for young people. That is what the entire bill is about — making sure we have the best facilities in place and the best practices in place to protect young people across Victoria. To do that, we are moving murder from category 2 to category 1. There are other items that are administrative.

When the bill for the principal act was first introduced, in 2005, I read through it quite closely. In my previous role as a Victorian police officer working in Dandenong, I was approached in the station by many people in relation to these issues. It was an interesting time and an interesting topic. Someone mentioned before that there was fear at the time in relation to how this would affect grandparents and family members. I believe a lot of those fears have been taken away over time.

When the act was put in place, the idea was to protect children. I believe that was the intention of the former government when it introduced the bill — to protect children who people were working with. It was not about protecting the person working with children or the person applying for the working-with-children card. However, some of the issues that have arisen with this legislation have led to these common-sense amendments, which put in place some protections for people wanting to work with children.

Some of those circumstances could involve a person who has their working-with-children card suspended or refused. Such a person will now have six months to supply information to prove they are capable or are now in a position that they should be able to work with young people. According to the current provisions, if a person does not provide that documentation within a six-month period, their working-with-children card is reinstated. This means that if a person who has been accused of any of the crimes rated in category 1 or category 2 — and category 2 includes the period of investigation — does not provide paperwork to prove that they should not be in that category, that person gets their card reinstated without any further investigation.

These amendments put in place powers for the secretary to refuse a working-with-children card for such a person, which again takes into consideration the best interests of the children who adults will be working with. This is what these amendments are primarily based around.

Many volunteers in Victoria work with children and young people. There are a range of issues in this area. I spoke about one of the issues earlier today in relation to

youth suicide. Youth suicide is a big issue throughout the state, and it is something we need to take on board and get a conversation going about. We need to ensure that we have best practice guidelines in place for people in roles of working with young people who are contemplating anything along the lines of suicide.

Sometimes we assume that people are all super qualified. We assume that if someone is called a counsellor or a youth worker, therefore they must be in the best position to offer help. The amendments in this bill are one way of making sure that people working with children are safe. That is what we want to try to put in place. We want to put in place a system that ensures that people who work with children are safe.

I want to put out a bit of caution: just because a person has a working-with-children card does not actually make that person qualified in the area that a parent may need them to be to work with their young person. If someone out there has a mental health issue and they have a working-with-children card, that person might have a working-with-children card because they are very good local footy coach; however, that does not make them a counsellor. It is important that we get that message out to all the parents: do not think that because a person carries a card that automatically makes them a person who is qualified to work with your child. It is still a parent's or a school's responsibility to make sure that people working with children are the best people for the circumstances.

We know there are many young people throughout Victoria who have many issues. There are young people in Victoria who are volunteers themselves. Young people regularly go on tours, and they always go with someone like a scout leader or a teacher. Today we have young people in the gallery who are here with the teachers; this happens regularly at Parliament House. It is very important that they understand that their teachers and the people they work with have safety in mind. When parents drop their kids off at school they want the teachers not only to be the best people to work with their children but also to have their working-with-children cards so that they can know they have dropped their children off in a safe environment. I am sure that all the children in the gallery today are aware of that. They know that the teachers here with them today are fantastic people to work with, and it is very important that they get that opportunity.

I want to reaffirm the government's support for community groups in the Gembrook electorate. I notice the Minister for Sport and Recreation is at the table. With the minister I have visited many community groups and sporting clubs in my electorate. Many

volunteer coaches and support staff for these organisations go out of their way to get their working-with-children cards. The application can be time consuming; it is not an easy thing to do. You have to fill in a form, and there is a bit of red tape around getting it, but all of them do it for one reason — they want to support young people in our community and make sure they have a bright future. They want them to have somebody in the community they can work with and be safe with, someone who can help them get the best out of life.

In conclusion, I support the amendments made by the bill 100 per cent. As I said before, I think there were some issues with the original bill. It was not the intention of the former government, but it gave people the opportunity to slip through the cracks. In the best interests of children in Victoria we want to make sure that we close those gaps and that the people working with children in Victoria are the best people and also the highest qualified et cetera to do that.

We are sick of seeing headlines like those in the *Herald Sun* of 12 March, 'Kids checks farcical', and 8 February, 'Killer beats ban'. It is important to make sure that these headlines go away and that people have faith in the system that is put in place to protect their children.

I go back to the caution I expressed at the start of my contribution: when you are looking for someone to work with your young person — whether it is a son, a daughter, a nephew, a niece or a friend — do not just rely on that person having a working-with-children card; make sure that the person is qualified in the area you need them to be. You can always go back to sporting clubs and other groups to get further advice. On that note, I commend the bill to the house.

**Mr MADDEN** (Essendon) — I rise to speak on the Working with Children Amendment Bill 2012. The approach that has been taken with this bill is about making sure that the working-with-children legislation is administered with more rigour, improving the various categories and administrative arrangements, ensuring that the legislation works effectively and overcoming some of the glitches that have developed, have been perceived or could potentially develop in terms of people being able to challenge or seek to challenge a ban on their working with children or even slip through the net entirely.

This is important for parents, who want to feel confident about the arrangements that are made for their children when they are alongside adults in various organisations, particularly when it comes to dancing,

sport and all those sorts of activities that we rely so heavily on to encourage activity, social development and basic socialisation of young people in the community.

What has become more and more noticeable over the last decade or so — and I know this from my previous involvement in a range of portfolio areas — is that families these days need to be organised, particularly if both parents are working to try to pay a substantial mortgage, which seems to be the case across most of Victoria these days in one form or another. Even if one parent is not working, the lives of families are increasingly regimented.

This was very noticeable in the sports portfolio, and I am looking at the Minister for Sport and Recreation, who is at the table. When I first became Minister for Sport and Recreation there was a general perception — and maybe the figures indicated it as well — that children's participation in sports was lower than it should have been. Then participation rose quite substantially over a period of time — and I would like to claim credit for that, but I do not necessarily think I can, although if the minister opposite is happy to offer that credit, I am happy to take it — but what we were really seeing was many families organising their kids to undertake multiple activities. Families that could afford to do so, and that might have had two cars, organised the structure of the family so that they could take their kids to football, tennis, swimming and basketball, rather than having their kids just playing football or just playing netball.

I know from my own community and my own kids that you spend a lot of the weekend driving around, and there is not much left —

**An honourable member** — Ever-increasing circles.

**Mr MADDEN** — Ever-increasing circles. What we had was a significant increase in participation rates in all these activities, but while you could not necessarily tell this from the statistics, what you could find or you could suspect was that it was generally the same cohort. Then you had people excluded from that cohort for whatever reason — they did not have the financial ability, they did not have the second car that the family might have needed, they did not have a general interest in those sorts of activities or they may have lived some distance from those facilities.

On top of that, some of those children — and this also tends to be a recurring theme which you can see if you try to look for it in the community — might have started sport or other activities late and did not have the

skill development that they needed to achieve a particular standard. Because they started a bit late, they did not feel terribly capable in that field, so they dropped out.

One of the things about organised families and activities is that kids are starting earlier and earlier so their skill acquisition is greater. Once upon a time kids started a sport at grades 4, 5 or 6, but now with all those junior programs — —

**Mr Delahunty** interjected.

**Mr MADDEN** — That is right; they all start earlier. Because they start earlier, if you start a couple of years later — early in adolescence or just prior to adolescence — you almost miss the boat. What happens with some of those kids is that they choose not to participate.

The reason I am discussing this in some detail is that what you are really seeing is high demand for multiple activities from some families and other groups who are excluded or exclude themselves from those activities. That is why what we seem to find is an unusual imbalance. We have high demand for activities, high demand for facilities and lots of pressure on volunteers to deliver these activities because there are so many families demanding them or paying for them, and then at the other end of the scale we have concerns about the activity levels and obesity of those who have excluded themselves.

You have two great challenges. One is getting people engaged, but if you get them engaged, you will create more pressure and demand at the other end, where delivery is already quite substantially absorbed. I look across to the Minister for Sport and Recreation, who is here today, who has the great challenge ahead of him of securing more funds from his colleagues to see more facilities developed.

The other great challenge I think is to encourage sporting groups and volunteers to run a second or third tier of activity for those who need to participate later in their development, because they are the kids who sometimes feel they are not quite up to it — —

**Mr Delahunty** — They need a little bit more assistance.

**Mr MADDEN** — They need a bit more assistance but also a bit more enthusiasm and encouragement, because if they did not participate in the Netta program or the Auskick program or one of those sorts of early sports programs, they feel like they are not quite up to it and they do not become engaged. I am not telling the

minister how to do his job, although I am always happy to do that, but one of the great challenges is to provide more facilities and encourage sporting codes to have additional tiers — from D grade down through E and F to G grade — because there are kids who want to come in, and they need to play with kids of similar ability so they do not feel that they are not much chop or are not up to it.

If we can get the kids who for one reason or another are a little bit behind the eight ball engaged in those sports — we have got surplus capacity in the facilities — and encourage volunteers of a particular ilk, those who are enthusiastic to just get kids involved rather than wanting to ensure that the teams or the clubs are highly successful, then I think we can achieve a lot as a community. We can achieve a lot as a community if we can just tweak that and finetune it a bit. I hope the sports minister takes something from that.

The great challenge, though, is of course to make it easier, not more difficult, for people to become volunteers, while at the same time giving parents and the people who administer these clubs confidence in volunteers' ability to do what they need to do and in their trustworthiness. That is why the working-with-children legislation and the background checks and all the administrative process that goes with it are so vitally important.

I also want to remind the house that, as I think the statistics would show, incidents of abuse of any sort — I notice that the legislation refers to murder as well — predominantly do not happen in sports clubs, although there have been high-profile situations where there has been abuse in clubs and where the coverage appears in the media, but basically happen within family groups. I do not have the answers as to how you fix that, but the vast majority of abuse in any shape or form occurs within a family grouping or a household grouping and comes from particular dysfunctions associated with that grouping.

The key here is not to undermine our confidence and our enthusiasm for activity and sport and not to undermine the enthusiasm of individuals who want to participate as volunteers. We want to ensure that we can trust them and that we have systems that ensure that trust in those organisations and those individuals is well founded, but at the same time we want to ensure that the systems do not in any sense demean or chip away at our confidence in the structures we have that deliver such important services and benefits to the community. We do not want to scare people. It is important that this process is used in a way that is considered and that is also well thought through — not in a way that scares

people away from involvement or from participating in volunteering, but rather encourages people to do so more and more often and in greater numbers.

**Dr SYKES (Benalla)** — I rise to contribute to the debate on the Working with Children Amendment Bill 2012, and I wish to start my contribution by commending the Attorney-General for another initiative that addresses the legislative reform program he has embarked on since coming into government. It is a clear example of the way the Attorney-General goes about things, in that he has, firstly, established a clear set of principles, which in this case is putting children's interests first. Secondly, he seeks to apply a common-sense test to ensure that the principles are being achieved by the most direct and simple method available within the legislative constraints, and thirdly, he seeks to improve existing legislation. It is not about reinventing the wheel; it is about improving the legislation that is in place if it is in a general sense appropriate.

What this bill does is address in part the issue of ensuring the safety of our children, in that it provides an improved, more efficient mechanism for identifying people with known criminal records who may present an unsatisfactory risk to the wellbeing of our children. As I understand it, about 900 000 working-with-children tests have been done and there have been about 1000 negative results recorded.

To put that in context, the people with criminal records relevant to this form of testing number only a few thousand — 3000 or maybe a few more now that the categories have been broadened — but the majority of offences committed against our children, as was mentioned by the member for Essendon and the member for Macedon, are committed by family members or people known to the family, and very often those people do not have criminal records. Therefore we are presented with the significant challenge of doing what we can to reduce the risk. In this case it is the rapid identification of people with criminal records, but there is still a very large risk factor out there — that is, those who are family members and those who are close to family who do not have criminal records but who present a risk to the safety of our children.

Previous speakers have made some commentary about The Nationals expressing reservations about the implementation of this bill when it first came to Parliament. I was one of those people who expressed their reservations. I was not concerned about the intent of the bill but about the mechanisms for achieving the outcome. It is interesting that the concerns we had were aired in the public arena and addressed; they were about

the likelihood of the bill being interpreted in a way that would have stopped young people coming up to country farms and working with grandma and grandpa. Our concerns were picked up by publications such as the *Weekly Times* — which is not always the best friend of The Nationals, but journalists such as Peter Hunt, who writes for the *Weekly Times*, have a fairly good ability to drill down into the issues. That publication identified some potential concerns.

As I said, most of those concerns have been addressed over time. Some common sense has prevailed, and I am pleased that the previous government took those concerns on board.

**Ms Duncan** interjected.

**Dr SYKES** — For the benefit of the member for Macedon, I am pleased that the previous government took those concerns on board and addressed them. We spoke on behalf of people and ensured that those concerns were considered.

I was also interested to hear the contribution of the member for Gembrook, who made the very salient point that the all-clear card provides an assurance that a person has no criminal record but it does not necessarily confirm that a person has the appropriate skill set to deliver to a child whatever they might be in that forum for, whether it is football coaching or some other activity. From my previous role in junior football coaching, I am very aware of the real challenges of getting appropriately skilled people to come together and work with children and deliver the skills training they needed as well as the right role modelling. A clear check test is a start, but there are other criteria that need to be ticked off on to ensure that children are getting the appropriate experience when going along to an event where others are providing guidance.

It was interesting to listen to the member for Essendon. It has been quite interesting over this parliamentary sitting week to follow the threads in the contributions of the member for Essendon. A thread I picked up on on this occasion was that in many cases our children are participating in multiple sporting activities. Often that results in less direct parental involvement at a particular sporting activity because those parents are taking another child on to another event. There is a greater reliance by parents on others to look after their children for a period of time, and therefore there is a greater reliance on the system providing an assurance that a child is safe in the hands of another person when the parent is not nearby.

I want to send a message back to parents to say that they should remember that they are the parent and they have the primary responsibility for the wellbeing of their child or children. Whilst the government and enforcing agencies are putting in place a system that will increase parents' level of comfort about the environment in which their child is living and enjoying life, the primary responsibility rests with them. There can never be a 100 per cent guarantee or assurance of safety, and they — the parents — must continue to keep that watchful eye on their children.

I will also speak about one of the great things about living in regional or country Victoria — that is, what I refer to as the 10-metre rule. In the city, if a child is more than 10 metres away from their parent, that parent generally freaks out because they are deadset concerned that something might go wrong. In country Victoria, when you go to a country footy game or when I go along to a polocrosse game that my daughter is participating in, the 10-metre rule does not apply, because country communities still have sufficient confidence in others around them and they have sufficient traditional values of the village keeping an eye on the child. There is a very high level of confidence that there are many sets of eyes watching out, looking after the wellbeing of that child. That is one of the reasons people come to country Victoria to raise their children; it is because that village-raising-a-child approach is still a strongly held ethos. We must continue to maintain that so our young children can have a good upbringing and feel safe in many environments while they enjoy life.

This legislation is about detecting the minority of people who are offenders and who put children at risk. However, as other speakers have said, the vast majority of people working with our children — whether they be in paid employment, such as our teachers, or whether they be volunteers, such as our sporting coaches or our dance instructors — do their job to the best of their ability. They do an excellent job. They do it with our full support, and I certainly have an enormous sense of gratitude for what they do so willingly in helping our children grow into contributing fine young people.

It is my pleasure to support this bill because it is another logical step towards improving the safety of our children and it is a more practical way of doing that. I congratulate the Attorney-General on his application of common-sense principles, and I wish the bill a speedy passage.

**Ms HALFPENNY** (Thomastown) — I rise to speak in the debate on the Working with Children Amendment Bill 2012. As has been said by previous

speakers, this bill contains amendments to the Working with Children Act 2005, which was introduced by the previous Labor government. At the time it was groundbreaking legislation and part of an overall strategy of Labor to ensure that children in our society are protected, nurtured and given the respect and love they deserve so much. They are our future.

As I understand it, at the time the Working with Children Act 2005 was introduced the members of The Nationals actually opposed that legislation.

**Dr Sykes** interjected.

**Ms HALFPENNY** — I note the member for Benalla giving his explanation or justification for why he opposed the legislation. He said changes were made because there were a number of concerns about the bill. That is just not true. As I understand it, The Nationals voted against the second-reading motion of the legislation, which was brought in by Labor. As members know, you can look at *Hansard* and learn about history.

This is another piece of groundbreaking legislation that was introduced by the Labor government at the time, and this amendment will improve the principal act and tidy up loose ends. In a lot of ways a piece of legislation is a living document. As the community changes, community attitudes change, and as situations and cases arise that were unforeseen at the time of the passage of the legislation, it is important that we are flexible and able to amend legislation to ensure that those unexpected consequences or circumstances are addressed and that we can do things that accord with community attitudes and beliefs.

What is the working-with-children legislation? As I said, it is about protecting our children and ensuring that there is government checking of people who work with children, whether it is in a paid working capacity or a voluntary capacity. I myself have had a working-with-children check because I was a team manager of the Northern Rebels basketball team that my young son played in. I never knew how to play basketball, but I was able to be its team manager if not its coach.

As I understand it, there were concerns about the bureaucracy and what sorts of things would occur once this legislation was introduced. Members on the other side are very good at scare tactics and the blame game and they tried to stir up all sorts of stuff around this legislation, but application has been shown to be a speedy and easy process; I know that has been the case from my own direct experience. From talking to

constituents in my area it is evident that this is a piece of legislation that has been welcomed and embraced by the community. It is ingrained in the community. People have more confidence to leave their children with others, and those others are doing a great service to the community by looking after and working with our children to provide support and activities, both in a voluntary capacity and a paid capacity.

In the electorate of Thomastown there are a number of Macedonian groups that are teaching children about the Macedonian culture, and part of that is the fantastic Macedonian dancing. There are also many junior sporting clubs. I was very lucky to be at the annual president's event of the Keon Park Stars junior football club, and whilst that club is not currently located in the Thomastown seat it has a number of members, including children, who live in the Thomastown electorate. The Keon Park sporting club does so much good work in terms of encouraging young children to have fun and to understand what teamwork, cooperation, caring and support are all about, both in the junior football club and junior cricket club.

I will move on to the amendments that we are talking about today. As I said, some of them are substantial amendments while others are more inconsequential, but all of them are housekeeping items that are important to moving the legislation on and making sure that it is in tune with community attitudes and beliefs.

The bill seeks to alter the test that the Secretary of the Department of Justice and VCAT (Victorian Civil and Administrative Tribunal) must apply in deciding whether to issue an applicant with a working-with-children check. At the moment if a working-with-children check is refused, the applicant can go to VCAT to have that decision reviewed, and if they argue their case, the decision can be overturned. The idea of this amendment is to strengthen the rights of the child and put the onus on the applicant to demonstrate their suitability to receive a working-with-children card rather than looking at the fairness of whether they should or should not receive one. That test is now what a reasonable person would think about whether an applicant should have a working-with-children card or not, rather than focusing on the fairness or otherwise of an applicant getting a working-with-children card.

Clause 3 of the bill makes murder a category 1 offence because at the moment it is a category 2 offence, and a category 1 offence means an automatic disqualification from obtaining a working-with-children check. Previously if it was a non-child-related murder, it was in a lower category, but that has been moved up so that

there is now an automatic exclusion in that case. Further amendments allow for the removal in certain circumstances of the right to undertake child-related work while an application is being considered and provide the secretary with power to revoke a working-with-children card following a suspension. The bill also clarifies the application of revisions of the act and streamlines administration. It is a comprehensive amendment bill with some housekeeping and tidying up and some quite substantial provisions, such as those dealing with the recategorisation of murder and the introduction of the reasonable person test when it comes to VCAT.

One of the concerns that has been raised with me in terms of the working-with-children processes relates to the fact that at the moment the Department of Justice processes these applications and it is a seamless and speedy process — or it was in my experience. But there is a concern when we are looking at the public sector job cuts that are occurring across the board that we may see a situation in which this great initiative of the working-with-children checks is hindered or there will be less effort, emphasis and resources put into the background checking of applicants because of understaffing or the fact that there are not enough staff because of redundancies and cuts in the Department of Justice area. I hope that is not going to happen, because we do not want to see this important area bearing the brunt of government cuts.

I recall a comment that was made by an audience member of the ABC's *Q&A* program that it takes a whole community to raise a child, not just the parents. What they said was very true, and we as members of Parliament and the community play a significant role in ensuring that only the most qualified and suitable members of our community have the right to work with children, whether it is paid or unpaid work. We have a responsibility to oversee our children's place in society, and we must ensure that they are protected and that they get the best possible support, treatment, love and care from their parents, from our community and from those who work with them on a paid and unpaid basis.

**Mr SOUTHWICK (Caulfield)** — I rise to speak on the Working with Children Amendment Bill 2012. I do not think there is anything more important we as legislators in this house can do than to make our children safe. We all get the opportunity to come in here and talk about different forms of legislation, but, for me, ensuring that our young people have a safe environment is absolutely paramount, first and foremost. I commend the Attorney-General on the legislation that has been brought before the house, and I think members from both sides would agree that this is

an area we must continually look at to see how we can improve and how we can ensure that we do everything possible to ensure that children are protected. This bill strengthens the working-with-children checks as part of the Victorian government's commitment to protect children and ensure that they have a safe environment. The safety of children, as I said, is paramount, and that is what this bill seeks to address.

In my contribution today I want to talk briefly about some of the groups in my area that are doing a fantastic job. However, I want to spend most of my time talking about some of the issues I think we need to be mindful of in this important area. Firstly, the Victorian government has received more than 910 000 applications for working-with-children checks since 2006, and some 1024 applicants have been issued with negative notices — that is, 1024 people have applied and have not been successful. That has been without the amendments that are before the house today. Think about the number of volunteers and groups that do a wonderful job. I commend those more than 900 000 people who are out there in volunteer organisations, sporting clubs, youth clubs, schools and other education providers doing a fantastic job working with our young people, providing mentorship and being role models, and teaching life skills. They are very important.

I had a working-with-children check when I was involved with Big Brothers Big Sisters, Ardoch Youth Foundation and Try Youth and Community Services. Those organisations play a paramount role in ensuring that the volunteers who work with them go through the proper processes. In fact, those organisations — particularly Ardoch and Try Youth and Community Services — went a step further and actually instigated the Safeguarding Children program, which allowed voluntary accreditation for organisations that ensured that they had gone through a series of additional checks alongside the working-with-children checks to ensure that their staff, volunteers and other relevant individuals had all the necessary cover.

What I wanted to say on this matter is that it is really important that a piece of paper, the working-with-children check, alone is not seen as the be-all and end-all. It is important to have this check, but we need to understand that a lot of people who work in these areas seek to do so because they are trying to infiltrate organisations to get to those who are most vulnerable. A National Child Protection Clearinghouse issues paper devoted exclusively to the topic of child abuse in organisations, produced by Irenyi, Bromfield, Beyer and Higgins in 2007, highlighted that there has been a litany of recent inquiries and research into child

abuse that have demonstrated that organisations can be vulnerable to subversion by adults intent on harming children. Between 1988 and 1996 the Victoria Police child exploitation squad found that 43 per cent of sex offenders gained access to child victims through children's organisations.

A lot of work on this has been done by the Australian Childhood Foundation. In New South Wales in 2010 the Ombudsman reported that of 101 sexual offences against school students by school employees, 92 per cent involved grooming prior to sexual offences. In 31 per cent, grooming behaviour had been reported prior to the conduct escalating to a sexual offence. Of those reports, 39 per cent were not acted upon at all, and some action took place in 42 per cent of matters. That shows that a lot of these people had access to young people and it was felt that they had the right prerequisites to be working with young people. To me this is absolutely deplorable. We must do everything we possibly can to ensure that this sort of thing does not happen.

I will give a couple of additional examples of this. One of Australia's biggest child pornography rings was infiltrated by police, with three Victorians amongst those charged. The charged individuals were reported to have had direct access to children on a daily basis. They included a teacher, an IT specialist and a security worker, as reported in the *Herald Sun* of 15 June 2011. In another example, Cricket Victoria was forced to introduce mandatory police checks on umpires after discovering that a 56-year-old umpire had recently received a suspended jail sentence for sending teenage girls lewd pornographic messages on chat sites.

By talking about these things I do not mean to be alarmist. The member for Thomastown suggested in her contribution that some of the comments we are making in carrying out these reforms are alarmist. I think that suggestion is absolutely deplorable. That is not what this legislation is about. It is not about being alarmist; it is about ensuring that our kids are safe. I am sure that every person here — certainly on this side of the house and, I would expect, on the other side of the house — would want to pass legislation that does these things.

The sorts of things done in the amendments we are passing today include strengthening the tests that the secretary and the Victorian Civil and Administrative Tribunal must apply in determining whether or not a person is ultimately allowed to get a working-with-children check and removing the automatic right to a check application receipt for suitability for reassessment if a person has a charge,

conviction or finding of guilt in relation to serious sexual offences, drug offences, assault or violence.

Another element of this legislation clarifies that a person on a supervision order, on detention or under an order for serious sex offences is unable to apply to VCAT to have the decision removed so they can engage in working with children. You would think that a lot of these sorts of things would be matters of common sense, but we need to ensure that the legislation is tightened and that there are absolutely no questions and there is no wriggle room when it comes to this sort of issue.

The other element in this bill is a streamlining of the process to remove a person from volunteer work for an employee check. The bill enables the secretary to issue a new check without having to reconsider offences which were previously considered for the original check. These sorts of things are of paramount importance. This is good legislation. I know I have spoken about some of the negative elements, but I commend the organisations that are doing a wonderful job and continue to provide a safe environment for our young people.

People in organisations in my electorate such as the Jewish Community Council of Victoria, Wings of Care, Big Brothers Big Sisters, the Ajax football and sporting clubs, the schools, and Maccabi with some 32 organisations involved in sport, all do whatever they possibly can. In most instances organisations have the best of intentions; they go out there and want to work with young people and get themselves set up. We have an organisation called Ccare, which provides cooking in homes for kids and families. These are great initiatives. In most instances people have the best of intentions in terms of what they are trying to do.

This bill ensures that when people are looking at doing things with the best possible intentions there is tight legislation to ensure that we do whatever we can to make sure our young people are safe and our most vulnerable do not have to worry about a potential risk. Whatever we can do, we should do. I commend the Attorney-General, and I commend the government. This is important legislation. We all need to be doing whatever we can to ensure our kids are safe.

**Mr MORRIS** (Mornington) — I am pleased to rise to support the Working with Children Amendment Bill 2012. I echo the comments of the member for Caulfield. I also commend the Attorney-General on the work he is doing, because these amendments are very much about strengthening the framework we already have in place for the protection of children.

This bill amends the principal act and puts in place stronger tests that must be gone through before an assessment notice can be issued. The bill also makes some changes in terms of offence categories. For example, it brings murder back to a category 1 offence, which is the permit-will-not-be-considered category, which is entirely appropriate. It also makes some changes to the older categories of offences that perhaps were not current offences when the principal act was considered by Parliament. The bill makes some changes which will ensure that permits will be either suspended or not issued if a person is charged or convicted, and in the case of charges until those charges are dealt with. It also makes some changes to the Victorian Civil and Administrative Tribunal application process.

I listened with interest to the debate both this morning and when the bill was before the house earlier this week, and unfortunately a number of members have chosen to focus not on the current legislation and not on the amendments made to the principal act in more recent years, but on the passage of the initial bill. They have chosen to attack the views expressed and the process that was undertaken by members at that time, some of whom are no longer members of this house.

That was a different debate and took place at a different time, and I think it is unfortunate that perhaps it is easier to attack others than to work through the issues in the bill and to develop an argument of substance and conviction. It is important when we are considering legislation that concerns be aired, if there are concerns, and when the initial legislation was considered there certainly were concerns in the community about the impact of the bill. I hasten to add that while I was not a member of this place at that time, I did not share those concerns. I was supportive of the bill out there in the community, and I am very supportive now. But it is important for those concerns to be aired.

As members know, the process in this house tends to be that we have the second-reading debate, and although issues rarely get to the consideration-in-detail stage — sometimes that occurs in the other place — we have the opportunity to air our concerns. We know that governments of both persuasions are prepared to take on board issues raised by members of both sides. The issues raised may not require changes to the legislation or amendments and all the detailed consideration that process entails but may be concerns that are often dealt with in regulations associated with the legislation or the manner in which the guidelines for the public sector are prepared for tribunals and so on.

It is unfortunate that some members are critical of views that were taken some time ago. As I recall, the concern expressed was not about the concept of protecting children — I believe that concept was universally shared then, as it is today — but related to the impact the legislation might have on community organisations. It needs to be remembered and put into context that at that time a rising tide of legislation placed a considerable burden on voluntary organisations, and the bill was then seen by some as simply another manifestation of that burden.

As I indicated at the time, I did not share that concern. It has proved to be the case that the community has embraced the concept, and that is very important. However, it has to be said that now many community organisations have to buy expertise to deal with particular matters, often not working-with-children matters but other matters. To my knowledge, and I am sure the knowledge of all members, many more community organisations have people who, rather than being engaged in directly supporting the activities of the organisation, are engaged in supporting the organisation in meeting the necessary bureaucratic and other requirements. I commend them for their work.

A modern society requires very much a balancing act. The principal act and the amendments are not only necessary but also absolutely desirable. We do need to guard against red tape — that is an important consideration when preparing any legislation — but as a Parliament, as a government and as a community we cannot afford to shirk our responsibilities either, and pretend that red tape is a barrier when in fact we need to take a difficult position.

Anyone who reads the papers, listens to the radio, watches the TV news or looks at the internet might form the view — from exposure to media organisations of all characters and types across all forms — that the state and the nation are going to the dogs and that we are in dire straits. I suggest that anyone who looks at any newspaper from any decade since white settlement in this state would find criticism of that same sort. I do not think anything is very different. What that point highlights is that debate is very important. It enjoins us to see how we can do better, not just in government or in a particular aspect of the community.

I am sure that anyone who knows anything about a particular subject, and that would include all members, has had the experience of realising that sometimes the truth is unfortunately absent and sometimes it is overlooked. Regardless of that, debate enjoins us all to improve and to see how as a community we can do things better. Too often it is easy to say, ‘They should

be doing things. It’s their responsibility’. The fact is that we all have an obligation to improve society together. I must say that overall I am optimistic about the human condition.

The Working with Children Act and the amendments made by the bill before the house today are evidence of that continuous move towards establishing a civilised society. If members think of the anti-child labour movement of the early 19th century, they will be reminded that that led to a significant cultural shift so that now child labour is absolutely unacceptable to any of the Western democracies, and of course we seek to impose that view on those who supply us as well. The act and the amendments before us today will also have a cultural impact, and they include a notion of duty of care.

There is a suggestion — and there has been some element of this in the debate — that perhaps things are far worse now than they ever have been before. Certainly there is more reporting. Perhaps the internet has had an impact; who really knows? I suspect that the incidence of child abuse is no higher now than it ever has been. There is no doubt, though, that it is less acceptable and that it is more frequently exposed. That is absolutely a good thing. We need to keep the pressure on. It is not good enough that it is just less acceptable; we need to make it absolutely and completely unacceptable. We need to achieve the cultural shift that was achieved with child labour.

I commend the reforms. I am pleased that the opposition is not opposing the bill and that in fact much of the rhetoric from opposition members has been supportive. We need to send a very strong, clear message that any abuse of children is simply not acceptable.

**Mr McGuire** (Broadmeadows) — I rise to make a contribution in the public interest to the debate on the Working with Children Amendment Bill 2012. I want to take up some of the points raised by the member for Mornington. He framed this debate well in saying that it is beyond partisanship and criticism. Life has an evolutionary aspect to it, as does legislation, and community views also evolve. That is the proposition the bill brings to the house, and in that context Labor will not be opposing it.

I want to make a brief contribution to the debate on the bill but also speak in my role as the deputy chair of the Family and Community Development Committee, whose members are looking at issues concerning how we take care of what has happened in the past. I will not go into anything that is before the committee; I am

conscious of that. I want to frame my contribution with the idea of how we evolve as a community and better protect our children. That is what we all want to do, as MPs and as parents: take care of the most vulnerable in our community and give them the best opportunities and chances in life. I commend the member for Mornington on phrasing his contribution as he did.

The bill is non-controversial and makes minor amendments, but I like the fact that the legislation is evolving and that we are moving towards better covering some of the issues that need to be addressed. Just to give the bill a historical background and context, Labor took a comprehensive approach to child safety in 2005 when the working-with-children legislation was introduced. The purpose of the Working with Children Bill 2005 was:

... to assist in protecting children from sexual or physical harm by ensuring that people who work with, or care for, them have their suitability to do so checked by a government body.

That was a good frame of reference to move on from. Labor's legislation had the primary aim of protecting children, and now we will have a new test for applications to work with children. The current test applied by the Secretary of the Department of Justice and the Victorian Civil and Administrative Tribunal for assessing the suitability of any applicant is whether they pose an unjustifiable risk to the safety of children, having regard to a number of factors. The bill adds additional criteria, and I support those criteria. The secretary and VCAT must also be satisfied that:

... a reasonable person would allow his or her child to have direct contact with the applicant that was not directly supervised by another person ...

That is a sort of common-sense test. We are saying, 'If you as a parent would feel safe', and that is not a bad starting point. They must also be satisfied that:

... the applicant's engagement in any type of child-related work would not pose an unjustifiable risk to the safety of children.

The second criterion is intended to address cases where VCAT has decided to grant a card after consideration of the purpose for which the applicant has applied for the check. However, VCAT may not have given weight to the fact that the card is portable and that, once obtained, permits the cardholder to engage in any type of child-related work.

As I said, the opposition does not oppose the measures introduced by this bill but expects that the department will ensure that there is no unreasonable application delay. I think that is fair enough, that we are supporting

the changes and we want them to be implemented — and I presume that is what the government wants as well. Let us get on with this; let us make it happen.

The bill has been introduced at a time when we are looking at the different ways that we can protect our children. The member for Mornington mentioned the internet. As a father I am glad that the federal government is looking at the ratings on games and the different things we can get easy access to, literally at a click. These days our children are regarded as digital natives. They probably know how to do things in the digital world better than most of us in this house. Certainly from my experience I can confirm that. We need to consider the level of their exposure to influences in a sexual or violent context that we did not have to face when we were in their age brackets, including adolescence, but that are now freely available.

This bill fits in the context of governments trying to grapple with emerging social issues, including the jump point that we are at now with the internet. It can be seen that it totally changes how businesses can work. We have seen that most dramatically this week, with what has happened with newspapers and journalism, one of my former careers. We must consider how we can do our best at either a state or federal level to get a coordinated strategy and approach to deal with the issues so as to best protect our children. With those words, I commend the bipartisanship of the contributions and commend the bill to the house.

**Mr WATT (Burwood)** — I rise to speak on the Working with Children Amendment Bill 2012. I note the words of the member for Broadmeadows — and I think the member for Mornington made this point as well — that this bill has bipartisan support. I do not think any member would come into this house and not be interested in the safety of our children and the benefits we can provide to them.

One reason I wanted to be a member of this place was about what we can do for children, how we can provide benefits to children and how we can work to help them during their lives. One way we can do that is through protecting them. The Working with Children Amendment Bill will do a part of that.

I will provide a background to some of the reasons I came into this Parliament. I firmly believe one of the best things governments can do is to help children excel and progress in life. I note my particular circumstances. I was lucky as a child, and I grew up in an area where most people came from low socioeconomic backgrounds. I grew up in public housing with

10 sisters. I was the only one in my family to have achieved in the sport arena at a high level. I was the only one in my family who went to university. I put a lot of that down to my schooling circumstances and junior sport.

I am a member of Parliament and a part of the government, and I think we should try to enhance pathways so that children can bring themselves out of the circumstances they find themselves in. I had a particularly good set of teachers in primary school who identified the ability I had as a student to be able to progress further. My pathways led to a school that I otherwise would not have gone to. When I was doing junior athletics I had a good coach. He identified what he thought were particular talents and skills. He tried to harness those. It is important to have the best people dealing with children and to make sure that they are available. We have to make sure that those people who help children are suitable.

The member for Gembrook in his contribution made the comment that just because somebody can pass a working-with-children check does not necessarily mean they are suitable for the particular roles which parents would have them do. When people pass this working-with-children mechanism, it is incumbent on parents to make sure that those people who are looking after their kids are suitable in relation to safety concerns and are able to make children flourish and be the best they can be.

I can talk about my circumstances. I attended a school which was 30 kilometres away from where I lived. I can reflect on an Education and Training Committee report that was tabled yesterday which was about gifted and talented students and some of the things we can do for those students to put them on a better pathway in life. That is one of the reasons I find myself in this place — I want to make sure that children in Victoria have the same opportunities to follow pathways that I had. I was able to enter certain fields. I do not want to talk too highly of myself, but bringing myself out of a situation led me to being able to travel overseas to do sport, get a university degree and be in this place.

As a government — and I said this earlier — we should aspire to be doing that and we should be looking to do that for the children of Victoria. In some ways this particular bill helps us do that by enabling us to ensure that people who are allowed to be in the position of looking after our children and helping them excel are suitable for that role. There is a caveat in place to make sure that those people have particular skill sets.

When I was 13 years of age working in a hardware store I would not necessarily have wanted John Mazzega to be my athletics coach. As nice as John Mazzega was, I am not sure he would have been a good athletics coach, and I am not sure I would have wanted Stan Jones to have been a primary school teacher, even though he was a fantastic coach.

There are some good things in this bill. I will go through some of the clauses. In addition to the Victorian Civil and Administrative Tribunal having to consider existing criteria under section 26(2) of the Working with Children Act 2005, VCAT must also be satisfied, under new section 26(2A)(a) proposed by clause 12(2) of the bill, that:

a reasonable person would allow his or her child to have direct contact with the applicant that was not directly supervised by another person ...

This amendment to the act is reasonable. Most people would think that a reasonable person's view of who can supervise a child is appropriate.

I will quickly say that it is good to see good people in my community dealing and working with children. There are parents who help out at great schools in my electorate, such as Glen Iris Primary School, Solway Primary School, Ashburton Primary School, St Michael's Parish School, Parkhill Primary School, Ashwood School, Ashwood College, Hartwell Primary School, St Dominic's Primary School, St Benedict's Primary School, St Scholastica's Primary School, St Mary Magdalen's Primary School, Roberts McCubbin Primary School, Our Lady's Primary School, Kingswood College, Presbyterian Ladies College, Mount Scopus Memorial College, Salesian College and Wattle Park Primary School.

We have some good schools in the electorate, and this amendment in the bill before the house will certainly help them. It will also help some of the sporting groups in my electorate, such as the Camberwell Sharks, the Ashy Redbacks and the Camberwell Lacrosse Club. All of these clubs, including the Waverley District Netball Association and the Ashburton United Soccer Club, will appreciate some of the sentiments behind this bill. I look forward to its speedy passage.

**Mr HERBERT** (Eltham) — I will make just a few points as part of my contribution to the debate on the Working with Children Amendment Bill 2012. It is really pleasing to see that those on the other side have finally come on board with this great Labor initiative and are supporting it. It is good to see that the niggling questions and measly-mouthed words they had when we brought in this bill in 2005 have been transformed

into praise for the success the legislation has had. We on this side of the house absolutely support strong provisions for working with children, and, as I say, this is legislation that we originally introduced.

I listened to the speech of the member for Burwood, who praised his primary school teachers. I think most people in this chamber and in Victoria would recognise that Victoria has some of the best teachers in Australia and probably some of the best in the world. You will not get a better school than any one of the schools in my electorate of Eltham, and you will not get better teachers than the teachers there either. Perhaps that is why the government promised to make Victorian teachers the highest paid in the country at the last election at each level, and that was in relation to every teacher.

What a shame it is that on the day we are debating this important piece of legislation about working with children — the day we are debating a working-with-children bill that will strengthen the checks in relation to those who work with children in our schools, clubs et cetera — we read on the front page of the *Age* that rather than making our teachers the highest paid in the country, the government has a hit list and wants to sack 5 per cent of teachers, the same teachers that this legislation — —

**Mrs Powell** — On a point of order, Acting Speaker, the member is straying widely from the content of the bill we are debating. It is called the Working with Children Amendment Bill 2012; it is not about what is on the front page of the *Herald Sun*. I ask you to bring him back to the debate.

**Mr HERBERT** — On the point of order, Acting Speaker, this bill is about people who work with children. The teachers in our schools — all 60 000 of them — are the ones this bill applies to, as well as others, and this check is an absolutely central part of their employment conditions. I would have thought that the government's plan for a hit list to sack teachers rather than pay them would be central to this issue.

**The ACTING SPEAKER (Mr Northe)** — Order! I believe the member for Eltham is digressing from the content of the bill, and I ask him to come back to the bill.

**Mr HERBERT** — I am happy to come back to the bill. As I was saying, teachers are very important in this state. Members on this side of the house value and praise the work they do, and we want to ensure that they have these working-with-children provisions, which are strong provisions, because they help them in

their jobs. The approach to teachers had been bipartisan, but now we see that when it comes to schools and when it comes to teachers working with children — or trying to work with children — 5 per cent of them will not be working with children. If you took the same approach to the front and back benches of the government, you could probably go a bit further than 5 per cent!

**Mr Clark** — On a point of order, Acting Speaker, the member is clearly defying your ruling, and I ask you to bring him back to the bill.

**The ACTING SPEAKER (Mr Northe)** — Order! I uphold the point of order, and I ask the member for Eltham to come back to the bill.

**Mr HERBERT** — Thank you, Acting Speaker. Listening to the contributions of those opposite is sometimes a bit like working with children.

I will not say much more than what I have said. This is a good bill. It was a fantastic Labor initiative. We believe in working with professionals and with volunteers, whether they be in schools right across the state or elsewhere. We believe in proper remuneration, and we believe this bill will help strengthen the relevant provisions — whilst government policy seems to be made up on a daily basis.

**Ms MILLER (Bentleigh)** — I rise to contribute to the debate on the Working with Children Amendment Bill 2012. This is a very important bill for which I would like to commend the Baillieu government. I also commend the Attorney-General, who happens to be in the house, for the good contribution he has made to amending the principal act. People in my electorate of Bentleigh and members of the wider Victorian community embrace the amendments this bill offers. The main objective of this working-with-children bill is to strengthen the working-with-children check scheme to enhance the protection of children from potential physical and sexual abuse, to clarify the application of the provisions of the act and to streamline those provisions.

Children are our future, and as members of Parliament we have a responsibility to do what we can to the best of our ability in this area. This bill is another step towards ensuring that children are not physically, sexually or mentally abused in any shape or form. It is a real privilege to be in the position of looking after children, whether that be in the kindergarten, in the primary school, in the local sporting community group or in whatever community group it may be. When I was younger my mother used to volunteer at the East

Bentleigh community centre; she was given the responsibility of looking after children whilst mothers were having a bit of time out or doing some part-time work. She had to go through that process, and I remember her telling me it was a real privilege. Often when she came home she would share some funny stories about the things those children had told her.

It is very important that we do this. Bentleigh is a wonderful community; it is a growing community and a very family-oriented community. Clearly there is a very important need to have a working-with-children check system in place for the volunteers who do the great work they do. When parents drop children off at a community group, kinder or school or in a sporting environment it is important that the people in whose care those children are left have had the appropriate checks.

Importantly, the Victorian people are, as I said, very supportive of this bill. I have seen numerous articles in both the *Age* and the *Herald Sun* about it. The people of Victoria are essentially welcoming the need for this when they put their children into particular environments. If they are in a school, quite often volunteers will come in, and there may be contractors who work around the school grounds doing such things as removing waste, gardening and so on. It is important that these people undergo police checks because they too are in contact with children. Under Victorian law people who have regular and direct unsupervised contact with children are required to have a criminal background check. The Working with Children Act 2005 defines direct contact with a child as being physical contact or face-to-face oral communication or physically being within eyeshot. That is really important.

I refer to an article in the *Herald Sun* of 12 March. Its headline is 'Revealed: Killer, creeps free to work with children — you must be kidding'. The local scout group has been in existence for over 30 years, and these checks have been in place for, as I said, over 30 years. That is another group that — —

**Mr Herbert** — On a point of order, Acting Speaker, you ruled earlier on a point of order about my referring to newspapers in this debate, and I am wondering whether the same ruling should not apply to the member for Bentleigh, who seems to be quoting from newspapers also.

**The ACTING SPEAKER (Mr Northe)** — Order! I do not uphold the point of order. I think, in terms of relevance, the member for Bentleigh is being relevant

to the bill at this point in time. However, I will be listening closely.

**Ms MILLER** — Thank you, Acting Speaker. As I said, even the media has commented on the need for this. That would certainly reflect the views of the people of Bentleigh and of Victorians. This government has listened to the people of Victoria and has taken the step of ensuring that our children and the children of the future who are in a potentially vulnerable environment are going to be in a safer place. This government is taking an accountable and responsible perspective, unlike the opposition, which over 11 years really failed to do something as important as this.

The bill addresses something that has been identified by the Department of Justice and is designed to improve the operation of the working-with-children check scheme, clarify certain aspects of the Working with Children Act 2005 and increase the protections afforded to children. I am delighted that the opposition is supportive of the bill. I commend the Attorney-General, who is in the house at the moment, and the Baillieu government. I too support the bill, and I commend it to the house.

**Ms GRALEY (Narre Warren South)** — It is a pleasure to rise to speak on the Working with Children Amendment Bill 2012. For those in the house who were not here when the bill for the principal act was introduced — indeed, I was not here, but I remember reading newspaper articles and speaking to people who were in the Parliament at the time, and I was working for a member of Parliament at the time — this was a landmark piece of legislation. There were members opposite, especially members of The Nationals, who were issuing all sorts of dire warnings about what would happen when the working-with-children checks came in. I am pleased to see that everybody in the Parliament today is supporting this bill. It is not before time; it is time the whole Parliament supported our continuing to go down this road and improve working-with-children checks.

The working-with-children check is too important to become a political football. I like to think that many people in the community who have supported this sort of legislation along the way have benefited greatly from this sort of check in organisations with which they are involved. It is not happening just with volunteers, who do a remarkable job everywhere across Victoria. It is a bit of a shame the volunteer grants have been cut. I have noticed that the federal government is putting out some grants and that communities represented by the federal member for Forrest and down your way, Acting Speaker, are claiming fantastic grants for volunteers.

We support volunteers. For them to have this process of going through working-with-children checks, which are done in an efficient and responsible manner, has been a good thing for local communities, especially those that depend on volunteer services — services like those provided by the mums and dads and grandads and grandmas, who stand behind the goals on a cold Sunday, waving the flags and doing a great job of supporting everybody in the community.

I have a working-with-children check card myself. In fact the other day I picked up my phone because it was buzzing and there was a text message from the department saying, 'It is time to renew your working-with-children check'. I thought, 'How efficient and responsive is that?'. What a good way of sending people a reminder that the time is up and they need to renew their working-with-children check. I am hopeful that that sort of service will continue and that any cuts the minister is making in his department will not impact on the efficient and effective process for the working-with-children check.

I appreciated that reminder. I keep the card in my wallet, but I must admit I have not used it much recently and I would not have thought to check it to see whether it may be about to expire. I really appreciated the hard work of the public servants in the department that send out that reminder — to, I imagine, the thousands of people across Victoria who have the check. As I said, it is great to see that the whole Parliament is supporting this bill. We are making brief contributions at this stage, so I will commend the bill to the house.

**Debate adjourned on motion of Mr HODGETT (Kilsyth).**

**Debate adjourned until later this day.**

## CRIMINAL PROCEDURE AND SENTENCING ACTS AMENDMENT (VICTIMS OF CRIME) 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 Criminal Procedure and Sentencing Acts Amendment (Victims of Crime) Bill 2012.

In my opinion, the Criminal Procedure and Sentencing Acts Amendment (Victims of Crime) Bill 2012, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

### **Overview of bill**

The bill will amend the Criminal Procedure Act 2009 and the Sentencing Act 1991 to:

clarify that the court may refuse to give a sentence indication if there is insufficient information before it about the impact of the offence on the victim;

require magistrates and judges to ask whether a compensation order relating to property damage, loss or destruction under section 86 of the Sentencing Act 1991 will be sought once a person is found guilty or convicted of the offence;

allow victims to provide a broader range of material to the court as evidence of the quantum or particulars of loss, damage or destruction of property;

provide that a court may of its own motion, make a compensation order under section 86 of the Sentencing Act 1991 relating to property damage, loss or destruction, if there is sufficient evidence before it.

### **Charter act rights that are relevant to the bill**

Under the new section 86(1B) of the Sentencing Act 1991 introduced by the bill, the court is able to order an accused who has been found guilty or pleaded guilty to an offence to compensate a victim whose property is damaged, lost or destroyed as a result of the offence, without an application by the victim or prosecutor. The fair hearing right in section 24 of the charter act is relevant to such an order.

The order is made by a court on the basis of evidential findings of a court or admissions of the accused. Under this provision, the offender must first be provided with a chance to be heard, including as to any additional documentary evidence about the loss or expense suffered, before any order can be made. These safeguards ensure the provision is compatible with the fair hearing right under the charter act.

I therefore conclude that the bill is compatible with the right.

Robert Clark, MP  
Attorney-General

*Second reading*

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

That this bill be now read a second time.

The Victorian coalition government is committed to improving the way Victoria's justice system responds to victims of crime, including providing victims with a greater say and better enforcement of compensation rights. The reforms in this bill are a further instalment in delivering on the government's commitment.

The Criminal Procedure and Sentencing Acts Amendment (Victims of Crime) Bill 2012 will amend the Criminal Procedure Act 2009 and the Sentencing Act 1991 to strengthen procedures for victims to be consulted about sentence indications, and for offenders to be ordered to compensate their victims for property loss or damage.

### **Victim impact information and sentence indications**

Part 2 of the bill amends the Criminal Procedure Act 2009 to promote consideration of the impact of a crime on victims when a court is asked to give a sentence indication.

Legislation permits the courts to give a defendant an indication of the type of sentence that would be imposed if the defendant pleads guilty at that time. For example, the Magistrates Court can indicate whether it would be likely to impose a fine, a community correction order, or an immediate term of imprisonment. The higher courts can indicate whether or not an immediate term of imprisonment would be imposed. If the defendant then pleads guilty at the first opportunity, the court may not impose a more severe sentence than indicated.

Sentence indications can help a defendant decide whether or not to plead guilty, and can thus facilitate earlier resolution of matters. This can benefit victims of crime, sparing the stress of trials and the need for victims to give evidence. However, because sentence indications are usually given at an early stage in criminal proceedings, they generally occur before the court has heard detailed information from the victim about the impact the offence has had on them.

A crime's impact on the victim is an important factor in determining a sentence. Consideration of that impact is required by the Sentencing Act 1991. By explicitly providing that a court may refuse to give a sentence indication if it has insufficient information regarding the impact of the offence on any victim, the bill makes clear to police and prosecutors that they need to consult with victims and be able to provide the court with that information whenever possible. This reinforces the principles of the Victims' Charter Act 2006.

The bill does not limit the courts' existing discretion to refuse to give a sentence indication for any reason. Nor does it prevent a court from providing an indication even though it might not have detailed information about the impact of the offence on a victim, if the court feels that it has enough information to give an appropriate sentence indication in all the circumstances. However, the amendment reinforces the expectation

that a court will obtain and consider information about the effect of a crime on the victim prior to giving a sentence indication unless there is good reason to do otherwise in a particular case.

### **Compensation for property loss and damage**

Part 3 of the bill amends the Sentencing Act 1991 so that, wherever possible, offenders will be ordered to compensate their victims for the property damage and loss they have caused.

Currently section 86 of the Sentencing Act 1991 allows courts to order that an offender pay compensation to persons suffering loss or destruction of, or damage to, property as a result of the offence (not exceeding the value of that property). The bill amends section 86 to:

- require that courts ask whether a compensation order relating to property loss or damage will be sought;

- provide that in cases where evidence of property loss or damage has been presented to a court, the court may make a compensation order relating to property damage or loss of its own motion; and

- expand the range of materials that a court may consider in determining the quantum or particulars of the property damage or loss to include materials not adduced during the trial, provided this evidence is acceptable to the court.

The new power of the court to order compensation of its own motion is in addition to the power of the Director of Public Prosecutions or police prosecutor to bring an application for compensation for property loss or damage on behalf of the victim.

The own motion power will not expect criminal courts to consider complex compensation matters or claims that are difficult to establish. These will need to be settled in civil proceedings, as is currently the case. However, where it is clear that an offender has caused a victim to suffer readily quantifiable property loss or damage as a result of their offending, it is common sense to deal with such compensation matters as ancillary to the criminal trial.

Currently, evidence of property loss or damage must have been prepared for or admitted during the trial or plea hearings or via the victim impact statement process. However, where the quantum of property damage was not relevant to an element of the offence, the court may not have sufficient material before it to determine what compensation to order. By expanding the range of documents that the court can consider to include material provided by the victim, such as

valuations, receipts or quotes for repairs, the bill will make it easier for relevant material to be available to the court to make an appropriate compensation order.

I commend the bill to the house.

**Debate adjourned on motion of Mr HERBERT (Eltham).**

**Debate adjourned until Thursday, 5 July.**

## CRIMINAL PROCEDURE AMENDMENT 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 Criminal Procedure Amendment Bill 2012.

In my opinion, the Criminal Procedure Amendment Bill 2012, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

#### **Overview of bill**

This bill amends the Criminal Procedure Act 2009 to:

- (a) allow recorded evidence-in-chief under division 5 of part 8.2 to be used in another proceeding before a court or a tribunal;
- (b) simplify the procedures that must be followed after the execution of a warrant;
- (c) enable the County Court and the Supreme Court to use the power to impose aggregate sentences more effectively;
- (d) provide the Court of Appeal with a limited power to correct an error in a sentence when refusing leave to appeal.

The bill amends the Magistrates' Court Act 1989 and the Drugs, Poisons and Controlled Substances Act 1981 to simplify certain aspects of search warrant procedures. The bill clarifies the existing aggregate sentencing powers under the Sentencing Act 1991 to enable the County Court and Supreme Court to more effectively use the power to impose an aggregate sentence of imprisonment and to simplify the task of a judge when imposing sentences reduced by virtue of a plea of guilty. The bill also includes amendments that are technical or consequential in nature.

#### **Charter act rights that are relevant to the bill**

##### *Section 13: privacy and reputation*

Clause 23 of the bill amends the Criminal Procedure Act to provide that a court or tribunal may order the production of a child or cognitively impaired witness's recorded

evidence-in-chief for use in a proceeding (other than the original proceeding for which it was produced) before that court or tribunal.

This amendment is compatible with the right to privacy because it does not involve an unlawful or arbitrary interference with a witness's right to privacy or reputation. This amendment will only allow the use of a child or cognitively impaired witness's recorded evidence at another proceeding when the court determines that it is in the best interests of the witness to do so, having regard to the need to protect the privacy of the witness. The purpose of this amendment is to prevent that witness from having to give evidence more than once and thereby minimise the stress and trauma that the witness is exposed to.

##### *Section 24 — fair hearing and rights in criminal proceedings*

Section 24(1) of the charter act provides that a person charged with a criminal offence has a right to a fair and public hearing and section 25(2)(g) provides that a person may examine, or have examined, witnesses against him or her.

Clause 38 amends the Magistrates' Court Act 1989 in relation to the procedural requirements that police must adhere to following the execution of a search warrant. Clause 41 makes the same change to the Drugs, Poisons and Controlled Substances Act 1981.

Currently, an item that is seized by police pursuant to a warrant must be brought physically before the court, except if that item is deemed to be bulky or cumbersome. An item that is 'bulky or cumbersome' may be brought before the court by giving evidence on oath to the court as to the present location of the items and by producing a photograph of the seized item. The bill removes the condition that the item must be bulky and cumbersome for this exception to apply. The amendment will mean that the requirement to bring any item before court may be satisfied by adducing evidence on oath as to the physical location of the item as well as photographic evidence of the item seized.

It may be argued that this is relevant to the right to a fair hearing under the charter act because it may raise issues in relation to the integrity of the seized item and possible non-compliance with the terms of a search warrant.

However, these amendments simply extend the current exception that applies to bulky or cumbersome items to all items seized under a search warrant. The obligation on police officers to adhere to the terms of a search warrant and the relevant legislation is not affected. Once an item is brought before the court by photograph and by evidence on oath, it will still come under the direction of the court in the same manner as if it had been physically produced to the court. Furthermore, under current practice, items produced to the court are generally returned immediately to the possession of the police after being sighted by a magistrate. For these reasons, these provisions in the bill are compatible with the right to a fair hearing and rights in criminal proceedings.

##### *Section 27: retrospective criminal laws*

Section 27 of the charter act prohibits the retrospective application of criminal liability.

Clause 46 of the bill inserts new section 145 in the Sentencing Act 1991. New section 145 is a transitional provision which clarifies the way the Supreme Court or County Court may impose aggregate sentences of imprisonment. The transitional arrangement established by this provision means that the new

aggregate sentencing provisions will apply to sentences imposed after the commencement of the relevant provisions, irrespective of when the relevant offences (which are the subject of the sentences of imprisonment) were committed.

I do not consider this clause to be relevant to section 27 of the charter act because it does not alter the criminal liability of an accused nor does it alter the penalty that may be applied in respect of an offence committed prior to the commencement of the provision. Rather it simply clarifies the sentencing arrangements that may apply to a person who has been tried and convicted of an offence.

Clause 32 of the bill inserts new section 442(1) into the Criminal Procedure Act. New section 442(1) is a transitional provision which enables a single judge of the Court of Appeal to apply the new test for determining a leave application to all pending applications for leave to appeal against sentence, irrespective of when the sentence was imposed or when the application was commenced. The new test ensures that errors in sentences are corrected and should also assist the Court of Appeal in managing its significant appeals workload. This transitional arrangement does not limit section 27 of the charter act.

Robert Clark, MP  
Attorney-General

### *Second reading*

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

That this bill be now read a second time.

The just and efficient operation of criminal procedure laws is crucial for an effective criminal justice system. This bill further delivers on the government's election commitment to tackle delays and inefficiencies in the justice system.

The bill gives the courts greater flexibility in a range of criminal procedures so that cases can be determined more quickly. The bill will also simplify cumbersome warrant procedures that unnecessarily take up the time of police and magistrates.

### **Appeals by an offender against sentence**

In February last year, the Court of Appeal introduced far-reaching procedural reforms to reduce the backlog of criminal appeals. In just one year, the Court of Appeal was able to reduce the number of pending appeals from 532 to 268. The government has supported the Court of Appeal's ongoing work to reduce delays by providing ongoing additional funding totalling \$3.2 million over the next four years in this year's budget.

A crucial element of the court's reforms is refusing leave to appeal against sentence where there is no reasonable prospect that the sentence will be reduced. However, in cases where an offender has been

sentenced to imprisonment for a number of offences, the court currently does not have the power to refuse leave to appeal where there is an error in one of the sentences imposed, even though that error may make no difference to the overall total effective sentence imposed on the offender.

Division 1 of part 2 of the bill introduces an amendment to enable the Court of Appeal to refuse leave where there is an error in an individual sentence but there is no reasonable prospect that the Court of Appeal would reduce the total effective sentence. If leave to appeal is refused in that circumstance, the court will be able to exercise a limited power to correct an individual sentence. This power may also be exercised where the Court of Appeal is constituted by a single judge.

This approach will avoid court resources being tied up in a full appeal where there is no reasonable prospect of the court reducing the total effective sentence, while still allowing the court to rectify errors in an individual sentence that do not affect the total effective sentence.

### **Aggregate sentences**

The bill also reforms the law relating to the imposition of aggregate sentences in the trial court.

In recent years, the power of Victoria's higher courts to impose aggregate sentences of imprisonment in respect of two or more offences has become a highly complex and technical process. The general power to impose an aggregate sentence of imprisonment under the Sentencing Act 1991 was considered by the Court of Appeal in *DPP v. Felton* [2007] VSCA 65 (Felton's case). In this decision, the Court of Appeal determined that, when imposing aggregate sentences of imprisonment, it is necessary for sentencing judges to identify the separate events giving rise to specific counts and to consider each separate sentence to be imposed in respect of each offence. This effectively required the court to do almost everything that is required when imposing individual sentences except formally make orders for concurrency or accumulation.

This requirement has placed an onerous burden on sentencing judges. It has also diminished the overall utility of aggregate sentences.

Division 3 of part 4 of this bill amends the Sentencing Act to clarify the use of aggregate sentencing in the County Court and the Supreme Court and to provide that the technical requirements imposed by the Court of Appeal in Felton's case no longer apply. The amendment will make clear that, in the course of imposing an aggregate sentence of imprisonment, a

sentencing judge is not required to identify the separate events giving rise to specific offences, the individual sentences that would have been imposed for each specific offence or whether those sentences would have been imposed concurrently. This change simplifies the sentencing process, reduces the risk of technical appeal points, and addresses the onerous limitations imposed by the decision in Felton's case. The bill also applies these principles of aggregation to sentences involving fines, as well as those involving imprisonment.

These amendments will simplify plea hearings and enable judges to sentence more efficiently in cases involving multiple offences, where at present orders as to concurrency and cumulation can become very complex. The effective use of aggregate sentencing is also important for victims of crime and the broader community, because it focuses on the total effective sentence imposed in response to the offender's overall offending.

### **Sexual offence reforms**

Clauses 21 to 23 of the bill will expand the use of recorded evidence-in-chief of children and cognitively impaired witnesses. Currently, this type of recorded evidence can only be used in the prosecution of sexual offences or specific indictable assault offences.

The bill will allow prerecorded evidence to be admissible in proceedings for offences involving child pornography and sexual performance involving a minor, as well as for proceedings for summary assault offences when they are related to the specified indictable offences for which recorded evidence can be used. The bill will also allow evidence that has been recorded to be used in other proceedings in another Victorian court or tribunal, for example in family violence proceedings and hearings before VOCAT, if the court or tribunal is satisfied that it is in the best interests of the child to do so. The broader use of recorded evidence will help avoid a child having to give their evidence about a traumatic criminal offence on multiple occasions.

Special hearings are an important process established for taking evidence from children and cognitively impaired complainants in sexual offence proceedings. The special hearing provisions were introduced in 2006 to implement recommendations of the Victorian Law Reform Commission in its 2004 final report, *Sexual Offences — Law and Procedure*.

Currently, special hearings are conducted prior to the commencement of the trial and the complainant's evidence is prerecorded, admitted into evidence at the

trial and played before the jury. In 2011 the Sexual Assault Reform Strategy evaluation found that the conduct of special hearings as a separate pretrial process has contributed to increased delays in the prosecution of other sexual offence cases and has placed an increasingly onerous burden on court resources. It has also contributed to court delay by effectively doubling the time that would be required if the complainant were to give evidence during the trial. This is because the special hearing must be recorded, which will often take one to two days, and then the recording is played to the jury once the trial has commenced.

Over the six years that special hearings have been in use, much has been learnt about how a special hearing can best be conducted. The special hearing is not a substitute for a committal proceeding. It is part of the trial process. Counsel need to conduct the special hearings accordingly and not as a 'dry run' in which the evidence of a complainant can be later edited to ensure admissibility.

To reduce the delay caused by this dual process, this bill introduces an amendment to allow the court to conduct special hearings either before a trial or during a trial. Clause 24 sets out a number of factors to which the court must have regard in determining whether to conduct the special hearing before or during a trial. These factors will enable the court to consider the needs of complainants in each case to determine the best approach to adopt.

Where a special hearing is conducted during the trial, clause 26 of the bill will provide greater certainty for complainants as to when they will need to give evidence and will support the need for the complainant's evidence to be completed without disruption if possible. This recognises that if a special hearing is conducted during a trial, there will be other factors that affect the conduct of the special hearing. These requirements preserve key benefits of the pretrial process while avoiding the duplication of time and resources involved with conducting special hearings before the trial.

This change will enable the courts to manage cases in a more efficient manner while recognising the individual needs of each case and each complainant.

### **Children's Court appeals**

The bill contains a number of amendments to appeal processes, particularly in part 3 of the bill concerning appeals from the Children's Court. These reforms include providing a new power to reserve a question of law for consideration by the Court of Appeal where a

difficult legal issue arises in an appeal from the Children's Court to the County Court or the trial division of the Supreme Court. A similar power is provided where an appeal from the Magistrates Court is heard in the County Court. This and other reforms to appeal processes in this bill will ensure that the same processes are available whether a case commences in the Children's Court or the Magistrates Court.

### Warrants

Search warrants are an important investigative tool for Victoria Police. Divisions 1 and 2 of part 4 of this bill amend provisions for warrants under both the Magistrates' Court Act 1989 and the Drugs, Poisons and Controlled Substances Act 1981. Under both acts, once police have executed a search warrant they must bring the items they have seized before the Magistrates Court for the item to be dealt with according to the law. In practice, this generally results in items being returned immediately to the possession of the police after being sighted by a magistrate. This is time consuming for both police and magistrates. An exception to the current requirements is provided under the Magistrates' Court Act where the item is bulky or cumbersome. In this situation the police officer may provide evidence as to where the item is and produce a photograph of the item. The bill will enable this simple and practical approach to be used for all items, irrespective of whether the item is bulky or cumbersome. This will provide more efficient processes for both police and magistrates.

The amendments made by this bill will introduce important improvements to the criminal justice system that will help reduce delays and better provide for the needs of vulnerable victims of crime when giving evidence before our courts.

I commend the bill to the house.

**Debate adjourned on motion of Mr HERBERT (Eltham).**

**Debate adjourned until Thursday, 5 July.**

## CIVIL PROCEDURE AMENDMENT 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 Civil Procedure Amendment Bill 2012.

In my opinion, the Civil Procedure Amendment Bill 2012, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

### Overview of bill

The Civil Procedure Amendment Bill 2012 ('the bill') amends the Civil Procedure Act 2010 ('the act') to introduce specific powers and discretions for the courts in relation to costs and expert evidence, to provide greater flexibility in the overarching obligations and proper basis certification requirements in the act and to make other technical amendments.

The bill aims to reduce costs and delays for persons involved in civil litigation and therefore improve the effectiveness of the civil justice system.

### Human rights issues

#### 1. *Charter act rights that are relevant to the bill*

##### *Right to a fair hearing*

Section 24(1) of the charter act provides that a party to a civil proceeding has the right to have the proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. This right may be relevant to clause 10 of the bill. This clause introduces a number of case management powers for the courts in relation to expert evidence in a civil proceeding, including specific powers for the courts to place restrictions on the use of expert evidence and expert witnesses in a proceeding. For example, a court may require a joint experts report or take expert evidence from a court-appointed expert.

Clause 10 will assist the courts to manage and reduce costs and delay arising from the process of gathering expert evidence. The clause thereby enhances access to the courts and the right to a fair hearing for all persons in the civil litigation system. The bill also provides a number of safeguards for litigants, including requiring a court to consider various factors before making orders which restrict the use of expert witnesses by parties. A party will be able to appeal the exercise of discretion by the court, including in relation to the appointment of a court-appointed expert.

I therefore conclude that the bill is compatible with the right.

Robert Clark, MP  
Attorney-General

### *Second reading*

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

That this bill be now read a second time.

The Civil Procedure Amendment Bill 2012 (the bill) will amend the Civil Procedure Act 2010 (the act) to improve the efficiency of the civil justice system, and reduce the administrative burden on litigants and legal practitioners.

The act commenced on 1 January 2011. It provides a broad framework for the conduct of civil proceedings in the Supreme, County and Magistrates courts. The overarching purpose of the act is to facilitate the just,

efficient, timely and cost-effective resolution of the real issues in dispute in a proceeding. The act seeks to achieve this by providing a range of discretionary case management powers to strengthen the courts' ability to appropriately manage and control civil litigation, and thereby reduce costs and delays.

Building on this objective, the bill introduces further case management powers for the courts in two key areas: costs and expert evidence.

The desirability of reform in these areas was identified by the Victorian Law Reform Commission (the commission) in its 2008 review of the civil justice system.

The civil procedure advisory group has considered the commission's recommendations at length. The advisory group is chaired by the chief justice of the Supreme Court and includes senior representatives of the Supreme, County and Magistrates courts, VCAT, the Victorian Bar, the Law Institute of Victoria, the Federation of Community Legal Centres, Victoria Legal Aid and the Australian Corporate Lawyers Association. I thank the chief justice for her continued leadership of the group, and the group members for their input and significant contribution to the development of these reforms.

The bill furthers the government's commitment to reducing the administrative burden for litigants and legal practitioners. A key reform of the bill is to amend the overarching obligations and proper basis certification requirements in the act. Since the act commenced last year, the government sought feedback from the courts and profession about these requirements. Suggestions to improve their practical operation have been incorporated in the bill.

I turn now to the key aspects of the bill.

### **Costs reforms**

The bill provides discretionary powers for the courts to make orders for the disclosure of costs associated with litigation by a lawyer to his or her client, and discretionary powers in relation to costs orders. The main objectives of these reforms are to increase parties' access to information about litigation costs to encourage the settlement of suitable cases, and to promote flexibility in making costs orders that will reduce the cost and time associated with costs disputes.

Information about litigation costs can play a significant role in a party's decision to settle appropriate cases. The bill gives the courts a discretionary power to order that a legal practitioner disclose to their own client actual or

estimated pretrial costs or the estimated costs they would have to pay if unsuccessful at trial. The power may be used by the courts in appropriate cases to ensure that parties are fully informed about litigation costs, for example, prior to significant events such as mediations.

While courts currently have a broad discretion to make costs awards in proceedings under the rules of court, the usual order (that costs follow the event) can require the parties to undergo a detailed and expensive assessment of costs in order to determine the amount payable. The bill makes clear that the court may make various types of costs orders aside from the usual order. This might include ordering that parties pay costs in specified proportions or fixing or capping the amount of recoverable costs in advance. Such orders can avoid the need to proceed to a full assessment of costs. Other jurisdictions, including New South Wales and the Federal Court, have used a legislative power similar to the provision in this bill to avoid the need for lengthy assessments.

### **Expert evidence reforms**

Expert evidence plays a critical role in civil litigation and is often essential to the just determination of an issue. However, expert evidence can also be a source of expense, complexity and delay in civil proceedings. There are significant concerns about adversarial bias and wastage of court resources caused by the misuse and overuse of experts.

The courts currently have a general power to manage certain aspects of expert evidence in civil proceedings. The bill gives clearly defined powers to the courts in relation to expert witnesses and their evidence, which aim to improve the quality and integrity of expert evidence and enhance its usefulness to judges and magistrates.

To ensure that the parties and the courts are discussing the management of expert evidence issues from an early stage of a proceeding, parties in the higher courts will generally be required to seek directions from the court where they intend to adduce expert evidence at trial. It is recognised that such a requirement may not be appropriate for all types of litigation, and the bill therefore allows the courts to exempt specific types of litigation from this requirement. The requirement will not apply in the Magistrates Court unless its rules specify otherwise, reflecting the less complex nature of proceedings in that court.

The bill clarifies that the court can give any direction it considers appropriate in relation to expert evidence,

including limiting expert evidence to specific issues or limiting the number of experts who can give evidence on an issue. A court may also direct that two or more experts confer with one another and prepare a joint report which sets out the key areas of agreement and disagreement between them. The court may also direct that two or more experts give evidence concurrently and be allowed to ask each other questions, which is a process that has been used to good effect in other Australian jurisdictions, including New South Wales and the Federal Court.

These are important powers that can produce significant time and cost savings by enabling the real issues in dispute between experts to be identified and narrowed from an early stage, thereby avoiding lengthy cross-examination, and allowing experts to more effectively respond to the views of other experts.

The bill gives discretionary powers to a court to order that two or more parties jointly retain an expert, or that a court appoint its own expert to assist the court in the proceeding. Using a single joint expert or court-appointed expert to give evidence on a particular issue can reduce the time and costs associated with expert evidence on that issue, and may assist in the efficient conduct of the proceeding more generally. These types of experts are used in other Australian jurisdictions, including Queensland and the Family Court, although the concept is relatively new to litigation in Victoria. The bill therefore provides guidance to the courts as to when it may be appropriate and useful to appoint such an expert.

In addition, the bill requires parties to seek leave of the court to adduce further evidence where a single joint or court-appointed expert has given evidence on a particular issue. This ensures that the benefits associated with the appointment of a single joint or court-appointed expert are not undermined by the unnecessary presentation of further evidence, while also ensuring that additional evidence can be presented if required in the interests of justice, or to ensure that a party is not prejudiced in the proceeding.

There are some arrangements which exist between parties and experts which have the potential to create a conflict of interest and which may compromise the independence, or the perceived independence, of an expert witness. To promote transparency and accountability and reinforce an expert's primary duty to the court, the bill gives parties the power to apply to the court for an order that an expert witness disclose to the court and to all other parties the arrangements under which they have been retained. A purpose of these powers is to enable disclosure of any aspects of the

arrangements under which an expert witness has been retained that could influence the impartiality of the expert's evidence or be perceived to do so. Any information disclosed under the provision can only be used at the trial where the court gives leave, ensuring that the rules of evidence are not interfered with and parties are not prejudiced by the disclosure. The power to apply for an order for disclosure is subject to any rules of court that may be made to prescribe the circumstances in which such an application may be made.

### **Reforms to certification requirements**

There are currently two certification requirements in the act. The first of these requires a party to personally certify that they have read and understood the overarching obligations set out in the act (the overarching obligations certification), while the second requires a legal practitioner to certify that the claims made in the proceeding have a proper basis in fact and law (the proper basis certification).

The bill amends these certification requirements to achieve three main goals: to provide greater flexibility in the operation of the requirements; to reduce the administrative burden on litigants and legal practitioners; and to clarify the circumstances in which certification must be given to promote certainty and consistency and ensure that certification is required in appropriate circumstances.

Under the act as it stands, the overarching obligations certification must be made personally by a party. Although the act allows a litigation guardian or similar representative to make the certification in place of the named party, similar allowances are not made for others who may be in control of the litigation but who are not named as parties. For example, an insurer who brings litigation in the name of the insured party usually has actual control over the conduct of the proceeding, makes the key decisions and provides instructions to the lawyers, and yet they are currently unable to formally acknowledge their obligations to the court by signing the certificate. The bill remedies this by giving the person in control of civil proceedings by virtue of a statute or contract of insurance the option to make the certification instead of the named party. This will be particularly useful where the insured cannot be found or does not feel comfortable signing the certificate, as they are the party in name only.

The act, as introduced by the previous government, requires the overarching obligations certification to be made in each proceeding commenced in the courts. Such certification was intended to ensure that litigants

fully understand and engage with their obligations. However, sometimes the same litigant will be involved in multiple civil proceedings each year. Repeat users such as insurers or debt collection companies will be well aware of their obligations, having made certifications in previous proceedings. In these circumstances, complying with the requirement each time a proceeding is filed simply increases costs while producing little benefit. The bill therefore amends this poorly considered provision to relieve parties from the pointless administrative burden of repeatedly having to file the certification where the party is or has been involved in more than one civil proceeding and has already personally made the certification in other civil proceedings in the same jurisdiction within the previous two years or such other period as may be specified by the rules of court.

The bill also relieves legal practitioners from the administrative burden of complying with the proper basis certification requirement where the document or process concerned is considered by the courts to be strictly administrative or procedural in nature. Some court documents do not raise disputed issues and no useful purpose is served by requiring a practitioner to certify that there is a proper basis for the claim. For example, the process of registering a judgement is administrative as no significant contentions are involved. To provide maximum flexibility, the courts are tasked with determining what processes are administrative in nature and therefore exempt.

### **Other amendments**

In addition to these reforms, the bill makes a number of consequential and technical amendments to ensure the efficient operation of the act.

I commend the bill to the house.

**Debate adjourned on motion of Mr HERBERT (Eltham).**

**Debate adjourned until Thursday, 5 July.**

## **FORESTS AMENDMENT BILL 2012**

### *Second reading*

**Debate resumed from 20 June; motion of Mr R. SMITH (Minister for Environment and Climate Change); and Ms NEVILLE's amendment:**

That all the words after 'That' be omitted with the view of inserting in their place the words 'this house refuses to read this bill a second time until the proposals contained in the bill

have been referred to and considered by the Environment and Natural Resources Committee'.

**Ms McLEISH (Seymour)** — I am pleased to rise today in support of the Forests Amendment Bill 2012, particularly because this bill reinforces the coalition government's commitment to making firewood collection on public land simpler and more affordable.

There are three purposes of the act. The first is to amend the Forests Act 1958 to provide for the cutting and taking away of fallen or felled trees in areas of state forest for the purposes of domestic use as firewood without a licence or permit. We are talking about trees that have fallen or been felled. The second purpose is quite similar. It is to amend the Crown Land (Reserves) Act 1978 in regard to the taking of fallen or felled trees in certain regional parks for domestic use as firewood without a permit. The first purpose relates to state forests and the second one to regional parks. The third purpose relates to consequential amendments to the Land Act 1958, the National Parks Act 1975 and the Wildlife Act 1975.

Being in a regional area I certainly understand a reliance on firewood. My electorate in particular is a large area of farmland with lots of small towns, and there is no natural gas to a lot of those towns, so a lot of people rely on fires to heat their homes during winter. In some instances they will also cook with a wood stove. When I grew up we had a wood-fired stove that we not only cooked on and heated the house with but also used as our source of hot water, and it was not a lot of fun having to light the fire to ensure that we had hot water in the middle of summer.

The situation now for people with wood fires who need to kindle them is that there are several sources of firewood. One is their own property. My family is lucky enough that we have been able to have that source on our farmland. We have been able to collect the wood for ourselves, but not everybody has an acreage on which they can do this. Many people who rely on wood as a source of heating live in towns and have to obtain it by other means. This can include collecting it from public land.

I am not so keen to say so, but sometimes people will collect their firewood illegally. Certainly, though, there are many legal options available. Those include purchasing it from a trader — I am sure everybody has seen bagged-up wood in shops — and many sporting clubs and other organisations will sell cubic metres of firewood to fundraise. I know that when I was younger the football club would often go around to landowners and collect firewood to sell as a fundraiser. That sort of activity still happens.

But there has also been the mechanism of purchasing a permit so that you have the right to go and collect firewood from the forest or from public land. Getting this permit is not always easy. The places you have to go to get the permit are not always close to home and not everybody has access to the internet or a computer on which to do it online, so some people have had to travel distances to pay for a permit so that they could then go and collect the firewood.

Our government said that it would make the collection of firewood from public land for domestic purposes more affordable by abolishing the need to obtain a firewood collection permit, so people are not having to go out and get the permit. The change means that you no longer need the permit, you will no longer need to travel to get that permit and you will be able to source wood from your closest or favourite collection area.

I have heard some criticism that this new system is a free-for-all, that it is open slather. Nothing could be further from the truth. This is not a free-for-all. This legislation is fairly straightforward. It is easy to follow, and there are appropriate checks and balances in place. Those checks and balances are around ensuring that there is an ongoing and sustainable firewood source, that there are appropriate environmental safeguards in place and that there are strong deterrents to illegal commercial operations. There are penalties as well. Some of the penalties we are talking about relate to the illegal taking of forest produce. The penalties could involve amounts of up to \$6000, which is fairly substantial. There is also the possibility of an offender being sentenced to a year in jail. These sorts of penalties are being put in place to make sure that the scheme is not exploited and that it is not a free-for-all, which is a term that has been bandied around.

There are also limits on the amount of firewood that can be taken. There is a limit per household of 2 cubic metres per day and 16 cubic metres per year. That means that you cannot stockpile firewood. It means one or two enterprising families could not go out, load up the ute or the trailer and bring back as much as they liked to make sure they had enough not just for this winter but for the next couple of winters as well. Those limits are really to make sure that there is a reasonable balance for everybody who wants to pop out and spend the day in the open collecting firewood.

There are defined seasons when firewood collection can actually occur — autumn and spring. We are not talking about 5 minutes being available in each of those seasons, we are talking about the full three months in each season. The rules and regulations around this will make sure that this scheme is not exploited and that it is

certainly not a free-for-all. There are designated firewood collection points, and information about these firewood collection points is easily accessible on the internet. Hard copies can also be obtained; people can pop into my office and get a hard copy of that.

I have listened to a number of members of the opposition speak about this legislation and their reasons for opposing it. I must say I am a little bit perplexed about some of the comments that have been made. I heard the lead opposition speaker on this bill and the member for Bendigo West talk about the mass confusion out there. I ask: what mass confusion?

I live in an area in which people do have wood-fired heaters. We have a lot of forest and a lot of country area around us, yet only one person has contacted my office about this with the concern that it will be open slather. I was very pleased to tell that person that there are so many checks and balances in place that this will not be an open slather situation. I am not sure what message they are sending out to their electorates that is making everybody so confused, because I am certainly not finding that to be the case at all. As I said, only one person contacted my office about this. I went back and double-checked to make sure that I was not wrong and that two people had made contact. However, I have confirmed that my office has only had contact about this from one person.

In my area we also have domestic firewood agencies — the Alexandra Ampol service station and the Eildon service station. At the moment people can go to those service stations to collect their permits. I am really pleased that through this system we are making it unnecessary for people to have a permit to collect wood at a reasonable level to heat their homes. The abolition of firewood permits reduces the burden of red tape. I am quite surprised that the opposition is opposing this legislation, knowing that it reduces that burden. I am sure that, like us, members of the opposition have heard that the red tape burden is something individuals and organisations find quite strangling. This legislation is going to ease that burden of red tape around personal firewood collection, and it will make it easier for households to actually access an annual supply of firewood.

The bill creates clear legislatively defined rules for collecting firewood from public land without a permit. It includes checks and balances, as I have outlined already, to ensure that there is a sustainable supply of firewood for all Victorians and that there are appropriate environmental safeguards. The bill creates a strong deterrent for people who do not adhere to the firewood collection rules or who want to undertake

illegal commercial firewood collection. There is a flexible component to ensure that the supply can be managed sustainably over the long term and that local needs and unforeseen circumstances can be dealt with. This flexibility will be particularly important in areas of the state where the firewood resource is limited.

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

**Business interrupted pursuant to standing orders.**

## QUESTIONS WITHOUT NOTICE

### Whistleblowers: legislation

**Mr ANDREWS** (Leader of the Opposition) — My question is to the Premier. I refer the Premier to the Ombudsman's report released today, particularly page 31 of that report, where it says:

The disclosure also included an additional allegation of detrimental action ... but I am unable to report on in any way because of provisions in the WPA —

that is, the Whistleblowers Protection Act 2001. The report continues:

This issue was drawn to the government's attention some months ago, and I have suggested a legislative means of resolution.

... no such legislative amendment has been effected to date ...

I ask the Premier: why has the government not acted on the Ombudsman's request to amend the Whistleblowers Protection Act 2001 so that the public interest can be served?

**Mr BAILLIEU** (Premier) — I thank the Leader of the Opposition for his question. The Whistleblowers Protection Act was introduced by the previous government in 2001, and it is section 22, if I remember rightly, that prevents the disclosure of those who make a whistleblowers disclosure to the Ombudsman. That is a fact, and that is the law under the legislation introduced by the previous government.

The Ombudsman has sought a change to that, and that change is a significant change to the fundamental premise of the Whistleblowers Protection Act. We take that seriously, and that matter is under consideration in the context of the introduction of the Independent Broad-based Anti-corruption Commission — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The house will come to order, particularly the member for Altona.

**Mr BAILLIEU** — That matter has been under consideration in the context of the development of the Independent Broad-based Anti-corruption Commission and wider integrity reforms — —

*Honourable members interjecting.*

**Questions interrupted.**

## SUSPENSION OF MEMBER

### Member for Altona

**The SPEAKER** — Order! The member for Altona has been warned. She can leave the chamber for half an hour.

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

## QUESTIONS WITHOUT NOTICE

### Whistleblowers: legislation

**Questions resumed.**

**Mr BAILLIEU** (Premier) — As I said, the matter has been under consideration in the context of the introduction of the Independent Broad-based Anti-corruption Commission and wider integrity reforms, and it has also been under consideration in the context of there having been before the Ombudsman matters on foot. The government is mindful of the Whistleblowers Protection Act and the protections it has provided to whistleblowers who made disclosures, and that matter remains under consideration.

### Carbon tax: economic impact

**Mr NEWTON-BROWN** (Pahran) — My question is to the Premier. In light of the motion passed unanimously by this house, will the Premier outline to the house the impacts of federal Labor's carbon tax on Victoria?

**Mr BAILLIEU** (Premier) — There are 10 days until the commonwealth's carbon tax is imposed on all Australians — and it is worth remembering what the tax is and what it will do to Victoria. We have said from the start that we have been concerned about the impact on jobs, the impact on regions and the impact on the economy. We have been concerned about the inadequacy of the compensation and the timing of the carbon tax, and that remains. We remain concerned about the impact, and we remain concerned that the

compensation is inadequate. There could not be worse timing for this change.

The commonwealth says that only 500 companies will pay, but among the 500 are companies that produce things used by all Australians, like electricity and gas. Also among the 500 are major employers, investors and businesses, which underpin this economy, particularly in regional areas. We have spelt out before in this chamber the impact on schools and hospitals in terms of the increasing cost of energy — in other words, the carbon tax will have an impact on all Victorians, and we are concerned about that. Electricity bills are expected to rise by up to \$200 per year for an average home and gas bills by up to \$160 per year. There is no doubt that the carbon tax will be felt across the board.

We were pleased that the resolution before this house was passed without any dissent and with precious little comment from members on the other side of the house. The relative silence here — —

**Mr Andrews** interjected.

**The SPEAKER** — Order! If he wants to see question time out, I would be quiet if I were the Leader of the Opposition.

**Mr BAILLIEU** — We were pleased that the resolution of this house was passed without dissent, but the silence in here from some is sadly also the case outside. There is silence on this, silence about jobs, silence about regions, silence about the economy and silence about the impact on hospitals, on schools and on so much of what government delivers by way of services. We remain concerned about the thousands of jobs that will go as a result and the extraordinary loss of investment in this state.

At every opportunity that businesses have had to raise these issues, they have done so. Industrial Energy's general manager, Tony Ferguson, said on 1 May this year:

With the introduction of the carbon tax on 1 July the future of Victoria's only brown coal briquette manufacturer is expected to be unsustainable under a business-as-usual scenario.

The BHP chairman, Jacques Nasser, said on 16 May:

I cannot overstate how the level of uncertainty about Australia's tax system is generating negative investor reaction ... People don't know where it's going.

Jeanne Pratt said on 1 April this year that:

This carbon tax is absolutely crazy.

This will have an impact on Victorians, and it will have an impact on Victorian businesses. The compensation is not adequate, and the timing could not be worse. It is just sad that the opposition and the Leader of the Opposition are so silent on this issue.

**Minister for Police and Emergency Services:  
conduct**

**Mr ANDREWS** (Leader of the Opposition) — My question is to the Deputy Premier and Minister for Police and Emergency Services. I ask: was the Deputy Premier advised by Simon Overland of his intention to send Sir Ken Jones on 'gardening leave' before it occurred?

**Mr RYAN** (Minister for Police and Emergency Services) — I welcome the question from the Leader of the Opposition. This is another phase, of course, in the development of the bizarre conspiracy theory that the Labor Party has persisted with over the course of the last 12 months. I want to have regard to the report that has been tabled today, because it is very pertinent to the position to which the question relates.

Paragraph 114 of the report relates to the conversation which the then Chief Commissioner of Police, Mr Overland, had with Ms Helen Silver in her role as the Secretary of the Department of Premier and Cabinet on the morning of 6 May. Ms Silver said in her commentary to the Ombudsman:

... I wish to clarify that, following my meeting with Mr Overland on the morning of 6 May ... I did not know it was Mr Overland's intention to direct Mr Jones to take leave from that day.

She also said:

Therefore, I was shocked and deeply surprised when I learnt in the early afternoon of 6 May 2011 that Mr Overland had directed Mr Jones to immediately take leave.

Insofar as my own position is concerned, as I reflected in the commentary which is in turn in the *Crossing the Line* report, I had a discussion with the then chief commissioner on that morning about the general principle — as I have said in the course of the commentary in *Crossing the Line* — of people parting company in circumstances where a decision is made that they are not going to be working in the environment that was there previously.

I gave the advice which is set out in response to the request made of me by Mr Overland. He asked my views, and I gave the opinion which is set out in the course of the *Crossing the Line* report and reflected

again in paragraph 116. Therefore, as paragraph 117 says:

Mr Ryan's response to my office states that Mr Overland did not inform him 'that he intended, later that day, to direct Mr Jones to immediately take leave'.

And that is the fact — he did not.

For a third consideration in all this one need only have regard to paragraph 118 of the report, which is the commentary from Mr Overland himself. In the course of that commentary Mr Overland says:

My discussions with the Secretary of the Department of Premier and Cabinet, Ms Silver, and Deputy Premier Ryan early on the morning of Friday, 6 May 2011, were concerned with the general proposition of sending Mr Jones on leave ahead of his resignation ...

He concludes this paragraph — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Deputy Leader and the Leader of the Opposition! Come to order!

**Mr RYAN** — And he — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Deputy Leader of the Opposition went out of the chamber yesterday and he will go out again today.

**Mr RYAN** — He concludes his own comments by saying:

My intention remained to require Mr Jones to take leave over the next couple of weeks, until I was briefed about the Nick McKenzie article for the *Age* concerning the murder of Carl Williams and the roles of the Department of Justice and Corrections Victoria in his management ...

**The SPEAKER** — Order! Stop the clock.

**Mr RYAN** — Stop the clock!

**Mr Andrews** — I am happy to move an extension if you want!

On a point of order on the issue of relevance, Speaker, I am grateful for the Deputy Premier reading out other parts of the report, but the question related very specifically to whether he knew about the 'gardening leave' before it occurred, and he should confine his answer to that matter. I am delighted if he wants to keep going, being clearer and clearer on that point. That would be good, because that is what the question was about.

**The SPEAKER** — Order! I do not uphold the point of order because the answer was very relevant to the question that was asked.

**Mr RYAN** — The fact here when you get down to it is that the Leader of the Opposition over the course of the past 12 months, aided and abetted by the member for Monbulk and the member for Altona, has attempted to construct this absolute fabrication of a bizarre conspiracy theory. The real problem with this, as was once famously said — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the house to come to order. This is a serious matter. The Deputy Premier is answering the question that was asked — —

**Mr Andrews** interjected.

**The SPEAKER** — Order! I suggest that the member listen in silence to the answer that is being given.

**Mr RYAN** — The real problem, I say to the Leader of the Opposition, as was once famously said — —

*Honourable members interjecting.*

**The SPEAKER** — Order! No more warnings. The Leader of the Opposition will not be tolerated yelling across the table to the other side. If he does it again, he will be out.

**Mr RYAN** — The problem with the Leader of the Opposition is, as was once famously said, 'You can't handle the truth'.

**Mr Andrews** — On a point of order, Speaker, notwithstanding the very helpful Jack Nicholson quotes from the Deputy Premier, I seek your guidance on whether that sort of abuse is appropriate. Given that you are happy to pull up, it would seem, almost everyone on this side of the house, is that conduct appropriate for a minister? Is that your view? The Deputy Premier can behave like that — is that your view?

**The SPEAKER** — Order! I am not here to be questioned on what my views are.

### **Carbon tax: regional and rural Victoria**

**Mr CRISP (Mildura)** — My question is to the Deputy Premier and Minister for Regional and Rural Development. In light of the motion passed unanimously by this house, will the Deputy Premier outline to the house the impacts of federal Labor's

carbon tax on regional and rural Victoria and its economy?

**Mr RYAN** (Minister for Regional and Rural Development) — I thank the member for Mildura for his excellent question. As the house knows, the Victorian government is investing very heavily in regional and rural Victoria with the purpose of creating prosperity, job opportunities and a better quality of life. Since coming to government, through particularly the use of the Regional Growth Fund (RGF), we have invested in projects which have produced investments totalling about \$1.3 billion that have resulted directly in the creation of another 1400 new jobs.

For example, in the Mildura region, the area represented by the member who asked the question, we are providing to the Mildura riverfront project and to the airport redevelopment literally millions of dollars which will ensure the creation of 54 direct jobs, 131 indirect jobs and another 57 jobs during the construction phase. At Hazeldene's Chicken Farms at Lockwood a \$2 million investment we have made from the RGF will help facilitate 100 direct new jobs, over 1000 indirect new jobs and about 100 jobs in the construction phase. We are making another \$1.5 million investment into the Latrobe Regional Airport to facilitate the expansion of GippsAero, which is going to be Australia's largest aircraft manufacturing business. That will create another 100 new jobs.

Of course there are something of the order of 450-plus projects that we are now running across the state of Victoria resulting from the Regional Growth Fund. All of this and more is going to be put at threat by Labor's carbon tax. It is going to undermine the work our government has been engaged in, and it will impact extraordinarily heavily upon the Latrobe Valley. The valley is going to be the epicentre of the impact of this tax. The government has been working with the Latrobe Valley community to assist the region in the diversification of its economy. As part of this, we have established the Latrobe Valley Industry and Infrastructure Fund, and next month I will be launching the Latrobe Valley Industry and Employment Roadmap, which charts the future direction of the Latrobe Valley, one of the great regions across our state.

But of course there is going to be the impact of the carbon tax to be contended with, particularly in the Latrobe Valley. In the agriculture and food processing industries, which are the foundation of the economy in large parts of regional Victoria, intensive primary industries and businesses associated with them, especially the dairy industry, are all going to be hit hard

by the carbon tax. The dairy industry alone estimates it will add about 0.5 cents a litre to dairy processor costs.

Because the dairy industry is so heavily export oriented and because it has that particular exposure from the perspective of its industry, the dairy companies will not be able to pass on their costs, and it is going to be the price takers, the farmers themselves, who are going to have to wear this. The Department of Primary Industries has considered the impact on individual dairy farms. It has done a study of five particular farms it has carefully considered, and it has come to the conclusion that the average loss across those five farms is likely to be over \$18 000 every year, year upon year. Those carbon tax policies are also going to react very adversely on the forest and timber industries.

As we have seen over the past few days, the statistics that have been released by the Australian Bureau of Statistics show a very positive jobs growth trend in Victoria — 47 600 additional jobs created over the last 12 months. The greatest threat to our economy is the carbon tax. We are pleased to see today that the Victorian Labor opposition agrees with us in our estimate of that threat. The federal Labor government should take heed of it also.

#### **Minister for Police and Emergency Services: conduct**

**Mr ANDREWS** (Leader of the Opposition) — I again direct my question to the Deputy Premier and Minister for Police and Emergency Services. It relates to his previous answer and his reliance in that answer on paragraph 118 of the Ombudsman's report, wherein Mr Overland in his evidence to the Ombudsman made it clear that far from having a general conversation with the Deputy Premier, he in fact had a conversation relating to Sir Ken Jones. I ask: in light of this contradiction, other contradictions with the member for Benambra and countless others, how can any Victorians believe a word you say?

**Dr Napthine** — On a point of order, Speaker, the Leader of the Opposition has been in this Parliament for a long time. Questions are to be directed through the Chair, and I think in his question — and I ask you to perhaps ask him to rephrase it — he asked why people could believe what 'you' say. I suggest that he needs to rephrase his question for that question to be a relevant and eligible question in question time.

**The SPEAKER** — Order! I was giving consideration to the question while it was being asked. I think the Leader of the Opposition was in fact seeking

an opinion, and I would ask him to just rephrase his question.

**Mr ANDREWS** — I am delighted with the opportunity to rephrase the question. It relates to the minister's previous answer. The question is to the Deputy Premier. Would you like me to rephrase just the end bit, perhaps?

**The SPEAKER** — I would like the Leader of the Opposition to rephrase his question so that he is not seeking an answer to an opinion.

**Mr ANDREWS** — Sorry, I am not following, Speaker. So I am not seeking what?

**The SPEAKER** — The Leader of the Opposition, in the way his question was asked previously, was seeking an opinion, so I ask him to rephrase his question. If he does not want to rephrase his question, we will move on.

**Mr ANDREWS** — I am happy to rephrase the question. My question is to the Deputy Premier and Minister for Police and Emergency Services. It relates to his previous answer and his reliance in that answer on paragraph 118 of the Ombudsman's report, where Simon Overland, in his contribution to the Ombudsman, far from describing a general conversation in fact details a conversation that was with the Deputy Premier in relation to specifics about Sir Ken Jones and the gardening leave. I ask the Deputy Premier in his capacity as both the Deputy Premier and a minister who has sworn an oath: in light of this contradiction, contradictions with the member for Benambra and countless others, how can any Victorian believe a word he says?

**Mr RYAN** (Minister for Police and Emergency Services) — My evidence throughout this whole process has been entirely consistent, and that is reflected in this report. Paragraph 118 states:

My discussions with the Secretary of the Department of Premier and Cabinet, Ms Silver, and Deputy Premier Ryan early on the morning of Friday, 6 May 2011, were concerned with the general proposition of sending Mr Jones on leave ahead of his resignation taking effect.

The simple fact is that nothing was said about that day; no reference was made about that day. Mr Overland makes it very clear that there was no reference to that day. The whole thesis that the opposition has tried to build over the course of this last 12 months has been that I incited Mr Overland to send Mr Jones on leave that day. That is the proposition those opposite have put. If you look at *Hansard* on — —

**Mr Merlino** — On a point of order, Speaker, standing order 58 requires the Deputy Premier to be factual and direct. The Deputy Premier has previously said in this place that the conversation he had with Simon Overland was not about Sir Ken Jones but about the general proposition of someone leaving employment. In the transcript of an interview on 9 May — —

**The SPEAKER** — Order! A point of order is not a time for the member to debate the issue. The member's point of order should be in relation to what the Deputy Premier is saying. I am saying that it is not up to me to judge whether it is factual; it is not up to me to judge it.

**Mr Merlino** — The Deputy Premier is not telling the truth, Speaker. That is the problem we are facing today.

**The SPEAKER** — Order! That is the member's opinion, and he is debating the issue. I asked him for his point of order. I do not uphold his point of order.

**Mr RYAN** — And so it is: a general proposition of sending Mr Jones on leave ahead of his resignation. The proposition that has been attempted to be developed by members of the Labor opposition over the course of these months has been founded on the principle that I was purported to have directed Mr Overland or given him to understand that I would be comfortable with his sending Mr Jones on leave that day. If you look at *Hansard* of 9 November last year, there you will see it; if you look at *Hansard* of 10 November last year, there you will see it. That is the proposition they were developing. They were wrong then, and they are wrong now.

### Carbon tax: economic impact

**Ms MILLER** (Bentleigh) — My question is to the Treasurer. In light of the motion passed unanimously by this house, will the Treasurer outline to the house the impacts of federal Labor's carbon tax on the Victorian economy and Victorian jobs?

**Mr WELLS** (Treasurer) — I would like to thank the member for Bentleigh for her question and for her concern about the carbon tax. The Victorian economy and budget have faced many challenges since the Baillieu government came to government: major cost blow-outs left behind by the incompetent previous Labor government — myki, Melbourne Markets, the regional rail project and HealthSMART, just to name a few — costing billions and billions of dollars; falling productivity because the previous Labor government would never stand up to the trade union movement; and

expenditure growth running at 7.3 per cent when revenue was growing at only 6.9 per cent, demonstrating that Labor could never manage money.

The Baillieu government is addressing these matters in a responsible way. Despite inheriting these circumstances, we are now faced with the Gillard Labor government's job-killing carbon tax. This will lay the boots into every Victorian business, and it demonstrates that Labor is held captive by the Greens. Access Economics estimates that the per capita income of Victorians will fall by \$1050 by 2015. The Baillieu government has always said that a carbon tax is bad policy for Victoria, and it will be bad for the state economy.

The budget update factors in the significant impact that the carbon tax will be expected to have on Victorian growth, employment and prices. The estimated growth will be 0.25 per cent lower than was anticipated, consumption will be deferred or reduced and employment growth will be around 7000 jobs less because of the carbon tax. With the carbon tax, it is also expected that prices will rise by 0.7 per cent in 2012–13, and that increase will accelerate to 0.9 per cent by 2015–16.

The Gillard government says a lot about its compensation scheme. Let me say that this is a sham, an absolute sham. Every time a Victorian school light goes on, it will be hit by the carbon tax. Will there be any compensation? There will be no compensation. Every time a Victorian hospital performs an operation or treats someone in an emergency department, it will be hit by the carbon tax. And will there be any compensation? No, there will be no compensation. Every time a tram or a train moves in metropolitan Melbourne, will there be any compensation for the carbon tax? There will be no compensation.

To create jobs the Baillieu government has boosted funding in agriculture, manufacturing and international engagement. We have committed \$5.8 billion in extra infrastructure spending. But the Gillard Labor government's job-killing carbon tax has raised uncertainty, especially in the manufacturing sector. Not only is it faced with a high Australian dollar but it is going to be hit with this unfair carbon tax through higher power prices. This will be devastating, and jobs will be lost. It is now time for state Labor to put aside its mateship with the Gillard Labor government and stand shoulder to shoulder with the Baillieu government in opposing this carbon tax that is unfair for Victorians.

### **Minister for Police and Emergency Services: conduct**

**Mr ANDREWS** (Leader of the Opposition) — My question is again for the Deputy Premier and Minister for Police and Emergency Services, and it refers to his last answer and indeed the one before that. I ask him again: how is it that the Deputy Premier expects Victorians to accept his reliance on Mr Overland's proposition and his testimony to the Ombudsman that the conversation was not of a general nature but in fact mentioned and related specifically to Sir Ken Jones? How does the Deputy Premier explain yet another inconsistency between his recollection and that of the person he was talking to?

**Mr RYAN** (Minister for Police and Emergency Services) — I again thank the Leader of the Opposition for his question. I was talking about a general principle; Mr Overland was talking about a general proposition. People will make of that what they will.

### **Carbon tax: local government**

**Mr KATOS** (South Barwon) — My question is to the Minister for Local Government. In light of the motion passed unanimously by this house, will the minister outline to the house the impacts of federal Labor's carbon tax on Victorian ratepayers and local government?

**Mrs POWELL** (Minister for Local Government) — I thank the member for South Barwon for his question and for his interest in this area, given that he knows what the impacts of the carbon tax will be on the Greater Geelong City Council. I know that every resident in Geelong will be affected by this, because the council will be hit hard by this great big new tax that will be coming in shortly — the federal Labor government's carbon tax.

This complex, burdensome and expensive new tax is just 11 days away. As the Minister for Local Government I can confirm that our local councils are starting to understand just how much the carbon tax is going to cost councils and services across Victoria. Earlier this year the Municipal Association of Victoria released figures which estimated that the median impact will be 1.5 per cent on Victorian councils.

When applying MAV's estimate to the total rates revenue of Victorian councils, the cost of this tax comes out at almost \$56 million. Those taxes have to be paid by someone. It is possible we could see \$56 million pass straight through to the ratepayers of Victoria. What we know is that this tax will impose additional hardship

on Victorian families. While families are all ready struggling under the pressure of the cost of living, this \$56 million hit is something Victorian families cannot afford.

The Gillard tax is not just going to impose a \$56 million hit on councils, there will also be another hit on council waste facilities. The Clean Energy Regulator has recently released its list of carbon-tax-exposed companies. The Hume, Geelong, Wyndham and Bendigo councils will all be hit by a \$23-a-tonne carbon tax. Recent reports in the *Herald Sun* and the *Sydney Morning Herald* show that the Greater Bendigo City Council's exposure will be the equivalent of a 1.7 per cent rate increase as a result of the carbon tax. For Bendigo council that is about \$1.2 million in new taxes.

Yesterday when the motion setting out how bad this new carbon tax will be for the Victorian economy and for hardworking Victorians was passed, it was without division. While it is a relief to see that those members opposite recognise just how damaging this carbon tax is — and it will be for Victoria — it is a pity they did nothing to stop their federal colleagues bringing in this new tax. Our local councils are on the front line of service delivery and on the front line in relation to the impacts of this great big new carbon tax.

There are 79 councils in Victoria, and every single council in Victoria will be impacted by this toxic carbon tax, which means that ratepayers will be impacted. Julia Gillard's carbon tax will destroy Victorian jobs and increase the cost of living for hardworking Victorians and their families.

**Premier: answers to questions without notice**

**Mr ANDREWS** (Leader of the Opposition) — My question is to the Premier. I refer the Premier to his refusal in some 27 question times this year to answer questions relating to the conduct of the member for Frankston, public sector job cuts, cuts to TAFE and the education maintenance allowance, abolishing the School Start bonus, teachers pay, the failure to protect jobs, where new hospital beds will be and indeed the dirty deeds of the Deputy Premier, and I ask: when will the Premier stop treating this Parliament with contempt or, let me guess, does he not accept the premise of the question?

**Mr BAILLIEU** (Premier) — I thank the Leader of the Opposition for his very penetrating question at the end of the session! The Leader of the Opposition is wrong, and the only difference between this question and almost every other question he has asked is that this

time he obviously knows he is wrong. He is wrong in every single way. His backbench should know it and his frontbench knows it; the Leader of the Opposition remains wrong. He remains silent on every significant issue that affects Victoria. That is the way of the opposition here: it is silent on the big issues and wrong on the questions. The Leader of the Opposition is wrong in the way he runs his frontbench and his backbench, and they know it.

**Carbon tax: energy prices**

**Mr WAKELING** (Ferntree Gully) — My question is to the Minister for Energy and Resources. In light of the motion that was passed unanimously by this house, will the minister outline to the house the impacts of federal Labor's carbon tax on the cost of energy for Victorians?

**Mr O'BRIEN** (Minister for Energy and Resources) — I thank the member for Ferntree Gully for his question, and can I say I accept the premise of his question! He is absolutely right —

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the house to come to order so we can hear the answer.

**Mr O'BRIEN** — This is a very important question, because the price of utilities is a crucial hip pocket issue for Victorian families. We understand that the cost of gas and the cost of electricity are major imposts on Victorian households and Victorian businesses. Good governments try to put downward pressure on utility prices; bad governments jack up utility prices. We can see the contrast between the Victorian state government and the federal government. We have extended the concession for electricity from six months of the year to year round, and we have doubled the energy saver incentive to get more energy efficient products out into homes and out into business to try to reduce those cost pressures. While the Victorian state government is trying to put downward pressure on utility prices, by contrast we are seeing the federal Labor government jacking up utility prices, most importantly in relation to electricity and gas.

The largest three energy retailers in Victoria recently announced changes to their standing offer tariffs to take effect on 1 July. TRUenergy is putting up electricity prices by 8.6 per cent and gas prices by 9.2 per cent. Origin is putting electricity prices up by 14 per cent and gas prices up by 14 per cent. AGL is putting its prices up by 14.6 per cent for electricity and 12 per cent for gas. This is going to lead to an average annual

household electricity bill increase of between \$110 and \$200 a year. And what have we heard in this house? We heard the member for Albert Park say the price impacts would be modest. The member for Ballarat East said in relation to the carbon pricing scheme that there were false concerns. We have an opposition that does not care about the impact of the carbon tax on Victorian families.

Look at the business impact. Russell Zimmerman from the Australian Retailers Association was quoted as saying that shop owners face a big hit from the tax and would pass much of the cost to customers. Toyota Australia's CEO, Max Yasuda, said, 'We estimate that the \$23 per tonne tax on carbon will increase Toyota Australia's costs by up to \$15 million a year'. Why would you try to single out the manufacturing industry for pain? In these tough economic times why would you make it harder for manufacturing companies to employ Victorians? Members should look at the comments of Andrew Reitzer, the CEO of Australia's biggest grocery wholesaler, Metcash. He said, 'It's almost a guarantee the consumer is going to pay more'. That is as a result of the carbon tax.

This is a bad tax that is hurting Victorian families, hurting Victorian workers and hurting Victorian businesses. Members opposite squibbed it. They had the chance to go on the record. They ran up the white flag. They were cowards yesterday, but Victorians know where members opposite stand — they stand with their Labor mates, not with Victorian families and not with Victorian businesses.

**The SPEAKER** — Order! This is our last question time for this half of the year. Can I say that I found the disgraceful behaviour today absolutely appalling. There are people in the gallery who will leave today having seen what the Victorian Parliament has done today — the appalling behaviour, the lack of respect by members for one another and the lack of respect for the traditions of this Parliament. Members should think about it in the break. Members should reflect a little on where they are standing, what they are saying and what they are doing, because the behaviour of members has been appalling.

## FORESTS AMENDMENT BILL 2012

### *Second reading*

#### **Debate resumed.**

**Ms McLEISH** (Seymour) — Any bill that reduces the cost pressures and red tape burdens on individuals in Victoria is a good thing. This bill does both of those things by making firewood collection on public land

simpler and more affordable. As a result I have no hesitation whatsoever in commending the bill to the house and wishing it a speedy passage.

**Mr MADDEN** (Essendon) — I rise to speak on the Forests Amendment Bill 2012. This is one of those bills that is introduced in order to put in controls. It allows for firewood collection in various locations, which may have sounded like a tremendous idea at the onset of the election campaign but when you have to organise and implement it and see how cost effective it is, it starts to present a number of challenges.

There is quite a contrast and a difference between something being valueless and something being priceless. The firewood that will be collected sits somewhere in between. It has a value; that is why people want to collect that firewood. If the government wants to allow people to collect it at no cost, that is fair enough, but it still has a value and somehow you have to locate a value for that item because it is in demand. If you do not locate a value for it, then it sits not as priceless but maybe valueless when it in fact has a value. The trouble with that is that if you do not allocate a value, there is no transparency, and if you do not have transparency in reporting on what the value of that firewood is, you will get different and bizarre impacts as an outcome of this legislation. That is why the opposition has sought a reasoned amendment in order to have this bill considered by the Environment and Natural Resources Committee of the Parliament.

Basically the introduction of free firewood collection means that there may be an impact on a range of businesses in country communities, particularly some of the smaller businesses. Some of those retailers might sell firewood either packaged or unpackaged in various locations, which might not earn them much but might mean the difference between their business being viable and not being viable or it might make it more viable by bringing people to their business who will then spend more money. That might be service stations that sell bundles of firewood; if people go there and spend money on petrol, they may buy the other add-ons as well. The difficulty is that without consideration of what the effects of free firewood collection will be, there is no consideration of the impact on those various small businesses, many of which are in regional areas.

I suspect that what may have sounded like a tremendous election policy has presented a number of concerns in those local communities, particularly to some of those small business retailers who need every dollar they can get and every person they can get coming through the door to spend more dollars. The issue here is that I suspect no business impact statement

had been undertaken by the government when this legislation was brought to the cabinet. If the government had had a proper consultation period around a business impact statement, I suspect it would have found that whilst it wants to give the firewood away for free, it is not really free; it is actually inadvertently subsidised.

The people collecting the firewood may want to spend the money and take the time and effort to go and collect it, and that is a fair and reasonable thing. But if they are collecting something of value to them, the government should allocate that value. Somewhere in the great scheme of things the value of that asset should be transparent and it should be documented. That is not to stop people from collecting it, but that asset, which is being made free by this government through legislation that provides for free firewood collection, also is a value asset to those retailers who might sell the equivalent asset. Giving the asset away for free is actually undermining the value of the asset to the retailers. They might have it in stock and try to sell it, or they might use it as a mechanism to attract other people to the retail business.

I am concerned about the broader impacts. There will be a whole lot of reasons why there may be better or worse environmental impacts — I am not saying one way or the other — and I think that is worthy of consideration by the Environment and Natural Resources Committee of the Parliament. From what we have heard, there will be some safeguards and mechanisms in place to make sure people do not take hollow logs or various trees that might harbour birds or other wildlife, and that is very important.

I remind members of the cockatoo that was the Commonwealth Games mascot. The reason that cockatoo was selected was that it was an endangered bird.

**An honourable member** — What was its name?

**Mr MADDEN** — Karak. I think it was a red-crested — —

**Dr Napthine** — A red-tailed black cockatoo.

**Mr MADDEN** — A red-tailed black cockatoo; thank you very much. One of the things about that cockatoo is that its numbers were diminished because it used to harbour and have its nest in the hollowed-out sections of trees, many of them dead trees. As farmers cleared those trees off their land, as they probably had an entitlement to do, the trouble was that there was nowhere for those birds to harbour and nest, so we saw a diminished population of the red-tailed black

cockatoo. The government needs to make sure there are safeguard mechanisms in place so that people do not take the older trees that are dead but are still used by bird life and other wildlife to harbour or nest in. I hope those mechanisms are put in place; I look forward to them being put in place.

There is also a cost to that, and that is part of the economic analysis or the cost-benefit analysis that should have been — and I would hope has been — undertaken as part of the considerations by this government. If it has not been undertaken, there will be perverse impacts as an outcome of this legislation. It will impact retailers and small businesses in regional areas, and it may have a significant and direct impact on wildlife in some of the forest locations.

If there is a cost allocated to firewood — and I believe there should be — that should be transparent. It should be recognised as an asset, with a cost, and reported on. Determinations can then be made in the future about the cost of that asset and the pros and cons of providing it in the way the government suggests it will through this legislation. If there is not, the asset remains invisible and the reporting on it is not transparent. It then becomes harder to understand how you may or may not regulate it or how you adjust that regulation in future, because you become blind to the impact of it if it is not reported on.

It is one thing to give things away or allow people to have things for free; I am not saying you should not, but you should know what the value of that asset is to the government and to those individuals or businesses that may feel the impact of decisions about that asset. It is important that the government acknowledge that firewood is in some way an asset, that a value must be attributed to that asset and that it should be reported on. That is not to stop what the government is doing; however, unless it does that, it will never know the value cost to the economy or to those businesses that can no longer provide that asset to the same people who may be accessing the firewood for free.

It is an important issue that this government has ignored, much to its peril. We will see that this will have an impact on small businesses in the regions that sell firewood one way or another and on people who cart firewood one way or another or provide other services around firewood to other people in regional areas. It is not to say it should not happen, but the government should know that cost and the impact its legislation will have before it makes such a decision, instead of making a decision as a pre-election commitment only to find that that decision is not

without significant complexities when trying to implement it.

The critical issue here is to do the background work so that in years to come, when the government has to reconsider or has to cost the impact, the regulation or the monitoring of it, it knows not only the cost to government by the personnel who have to work on it but also the cost to government of the asset that in a sense it is now disposing of freely. Firewood is obviously not valueless and it is not priceless, so it does have some sort of price or value. But the government remains, and will remain, blind to it, and I believe that is much to its peril.

**Mr BATTIN** (Gembrook) — I rise to support the Forests Amendment Bill 2012. I listened to the member for Essendon talk about the value of firewood for the area and how this measure will affect people. I will tell you how people in my electorate have been affected. In Powelltown people have no access to natural gas. They have difficulty even getting liquefied petroleum gas up there. On top of this, electricity costs are going to escalate from 1 July when the carbon tax comes in. People in Powelltown want to have the same access as we do to fuel to heat their homes.

The member for Essendon also talked about our election commitments; we committed to this in the 2010 election campaign. It is another commitment on which the coalition government is delivering. We are proud that we are delivering on all our commitments from the 2010 election. We will deliver on our commitments. I seem to remember the Leader of the Opposition standing out the front of this place saying that he was going to hold us to every one of those commitments. This is a commitment that will benefit the people in the electorate of Gembrook, particularly those who do not have access to natural gas at the moment.

However, in saying that I point out that we look forward to getting natural gas up in Warburton as part of the \$1 billion Regional Growth Fund. Money from that fund will be used to provide natural gas for the Warburton area, and this will obviously alleviate the issues associated with open fires. We will put in natural gas in this term of government, and we look forward to doing that.

The bill reinforces the government's commitment to making firewood collection on public land simpler and more affordable. It will also cut red tape — another one of our election commitments. We committed to cutting red tape for Victorians to ensure that they have the ability to access firewood, as well as government

services, with ease and in the best possible way. The abolition of firewood permits reduces the burden of red tape associated with personal firewood collection and makes it easier for households.

I spoke about Powelltown. A lot of people may know that Powelltown, Yarra Junction and Warburton are all timber towns. They are all built on the timber industry, which is a very important employer in the Gembrook electorate. It is an industry that we wholeheartedly support and will continue to support. Even The Nationals candidate for the seat of Gembrook at the last election, Peter McConachy, has an involvement in the timber industry. Peter McConachy still sells firewood to locals; he has one of those small businesses to which the member for Essendon referred. I can assure the house that we have gone out and spoken to people like Peter McConachy, and we understand how this legislation will affect people like him who live in small communities. We understand his views. His opinion is that this legislation will not actually change his business that much, because people enjoy supporting their local businesses, which in his case is delivering firewood in the local area.

The bill also creates strong deterrents for people who do not adhere to the firewood collection rules and who continue to undertake illegal commercial firewood collection. It is very important that we put policies in place to deter people from doing what they are not supposed to do and that we protect the environment to make sure that not too much firewood is taken out. During the election campaign someone in the Gembrook electorate said conservation was very important. The Nationals and Liberals are all very good at it. We are not into preservation; we are into conservation. This is all part of the policies we are putting in place in Victoria — to ensure the conservation of Victoria so we make it a better and more sustainable place.

We have a lot of industries that rely on natural resources. Conservation is the key to keeping these industries sustainable for the future. These industries support many employment opportunities throughout my electorate. Employers like Australian Paper support employment opportunities, and many other industries rely on the timber. They also support the firewood collection regimes that are currently in place. I think it is important that all those industries are involved. It is also important that we protect those industries and the timber industry in the Gembrook electorate.

Just this weekend I opened the trail from La La Falls to Warburton on behalf of the Minister for Environment and Climate Change. La La Falls is another good

example of an area that was associated with timber and logging many years ago. There was also a trail between Warburton and Powelltown along which a train moved timber from Powelltown down to Launching Place. The government, working with local communities, is making sure that we do not forget the history of this area; we are making sure that we do not forget the timber industry that built these towns. We have placards, photos and information describing how towns like Gladysdale were built. Towns all the way through to Yarra Junction were built on the back of the timber industry. We now have these 100-year-old photos that support and celebrate this fantastic industry in the Gembrook electorate.

These photos encourage tourism. We now have tourism throughout the Gembrook electorate thanks to these fantastic photos that show the importance of the timber industry — and we have a fantastic walk. Bridges have been rebuilt; we have new brick bridges. Eventually there will be a 32-kilometre track enabling people to start in Yarra Junction and work their way down to Powelltown. Along this trail people will be able to see how these areas were built on the back of the timber industry all those years ago.

Firewood may be collected in the designated areas between 1 March and 30 June and 1 September and 30 November. Standing outside today — even here in the city, not in Powelltown — it is freezing. If you are in Powelltown, Gladysdale or Three Bridges in a house that was built nearly 80 years ago, your only heating choice is firewood. The government wants to make sure that we support families so that they can get firewood at no cost to enable them to continue to heat their homes, as we would down here with natural gas. We want to protect the rights of those families. We want to protect the people who want to get out there, do the hard yards and bring in firewood during these months. We want to make sure they have enough wood for their everyday use.

Some of the people with properties up there use wood not only for heat but also for cooking. There is nothing better than being at a potbelly stove and having a nice cup of tea. People up there have some fantastic opportunities to get those potbelly stoves going.

**Dr Sykes** — And scones and jam?

**Mr BATTIN** — We can have some scones and jam, as the member for Benalla said. We are more than happy to do that. Come up to Powelltown Football Club; all The Nationals members are welcome to visit and talk about scones and jam. We will organise that.

**An honourable member** — And a wood raffle!

**Mr BATTIN** — And a wood raffle. The scones will most likely be cooked in a stove heated with timber that has been picked up between the months of March and June. We are making sure people do not need a permit to go out and collect that timber so that they can carry on their everyday activities without any hassle at all. With that short contribution, I commend the bill to the house.

**Mr PALLAS** (Tarnait) — I also rise to address the Forests Amendment Bill 2012. In so doing I want to reaffirm the opposition's position that this bill and its implications should properly be considered through a joint parliamentary process by the Environment and Natural Resources Committee. The reason for this is that we do not want to see a repeat of the sloppy legislative efforts that have accompanied the introduction of this initiative into Victoria.

The minister at the table, the Minister for Ports, has been quite outspoken in the past about what he sees as sloppy legislative initiatives; however, you could not find a more dramatic demonstration of a very poor approach to introducing public policy into the lawful domain of this state than this bill. The initial legal bungle was made when the government changed the regulations and published arrangements for firewood collection without a permit, failing to change the legislation which in fact still held penalties for collecting without a permit. Whilst the regulations empowered people, the overriding principle of statutory interpretation which holds that legislation prevails over the regulation effectively made it impossible for the lawful collection of firewood without in fact running foul of the legislative prohibitions and the requirements under which firewood could be lawfully collected.

This is a bungle, and it is a demonstration that this government had not thought through either its policy or the way that it sought to implement its policy. We on this side of the chamber believe that if you are going to go through the process of legislating in this place, especially if you are going to change the very way in which public policy is implemented and change the process for the collection of firewood that was established by Henry Bolte and his government back in 1958, then it might be useful to understand the full implications of what you are doing. This is a clear demonstration of a government that has not thought through the implications of its policy and what it means. Most notably, the government has not thought through how it can give the requisite level of legal assurance to those who seek to avail themselves of the

increased capacity to access firewood under these arrangements without the requirement for a permit.

Prior to the last election the coalition promised to scrap firewood collection permits. That is the main purpose of this bill — to abolish the need for a permit. The bill establishes two collection seasons each financial year: the autumn and spring. It designates areas in state forests for the collection of firewood. The intention was also to provide flexibility to ensure that firewood supplies could be managed into the long term, and provide safeguards around that, and to create a series of offences to encourage appropriate behaviour and deter illegal firewood collection.

The question that has to be asked is: does this bill achieve that objective? There are very serious questions being asked in country Victoria about whether this bill achieves that objective. For example, in the *Weekly Times* of 2 May 2012, under the heading 'Raids on firewood — Open slather as traders abuse no-permit collection', there is an article which states:

Commercial operators from Melbourne have been accused of 'cleaning out' the free collection areas supposed to provide winter warmth to country residents.

Even the homeowners are taking part in the illegal 'firewood free-for-all', as the government policy has been dubbed by environmentalists.

The article goes on to say, quoting a speaker on behalf of a number of environmental groups:

'The intentions were good but the result has been a disaster', angry Axedale resident Jeff Wallis said. 'I've been out a few weekends now to get my wood for the winter and there's not a scrap left'.

North Central Catchment Management Authority member James Williams said the government no longer had staff to patrol firewood-collection points.

Here is the basic principle that underpins the loss of the permit arrangements. There is also a similar loss of capacity to resource adequate enforcement around these arrangements. As the North Central Catchment Management Authority member said, merchants from the city are going in and they are just taking everything. The free system was always going to be open to abuse. Where are the safeguards in this legislative scheme? Where is the commitment to effectively resourcing it so that country people can be assured that the opening up of access to firewood on roadside areas is being appropriately policed and that that policing is being adequately made available for those who legitimately seek to work within the confines, constraints and safeguards incorporated within the legislation? There

are serious doubts in country Victoria about whether in fact that is happening here.

The article goes on to say:

Permits costing \$20 to \$30 were abolished last September by the coalition government, which said the 'new approach will reduce the burden of red tape' and 'make it easier for households to access an annual supply of firewood'.

Of course as we heard in the earlier part of that article, it is only cheaper and it is only easier if there is wood to access. If there is not, then in effect all you have is a system where people are being severely compromised in terms of access to a resource that is finite and that ultimately is one that many households, particularly in country Victoria, depend upon.

Similarly, in the *Mildura Weekly* of 4 May 2012 an article under the heading 'Firewood collection — The burning question' states:

According to the Victorian National Parks Association, when Premier Ted Baillieu changed a system that had been operating since 1958, he left it open for homeowners to be liable for fines of up to \$6000, or a year's jail!

This is effectively confirming what the opposition is saying: that this is a clear demonstration of the miscalculation of this government. This is legislative stupidity. The government has effectively put the regulation before the legislation. It has failed to recognise that and failed to put in place a legislative scheme that appreciates not only the safeguards but also the means by which you ensure available supplies of firewood and environmental safeguards in terms of the protection of flora and fauna that depend upon felled timber as part of their ecosystem. The government has also failed to recognise that country people deserve the right to be protected from those who come into their communities and actually clear out those communities. That is an issue that has not been worked through.

The article goes on to talk about the need to amend the bill 'to align the legislation with the government's existing policy'. So here we are cleaning up in a retrospective sense after an abject failure of legislative effectiveness. The article continues:

The scrapping of the firewood permit system by the Baillieu government was the biggest single change to a system that had been introduced —

once again I refer to this —

by the Liberal Bolte government in 1958.

There are key issues of concern around the way this legislation operates. The free-for-all that has existed since last year has resulted in growing concern among

country people that it is open to abuse. The impact of private firewood organisations like the Northern United Forestry Group and the potential for the loss of jobs in Victoria have not been addressed. Some communities are likely to be worse off, for example those in Gippsland. There are unclear arrangements both in compliance and monitoring. There are also unclear arrangements for ensuring sustainable levels of firewood collection. Finally, it is unclear what level of environmental impact increased firewood collection will have.

All these things demand a clear assessment of the consequences of the legislation by the government. We have seen regulation without legislation. The government has not seen the forest for the trees in a statutory sense. The opposition urges the government to take up the opportunity the reasoned amendment presents — that is, to enable a serious analysis of this issue so that country people can have consistent, clear access to a system that is appropriately enforced and managed so as to preserve their resource for the future.

**Debate adjourned on motion of Mr HODGETT (Kilsyth).**

**Debate adjourned until later this day.**

**EDUCATION LEGISLATION  
AMENDMENT (VET SECTOR,  
UNIVERSITIES AND OTHER MATTERS)  
BILL 2012**

*Second reading*

**Debate resumed from 20 June; motion of Mr DIXON (Minister for Education).**

**Ms McLEISH (Seymour)** — I am pleased to have the opportunity to continue my contribution to this debate, which I started yesterday. Members should keep in mind the reason we are debating this piece of legislation — to strengthen Victoria's vocational training system. That is key.

I will start by talking about the impact of this legislation on apprenticeships and how it will play out. The bill will transfer responsibility for the regulation of apprentices from the Victorian Skills Commission to the Victorian Registration and Qualifications Authority. The VRQA was set up in 2007 as the state's regulator for all educational sectors except apprenticeships and traineeships, which were regulated by the commission. If you think about how that separation plays out, you see there is a split in the areas of responsibility. On one

hand we have the commission determining and regulating the training programs for apprentices and trainees — and that covers both workplace training and the educational course components — and on the other hand we have the VRQA accrediting the courses and regulating the institutions that provide them. This bill will transfer the regulatory responsibilities from the VSC to the VRQA. The commission also has the power to recommend the removal of unsatisfactory directors, and we know that from time to time that sort of thing is required. That is now being altered to give the minister that power.

I will reflect for a moment on the VSC and the VRQA. When you have each organisation almost having a hand in both apprenticeships and traineeships, there has to be a duplication of services. Sometimes getting clarity around roles and some of those trickier things by putting all in the one spot is not a bad thing. If this is what the opposition is opposing, I am a bit surprised by the narrowness of its understanding.

In regard to the second area, the governance of the adult education sector, Victoria has two major adult education institutions, and they are very well known — the Council of Adult Education (CAE) and Adult Multicultural Education Services (AMES). Bringing their governance into line with that of TAFE institutes implements a recommendation arising from some work done by the State Services Authority. If we think about what the State Services Authority is there to do, we see it is there to identify opportunities to improve the delivery and integration of Victorian government services. We are really talking about efficiencies and the effectiveness of the way they run. The State Services Authority would then make reports to the government about these delivery outcomes.

The State Services Authority's recommendation was to bring the governance of the adult education institutions in line with that of TAFE institutions. What does this mean for the CAE and AMES? It means that they need to prepare a long-term strategic plan — and that is what you would think any business would do — and then to present it to the minister. They will also need to prepare annual statements of corporate intent, setting out what they intend to do next year and what they have done in the last year. Looking at that you would think that in terms of regulation that is not out of the ordinary; it is something you would expect could be done and perhaps should be done.

Another requirement is that the organisations hold annual general meetings which are open to the public where they report on the previous year's activities and outline their plans for the next year. That will

strengthen the governance of these institutions as they move into line with the governance of TAFE institutes. I believe that is a strong point.

When we think about governance of regional councils of adult education, we realise there has been a bit of a change of landscape. Things have altered in the state. A lot of things have happened over time and governance needs to be reflective of that change. We have seen a change from their having to be incorporated entities to a situation where the staff are now employed externally by the department. With that change there need to be some alterations. Regional councils still have an advisory and planning role in the adult education and further education community, and in their respective regions this is important because it allows them to consult with the adult and further education boards.

I turn now to regulation that applies when a provider is not meeting its responsibilities. I think this is fairly important as well, because there are times when this does happen and penalties may be required, although they are not what is always required. The bill provides some options to the VRQA and the courts in regulating providers and also provides a degree of flexibility. I am always pleased to look at initiatives that incorporate a component of flexibility because it allows people to think outside of the box and come up with creative and innovative solutions to problems.

Flexibility is important because regulating the providers is not an all-or-nothing proposition. Sometimes a provider might not be performing well in one way but in a whole number of others is performing quite okay. I think being able to come up with a plan — an improvement plan, for example — that the provider can work on to bring one or maybe two components up to speed rather than penalising the entire operation is a good thing. Having that flexibility lets the provider undertake some positive action by which they may be able to improve their performance or remedy the situation. It could be argued that this change will put additional compliance factors in place, but in fact it does not increase the regulatory requirements placed on educational training providers.

Another element of the bill is the facilitation of cooperation between Victoria's education regulator and its commonwealth counterparts. There may be times when information sharing is required, and the bill contains provisions for that to occur should that be the case. It may be that a provider operates across educational sectors; sometimes they will have a foot in each camp and be moving from the Victorian to the national sector. The bill makes provision to facilitate that so that we do not lose a lot of learnings and vital

information that may be integral to what we need to go forward. There is also clarification around the long-established policy of full-time public sector employees not being eligible for additional remuneration as members of government boards, which applies to the directors of TAFE institute boards.

As I said at the start of my contribution, these amendments are intended to strengthen Victoria's training system. The training system is important for the future. It is important to all our futures, to the strength of the economy going forward and to the provision of training for jobs. I commend the bill to the house.

**Mr PANDAZOPOULOS** (Dandenong) — I am pleased to be speaking in this debate. It is unfortunate that the opposition is in the position of having to oppose this bill. The government clearly has not explained its case for shifting responsibility for apprenticeships. It has not been out there consulting and seeking consensus on taking this function from the Victorian Skills Commission and giving it to the Victorian Registration and Qualifications Authority (VRQA), which has inadequate resources to do its existing job, let alone take on additional responsibilities.

The fact that we are opposing the bill is not to say we do not think there are reasonable or good provisions in it. Because the house is not going through the bill clause by clause, if you are opposed to one thing in it, you have by definition to vote against others. But we acknowledge that there are some important things in this bill, like more transparency and planning around our multicultural education service and the Centre for Adult Education. There are some very valuable changes, including provision for the transfer of information from the VRQA to the federal registration body as part of the sharing of information and resources aimed at helping strengthen the sector following some of the issues we had around international students and inappropriate practices among providers. That is aimed at having a more uniform and coordinated federal approach.

I want to focus my limited comments on what is happening in the whole skills area. It is fair to say that there are fundamental changes going on as part of government policy that a lot of people do not support. We have seen changes in the industry training advisory boards, and we have seen the massive cutbacks in the budget for the TAFE sector that we are still working through to understand the implications of in terms of the skills that are available in our community, and of course now we have this bill, which takes this important function out of the hands of the Victorian

Skills Commission without consultation, and we clearly have to wonder why there is all this secrecy about this very important area of public policy.

The skill sets that we have in our community and how we plan and coordinate those are really the future fundamentals of the Victorian and Australian economies. Apprenticeships are a very important part of that, and I think they are very relevant to each and every one of us as members of Parliament. They are particularly relevant to me in an electorate like Dandenong, where people see the apprenticeship system as their opportunity of not only giving back to society in a useful way but also getting a bit of a leg-up in life. Many Dandenong people, being migrants and refugees, see the apprenticeship system as their chance to advance their life and contribute to Australia.

The lack of consultation on this bill highlights some of the issues for us. We know, because it is in the public arena, that there has been a KPMG report that re-examines and re-projects policy in the skills and training area in Victoria. It is a report that only the government is privy to, a report that is not available in the broad arena, so we cannot develop a clear understanding from it of whether the changes and direction the government wants to take the skills and training sector in is an appropriate way to go. When you deal with issues in a secret way it is not surprising that there would be so many on the committee and so many stakeholders that do not support what is happening and are cynical about the changes. This is an example of that.

The VRQA is a very important body. One would think it would need additional resources to do its existing job. We have an expanding private registered training organisation (RTO) sector. We still need to improve our competitiveness in the international education market because student numbers have dropped. The VRQA has a very important role in this sort of area, and it is also involved in the apprenticeship area, which is a strategic area. The reality is that if we do not have apprentices, we do not have the skills of the future. Therefore we need to build up broader support for the processes around supporting apprentices. We see the massive changes and cutbacks that are going on in the TAFE sector, and we do not know what impact they will have on either the apprenticeship area or the whole skills area of the TAFE sector.

We know there is a lot of anxiety and concern around confidence in our vocational training system in Victoria because of the massive changes that are going on. As students try to plan their enrolments for next year, many would be wondering what is worth their while for the

future — whether they should enter the TAFE sector and apprenticeships and whether government support will be available.

When you see that the Chisholm Institute of TAFE, which is in my electorate and is the biggest TAFE provider, is going to lose one-third of its budget, you cannot tell me that areas like this will not be affected at the end of the day. It is not only about whether they will be affected by courses or apprenticeships being limited or unavailable, it is also about where those courses might be available. The reality is that Chisholm has six campuses. The Acting Speaker would be aware of one of them, which is very close to his electorate. My understanding is that the Rosebud facility on the Mornington Peninsula is being subsidised at the moment, as is the Wonthaggi facility. As the third smallest campus, Cranbourne is also likely to have to be subsidised.

There are issues about the courses that are available in those communities for young people to access directly — that is, local institutions. Are those young people able to travel to gain access to the skills they need? If they are at a geographical disadvantage, will it mean that they simply are not able to gain access to the skills they need? The good thing about the TAFE sector is that it tries to match the job needs of the local community. TAFE campuses try to deliver that outcome; they look at the local demand from employers. They try to match that with local demand from applicants and deliver the appropriate course outcomes. However, the cuts we are seeing are going to force TAFE institutes to make drastic changes, which will mean they will get rid of courses, and they will do that in apprenticeship areas where there is not a huge number of applicants, and this may be in very important strategic industries, like boatbuilding, for example.

**Mr Foley** — Racing.

**Mr PANDAZOPOULOS** — Absolutely — there is also the racing industry and a few others. There are some other areas that do not see a huge number of applicants, but they are important in getting people access to training for jobs and the careers they want to develop, but just as importantly, those jobs are also essential for the functionality and viability of those industries. Clearly we are going to see big impacts as a result of this.

Do not be surprised if we are quite cynical about these very big changes that are occurring. The lack of confidence is starting to impact. I would hope that the government would give the VRQA more resources, the resources it needs to be able to monitor and regulate its

existing responsibilities. There are various RTOs out there. Their numbers have increased in recent years. There are a number of not-for-profit RTOs and a whole lot of private ones. Even with the vocational reforms that are going on, there is not only concern about some private sector RTOs that currently exist, but even the good private RTOs are concerned that we are going to end up seeing an element of what occurred with the international student market — a lot of fly-by-nighters and a lot of courses that are not necessarily delivering the outcomes industry needs or are not necessarily as good for the applicants. The VRQA needs the right sort of resources to deal with that, not to have something taken out of the existing minimal resources it has.

The whole linkage around skills that leads a person into an apprenticeship and getting a job is something that historically has had tripartite involvement — government, industry and trade unions. This is something that all three elements of the community — being workers, employers and government — have needed to work on in a tripartite way and to coordinate. In my view the Victorian Skills Commission has done quite a reasonable job on that.

The government has provided no reason why this function is being taken out, except for what we know about: its paranoia about having to deal with any workers representatives, any unions, as if they do not have a legitimate role in a society or in a community. At the end of the day the unions have large memberships, and they want to contribute as they do because it is their members who work on the job with their apprentices. These things need to be aligned. That is why it was appropriate that the skills commission have that function.

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

**Mr SHAW (Frankston)** — I rise in support of the Education Legislation Amendment (VET Sector, Universities and Other Matters) Bill 2012. I agree with the previous speaker, the member for Dandenong, that there is anxiety in Frankston, where we also share a TAFE, the Chisholm Institute of TAFE, but anxiety is not always well founded. Some areas have been thrown out there by the media — \$25 million to \$28 million has been cut at Chisholm TAFE across the board. When I went into it a bit further, I found that that does not mean that the market-driven courses for apprentices and others are going to be affected.

Education is a very important sector. Yesterday, when the member for Benalla was talking on this bill, he mentioned his trips to Cambodia. I have made three

trips to Uganda. We were looking after children. Our aim was to rescue children from being orphans, to restore them to families, provide them with education and rebuild the nation. That was being done through families and education. The aim was to rebuild a nation that had been destroyed and provide education to aid in that rebuilding by educating the leaders. That is what we want to do here with education. We want people to lead fulfilled lives. We want them to be able to use the skills and training they receive in gainful employment.

The previous speaker talked about travel and how we want education to be accessible. It is very accessible. When I was at university I studied in Frankston, and it was good to study close to home. However, a friend of mine was studying to be a pastry chef, and he had to go to Holmesglen. It is many miles from Frankston to Holmesglen. It is not just on the doorstep of Frankston. I bet he would have loved it to be, but it was not.

My son did an apprenticeship at Chisholm TAFE in Frankston, as did my wife many years ago. She completed a legal secretary certificate. The travel is one thing, and we tend to say that it would be great if students could get there, but they can get there. Frankston is right on the train line and Dandenong is very similar. It is a matter of getting to that public transport. If you want the education, sometimes you have to put in and sometimes that means you have to travel.

This bill will amend the Education and Training Reform Act 2006. Basically it transfers the responsibilities and certain functions for apprenticeships from the Victorian Skills Commission to either the Victorian Registration and Qualifications Authority or to the Minister for Higher Education and Skills, as is appropriate. It also makes amendments to the governance arrangements for the boards of adult education institutions so that they are consistent with the governance arrangements for TAFE institutes. It provides for injunctions to be granted in respect of registered training organisations. This is an area that has really opened up in the private sector, allowing access to education outside the TAFE system.

A lot of the RTOs work out of serviced offices and some of them even go to hired halls or offices, which gives further access to students and other people who want to be trained up. It allows for the Victorian Registration and Qualifications Authority to maintain records of registered training organisations and to give those to the commonwealth vocational education and training regulator and the higher education regulator. The bill also amends eight university acts to enable the

granting of leave of absence to university council members.

Frankston is a terrific spot for education. We have the Chisholm Institute of TAFE, Frankston campus, which was formerly the Peninsula Institute of TAFE and before that the State College of Victoria at Frankston. We also have Monash University, Peninsula campus, which was previously part of the Chisholm Institute of TAFE, where I did my bachelor of business in accounting course, and prior to that it was a teaching college.

I turn to travel. When the Peninsula Institute of TAFE merged with Gippsland TAFE a number of people went from Frankston to Gippsland to do their accounting degree. They included my mother, who travelled to Gippsland to study part-time. It would be nice to have a TAFE in your backyard, but that cannot always be the case.

The bill also makes a number of amendments to the Education and Training Reform Act 2006 which are basically technical corrections. It amends and clarifies the long-established policy that full-time public sector employees are not eligible for additional remuneration if they are members of a university or TAFE board.

Opposition members have talked about the decrease in funding for TAFE, but Chisholm Institute in Frankston actually wants to increase its capacity by 50 per cent by increasing its numbers from 14 000 students to 21 000 students. This is part of its Frankston TAFE to Bay structure plan, which is supported by local council and the state government and seeks to designate Frankston as a central activities area. This plan will bring massive employment to Frankston, and obviously if there is a 50 per cent increase in students, there will be a proportional increase in teachers as well.

We hear opposition members debating the cuts to TAFE, but some sort of facts need to be acknowledged in this debate. The forecast expenditure for the TAFE sector was around \$800 million a year following the former government's reforms. That has grown to \$900 million and is expected to increase to \$1.3 billion this year — another massive blow-out. We saw similar massive blow-outs in the ICT sector and with the desal plant, which just goes to show that maybe some of the members of the opposition should have done a TAFE course in basic accounting, budgeting and mathematics. They are very good courses, and I would encourage all opposition members to take one — accounting 101 or budgeting or cash flow. Then they would see that an increase from \$800 million to \$1.3 billion is unbelievable, yet that is the way this was heading.

Typically what happens is that when a conservative government gets in its members say, 'Oh my gosh, it's not only ICT that has blown out to \$1.3 billion-odd and it is not only the desal plant that has closed down because it is raining, we also have a blow-out in the TAFE sector as well!'. It interests me that the members opposite cry, peddle their anxiety to their friends in the media and say, 'Listen, there are going to be massive cuts to TAFE courses'.

It is interesting to note the many causes of this blow-out in the TAFE sector. A classic example is the certificate IV in fitness. In 2008 there were only 188 people enrolled in that course, but by 2011 demand for it was so great that the number of people enrolled had grown to nearly 4000. Was there a market for so many fitness instructors? Were there all these gyms popping up? In Frankston a terrific group called Core Health opened three gyms, but is there really such a demand for fitness trainers or is it more that people said, 'A fitness course would be good. I will get into that and become a personal trainer'?

We have found that at the end of the day about 10 per cent or fewer of the graduates of that course find jobs in the sector. The government has rightly looked at that and asked if we really need 4000 people completing a fitness course when there are only about 400 or fewer jobs. The simple answer is no. It is not a good use of government resources, nor is it a good use of Victorian taxpayers money. It is typical of our government to look at what has been wasted in the past and try to fix those problems. If they are fixable, we try to fix them. We know that Labor cannot manage money. It is a typical line that is used because it is true. I commend the bill to the house.

**Mr FOLEY** (Albert Park) — I rise to make a few brief comments in support of the opposition's stance in opposing the Education Legislation Amendment (VET Sector, Universities and Other Matters) Bill 2012. It is always an honour to follow the member for Frankston. I am glad to hear that he got his accounting degree from the reputable TAFE sector — it would be interesting to test the veracity of that particular degree — and we thank him very much for his lecture on accounting 101. Perhaps the member for Frankston would like to do a course on how to use a Landsat or how to understand the difference in location between Adelaide and Frankston. He might like to discover where Canberra is in relation to downtown Young Street in Frankston or find out how far Sale is located from the Frankston railway station. To be lectured by the member for Frankston is the height of hypocrisy from the government benches, but we have come to expect that from this mob.

Of course what the member for Frankston and those on the government benches who preceded him in speaking in the debate have failed to say is that the government has a strategy to destroy the TAFE sector — not, as they say, to protect and enhance it. The government's position is that it is saving the village called TAFE by destroying it. The government's position is, 'We will fund TAFE by cutting \$300 million from it'. The government's position takes Orwellian misuse of the English language to new heights, and it should stand condemned for its hypocrisy.

Whilst this bill does many things, the opposition's particular criticism of it focuses around the transfer of governance arrangements for the Victorian Skills Commission's regulatory functions, particularly as they apply to TAFEs and other apprenticeship arrangements. The moving of apprenticeship regulation to the VRQA (Victorian Registration and Qualifications Authority) is one example of what the government's position has forced us to object to, as we have heard from the opposition's lead speakers on this matter.

The government has a secret report on this issue that it will not release. If it were to do so, the report might well address many of the concerns that industry stakeholders have raised in this area, but this government will not close because it has track form in taking secrecy to new depths. The fear, of course, is that through its \$300 million in cuts over the next few years the government is strategically underresourcing the sector and that this will also occur for the VRQA.

This comes on top of the fact that the government's broader changes, which extend to the TAFE, further education and VET (vocational education and training) sector and also apply to a large number of students in secondary schools as we speak, will have an impact right across all communities — regional, rural and metropolitan — but they will have a disproportionate effect in rural and regional communities. It is particularly galling to those communities that their champions — their pretend champions, who get up in this place and argue that they, The Nationals, are somehow or other the preordained leaders of the interests of rural communities — in fact have the minister who is responsible for this execution. They have the minister who knows in his heart of hearts that this is the end of the sector, who goes home and fires off a letter to all the CEOs admitting the problems and then has his toenails extracted and has to recant. It is particularly galling that they should have The Nationals out there leading the charge on this.

We could do with a bit of decisive action from The Nationals to stand up for rural and regional

communities. We have not seen that in the Department of Primary Industries office closures, and we have not seen it in the fast-tracking of the commitment on the fire services levy. In a whole range of areas we have seen The Nationals missing in action, but the TAFE issue is probably the most significant for the future of many young regional and rural Victorians. Perhaps rather than worrying so much about focus group outcomes on spin-driven phrases, the Leader of The Nationals and the deputy leader in this place might actually apply some decisive action to represent The Nationals' constituents and their sectors around the cabinet table.

But that would be a hollow commitment from The Nationals, because of course this bill — and the government's whole approach to the VET and further education sector — reflects a fundamental values agreement on why the government is doing what it is doing in the TAFE and further education sector. It is because, despite their mealy-mouthed commitments and their attempts to clothe themselves in the language of community, this government does not believe in the life-building chances that the public sector can bring to young people. It particularly takes objection to state-based education as an opportunity the public sector should provide for young people.

Whilst there is clearly a significant role for the market in bringing efficiency and rigour to the operations of government and its various services, particularly in the vocational education and training sector, it is not the be-all and end-all. Not everything in life can be delivered through the operation of economic markets. The market is not a magic wand and it will not fix all perceived ills. The government in this approach seeks to clothe its position as an excuse to rip away \$300 million and to put in place an unexplained regulatory framework. That is fundamentally because those on that side of the chamber agree that they have no commitment to the role of the public sector generally and of the public education sector in particular. They see no role for the public sector. That is the difference between that side of the house and this side of the house. I will leave my comments there.

**Mr GIDLEY** (Mount Waverley) — I rise this afternoon to make a contribution on the Education Legislation Amendment (VET Sector, Universities and Other Matters) Bill 2012. I do this in the context of the importance of education and training to my electorate, which I believe in, and the great outcomes in education and other areas not only in Mount Waverley but in many other parts of our state. That is important because education and training are two of those things which provide people with opportunities whilst also benefiting

our state. Education and training provide people with opportunities to improve themselves, and that is important in encouraging people to take initiatives to be self-reliant and in building human and social capital. It is good for the individual and very good for our state. Secondly, education and training are important from an economic perspective, because we know that if we do not have the right skills, education and training, that not only has an effect on the individual's capital and social capital but it also has an effect on our state's economic ability — its ability to operate and deliver the services that we need to sustain our state and its ability to compete.

In a globalised world where our competitors may have been viewed a long time ago as other states, we know that our competitors in this day and age, and even more so into the future, are going to be other countries around the world, particularly emerging countries. I say that in the context of outlining to the house why education and training from my perspective as the member for Mount Waverley is so important and why, when you look at the record of what the government is delivering, this is so important.

I will give a couple of specific examples in my electorate. There has never ever been more money going into capital works in Mount Waverley for education and training opportunities than under this government, and I have talked about this in the past. Whether it is the \$7 million for Essex Heights Primary School or the \$10.5 million rebuild of Mount Waverley Secondary College junior campus that the Minister for Education, Minister Dixon, came out and opened, which also has a training aspect to it, or whether it is our plan to rebuild Pinewood Primary School at \$4.7 million or our plan — and it is happening — to rebuild Mount Waverley North Primary School, there has never been more money. That is a fact; you just have to look at the budget papers.

That is why I was so pleased to see a number of the elements in this bill. It builds on that investment and provides better training and education opportunities for our students of tomorrow — those students who are going to benefit from that record investment in schools in Mount Waverley coming through in terms of higher education and the VET (vocational education and training) sector. In the cities of Waverley and Monash not only is education very important from the local residents' perspective but it is also very important from an economic point of view for our state. I have a close and ongoing relationship with Monash University as a former student. I did my postgraduate studies at Monash, and I take a great deal of interest in the critical key strategic infrastructure that this tertiary and

research institution and precinct delivers. As I said, it is important not only from the local residents' point of view but from the international students' point of view.

The aspects of this bill which specifically relate to improving the quality of the student experience of international students, whether that be in higher education or in terms of changing the responsibilities of the Victorian Skills Commission and transferring some of them to the VRQA (Victorian Registration and Qualifications Authority) and ensuring that the state of Victoria can at appropriate times share information with the commonwealth, are of particular importance. It has sometimes been the case in the past, for example, that if an RTO (registered training authority) is not cutting the mustard or if an RTO or another training body has not met expectations, the state of Victoria has had a very limited ability to deal with the situation. It has been overly reliant on an RTO or another education provider putting forward and agreeing to an undertaking to remedy the situation. It has been overly reliant, if you like, on the goodwill of a VET operator or an RTO operator which in some circumstances has just not cut the mustard.

In particular I note that under clause 36 of bill where RTOs have failed in the past, or where there is a failure, either a complete and abject failure or part failure on the part of an RTO, and the state of Victoria seeks to remedy this, it will have a much greater flexibility through the VRQA and the courts to deal with the RTO in that situation than the status quo provides. The current situation, the status quo, is very clear — that is, unless a VET provider has breached a voluntary legal agreement relating to improper conduct, the VRQA cannot seek a court order to stop that behaviour. If you like, there is an imbalance in the relationship; there is currently a failure in the law in Victoria which means that where a regulator sees a VET operator not cutting the mustard, it cannot act. That anomaly can affect not only the students of today but also future students. It has also affected our state's international reputation. For the communities I have the privilege of representing in the Monash and Waverley areas, where education is so important and where I must say Monash University as Australia's leading international university is so important, as are other associated VET providers, that situation has been a significant disincentive.

In the context of ensuring that the house takes account of just how important this sector is, I note that the international education sector is responsible for 50 000 direct and indirect jobs and that as at December 2011 more than 160 000 international students from 165 countries were enrolled in Victorian education.

VET was an important part of that component, so I very much welcome clause 36, which will improve that situation.

The second aspect of these improvements is the information sharing between the state of Victoria and the commonwealth. When the left hand does not talk to the right hand, we know there are issues there, and particularly with education that was certainly the case. The reason for that was that there were limitations. Under the status quo there have been limitations on information sharing. Those limitations have meant that at times when the Victorian regulator had information which may have been of assistance to the commonwealth regulator, that information was not shared. That was because either Victoria did not have a consistent student numbering system compared with, say, the commonwealth or the ability to provide that information was not there.

This is particularly important, because I note that in 2011 the commonwealth established two new regulators — the Australian Skills Quality Authority for vocational education and training and the Tertiary Education Quality and Standards Agency for higher education. What this bill seeks to do is ensure that under the moves the commonwealth has made — and I support a number of them — the state of Victoria will not be left hamstrung, that the state of Victoria can provide and share information and that the state of Victoria can put its best foot forward, if you like, to ensure that the quality of our information sharing is first class. This means that where there is a breakdown of a provider, where there is a situation where a provider does not cut the mustard, we can act as a state. This is one small step on the way to this government improving vocational education opportunities.

**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.

**House divided on motion:**

*Ayes, 44*

Angus, Mr	Mulder, Mr
Asher, Ms	Naphine, Dr
Baillieu, Mr	Newton-Brown, Mr
Battin, Mr	Northe, Mr
Bauer, Mrs	O'Brien, Mr
Blackwood, Mr	Powell, Mrs
Bull, Mr	Ryall, Ms
Burgess, Mr	Ryan, Mr
Clark, Mr	Shaw, Mr
Crisp, Mr	Smith, Mr R.
Delahunty, Mr	Southwick, Mr
Dixon, Mr	Sykes, Dr

Fyffe, Mrs	Thompson, Mr
Gidley, Mr	Tilley, Mr
Hodgett, Mr	Victoria, Mrs
Katos, Mr	Wakeling, Mr
Kotsiras, Mr	Walsh, Mr
McCurdy, Mr	Watt, Mr
McIntosh, Mr	Weller, Mr
McLeish, Ms	Wells, Mr
Miller, Ms	Wooldridge, Ms
Morris, Mr	Wreford, Ms

*Noes, 39*

Andrews, Mr	Hutchins, Ms
Barker, Ms	Kairouz, Ms
Beattie, Ms	Knight, Ms
Brooks, Mr	Languiller, Mr
Carbines, Mr	Lim, Mr
Carroll, Mr	McGuire, Mr
D'Ambrosio, Ms	Madden, Mr
Donnellan, Mr	Merlino, Mr
Duncan, Ms	Nardella, Mr
Edwards, Ms	Neville, Ms
Eren, Mr	Noonan, Mr
Foley, Mr	Pallas, Mr
Graley, Ms	Pandazopoulos, Mr
Green, Ms	Perera, Mr
Halfpenny, Ms	Richardson, Ms
Helper, Mr	Scott, Mr
Hennessy, Ms	Thomson, Ms
Herbert, Mr	Trezise, Mr
Holding, Mr	Wynne, Mr
Howard, Mr	

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**WORKING WITH CHILDREN  
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.**

**FORESTS AMENDMENT BILL 2012***Second reading***Debate resumed from earlier this day; motion of Mr R. SMITH (Minister for Environment and Climate Change); and Ms NEVILLE's amendment:**

That all the words after 'That' be omitted with the view of inserting in their place the words 'this house refuses to read this bill a second time until the proposals contained in the bill have been referred to and considered by the Environment and Natural Resources Committee'.

**House divided on omission (members in favour vote no):***Ayes, 44*

Angus, Mr	Mulder, Mr
Asher, Ms	Naphine, Dr
Baillieu, Mr	Newton-Brown, Mr
Battin, Mr	Northe, Mr
Bauer, Mrs	O'Brien, Mr
Blackwood, Mr	Powell, Mrs
Bull, Mr	Ryall, Ms
Burgess, Mr	Ryan, Mr
Clark, Mr	Shaw, Mr
Crisp, Mr	Smith, Mr R.
Delahunty, Mr	Southwick, Mr
Dixon, Mr	Sykes, Dr
Fyffe, Mrs	Thompson, Mr
Gidley, Mr	Tilley, Mr
Hodgett, Mr	Victoria, Mrs
Katos, Mr	Wakeling, Mr
Kotsiras, Mr	Walsh, Mr
McCurdy, Mr	Watt, Mr
McIntosh, Mr	Weller, Mr
McLeish, Ms	Wells, Mr
Miller, Ms	Wooldridge, Ms
Morris, Mr	Wreford, Ms

*Noes, 39*

Andrews, Mr	Hutchins, Ms
Barker, Ms	Kairouz, Ms
Beattie, Ms	Knight, Ms
Brooks, Mr	Languiller, Mr
Carbines, Mr	Lim, Mr
Carroll, Mr	McGuire, Mr
D'Ambrosio, Ms	Madden, Mr
Donnellan, Mr	Merlino, Mr
Duncan, Ms	Nardella, Mr
Edwards, Ms	Neville, Ms
Eren, Mr	Noonan, Mr
Foley, Mr	Pallas, Mr
Graley, Ms	Pandazopoulos, Mr
Green, Ms	Perera, Mr
Halfpenny, Ms	Richardson, Ms
Helper, Mr	Scott, Mr
Hennessy, Ms	Thomson, Ms
Herbert, Mr	Trezise, Mr
Holding, Mr	Wynne, Mr
Howard, Mr	

**Amendment defeated.****The SPEAKER — Order! The question is:**

That this bill be now read a second time and a third time.

**House divided on question:***Ayes, 44*

Angus, Mr	Mulder, Mr
Asher, Ms	Naphine, Dr
Baillieu, Mr	Newton-Brown, Mr
Battin, Mr	Northe, Mr
Bauer, Mrs	O'Brien, Mr
Blackwood, Mr	Powell, Mrs
Bull, Mr	Ryall, Ms
Burgess, Mr	Ryan, Mr
Clark, Mr	Shaw, Mr
Crisp, Mr	Smith, Mr R.
Delahunty, Mr	Southwick, Mr
Dixon, Mr	Sykes, Dr
Fyffe, Mrs	Thompson, Mr
Gidley, Mr	Tilley, Mr
Hodgett, Mr	Victoria, Mrs
Katos, Mr	Wakeling, Mr
Kotsiras, Mr	Walsh, Mr
McCurdy, Mr	Watt, Mr
McIntosh, Mr	Weller, Mr
McLeish, Ms	Wells, Mr
Miller, Ms	Wooldridge, Ms
Morris, Mr	Wreford, Ms

*Noes, 39*

Andrews, Mr	Hutchins, Ms
Barker, Ms	Kairouz, Ms
Beattie, Ms	Knight, Ms
Brooks, Mr	Languiller, Mr
Carbines, Mr	Lim, Mr
Carroll, Mr	McGuire, Mr
D'Ambrosio, Ms	Madden, Mr
Donnellan, Mr	Merlino, Mr
Duncan, Ms	Nardella, Mr
Edwards, Ms	Neville, Ms
Eren, Mr	Noonan, Mr
Foley, Mr	Pallas, Mr
Graley, Ms	Pandazopoulos, Mr
Green, Ms	Perera, Mr
Halfpenny, Ms	Richardson, Ms
Helper, Mr	Scott, Mr
Hennessy, Ms	Thomson, Ms
Herbert, Mr	Trezise, Mr
Holding, Mr	Wynne, Mr
Howard, Mr	

**Question agreed to.****Read second time.***Third reading***Motion agreed to.****Read third time.**

## RESIDENTIAL TENANCIES AMENDMENT BILL 2012

*Second reading*

**Debate resumed from 20 June; motion of  
Mr O'BRIEN (Minister for Consumer Affairs).**

**The SPEAKER** — Order! The question is:

That this bill be now read a second time and a third time.

All in favour say aye. All against say no. I think the ayes have it. Is a division required? I ask the Clerk to ring the bells for 3 minutes.

**Bells rung.**

**Members having assembled in chamber:**

**The SPEAKER** — Order! I ask all members to take their allocated seats in the house. I ask the Clerk to record the votes.

**The Clerk** — I call the Opposition Whip.

**Ms KAIROUZ (Kororoit)** — There are 39 individual ayes.

**The SPEAKER** — Order! As there is no dissenting voice, the division will not take place.

**Question agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

## STATUTE LAW REVISION BILL 2012

*Second reading*

**Debate resumed from 20 June; motion of  
Mr McINTOSH (Minister for Corrections).**

**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 Languiller** — On a point of order, Speaker, I wish to bring to your attention that on 26 October last year I raised an adjournment matter for the attention of the Minister for Environment and Climate Change. I sought an action and my matter has not been responded to, and I wish you to follow it through for me.

**The SPEAKER** — Order! I will follow that action up with the minister.

### **Namatjira Park, Clayton South: redevelopment**

**Mr LIM (Clayton)** — The matter I raise is for the attention of the Minister for Water. The action I seek is that the minister visit the Clayton South stormwater harvesting and reuse project being undertaken by Melbourne Water and the City of Kingston to view it and discuss the eradication of the thousands of seagulls that have taken up residence at the former retarding basin. This particular Melbourne Water retarding basin abuts houses in Clayton South on three sides, with the west boundary being the City of Kingston's Namatjira Park, which holds a yearly weekend music festival, the Globe to Globe festival, featuring international and local artists.

The City of Kingston is undertaking a major redevelopment of Namatjira Park, and the new wetland being constructed next to it is supposed to provide a win-win situation for the local residents and the general community through the linking of the two areas with walking tracks and the storage of up to 92 megalitres of potable water for use by the council. The project is massive, with the existing levee banks being reshaped, pipes being laid and structures being built to control the water flow within the wetland. A bridge and shared paths are being built around the wetland to connect residents living in Springs Road, Simon Street and Russ Street, and 80 000 native plants are being planted.

Unfortunately, thousands of seagulls formerly residing at the many local landfill sites have decided to move to this location, defeating the purpose of the new wetland and redeveloped park, which was to enable local residents to get outdoors and enjoy life. The situation has become very bad, because residents living within a kilometre of the project can no longer play with their children outdoors, can no longer enjoy gardening, can no longer dry clothes outdoors, can no longer have barbecues or invite friends to visit and have the

problem of continually having to wash bird droppings off their vehicles, windows and footpaths.

I call on the minister to visit the project with me in the near future to discuss these concerns with the residents and to work through the issue with Melbourne Water and the City of Kingston in order to eradicate the thousands of pests in the area.

### **Gas: Hastings electorate supply**

**Mr BURGESS** (Hastings) — I raise a matter for the attention of the Minister for Regional and Rural Development. The action I seek is that the minister provide funding for a feasibility study on supplying the coastal villages of Tooradin, Blind Bight, Cannons Creek and Warneet with natural gas through the coalition government's \$1 billion Regional Growth Fund.

During the 2010 state election the Liberal-Nationals coalition made a commitment to conduct a feasibility study into the provision of natural gas to these coastal villages. I have led a sustained campaign for the connection of natural gas to the Warneet, Blind Bight, Cannons Creek and Tooradin coastal villages, and the local community has been working for many years to secure this much-needed infrastructure. There is no doubt that coalition government investment would bring significant benefits to the local area. Households that convert from LPG (liquefied petroleum gas) to natural gas would make substantial savings on their utility bills, and levels of greenhouse gas emissions would be reduced. I have also been informed that the prevalence of wood burning in the coastal villages is contributing to significant health problems, and this situation could be substantially improved through the connection of natural gas.

The coastal villages I refer to are located in the city of Casey, Victoria's largest and fastest growing municipality. The needs of the residents of these villages were ignored for 11 years by the Labor government. Despite the enormous benefits that the reticulation of natural gas delivers to communities and to the environment, the Brumby government steadfastly refused to expand the natural gas network to this area.

In a media release dated 12 May the Deputy Premier, who is also the Minister for Regional and Rural Development, announced the details of the next phase of the rollout of the government's \$100 million Energy for the Regions program. In the press release the minister said:

... the innovative strategy would explore new opportunities to get energy and infrastructure sectors focused on delivering natural gas to communities in regional and rural Victoria.

...

Mr Ryan said the coalition government remained strongly committed to providing more regional Victorians with access to natural gas.

'Connecting homes and businesses to a more dependable energy source that is cheaper and better for the environment will have many benefits to regional and rural Victorians.

Natural gas delivers key benefits to local communities and makes sense as an energy source. Not only is it significantly cheaper than LPG but it produces lower levels of greenhouse gases than oil or coal, produces virtually no solid waste and has much less impact on the quality of water.

I therefore ask the Minister for Regional and Rural Development to consider the Energy for the Regions program, which is funded from the government's \$1 billion Regional Growth Fund, as a suitable funding source from which to conduct a feasibility study for the supply of natural gas to the coastal villages of Warneet, Blind Bight, Cannons Creek and Tooradin.

### **Preston West Primary School: portable classrooms**

**Mr SCOTT** (Preston) — The matter I wish to raise today is for the attention of the Minister for Education, and it relates to the portable classrooms that have been delivered to Preston West Primary School. The action I seek is that the portables be either replaced or repaired to a standard suitable for education in 2012.

I have been contacted by members of the Preston West Primary School community. The problems with the portables are twofold. One aspect is that they are in a bad state of disrepair. Photographs of the portables provided to me show broken windows, with iron covering some windows, unsightly electrical cords hanging down, muddy dug-up areas surrounding them and shoddy installation. These problems relate to the company having cut away shelter sheds to make room for the portables and not agreeing to resurface the area. This means that underneath the portables there is just dirt, and rainwater will pool and potentially flood and create all sorts of health risks associated with stagnant water.

I understand that the portables are kept and distributed by a private contractor. I will provide the minister with further information regarding the contractor outside this adjournment debate. I suspect there is scope to ensure that the contractor performs the duties under its

contract, which I suspect do not include providing damaged and substandard portables in such a manner. This matter is of great concern to the members of the school community who have contacted me. Further, the portables are not in a fit state for students. The children attending Preston West Primary School deserve better, and I ask the minister to act to ensure that they have facilities that meet their educational and health and safety needs.

### **Frankston Youth Prevention and Recovery Care Service: opening**

**Mr SHAW** (Frankston) — I wish to raise a matter for the Minister for Mental Health. The action I seek is for the minister to visit Frankston and officially open the new Frankston Youth Prevention and Recovery Care Service. Mental health is a significant issue for many Victorians, and I thank the minister for visiting Frankston a number of times. Just this year funding provided through the budget went towards improving the safety, security and comfort of women in mental health inpatient facilities in Frankston. I commend the minister on the important work she is doing in the mental health space and for her support of Frankston.

Nationally an estimated 27 per cent of people aged between 18 and 25 experience mental health or alcohol and substance use problems each year. It is also reported that about 75 per cent of mental health problems emerge before people reach the age of 25 years. In Australia schizophrenia is reported as being the third leading cause of burden and injury in young men and the fifth in young women of the same age. Data from a World Health Organisation world mental health survey suggests that the median age for the onset of non-effective psychotic illness is estimated as being from late teens to early 20s. Mental health issues such as these and depression and anxiety continue to lead to great pain and suffering and, in the worst case, suicide. Family members of people living with a mental health issue also suffer dreadfully. They often watch their loved ones suffer deeply and for prolonged periods of time.

Frankston offers some wonderful and outstanding services to young people with mental disorders. We know that people suffering mental illness can recover and lead happy, healthy and fulfilling lives and contribute to their community. This fact alone makes it even more important for young people to be able to access treatment and care. The Frankston Youth Prevention and Recovery Care Service is particularly aimed at young people between 16 and 25 years of age requiring support in a residential setting as an alternative to inpatient care or support in a 24-hour

setting for their transition from being an inpatient back into the community. It recognises the importance of responding to the social determinants that contribute to improved mental health outcomes, such as education, employment and housing. It will support a more integrated mental health and drug and alcohol service in response to the high levels of disadvantage experienced by young people.

Offering this care is critical to young people who suffer mental illness in Frankston. I ask the minister to officially open this critical service which will give young people in Frankston the opportunity to be the best they can be and to lead happy, healthy and fulfilling lives.

### **Regional rail link: North Melbourne station**

**Mr TREZISE** (Geelong) — I raise an issue for the Minister for Public Transport. The action I seek is for the minister to review as a matter of urgency the current plan to bypass North Melbourne railway station as part of the regional rail link. Currently the regional rail link route through Melbourne will be from Sunshine through to Southern Cross station with a stop at Footscray, as I understand it, bypassing the North Melbourne station. V/Line estimates that of the thousands of daily commuters between Geelong and Melbourne nearly half alight at North Melbourne station to either catch a loop train or a shuttle bus to destinations such as the university or hospital precincts. As a former daily commuter of nearly 10 years, I understand the lot and the daily grind of our train travellers. Their life is hard enough without its becoming even harder because of the plan to bypass North Melbourne station.

The minister would be aware — and I am sure he has travelled on the train from his home town of Colac through to Parliament — that the most direct and time-efficient route to use is to get off the train at North Melbourne and catch a loop train around to Parliament station. I do this trip myself on a relatively regular basis — probably not as much as I should, but I do — and I can assure the minister that taking a loop train from North Melbourne to Parliament is a far easier trip than going through to, say, Southern Cross station and then having to get on a tram. Travelling from North Melbourne is far easier and far more efficient.

I also point out to the minister that it is not as though the new rail line, when constructed, will be miles in distance from North Melbourne station. As the minister would know, the line will go directly past North Melbourne station, and surely a review would highlight

the fact that a new platform at North Melbourne could be built to accommodate the regional rail link.

In raising the issue with the minister I recognise the fact that I have also raised it with previous ministers. I fully support the construction of the regional rail link because it will provide a dedicated line for Geelong trains into Melbourne and thus eliminate the jam behind metropolitan services. Surely if governments, both federal and state, are going to spend nearly \$5 billion, at least they should get it right and review the decision to bypass North Melbourne station.

### **Churchill Football Netball Club: funding**

**Mr NORTHE** (Morwell) — I raise a matter for the Minister for Sport and Recreation. The action I seek is for the minister to advise as to when a decision is likely to be made with respect to an application by Churchill Football Netball Club under the sporting uniform grants program. As many in the house would know, this is a popular program and there are many applicants, many of which are from the Gippsland region.

The program is a reminder to us that there are many great sport and recreation grants available and that they serve our communities very well. They include not only the sporting uniform grants, through which up to \$1000 is available but also the Victalent grants, which provide athletes and officials with grants of up to \$500 to assist with their travel arrangements. There are also the Country Action grants, which are very popular, particularly in regional centres, under which up to \$5000 is available to increase the capacity of clubs. There is also the country football and netball program, under which up to \$100 000 is available for a facilities arrangement, as well as the Significant Sporting Events program. The availability of those programs has been a great asset for many clubs, particularly in the Morwell electorate.

On Monday morning of this week, before coming to Parliament, I had the pleasure of representing the minister at the Traralgon Tyers United Football Netball Club, which has been the recipient of a \$50 000 grant through the country football and netball program to upgrade its netball facilities. Unfortunately the girls there were basically changing out of an Atco hut, and the new facilities will help not only them but people who have a disability and will also ensure that the umpires have appropriate changing rooms.

It has been with great pleasure that the government has been able to help the Churchill Football Netball Club. There was an election commitment for money to upgrade the lighting at Gaskin Park in Churchill, and

hopefully that project will be under way shortly. It is not just for the football netball club, it is actually for the community. Events such as Relay for Life are conducted at Gaskin Park, so it is pretty important that those types of facilities are available. Of course a number of sport and recreation facilities are beneficiaries of the range of programs I have just mentioned. I am this afternoon seeking that the minister give some advice as to when a decision is likely on the Churchill Football Netball Club application.

### **Manufacturing: Geelong region jobs**

**Mr EREN** (Lara) — I wish to raise an urgent matter with the Minister for Manufacturing, Exports and Trade. The action I seek is for the minister to develop a jobs plan for the Greater Geelong region and Victoria as a whole and to outline his government's plans to not only protect manufacturing jobs in Geelong but also invest in creating new manufacturing opportunities. In light of a lot of bad news in relation to jobs in Geelong at Alcoa and Avalon and, as has been reported in the media, potential bad news at Shell and Ford, I am concerned. There have already been announcements of down time in July at Ford, and things are looking very grim for car manufacturing in Victoria.

Manufacturing is a major employer in Geelong. Despite this, the Baillieu government still does not understand its importance to the Geelong region. I speak from experience in saying how important the car manufacturing industry is as I have worked in the industry in the past — —

**Mr Delahunty** — Talk to Julia. She's the one driving them offshore.

**Mr EREN** — I will get to that, Minister. A lot of families' livelihoods depend on the car manufacturing industry. The Baillieu government has unfortunately wasted months trying to play the blame game with the federal government. That is what we have seen from this dithering, indecisive and inactive Baillieu government.

It has in fact been the federal government that has led the charge to support Ford workers in their jobs through various assistance packages, including the \$6.2 billion package that it announced some years ago. It is also a well-known fact that the Baillieu government had to be dragged kicking and screaming to support Ford manufacturing workers. This is consistent with the views of the leader of the federal Liberal Party, Tony Abbott, who refuses to assist the car manufacturing industry in any way, which is absolutely disgraceful. I

urge the Baillieu government to act immediately to prevent any further job losses that may occur at Ford.

In relation to future job opportunities, I know the former Labor government had some fruitful discussions with Marand Precision Engineering in relation to a possible 300 cutting-edge manufacturing jobs involving the making of joint strike fighter parts and accessories. However, I am not sure those discussions are continuing with the Baillieu government. I urge it to continue those discussions not only to protect the jobs that are there now but also to invest in creating new jobs for the region in the future. The Baillieu government should pull its finger out and get on with it.

### **Tourism: Mornington Peninsula**

**Mr MORRIS** (Mornington) — As you would be aware, tourism is a very important aspect of the local economy in the Mornington Peninsula, so I am pleased to raise a matter for Minister Asher in her capacity as the Minister for Tourism and Major Events this afternoon. The action I am seeking from the minister is that she provide assistance to raise the profile of the Mornington Peninsula in relation to tourism to achieve and improve visitation and to support the local industry.

Tourism, as I said, is very much a key part of the local economy. Melbourne has a growing population, and the peninsula has a role in that in terms of providing opportunities for general recreation. It also has a particularly important role in tourism, and the government's commitment through the planning measures and so on that were committed to at the 2010 election supports that role.

It was a very different situation in my early days on the peninsula, which at the time shut up after Easter. Tourism was very much a seasonal activity. However, that changed long ago, and that has benefited not only the industry but the community as well. During my local government days I devoted many hours to tourism and furthering the interests of tourists locally around Mornington. Through participation in the south of the bay network, I was a regular visitor to Queenscliff on the old ferry. You would go across in the winter, and there would be green water sloshing past the portholes. You did not want to have a big night the night before, I can tell you, or you were in trouble —

**Mr McIntosh** interjected.

**Mr MORRIS** — No, going across to Queenscliff is quite far enough. I also recall working with VicRoads to get the brown directional signs installed for wineries, and that was a real breakthrough. Today it is very

different; we have a thriving tourism industry. We have great beaches and boating facilities, but it is much more sophisticated than that. We have many great venues, such as the Morning Star Estate. We produce excellent wines. We have a wide variety of restaurants, cellar door operations and those sorts of things. There is also Mornington Racing Club.

Sometimes the great array of excellent restaurants and entertainment venues we have in the towns and villages across the peninsula are overlooked. The peninsula's delights are well known, but they are sometimes so well known that they get overlooked and people go elsewhere. We need to keep the industry vibrant and growing. We need to keep it contributing to the local economy, and to do that we need to keep it very much at the front of people's minds. I seek the support of the minister in achieving that very important outcome for the local economy of the Mornington Peninsula.

### **Higher education: TAFE funding**

**Mr McGUIRE** (Broadmeadows) — I raise an issue for the attention of the Minister for Higher Education and Skills. The action I seek is that the minister reverse the changes to TAFE funding outlined in the coalition's second budget that will see an estimated 550 jobs lost in this sector within weeks and more than 2000 jobs lost after January 2013.

The response my office has received to this situation has been overwhelming. Of all the responses received, perhaps the most moving is the story of Tashara Roberts. After a disrupted and abusive childhood, Ms Roberts settled with her mother and three siblings in Broadmeadows. She did not perform well in school and suffered from mental illness. She eventually found employment at the local Woolworths and worked her way up to a management position. However, following a violent attack in which she was assaulted, robbed and left for dead, she was unable to continue in her job. Suffering post-traumatic stress disorder, anxiety and depression, Ms Roberts slipped into despair.

To her credit, Tashara eventually studied business administration at Kangan Institute. She said:

... having something to focus on helped and gave me hope that I could turn my life around. I surprised myself by getting really good marks, it seemed that the reason I did so poorly in high school may have been their teaching methods, because I was kicking goals at TAFE. My teachers were very supportive and inspiring and whilst watching them I decided that I too wanted to become a TAFE teacher, so I could also help students like myself.

Whilst studying business I was required to complete a work experience component and was fortunate enough to gain a work experience position in the ICT department at KI, which

to my delight led to permanent part-time employment, I was now responsible for coordinating the work placement program for the ICT students, a job that I also grew to love. I finally started to believe at 32 years of age, that you can in fact be anything you set your mind to.

...

Earlier this month, after a lot of hard work, I was lucky enough to gain a full-time ongoing teaching position with Kangan Institute, teaching traineeships and youth education. I was so happy, I had finally made it, I was now in a position where I could help students like me and really make a difference in the community ...

Then the TAFE cuts were announced, the course I had planned to study next year has been cut ... because it, like many courses has become unviable. Kangan Institute will cut 205 jobs by December and this may include mine. The TAFE is just trying to do what it can to survive, but it's the students like me that will suffer ...

I am disgusted with the government over the unfolding disaster for TAFE. The TAFE system and the teachers that are employed in it saved my life and many others like me.

The state government has turned its back on Victorian TAFE students, teachers, support staff and communities in its state budget.

Instead of showing its support for the public TAFE system, which has helped hundreds of thousands of Victorians into work and driven our state's economy, the government has devastated TAFE by slashing \$300 million from institute budgets.

The new cuts announced in the budget will see courses fold, campuses close, student opportunities reduced ...

The funding cuts to TAFE will have a major impact. It is decisive action that counts, not merely words.

### **Disability services: Benambra electorate**

**Mr TILLEY** (Benambra) — I wish to raise a matter for the attention of the Minister for Community Services. The action I seek is for the minister to consider increasing the availability of supported accommodation for people with a disability in the electorate of Benambra.

Just last week, on Thursday, 14 June, I was pleased to host the minister in Wodonga. The minister came up from metropolitan Melbourne to a great part of country and rural Victoria to be present at the official opening of new disability accommodation. This new house will provide high-quality accommodation for six younger people with disabilities. It was funded through the joint Victorian-commonwealth government program, My Future My Choice, and the Older Carers initiative. It is run by the E. W. Tipping Foundation, which is a terrific organisation that will ensure that the services provided to those young men will be ongoing.

The My Future My Choice program aims to reduce the number of younger people with disabilities living in or at risk of entering residential aged-care facilities. The men we met last week are all under 50. I have about 12 months to go before I reach the ripe old age of 50, but it was very levelling for me to see men around my age who have experienced acquired brain injury or stroke. This is their sanctuary, a place which takes them away from the environment of an aged-care facility and puts them in an environment where fellas can get together and enjoy a lifestyle that most of us take for granted.

I took the opportunity, as I always do with ministers and other colleagues, to further advance the opportunities for the electorate that I represent, Benambra. I was unashamedly pleased to advocate for further supported accommodation places in Benambra. As we all recall, state funding for disability accommodation was a coalition election commitment, which was certainly delivered on in the government's first budget after extensive consultation. That is something that we do as a coalition — we truly consult with our communities. That was terrific news.

Unashamedly I continue to advocate for my electorate, as we all do collectively. I hope further opportunities for people experiencing disability in the electorate of Benambra can be delivered so that that opportunities can be extended to provide them with a lifestyle that we all take the granted.

### **Responses**

**Mr RYAN** (Minister for Regional and Rural Development) — I rise to respond to a matter which has been raised for my attention by the member for Hastings. This relates to the all-important extension of the reticulated natural gas system through different parts of Victoria and, particularly from the perspective of the member, prospectively to the coastal villages of Tooradin, Blind Bight, Cannons Creek and Warneet. We are all familiar with these beautiful locations and of course would seek to have this happen as soon as possible.

The government is investing \$100 million over the next four years through the Energy for Regions program, which as the house knows is part of the \$1 billion Regional Growth Fund. The program is being delivered under the auspices of Regional Development Victoria. RDV has implemented a staged approach to the program. The first stage of the implementation is now complete, and agreement has been reached for the provision of supply of natural gas to Mildura and Huntly.

On 12 May this year I announced the next stage for delivering the program, which will involve a broadened strategy to engage natural gas suppliers in both the conventional pipeline and alternative delivery markets. The strategy proposes three overlapping work streams which are intended to maximise opportunities in the energy marketplace. This next stage, which will commence in the second half of 2012, includes a plan to offer incumbent gas distributors a fixed subsidy, or a 'bounty' amount as it is being termed, to supply priority towns. In addition, bids will be invited from the market for a compressed natural gas, CNG, or liquefied natural gas, LNG, delivery system and local town reticulation networks.

The outcomes of the next phase of the program will inform RDV of the technical options available and the further feasibility required to supply many of our regional and rural communities, including, as I said, places such as the coastal villages of Tooradin, Blind Bight, Cannons Creek and Warneet, with natural gas.

There are options, Speaker, which I know you will be particularly interested to know about, because this may include a conventional pipeline connection from an extended gas network to Koo Wee Rup, or an alternative delivery option which involves CNG or LNG. The subsequent phases of the program involve an invitation to the market to bid for either of those options — CNG or LNG — and local town reticulation. I anticipate that these phases of the program, and the feasibility study for the supply of gas to places such as the towns in which the member has a particular interest, will be concluded by mid-2013.

**Ms ASHER** (Minister for Tourism and Major Events) — The member for Mornington has asked me whether there are any plans to assist with raising the profile of the Mornington Peninsula. Again I note his strong history of support for tourism. Indeed he outlined how important tourism is as an economic activity for the Mornington Peninsula.

I am pleased to advise the member of a terrific partnership between the coalition government and Federation Square. This is a \$40 000 partnership which is aiming to show Victoria's towns, villages and regions, including the Mornington Peninsula, on the big screen in the main square and the atrium screen four times a day over the next year. This is a stunning initiative that will mean that all places in regional Victoria, including the member's area of interest, the Mornington Peninsula, will be showcased through the display of tourism videos at Federation Square over the next year.

The initiative will begin on 1 July, and videos will focus on a different Tourism Victoria campaign region every month. The videos will profile a different tourism region four times a day for a month, and all regions will be covered. As members would be aware, Federation Square received over 2 million visitors last year alone, making it the most visited attraction in Melbourne and presenting an excellent opportunity to connect with interstate and international visitors.

I am happy to advise the member that September this year will be the month for the Mornington Peninsula. Members may be interested in knowing what other regions will be featured in other months. In July it will be the Great Ocean Road, in August it will be the Grampians, in October it will be the high country, in November it will be Gippsland and in December it will be the Yarra Valley and the Dandenongs. Next year it will be the Murray in February, Phillip Island in March — which would be of interest to you, Speaker — the goldfields in April, and Daylesford and the Macedon Ranges in May.

This means that in the no. 1 visitation site in Melbourne, Federation Square, Victoria's regions will now be profiled for a month each over a year-plus campaign. It is an exciting tourism initiative and great advertising right where the visitors are. Tourism is now a \$15.3 billion industry for Victoria, and the coalition's aim is to expand that pot.

I thank the member for Mornington for raising this issue, but before I conclude I also advise the member that there is a second initiative of relevance to his region — that is, a new state-commonwealth initiative, a pilot tourism plan to address problems relating to skill shortages for tourism in the Mornington Peninsula and Phillip Island.

I was pleased to announce this initiative on 29 May, and I am delighted that the commonwealth is being supportive of this matter. It is important that the commonwealth and the state work together for good economic outcomes. This is an example of where it is happening, and I am delighted to advise the member that his region has been chosen.

**Mr DIXON** (Minister for Education) — The member for Preston raised an issue with me regarding relocatable classrooms that have been placed in Preston West Primary School. They seem to be in a less than ideal condition, and also the site has been left in quite a mess. As the member asserted, normally when relocatable classrooms are placed in schools part of the contract is that they are in a usable and safe condition and that appropriate works are done around the

portables to make them safe. On the surface it seems that the normal contract has not been fulfilled. I am more than happy to follow up that issue with the member and the school.

I can also let the member know that we have committed a further \$9 million in this year's budget to upgrade our portable classroom stock. We need to keep replacing that stock, and some of the older portables will literally be put out to pasture near Kyneton. I will follow up the issue for the member.

**Mr DELAHUNTY** (Minister for Sport and Recreation) — I rise to respond to a matter raised with me tonight by the member for Morwell, an active and hardworking member of Parliament who likes to get things done in his electorate.

The Victorian government is focusing on creating active and healthy communities by encouraging individuals to become more involved in sport. Reducing the financial burden of purchasing sporting uniforms assists in increasing participation in community sport. I can announce today that the Victorian government is providing 275 clubs across Victoria with new sporting uniform grants of up to \$1000 per club to assist in the purchase of uniforms and footwear essential for playing sport.

I am pleased to inform the member for Morwell that the Churchill Football Netball Club, which he spoke about tonight, will receive \$1000 to enable the purchase of new uniforms for its netballers. This is one of the eight clubs in the Morwell electorate that will receive funding for sporting uniforms. As the member for Morwell knows, this program makes an enormous difference to clubs and families involved in sport.

Another aspect of building strong and enduring sporting communities is increasing the skills of coaches, officials and managers involved in sporting clubs. Volunteers, coaches and sports administrators are essential to deliver both community and elite sporting activities. More than 580 000 Victorians volunteer annually in sport and recreation, and I say a big thankyou to them. It is a bit like my local Lions Club, which last year had a 10th anniversary dinner; they are volunteers, and they also do a great job.

Another program, the Country Action Grant Scheme, provides grants of up to \$5000 to increase the skills of coaches, officials and managers to help community clubs. I am pleased to announce that the Latrobe Valley Volleyball Association will receive \$2670 for volunteer presenter training and come-and-try camps. I am also pleased to announce for the member for Morwell that

the Traralgon Olympians Soccer Club will receive \$5000.

Another aspect of participating in sport for many Victorian country teams and coaches — and you, Speaker, would know this from living in the Bass electorate — is the need to travel long distances, so I am pleased to announce a \$500 travel assistance grant to support developing athletes, coaches, officials and teams required to travel extensively to engage in training and competition. I am pleased to announce that I have signed off on seven Morwell clubs receiving \$500 each to help them reach their potential by competing in events in other areas. Recipients include the Traralgon Tennis Association, the Traralgon Harriers Athletics Club, the Latrobe Valley Volleyball Association, the Gippsland Superules League and Gippsland MTB.

By investing in great initiatives such as these we can encourage more people to get involved in sport and recreation, strengthening communities and improving the overall collective wellbeing of those communities.

**Ms WOOLDRIDGE** (Minister for Mental Health) — It gives me great pleasure to speak on the adjournment debate tonight, firstly, in response to the member for Frankston, who has had longstanding issues in relation to mental illness in his community, as evidenced by the knowledge he demonstrated in his adjournment contribution about the need for services such as our prevention and recovery care services, which are step-up, step-down subacute services to assist people either before they need an inpatient admission — by intervening early — or to help in their transition back to the community.

We are very committed to the new model of the youth prevention and recovery centre (PARC), and I am very pleased that the Frankston centre is actually the first of its kind and a real innovation. I would be very pleased to come down and open the Frankston youth PARC, which is a showcase of innovative and creative thinking about working effectively with young people who have mental illness to address the full range of health issues that they face.

I need to say that this is in conjunction with the Frankston adult PARC, which is currently under construction and is due to be completed within the next financial year. As the member for Frankston said, we are investing in mental health services in the Frankston area for that community. It is a priority of this government to ensure that we have strong mental health services to respond to this very important need in our

community. I thank the member for Frankston for his contribution.

I next have a response to the member for Benambra in terms of his request in relation to additional supported accommodation in his electorate, in the Wodonga area. It was a real pleasure last week to be with him to open the E. W. Tipping Foundation facility under the My Future My Choice initiative, and once again I think you could tell from the member's contribution how involved he is with the issue. You could tell that he was moved by the experience of meeting the people with a disability who were to be residents and seeing what it meant for them in terms of the independence of living in supported accommodation as opposed to residential aged care and in terms of the genuine individualised responses to their needs.

I am very pleased to inform the member for Benambra tonight that we will in fact be investing in additional supported accommodation in his electorate through an initiative that was an election commitment, which was funded in recent budgets. Yooralla will be the service provider for five additional supported accommodation places to be provided with an innovative approach. We will be focusing particularly on people with autism and intellectual disability and on innovations in relation to that accommodation. That has been a real focus in trying to push the boundaries of how accommodation is provided not in a one-size-fits-all but in a creative way.

The accommodation will be innovative both in its design and in the expert staff who will be able to respond to people who have high-level behaviours of concern to create a very calm, safe, secure environment that helps address the escalation of those behaviours. The innovation that Yooralla showed in its application and its commitment to creating that appropriate environment for the individuals who will be accommodated was important in the decision making, in addition to the passion and advocacy of the member for Benambra.

We are approaching this in a new way by having a housing provider provide the capital and the build for the facility and then having Yooralla as the service provider within that. National Disability Leasing Solutions will be the housing provider, which will work in conjunction with Yooralla. The capital cost for this facility is nearly \$1.5 million and recurrent funding over a four-year period will be \$2.26 million, so this will be a \$3.76 million investment in Wodonga for people with a disability.

I am very proud that that is an investment in making a real difference in terms of individualised support and

that it is an appropriate response for people with disabilities. As I have said, finding solutions that meet individuals' particular needs is a real focus of the coalition government. I thank the member for Wodonga for his advocacy for and commitment to people with a disability in his community, and I look forward to seeing the innovative model that will be provided and the difference it will make to people in that area.

**Mr McINTOSH** (Minister for Corrections) — The member for Clayton raised a matter for the Minister for Water in relation to water harvesting in his electorate, and I will ensure that that gets passed to the Minister for Water for his response.

The member for Geelong raised a matter for the Minister for Public Transport in relation to the regional rail link, specifically in relation to the North Melbourne station, and I will ensure that that is passed on to the minister.

The member for Lara raised a matter for the Minister for Manufacturing, Exports and Trade in relation to the development of a jobs plan, and I will ensure that that is passed on to the minister.

The final matter is that the member for Broadmeadows made a request of the Minister for Higher Education and Skills in relation to TAFE funding, and I will ensure that that is passed on to the minister.

In conclusion, Speaker, I just wish all members and you along with the clerks, the attendants, the library staff, the Hansard staff, the catering staff and indeed all people in the Parliament a very pleasant but also very safe break. We look forward to seeing everybody back here safe and well in seven weeks time.

**The SPEAKER** — Order! I thank the Leader of the House for that. I also wish everybody a happy and relaxing time and an opportunity to spend time with their family and to reflect on what has occurred in the last 12 months. I hope that when people from all sides of politics come back their behaviour in this house will be better. I declare the house adjourned.

**House adjourned 5.04 p.m.**