

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Tuesday, 6 May 2014

(Extract from book 6)

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By authority of the Victorian Government Printer

The Governor

The Honourable ALEX CHERNOV, AC, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

(from 17 March 2014)

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Deputy Premier, Minister for State Development, and Minister for Regional and Rural Development	The Hon. P. J. Ryan, MP
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Minister for Mental Health, Minister for Community Services, and Minister for Disability Services and Reform	The Hon. M. L. N. Wooldridge, MP
Cabinet Secretary	Mrs I. Peulich, MLC

Legislative Assembly committees

Privileges Committee — Ms Barker, Mr Clark, Ms Green, Mr Hodgett, Mr Morris, Mr Nardella, Mr O'Brien, Mr Pandazopoulos and Mr Walsh.

Standing Orders Committee — The Speaker, Ms Allan, Ms Asher, Ms Barker, Mr Hodgett, Ms Kairouz, Mr O'Brien and Mrs Powell.

Joint committees

Accountability and Oversight Committee — (*Assembly*): Ms Kanis, Mr McIntosh and Ms Neville.
(*Council*): Mr D. R. J. O'Brien and Mr Ronalds.

Dispute Resolution Committee — (*Assembly*): Ms Allan, Ms Asher, Mr Clark, Ms Hennessy, Mr Merlino, Mr O'Brien and Mr Walsh. (*Council*): Mr D. Davis, Mr Drum, Mr Lenders, Ms Lovell and Ms Pennicuik.

Economic Development, Infrastructure and Outer Suburban/Interface Services Committee — (*Assembly*): Mr Burgess and Mr McGuire. (*Council*): Mrs Millar and Mr Ronalds.

Education and Training Committee — (*Assembly*): Mr Brooks and Mr Crisp. (*Council*): Mr Elasmarr and Mrs Kronberg.

Electoral Matters Committee — (*Assembly*): Mr Delahunty. (*Council*): Mr Finn, Mrs Peulich, Mr Somyurek and Mr Tarlamis.

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

Family and Community Development Committee — (*Assembly*): Ms Halfpenny, Mr Madden, Mrs Powell and Ms Ryall. (*Council*): Mrs Coote.

House Committee — (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Mr Blackwood, Mr Burgess, Ms Campbell, Ms Thomson and Mr Weller. (*Council*): The President (*ex officio*), Mr Eideh, Mr Finn, Ms Hartland, Mr D. R. J. O'Brien and Mrs Peulich.

Independent Broad-based Anti-corruption Commission Committee — (*Assembly*): Ms Kanis, Mr Kotsiras, Mr McIntosh and Mr Weller. (*Council*): Mr Viney.

Law Reform, Drugs and Crime Prevention Committee — (*Assembly*): Mr Carroll, Mr McCurdy and Mr Southwick. (*Council*): Mr Ramsay and Mr Scheffer.

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

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 D. R. J. O'Brien.

Scrutiny of Acts and Regulations Committee — (*Assembly*): Ms Barker, Ms Campbell, Mr Gidley, Mr Nardella, Dr Sykes and Mr Watt. (*Council*): Mr Dalla-Riva.

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

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

Speaker:

The Hon. CHRISTINE. FYFFE (from 4 February 2014)

The Hon. K. M. SMITH (to 4 February 2014)

Deputy Speaker:

Mr P. WELLER (from 4 February 2014)

Mrs C. A. FYFFE (to 4 February 2014)

Acting Speakers:

Mr Angus, Ms Beattie, Mr Blackwood, Mr Burgess, Ms Campbell, Mr Languiller, Mr McCurdy, Mr McGuire, Mr McIntosh, Ms McLeish, Mr Morris, Mr Nardella, Mr Northe, Mr Pandazopoulos, Ms Ryall, Dr Sykes and Mr Thompson. (to 2 April 2014)

Mr Angus, Mr Blackwood, Mr Burgess, Mr Crisp, Mr McCurdy, Mr McIntosh, Ms McLeish, Mr Morris, Ms Ryall, Dr Sykes and Mr Thompson. (from 3 April 2014)

Leader of the Parliamentary Liberal Party and Premier:

The Hon. D. V. NAPHTHINE (from 6 March 2013)

The Hon. E. N. BAILLIEU (to 6 March 2013)

Deputy Leader of the Parliamentary Liberal Party:

The Hon. LOUISE ASHER

Leader of The Nationals and Deputy Premier:

The Hon. P. J. RYAN

Deputy Leader of The Nationals:

The Hon. P. L. WALSH

Leader of the Parliamentary Labor Party and Leader of the Opposition:

The Hon. D. M. ANDREWS

Deputy Leader of the Parliamentary Labor Party and Deputy Leader of the Opposition:

The Hon. J. A. MERLINO

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Baillieu, Mr Edward Norman	Hawthorn	LP	McIntosh, Mr Andrew John	Kew	LP
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Beattie, Ms Elizabeth Jean	Yuroke	ALP	Miller, Ms Elizabeth Eileen	Bentleigh	LP
Blackwood, Mr Gary John	Narracan	LP	Morris, Mr David Charles	Mornington	LP
Brooks, Mr Colin William	Bundoora	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
Brumby, Mr John Mansfield ¹	Broadmeadows	ALP	Naphtine, Dr Denis Vincent	South-West Coast	LP
Bull, Mr Timothy Owen	Gippsland East	Nats	Nardella, Mr Donato Antonio	Melton	ALP
Burgess, Mr Neale Ronald	Hastings	LP	Neville, Ms Lisa Mary	Bellarine	ALP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Newton-Brown, Mr Clement Arundel	Prahran	LP
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Crisp, Mr Peter Laurence	Mildura	Nats	Pakula, Mr Martin Philip ⁷	Lyndhurst	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Pallas, Mr Timothy Hugh	Tarneit	ALP
Delahunty, Mr Hugh Francis	Lowan	Nats	Pandazopoulos, Mr John	Dandenong	ALP
Dixon, Mr Martin Francis	Nepean	LP	Perera, Mr Jude	Cranbourne	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Pike, Ms Bronwyn Jane ⁸	Melbourne	ALP
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Fyffe, Mrs Christine Ann	Evelyn	LP	Scott, Mr Robin David	Preston	ALP
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Gidley, Mr Michael Xavier Charles	Mount Waverley	LP	Smith, Mr Kenneth Maurice	Bass	LP
Graley, Ms Judith Ann	Narre Warren South	ALP	Smith, Mr Ryan	Warrandyte	LP
Green, Ms Danielle Louise	Yan Yean	ALP	Southwick, Mr David James	Caulfield	LP
Halfpenny, Ms Bronwyn	Thomastown	ALP	Sykes, Dr William Everett	Benalla	Nats
Helper, Mr Jochen	Ripon	ALP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Hennessy, Ms Jill	Altona	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Herbert, Mr Steven Ralph	Eltham	ALP	Tilley, Mr William John	Benambra	LP
Hodgett, Mr David John	Kilsyth	LP	Trezise, Mr Ian Douglas	Geelong	ALP
Holding, Mr Timothy James ³	Lyndhurst	ALP	Victoria, Ms Heidi	Bayswater	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Wakeling, Mr Nicholas	Ferntree Gully	LP
Hulls, Mr Rob Justin ⁴	Niddrie	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
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Kairouz, Ms Marlene	Kororoit	ALP	Weller, Mr Paul	Rodney	Nats
Kanis, Ms Jennifer ⁵	Melbourne	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Katos, Mr Andrew	South Barwon	LP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Knight, Ms Sharon Patricia	Ballarat West	ALP	Wreford, Ms Lorraine Joan	Mordialloc	LP
Kotsiras, Mr Nicholas	Bulleen	LP	Wynne, Mr Richard William	Richmond	ALP

¹ Resigned 21 December 2010

² Elected 24 March 2012

³ Resigned 18 February 2013

⁴ Resigned 27 January 2012

⁵ Elected 21 July 2012

⁶ Elected 19 February 2011

⁷ Elected 27 April 2013

⁸ Resigned 7 May 2012

⁹ LP until 6 March 2013

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Tuesday, 6 May 2014

The SPEAKER (Hon. Christine Fyffe) took the chair at 2.04 p.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

Local government

Mr WYNNE (Richmond) — My question is to the Premier. I refer to the Premier's statement in this house on 13 August 2009:

There is no place for party politics in local government; there is no government and opposition. What we need is independent candidates elected by their community to represent their community.

I ask the Premier: does he stand by those comments?

Dr NAPTHINE (Premier) — I thank the honourable member for his question. We know that local government plays a very important role in the delivery of services to the community of Victoria, and what we need in local government is candidates who are good candidates representing their community, who put themselves forward for election and are voted on by the people of their various electorates. We on this side of the house support good, community-based candidates standing for election and putting their ideas forward — putting themselves forward as candidates to be councillors in the community — so that councils can effectively and democratically represent their communities and act in the best interests of their communities.

St Albans level crossing

Ms RYALL (Mitcham) — My question is to the Premier. What action is the Victorian coalition government taking to increase rail safety, reduce road congestion and build better infrastructure for the families and businesses of Melbourne's western suburbs?

Dr NAPTHINE (Premier) — I thank the member for Mitcham for her question and for her interest in improving safety on our rail system and across Victoria. Members would be aware that the level crossing at Main Road, St Albans, is one of the most dangerous level crossings in Victoria. Indeed at that dangerous level crossing there have been 2 fatalities and 39 near misses involving pedestrians since 2006. It is also one of the busiest and most congested level crossings, with over 20 000 motorists and pedestrians using it every day, and over 160 metro and V/Line services per day.

There are several sets of traffic lights, boom gates and a very busy St Albans shopping centre.

That is why on 27 April I was pleased to be in St Albans with hardworking local members for Western Metropolitan Region in the Council Bernie Finn and Andrew Elsbury to announce that the state coalition government will remove this dangerous and congested level crossing. We announced that over \$200 million will be provided to put the rail line under Main Road, to build a new premium station at St Albans, to build a new, more convenient bus interchange system, to improve pedestrian and cyclist access and safety and to boost the amenity of the local shopping centre.

Funding for the important removal of this dangerous level crossing comes from sound economic management of the regional rail project. Because there is a coalition government in place, not only has it fixed up the mess it inherited from the previous Labor government with respect to the regional rail project — a project that under Labor had more at-grade level crossings, no trains and no signals — but it has also brought that project ahead of time and under budget, which gives it the capacity to deliver this level crossing removal. This is a great example of a coalition government listening and responding to the needs of the western suburbs, which were treated with contempt under 11 years of Labor. I congratulate Bernie Finn and Andrew Elsbury on listening to the local community.

Honourable members interjecting.

Dr NAPTHINE — Today's *Brimbank Weekly* says that we are not the only ones who support this great project:

The former Labor state government did not do enough to address the ... killer crossings at St Albans ...

That is according to the federal Leader of the Opposition, Bill Shorten. Further, Mr Shorten is quoted as having said:

I think people are legitimately angry. I think the previous state Labor government should have done more.

People are legitimately angry with the former Labor state government that ignored them for 11 years. I am very pleased that a Liberal-National party government, with the great local members Bernie Finn and Andrew Elsbury, is listening to the local community and is going to spend \$200 million fixing the most dangerous level crossing in Melbourne and Victoria. We are going to improve that level crossing and build a new premium station and an efficient bus interchange.

This is a great project that will save lives, reduce congestion, improve reliability of V/Line and Metro Trains Melbourne services and boost the amenity of St Albans. Only a coalition government listens to the local people and delivers in St Albans.

Local government

Mr WYNNE (Richmond) — My question is again to the Premier. Can the Premier assure the house that he has at no stage sought to influence the decisions of elected local government councillors?

Dr NAPHTHINE (Premier) — I thank the honourable member for his question. As all local members know, because all local members work across their community and with local government, local councillors are generally community leaders who do a great job on behalf of their community for the most part. As the member for South-West Coast in my more than 20 years as a member of Parliament I have worked constructively and appropriately with local councillors at various councils, be it Southern Grampians Shire Council, Glenelg Shire Council, Moyne Shire Council or Warrnambool City Council. I work with local councillors who are community leaders and democratically elected representatives of their community. They are working with their councils to try to improve the opportunities and outcomes for their local community.

Murray Basin rail project

Mr CRISP (Mildura) — My question is to the Minister for State Development. How is the Victorian coalition government helping to grow the state's regional economy and build a better Victoria?

Mr RYAN (Minister for State Development) — I thank the member for Mildura, a great local member, for his very appropriate question, because at the very successful Nationals state conference on the weekend I had the great pleasure of announcing that the Victorian coalition government will invest up to \$220 million to deliver key country freight rail line upgrades and to build the transformational Mildura to Geelong standardised link. Our government is going to build the Murray Basin rail project. It will revolutionise the movement of freight across that part of the state in particular and across Victorian regional areas more generally.

The Murray Basin is one of the nation's leading food production regions. More than \$3 billion worth of food products are exported from that region, together with about \$1 billion worth of mineral sands. Last year

Victoria exported \$9.4 billion worth of food and fibre. One-third of the exports of the Australian nation in this important sector came from Victoria. By converting the existing broad-gauge track to standard gauge this project will deliver modern rail infrastructure and transform Victoria's freight network.

As part of this project we are going to upgrade the freight lines to 21-tonne axle loading capacity, providing an immediate 15 per cent uplift in the productivity of those train loads. About 300 to 400 additional tonnes will be able to be carried per train load. This project will improve transport efficiency and enhance access to the ports of Portland, Geelong and Melbourne, all of those being critical to Victorian exports. It will result in a mode shift, which means we will take trucks from the road and put them onto rail, and it will mean that the loads those trucks currently carry will substantially be able to be shifted onto rail.

I emphasise immediately that the transport sector, in the sense of the trucking sector, is extraordinarily important to all of Victoria, and indeed as the son of a former transport driver let me say that this industry is an important element of what we need by way of the carriage of our freight. If we can remove a lot of those truckloads and get this export product onto the freight to be carried by trains, then so much the better.

The first stage of this project will include an initial \$41 million to upgrade the Hopetoun and Mildura rail lines to ensure quick benefits from more efficient freight movement. We will have the final cost of this magnificent, wonderful and transformational project by the end of this year when we complete the business case. The total project, which we will commence next year, will be completed by 2018.

Honourable members interjecting.

Mr RYAN — I hear members interjecting that no-one believes us. Remember when John Brumby was here saying Labor would do it? The Labor government never did it, despite all the talk about what it would do. Remember Peter Batchelor, a former Minister for Transport. We remember all of that. Remember Pig-Iron Pete Batchelor, who bought \$17 million worth of railway line. We are still wondering what he did with it.

This coalition government is going to deliver this great project. For decades the regions of the north in particular have sought it. We are going to make it happen because we understand that the export of these products from rural and regional Victoria through our

ports is vitally important to the future of the regions of this great state.

City of Ballarat mayor

Mr HOWARD (Ballarat East) — My question is to the Premier. Can the Premier confirm that on 7 November 2013 he met with Cr John Burt, the then mayor of the City of Ballarat?

Dr NAPHTHINE (Premier) — I thank the honourable member for his question. Cr John Burt was certainly the mayor of the regional City of Ballarat, and as Premier of the state and Minister for Regional Cities I meet with regional mayors on a regular basis right across the state. Sometimes I meet with them when they are in Melbourne and sometimes I meet them in their home cities. With respect to the exact date of a meeting with John Burt when he was mayor of Ballarat, I will confirm that in my diary and get back to the honourable member.

Automotive industry

Ms WREFORD (Mordialloc) — My question is to the Minister for Higher Education and Skills. How is the Victorian coalition government supporting workers in the automotive parts sector to reskill and take up job opportunities in new and growing industries?

Mr WAKELING (Minister for Higher Education and Skills) — I thank the member for Mordialloc for her question and for her ongoing interest in how this government is supporting workers in the automotive parts sector to reskill and take up job opportunities in new and growing industries. I know that many workers come from her part of Victoria. This government is committed to supporting workers in industries that are experiencing change so that they can take advantage of new opportunities emerging in the Victorian economy.

On the watch of this government we have seen a significant increase in funding for people undertaking vocational education and training. That funding has risen from \$855 million under the former government to \$1.2 billion. That has delivered a 51 per cent increase in the number of subsidised enrolments. More importantly we have seen an increase from 49 per cent to 70 per cent in people undertaking training in areas of skills shortages.

The focus of this government has been on ensuring that Victorians are undertaking training where skills shortages have been identified. Members would be aware of the challenges that are faced by many Victorians who work in the automotive sector. The Minister for Manufacturing and I recently met with

representatives of Ford, Holden and Toyota. They were able to explain to both of us how they are working with their workforces to ensure that they are receiving the necessary skills training through a retraining process. As we are aware, Toyota and GM Holden have each recently announced \$15 million packages, and those build on the announcement that Ford made previously.

What came out of that meeting was that there is a very clear need to work with the auto components sector, which consists of more than 16 000 Victorian workers. I was very pleased to join the Treasurer just recently to announce that this government is going to work with that sector by making a \$30 million funding contribution over two years to help reskill workers in the auto supply chain area. That will do two things: firstly, it will diversify workers' skills base so that they can take up new opportunities with their current employer; and more importantly, it will provide them with an opportunity to reskill if they wish to move into new areas of employment. This will see the creation of three worker transition centres — in northern Melbourne, in Barwon and in the south-east — to help with careers advice.

One of the key areas where these people are going to obtain assistance is in providing opportunities for future work in construction. If one had read the newspapers over recent weeks, one could only have seen that this government is going to be delivering significant new jobs, whether through the east-west link, not only stage 1 but also stage 2, whether through the Dandenong-Pakenham line upgrade, whether through the Bendigo Hospital upgrade, whether through the CityLink Tullamarine widening project, or whether through the long-awaited airport rail link. Literally thousands of new jobs will be delivered by this government.

This government is working with the 16 000 workers in the auto supply sector to ensure that they are best placed to obtain the best possible opportunities to reskill. A key area in which they will be able to gain employment is in the construction of those new and important projects. That funding investment of \$30 million builds on the \$9 million from the Melbourne and Geelong regional industry funds and the \$12 million recently announced with the federal government. This government is getting on with the job of helping workers.

Frankston railway station precinct

Mr SHAW (Frankston) — My question is to the Minister for Public Transport. There is currently a draft concept plan from his department regarding the

\$13.8 million set aside from last year's budget for the Frankston station precinct that has been made available for community feedback. There is a small group of agitators, led by a former mayor and backed by certain Frankston councillors, criticising the plans through the media. The agitators are stating that this is all a waste of money for a few trees and cosmetics. I ask the minister: is it a waste of money or is it not, and what is the \$13.8 million delivering for Frankston?

Mr MULDER (Minister for Public Transport) — I thank the member for Frankston for his question. As the member for Frankston would be aware, the coalition government has made significant announcements in relation to the improvement of not just the Frankston railway station precinct but also the Frankston railway line in its own right with our bayside project — a \$100 million upgrade along the Frankston line so that Frankston people can get X'trapolis trains and protective services officers at Frankston station. For the last 12 months average punctuality on the Frankston line has run at 90.8 per cent. That is a vast improvement on the mid-to-low 60s that were delivered by the former government.

It is interesting to have a look at this article, which has a subheading of 'Transit safety and efficiency before trees'. I would say that in terms of transport safety and efficiency the coalition government is delivering for the people of Frankston in relation to the issues I have just raised.

On the matter the member for Frankston raised in relation to the precinct itself, in the 2013–14 budget the government committed \$13.8 million over four years to improve the Frankston railway station precinct, as indeed it is improving other station precincts right around the network. In fact my railway station enhancement project is delivering major upgrades and major improvements to stations right across the network. The \$13.8 million committed to Frankston builds on an initial \$5 million that was allocated in 2011–12 to make a start in revitalising the dilapidated and run-down central Frankston area left behind by the former government, including preparation of a master plan that identified a long-term vision for the station precinct and importantly included shorter term stages for implementation.

Stage 1 of the Frankston master plan was developed following extensive community consultation through 2012. Further funding provided in 2013–14 will support improved levels of accessibility, integration and urban amenity for commuters and the public in and around the Frankston station transit interchange. It will be used to redesign and redevelop Young Street to better

manage buses, taxis, pedestrians, cyclists and private vehicles to create a people-friendly, safer, greener space that supports and encourages the wider renewal of Frankston.

In relation to that headline 'Transit safety and efficiency before trees', I say to the member for Frankston that that is what people who visit railway stations want to see. They want to see improved amenity, they want to see greenery and they want to see a station that is inviting, and that is exactly what this funding is all about — to make the railway station precinct far more friendly and far more attractive to people who visit it.

The draft plan for the station precinct has been prepared following on from the previous extensive community engagements in 2012 and a series of design workshops held in 2013–14 between state and local government. In mid-2014 the project commenced a six-week community consultation exercise on the concept plan. It recently completed extensive doorknocking exercises with all traders adjacent to the project and held the first two days of meetings with the project team at the station.

During 2014 the Department of Transport, Planning and Local Infrastructure will continue to consult with the community on specific ideas. With the council it will develop detailed engineering and architectural plans to enable implementation of the project, and it will develop and commence early works in and around the station precinct to improve the public and commuter experience.

I say to those agitators who raise the issue of transport safety and efficiency before trees, the amenity of the station is just as important as the efficiency of the public transport network and the way the public transport network interacts with the community. The protective services officers on the station, the upgrade to the Frankston line, the money we have invested in maintaining and improving that line have resulted in a massive increase in punctuality — 90.8 per cent over 12 months. Never, ever would that have been achieved under a Labor government.

Endangered species protection

Mr BATTIN (Gembrook) — My question is to the Minister for Environment and Climate Change. What action is the Victorian coalition government taking to protect some of Victoria's most endangered species?

Mr R. SMITH (Minister for Environment and Climate Change) — I thank the member for Gembrook

for his question and for the interest he has taken in the practical, sensible and tangible steps this government is taking to assist the recovery of Victoria's two threatened faunal emblems, the Leadbeater's possum and the helmeted honeyeater. I say 'tangible' because this is a government that does not just talk about good environmental outcomes; it does not get to its feet and spout ideology without there being anything meaningful behind that ideology. No, this is a government that rolls up its sleeves and does the hard work required to produce solid and informed policy outcomes, and then it backs those up with the funding to implement them.

I was delighted to join the member for Seymour and the Liberal candidate for Monbulk, Mark Verschuur — and won't he be a great candidate! — in Yellingbo last week to announce that we would be backing up the government's commitment to the Victorian Environmental Assessment Council (VEAC) recommendations to create a conservation reserve in the area. Our commitment of \$3.2 million will deliver better land management in the greater Yellingbo conservation area and will be used to support and better deliver habitat for the helmeted honeyeater and the Leadbeater's possum there.

After Labor's 11 years in government and years of the member for Monbulk paying lip-service to the local friends group — he raised this issue only after the coalition came to government — it was the advocacy of the member for Gembrook and the Napthine government that finally delivered on the VEAC investigation, delivered on the commitment to support VEAC's recommendations and delivered the funds to implement them. I take this opportunity to pay tribute to Bob Anderson of the Friends of the Helmeted Honeyeater and all the volunteers who work to support the honeyeater, and I am pleased that the government is able to support that work.

I am also pleased to inform the house of further work we are doing to support the recovery of the Leadbeater's possum. Following a landmark survey of threatened species habitat undertaken by this government in 2012, the Minister for Agriculture and Food Security and I announced the establishment of the Leadbeater's Possum Advisory Group, which was jointly convened by those champions of conservation Zoos Victoria and the Victorian Association of Forest Industries. This group presented a number of recommendations to support the recovery of the Leadbeater's possum alongside a sustainable wood products industry. I am proud to say that this government has fully supported all of the group's recommendations and, again, has backed up that

support with funding to implement them. This government has committed \$11 million, which is the largest commitment by any Victorian government to support a single species.

These recommendations will see a harvesting buffer around Leadbeater's possum colonies expanded from the current 3 hectares to 12 hectares. They will see a two-year moratorium on timber harvesting in areas where the Arthur Rylah Institute for Environmental Research has identified a high probability of possum habitat. They will bring a target to ensure that 30 per cent of forest in the home environment of the Leadbeater's possum becomes mature, old-growth forest. They will also lead to the introduction of retention harvesting to at least 50 per cent of coupes to ensure that we see the development of more old trees in the forest, which will result in more habitat for the possum. I take this opportunity to thank the members of the Leadbeater's Possum Advisory Group and VEAC for their work in progressing these significant outcomes for Victoria's faunal emblems.

Make no mistake: this policy suite is a significant step forward. It represents the largest ever change to forestry policy to support a threatened species and the largest ever investment in the recovery of a threatened species made by a Victorian government. This government does more than just talk; it cares about the issue of threatened species and takes it very seriously.

Under Labor the issue of forestry in the Central Highlands was one marked by conflict. It took a coalition government to bring the parties to the table, it took a coalition government to ensure that they could respectfully talk to other, it took a coalition government to ensure that the recommendations that were put forward were mutually beneficial and it took a coalition government to commit the funding to implement those recommendations. When Victorians are looking in the environment space for substance over spin, they look to the Victorian coalition.

City of Ballarat mayor

Ms KNIGHT (Ballarat West) — My question is to the Premier. I refer to official City of Ballarat documents that record a meeting between the Premier and the mayor, Cr John Burt, on 7 November 2013, and I ask: can the Premier confirm that at this meeting he sought to directly influence the outcome of council ballot to ensure that a Liberal Party member would be elected as the next mayor of the City of Ballarat?

Honourable members interjecting.

Dr NAPTHINE (Premier) — I thank the honourable member for Ballarat West for her question. Can I say that I do not ever involve myself in influencing councils as they conduct their elections in terms of mayoral elections; that is simply — —

Honourable members interjecting.

Dr NAPTHINE — That may be standard practice for the Labor Party, but it is not standard practice for me and my Liberal-Nationals colleagues. I respect the work of individual councillors right across the state, and with respect to the Ballarat City Council, I respect the work of a number of councillors there. Cr John Burt has been a very good councillor and a good mayor. The current mayor, Cr Joshua Morris, is doing a good job. But in terms of my being involved in the decision making of the council and the election of the mayor, there certainly has been no such involvement.

Country Fire Authority

Mr TILLEY (Benambra) — My question is to the Minister for Police and Emergency Services. How is the Victorian coalition government's investment in the Country Fire Authority (CFA) building a safer, better Victoria?

Mr WELLS (Minister for Police and Emergency Services) — I thank the member for Benambra for his question and for his commitment to the Country Fire Authority. Last Thursday I made a significant pre-budget announcement at CFA headquarters with the authority's chief officer, Euan Ferguson; the Volunteer Fire Brigades Victoria CEO, Andrew Ford; and its president, Hans van Hammond. The CFA has done an outstanding job over the last bushfire season. When we consider that the 2013–14 bushfire season had the same conditions as those in 2009, we realise that the CFA volunteers have done an outstanding job. When we consider what has been saved — the hundreds of communities, the many lives, the many houses and farms, and the livestock and wildlife — we must thank our volunteers very much, especially CFA volunteers, who did an outstanding job.

The Napthine government is absolutely committed to the CFA and supporting the volunteers. We believe that they must have the very best equipment available to make sure that they are safe and to protect the state from fire. I was very pleased to announce that there will be a commitment of \$29 million to buy 78 brand-new CFA fire trucks. They will be 74 medium tankers and four prototypes. The four prototypes will be one medium pumper, one heavy tanker, a breathing apparatus truck and a heavy sand tanker. It is a great

boost for the CFA volunteers. It is a fantastic boost. These trucks will be spread out right across Victoria and will be allocated according to the needs of the chief officer.

What did the volunteers say? In a letter to the *Bendigo Advertiser* Andrew Ford, the CEO, Volunteer Fire Brigades Victoria, stated:

The announcement of \$29 million and 78 new trucks for volunteer fire brigades is good news for CFA volunteers.

...

CFA volunteers will be pleased with the announcement. It is a sign the government is listening, and a good start towards an ongoing solution that better protects the Victorian community.

The Warrnambool *Standard* — that great paper down in the south-west — said:

CFA chief officer Euan Ferguson said the vehicles would give Victoria one of the most advanced firefighting fleets in Australia.

We are very proud as the Napthine government to make this further commitment to the CFA and the CFA volunteers.

Last year's budget was a record budget for the CFA. Remember, it was \$47 million more than the last budget put forward by the state Labor government. We are very keen to see what this year's budget provides for the CFA.

We again thank all those hardworking emergency service personnel and the volunteers who put together such a great team to make sure that Victoria is kept safe. I congratulate the CFA and make special mention of Andrew Ford from the Volunteer Fire Brigades Victoria and Hans van Hammond, who worked very hard to make sure that the government was aware of the concerns they had in regard to the fleet. We are very proud as the Napthine government to be making this announcement.

WATER AMENDMENT (FLOOD MITIGATION) BILL 2014

Introduction and first reading

Mr WALSH (Minister for Water) — I move:

That I have leave to bring in a bill for an act to amend the Water Act 1989, the Conservation, Forests and Lands Act 1987, the Crown Land (Reserves) Act 1978, the Forests Act 1958, the Land Act 1958, the National Parks Act 1975 and the Wildlife Act 1975 and for other purposes.

Mr FOLEY (Albert Park) — I ask the minister for a brief explanation of the bill.

Mr WALSH (Minister for Water) — This is a narrow bill that implements a recommendation from the Environment and Natural Resources Committee to allow the maintenance of flood levees on Crown land.

Motion agreed to.

Read first time.

BUILDING LEGISLATION AMENDMENT BILL 2014

Introduction and first reading

Mr CLARK (Attorney-General) — I move:

That I have leave to bring in a bill for an act to amend the Architects Act 1991, the Building Act 1993 and the Domestic Building Contracts Act 1995, to repeal the House Contracts Guarantee Act 1987 and to make consequential amendments to other acts and for other purposes.

Mr WYNNE (Richmond) — Can we get a brief explanation of the bill?

Mr CLARK (Attorney-General) — The bill makes a range of amendments to strengthen and extend the operation of the Victorian Building Authority and to give further effect to the government's domestic building consumer protection framework reforms.

Motion agreed to.

Read first time.

FINES REFORM BILL 2014

Introduction and first reading

Mr CLARK (Attorney-General) — I move:

That I have leave to bring in a bill for an act to provide for the appointment of the director, Fines Victoria, to provide for the collection and enforcement of infringement fines and court fines, to make amendments to the Infringements Act 2006 and the Sheriff Act 2009, to consequentially amend other acts and for other purposes.

Mr PAKULA (Lyndhurst) — I ask the Attorney-General for a brief explanation of the bill.

Mr CLARK (Attorney-General) — This is a bill to implement comprehensive reforms to the administration of the laws applicable to the collection of infringement fines, court fines and other legal debt.

Motion agreed to.

Read first time.

BUILDING A BETTER VICTORIA (STATE TAX AND OTHER LEGISLATION AMENDMENT) BILL 2014

Introduction and first reading

Mr O'BRIEN (Treasurer) introduced a bill for an act to amend the Duties Act 2000, the First Home Owner Grant Act 2000, the Land Tax Act 2005, the Payroll Tax Act 2007, the Planning and Environment Act 1987, the Road Safety Act 1986 and the Taxation Administration Act 1997 and for other purposes.

Read first time.

TREASURY LEGISLATION AND OTHER ACTS AMENDMENT BILL 2014

Introduction and first reading

Mr O'BRIEN (Treasurer) introduced a bill for an act to amend the Emergency Services Superannuation Act 1986, the Parliamentary Salaries and Superannuation Act 1968, the State Superannuation Act 1988, the Workplace Injury Rehabilitation and Compensation Act 2013, the Accident Compensation Act 1985 and the Victorian Managed Insurance Authority Act 1996 and to amend certain acts to update the operation of indexation provisions in or under those acts and for other purposes.

Read first time.

CORRECTIONS AMENDMENT (SMOKE-FREE PRISONS) BILL 2014

Introduction and first reading

Mr WELLS (Minister for Police and Emergency Services) introduced a bill for an act to amend the Corrections Act 1986 to provide for the prohibition and regulation of smoking and the entry, use and possession of tobacco products and tobacco smoking accessories in Victorian prisons, to consequentially amend the Tobacco Act 1987 and for other purposes.

Read first time.

CHILDREN, YOUTH AND FAMILIES AMENDMENT BILL 2014

Introduction and first reading

Ms WOOLDRIDGE (Minister for Community Services) introduced a bill for an act to amend the Children, Youth and Families Act 2005 to provide for child safety conferences in respect of children who are in need of protection and to make further provision in relation to the authorisation of a principal officer of an Aboriginal agency and for other purposes.

Read first time.

BUSINESS OF THE HOUSE

Notices of motion

The SPEAKER — Order! Notices of motion 9 to 16 will be removed from the notice paper unless members wishing their notice to remain advise the Clerk in writing before 6.00 p.m. today.

PETITIONS

Following petitions presented to house:

Ann Nichol House

To the Legislative Assembly of Victoria:

The petition of Bellarine Peninsula residents draws to the attention of the house the urgency of a stay in the sale of Ann Nichol House residential aged-care facility by Bellarine Community Health Limited. There has been no consultation with the community. Ann Nichol House was built by and for the community of North Bellarine to ensure affordable options for ageing in place.

The petitioners therefore request that the Minister for Health intervene in the sale of Ann Nichol House by approving a stay on the transfer of Crown land, on which the facility is sited, to a private provider. There has been no public consultation, nor has the community been provided with accurate details of their intention by Bellarine Community Health. This suspension will allow all parties to have open and transparent negotiations leading to outcomes agreeable to all concerned.

By Ms NEVILLE (Bellarine) (1340 signatures).

Tarran Valley estate

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the inappropriate and outdated proposed 125-hectare Tarran Valley estate subdivision in Maldon, Victoria 3463.

The petitioners therefore request that the Legislative Assembly of Victoria immediately halt any further progress

of this proposal and give the Maldon community an opportunity to provide submissions and for the proposal to be tested against current Mount Alexander shire and state government policies.

By Ms EDWARDS (Bendigo West) (463 signatures).

Aged-care facilities privatisation

To the Legislative Assembly of Victoria:

The petition of the following residents of Victoria draws to the attention of the house that:

1. the Napthine Liberal government's move to privatise public sector aged care in Victoria means that Merv Irvine Nursing Home and Ian Brand Nursing Home in Bundoora are at risk of privatisation or closure;
2. despite an ageing population, the Baillieu-Napthine governments have closed public sector aged-care facilities in Ballarat, Castlemaine, Koroit, Kyneton, Melbourne, Melton South and Williamstown and privatised one facility in Rosebud;
3. the 2012–13 Victorian state budget update foreshadows cuts to public sector aged care of \$25 million in 2014–15 and \$50 million in 2015–16;
4. Mr Napthine's plans to privatise aged care would significantly remove choices for Victorian families.

The petitioners therefore request that the Legislative Assembly of Victoria urgently call on the Napthine government to stop the privatisation or closure of Merv Irvine Nursing Home and Ian Brand Nursing Home.

By Mr BROOKS (Bundoora) (38 signatures).

Hospital funding

To the Legislative Assembly of Victoria:

This petition of certain citizens of the state of Victoria draws your attention to the state of the Victorian health system.

In particular we note that:

1. emergency departments are clogged, ambulances take too long to arrive and the elective surgery waiting list is the worst it has ever been;
2. Tony Abbott's Liberal government has slashed \$277 million from Victorian hospitals putting even further pressure on the system.

Petitioners therefore request that Denis Napthine stand up to Tony Abbott and fight for Victorian hospitals.

By Mr PERERA (Cranbourne) (26 signatures).

TAFE funding

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the state government's plan to cut hundreds of millions of dollars from TAFE funding.

In particular, we note:

1. the TAFE association has estimated up to 2000 jobs could be lost as a result of these cuts;
2. many courses will be dropped or scaled back and several TAFE campuses face the possibility of closure like the ever-famous William Angliss Institute Cranbourne campus;
3. with over 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 Napthine state government to abandon the planned funding cuts and guarantee no further cuts will be made.

By Mr PERERA (Cranbourne) (79 signatures).

Lynbrook bus service

To the Legislative Assembly of Victoria:

This petition by residents of Lynbrook, city of Casey, draws to the attention of the house that as a matter of urgency a bus service be introduced into the Lynbrook estate.

At the 2011 census, Lynbrook had a population of 6772, and unfortunately this government has not supported any form of bus transport for its population.

Your petitioners request that the Legislative Assembly of Victoria give support for a much-needed bus service for the Lynbrook estate as many students, families and Lynbrook's elderly simply have no direct access into the Lynbrook estate by way of a bus service.

By Mr PERERA (Cranbourne) (125 signatures).

Bus route 843

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 to invest more and make changes to the bus service on route 843 from Dandenong to Mossgiel Park in Endeavour Hills.

In particular, we note:

1. the need to build more bus stops along route 843, especially along Mossgiel Park Drive and Shetland Street in Endeavour Hills;
2. the need for route 843 to be changed so that it detours to the Endeavour Hills shopping centre. At present many local residents in Endeavour Hills are concerned that route 843 does not go to the Endeavour Hills shopping centre, and they would like it to do so.

The petitioners therefore request that the Legislative Assembly urge the Napthine state government to invest more and make changes to the bus service on route 843 from Dandenong to Mossgiel Park in Endeavour Hills.

By Mr DONNELLAN (Narre Warren North) (545 signatures).

Aged-care facilities privatisation

To the Legislative Assembly of Victoria:

The petition of the following residents of Victoria draws to the attention of the house that:

1. the Napthine Liberal government's move to privatise public sector aged care in Victoria means that Chestnut Gardens Aged Care Facility is at risk of privatisation or closure;
2. despite an ageing population, the Baillieu and Napthine governments have closed public sector aged-care facilities in Ballarat, Castlemaine, Koroit, Kyneton, Melbourne and Williamstown and privatised one facility in Rosebud;
3. the 2012–13 Victorian state budget update foreshadows cuts to public sector aged care of \$25 million in 2014–15 and \$50 million in 2015–16;
4. Mr Napthine's plans to privatise aged care would significantly remove choices for Victorian families.

The petitioners therefore request that the Legislative Assembly of Victoria urgently calls on the Napthine government to stop the privatisation or closure of Chestnut Gardens Aged Care Facility.

By Mr DONNELLAN (Narre Warren North) (35 signatures).

Tabled.

Ordered that petition presented by honourable member for Bellarine be considered next day on motion of Ms NEVILLE (Bellarine).

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

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

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

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

BUDGET 2014–15

Mr O'BRIEN (Treasurer), by leave, presented budget paper 1, Treasurer's speech; budget paper 4, state capital program; budget overview; budget information paper, regional and rural Victoria; and

budget information paper, infrastructure investment.

Fawkner Park

Rosebud Park and Recreation Reserve

Tabled.

Financial Management Act 1994:

Budget Paper No 2 — Strategy and Outlook 2014–15

Budget Paper No 3 — Service Delivery 2014–15

Budget Paper No 5 — Statement of Finances 2014–15 incorporating Quarterly Financial Report No 3

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 5

Ms CAMPBELL (Pascoe Vale) presented *Alert Digest No. 5* of 2014 on:

Report from the Minister for Higher Education and Skills that he had not received the Report 2013 of Northern Melbourne Institute of TAFE, together with an explanation for the delay

Consumer Affairs Legislation Amendment Bill 2014

Independent Broad-based Anti-corruption Commission — Special report following IBAC's first year of being fully operational — Ordered to be printed

Corrections Amendment (Smoke-Free Prisons) Bill 2014

Interpretation of Legislation Act 1984 — Notices under s 32(3)(a)(iii) in relation to Statutory Rules 159/2013 (*Gazette G16, 17 April 2014*), 9 (*Gazette G14, 3 April 2014*)

Crime Statistics Bill 2014

Crimes Amendment (Protection of Children) Bill 2014

Members of Parliament (Register of Interests) Act 1978 — Summary of Primary Return April 2014 and Summary of Variations notified between 7 March 2014 and 5 May 2014 — Ordered to be printed

Energy Legislation Amendment (Customer Metering Protections and Other Matters) Bill 2014

Filming Approval Bill 2014

Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee's Report on the 2013–14 Budget Estimates — Part Two

Gambling and Liquor Legislation Amendment (Modernisation) Bill 2014

Jury Directions Amendment Bill 2014 (Council initiated)

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

Alpine — C23

Alpine Resorts — C22

Bass Coast — C124

Campaspe — C86

East Gippsland — C101

Glen Eira — C116, C119

Glenelg — C73

Golden Plains — C66

Greater Bendigo — C159 Part 2, C197

Greater Geelong — C289, C295

Kingston — C142

Latrobe — C66

Melbourne — C231

Moonee Valley — C117

South Gippsland — C52 Part 1, C71

Stonnington — C168

Surf Coast — C90

Justice Legislation Amendment Bill 2014

Local Government Amendment (Governance and Conduct) Bill 2014

Sentencing Amendment (Baseline Sentences) Bill 2014

Vexatious Proceedings Bill 2014 (Council initiated)

together with appendices.

Tabled.

Ordered to be printed.

DOCUMENTS

Tabled by Clerk:

Advance TAFE — Report 2013

Anti-Cancer Council of Victoria — Report 2013

Coroners Court of Victoria — Report 2012–13

Crown Land (Reserves) Act 1978:

Order under s 17B granting a licence over Toolangi Forest Reserve

Orders under s 17D granting leases over:

Victoria Planning Provisions — VC108, VC111, VC115

Wellington — C55 Part 1, C74

Statutory Rules under the following Acts:

Administration and Probate Act 1958 — SR 10

Adoption Act 1984 — SR 19

Corrections Act 1986 — SRs 12, 20

County Court Act 1958 — SR 14

Drugs, Poisons and Controlled Substances Act 1981 — SR 15

Local Government Act 1989 — SR 17

Magistrates' Court Act 1989 — SRs 11, 18, 24

National Gas (Victoria) Act 2008 — SR 22

Road Safety Act 1986 — SR 23

Sentencing Act 1991 — SR 16

Serious Sex Offenders (Detention and Supervision) Act 2009 — SR 21

Supreme Court Act 1986 — SR 10

Victims of Crime Assistance Act 1996 — SR 13

Subordinate Legislation Act 1994:

Documents under s 15 in relation to Statutory Rules 10, 11, 13, 14, 16, 20, 21, 23, 24

Documents under s 16B in relation to:

Gambling Regulation Act 2003 — Ministerial Direction under s 3.8A.2

Racing Act 1958 — Greyhound Racing Victoria — Rule Amendments

Transport Integration Act 2010 — Public Transport Performance Report 1 July to 31 December 2013

Wildlife Act 1975 — Wildlife (Prohibition on Game Hunting) Notice No 1/2014.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the house dated 8 February 2011:

Corrections Legislation Amendment Act 2014 — Sections 6, 7, 9, 15, 16, 21, Part 3 and Part 4 (except ss 36 and 35) — 8 April 2014; ss 3, 8, 18, 19, 26 and 35 — 1 May 2014; s 20 — 1 July 2014 (*Gazette S112, 8 April 2014*); Remaining provisions — 1 July 2014 (*Gazette S136, 29 April 2014*)

Crimes Amendment (Grooming) Act 2014 — Whole Act — 9 April 2014 (*Gazette S112, 8 April 2014*)

Drugs, Poisons and Controlled Substances (Poppy Cultivation and Processing) Amendment Act 2014 — Whole Act — 16 April 2014 (*Gazette S122, 15 April 2014*)

Gambling and Liquor Legislation Amendment (Reduction of Red Tape) Act 2014 — Part 2 — 16 April 2014 (*Gazette S122, 15 April 2014*)

Health Services Amendment Act 2014 — Whole Act — 15 April 2014 (*Gazette S122, 15 April 2014*)

Justice Legislation Amendment (Discovery, Disclosure and Other Matters) Act 2014 — Part 2 — 12 May 2014 (*Gazette S136, 29 April 2014*)

Small Business Commissioner Amendment Act 2014 — Whole Act — 1 May 2014 (*Gazette S136, 29 April 2014*)

Sentencing Amendment (Abolition of Suspended Sentences and Other Matters) Act 2013 — Part 5 and the remaining provisions of Part 7 (except s 59) — 19 April 2014 (*Gazette S122, 15 April 2014*).

ROYAL ASSENT

Messages read advising royal assent to:

8 April

Game Management Authority Bill 2013

Justice Legislation Amendment (Discovery, Disclosure and Other Matters) Bill 2014

Mental Health Bill 2014

Transport (Safety Schemes Compliance and Enforcement) Bill 2014

Water Amendment (Water Trading) Bill 2014

15 April

Children, Youth and Families Amendment (Security Measures) Bill 2013

Fences Amendment Bill 2013.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Crime Statistics Bill 2014

Justice Legislation Amendment Bill 2014

Local Government Amendment (Governance and Conduct) Bill 2014.

APPROPRIATION (2014–2015) BILL 2014

Message read recommending appropriation and transmitting estimates of expenditure for 2014–15.

Estimates tabled.

Introduction and first reading

Mr O'BRIEN (Treasurer) introduced a bill for an act for the appropriation of certain sums out of the

Consolidated Fund for the ordinary annual services of the government for the financial year 2014–15 and for other purposes.

Read first time; under standing order 87, ordered to be read second time immediately.

Statement of compatibility

Mr O'BRIEN (Treasurer) 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 Appropriation (2014–2015) Bill 2014.

In my opinion, the Appropriation (2014–2015) Bill 2014, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The Appropriation (2014–2015) Bill 2014 will provide appropriation 'authority' for payments from the Consolidated Fund for the ordinary annual services of government for the 2014–2015 financial year.

The amounts contained in schedule 1 to the Appropriation (2014–2015) Bill 2014 provide for the ongoing operations of departments, including new output and asset investment funded through annual appropriation.

Schedules 2 and 3 of the bill contain details concerning payments from advances pursuant to section 35 of the Financial Management Act 1994 and payments from the advance to Treasurer in 2012–2013 respectively.

Human rights issues

The bill does not raise any human rights issues.

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

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

Conclusion

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

Hon. Michael O'Brien, MP
Treasurer

Second reading

Mr O'BRIEN (Treasurer) — I move:

That this bill be now read a second time.

The budget I hand down today lays out the most ambitious infrastructure agenda seen in this state for decades. It delivers transformational projects that will connect and grow Victoria like never before.

In doing so, this budget will build a better Victoria with job-creating infrastructure and stronger local communities.

It builds on the difficult but necessary decisions we have made in each of our four budgets to bring and keep government spending under control.

It builds on our measures to reduce red tape, grow the economy and create more jobs.

It builds on our record investments in health, in education and in regional Victoria to support our growing population.

This budget of the Napthine coalition government delivers an infrastructure investment program of up to \$27 billion that will shape Victoria for the next decade and beyond.

Over the past three and a half years the coalition government has restored Victoria's budget from the structural deficit we inherited to the strongest state finances in Australia.

Restoring Victoria's finances has been very challenging. If budget surpluses were easy in the current economic conditions, everybody would have them. While some would opportunistically oppose the measures necessary to strengthen our finances, we are determined to keep Victoria strong.

Economic overview

Low interest rates, improved consumer and business sentiment and an improved global outlook will, along with our policy settings and infrastructure investment, drive economic growth over the near term.

As the investment phase of the mining boom recedes in favour of the less labour-intensive production phase, Victoria is well placed to benefit from emerging drivers of economic growth.

As measured by gross state product (GSP), economic growth is forecast to be 2.5 per cent in 2014–15, and 2.75 per cent thereafter.

Unemployment is expected to remain stable at 6.25 per cent in 2014–15, before falling to 5.5 per cent by 2017–18. This demonstrates the resilience of Victoria's economy and its capacity to adapt to changing circumstances and structural adjustments.

Since the coalition government came to office more than 60 000 new jobs have been created in Victoria and we have the lowest regional unemployment rate in the country, notwithstanding a participation rate that is higher than any other non-mining state.

Population growth is forecast to be 1.8 per cent a year over the forward estimates, continuing to generate economic activity in the housing sector.

Stronger finances

The 2014–15 budget will deliver an operating surplus of \$1.3 billion in 2014–15 growing to \$3.3 billion by 2017–18.

Net debt will fall from 6.3 per cent of GSP in 2014–15 to just 4.5 per cent in 2017–18. Victoria stands alone as the only government in Australia — federal, state or territory — to be forecasting operating surpluses over the next four years.

These strong operating surpluses are critical to Victoria's future. They fund our major infrastructure investments without having to resort to unsustainable debt.

These surpluses are not there to be frittered away by those who cannot otherwise fund their election promises. Victorians should understand that maintaining these strong surpluses is crucial to delivering this transformational infrastructure.

Victoria has a AAA credit rating — the strongest of any state — reflecting the government's efforts to prudently manage net debt and resulting in lower interest costs.

Key to responsible financial management is ensuring that expenses growth is limited and sustainable. The budget forecasts expenditure growth of 2.8 per cent in 2014–15 and 2.6 per cent per year on average across the forward estimates.

This contrasts with the average expenditure growth in the decade to 2009–10; an unsustainable 8 per cent per year.

By limiting expenses growth the budget can deliver strong and growing surpluses across the forward estimates. By 2015 — 16, net infrastructure spending will be fully funded by cash from operations rather than debt.

Building for the future

The coalition government will continue to act decisively to keep the economy strong, because that is

the best way to generate new jobs, investment and a better quality of life for all Victorians.

We are determined that Victoria be a great place to grow a business and create more jobs.

I am therefore pleased to announce that from 1 July 2014, the rate of payroll tax will be reduced from 4.9 per cent to 4.85 per cent, saving Victorian businesses around \$234 million over four years.

This measure, which benefits around 39 000 Victorian employers, confirms Victoria as having the second-lowest rate of payroll tax in Australia. Indeed, for payrolls between \$4.7 million and \$26.7 million, Victoria will have the lowest effective payroll tax rate of any jurisdiction in the country.

In addition to this payroll tax cut, I announce that from 1 July 2014 the duty payable on life insurance in Victoria will be abolished entirely, saving consumers \$16 million over four years.

This quarter of a billion dollars in tax relief is a dividend of good economic management.

From 1 September 2014, eligible Victorian first homebuyers will see the stamp duty concession rise from 40 per cent to 50 per cent, further supporting families and our building and construction industry.

Asset recycling

The commonwealth government's asset recycling initiative provides financial incentives for jurisdictions to divest assets so the proceeds can bring forward the funding of new, productive infrastructure.

Consistent with this initiative, the coalition government has determined to enter into a medium-term lease over the port of Melbourne's operations and to divest the business of the Rural Finance Corporation (RFC).

The lease of the port of Melbourne's operations is part of the government's integrated ports strategy and will support the development of the port of Hastings as Melbourne's second major port.

The decision to divest the RFC business recognises that, in the 21st century, the core business of governments is not to own and operate retail financial institutions. This comes 24 years after a former Labor government sold the State Bank of Victoria in 1990.

Net proceeds from RFC's sale will be earmarked for productive new infrastructure in rural and regional Victoria.

State-shaping infrastructure to build a better Victoria

The 2014–15 budget delivers a record infrastructure program of up to \$27 billion that supports thousands of new jobs and will dramatically transform the way people, goods and services move throughout Victoria.

There are those who suggest that Victorians must choose between investing in better public transport or better roads. This is a nonsensical proposition; they may as well ask Victorians to choose between breathing in or breathing out.

The fact is, with a large and growing population, we must invest in better public transport and better roads to ensure that Victoria maintains the livability that makes us the envy of many.

Melbourne rail link

Almost half a century ago, the Bolte government had the vision and foresight to plan and commence construction of the city loop underground rail tunnel, which revolutionised travel from the suburbs into the CBD.

While successive governments have made piecemeal improvements to the network, no government has undertaken an expansion of the scale I am announcing today.

Speaker, it will be the Napthine government that will now fund and build the next chapter in the metropolitan rail network — the Melbourne rail link (MRL) at a cost of \$8.5 billion to \$11 billion.

Linking Melbourne's north and south, the MRL includes a new rail tunnel from Southern Cross station to South Yarra via Fishermans Bend, with new underground stations at Domain and Montague. Two new platforms will be constructed at Southern Cross and South Yarra stations.

This project will remove bottlenecks and untangle the central rail network which is nearing capacity.

The MRL will increase the metropolitan rail network's capacity by 30 per cent and enable 30 additional peak hour services.

With \$830 million provided in this budget, Victorians will see the commencement of early construction in mid-2016 and major construction in mid-2017. The project is expected to create up to 3700 new jobs at its peak.

The MRL includes the Airport rail link, which will provide a mass transit option for the 30 million passengers each year who currently use Melbourne Airport. This number is expected to rise to over 60 million by 2034.

This project will deliver an electrified rail service on dedicated tracks from Melbourne Airport to Albion where it will join the existing rail network and run through to Southern Cross station.

East–west link — western section

In the 2013–14 budget I announced the coalition government would build the first stage of the east–west link as a vital road link between the end of the Eastern Freeway at Hoddle Street and CityLink at Parkville.

One year on and in the 2014–15 budget, the coalition government is now funding planning and construction of the \$8 billion to \$10 billion western section which completes the full east–west link.

East–west link — western section will join the eastern section and provide access to the Western Ring Road via a mixture of tunnel, viaduct and freeway-grade roads.

This project will relieve chronic traffic congestion across Melbourne's inner north and west, further develop transport links for the western suburbs, and provide travellers from the regional centres of Geelong and Ballarat with an alternative to the West Gate Bridge.

It will enhance Victoria's position as the freight and logistics hub of Australia, and vastly reduce the vulnerability of the transport network to unexpected road closures and incidents on the M1 corridor.

Supported by a \$1.5 billion grant from the commonwealth government, construction of the western section is expected to commence by late 2015 and will create around 3000 jobs at its peak.

Cranbourne-Pakenham rail corridor

Melbourne's south-east is home to more than 1 million people, as well as one of the largest concentrations of jobs outside the CBD. The coalition government will give this corridor a significant boost in the 2014–15 budget by delivering the \$2 billion to \$2.5 billion Cranbourne-Pakenham rail corridor project.

The project will eliminate four level crossings, fund planning for the removal of a further five, deliver

25 next-generation trains, new stations and high-capacity signalling to boost capacity on the line by around 30 per cent.

The project will also benefit V/Line passengers from Gippsland, providing a more reliable journey through the metropolitan area.

The Cranbourne-Pakenham rail corridor is the first project to be progressed under the government's new unsolicited proposal guideline.

CityLink-Tulla widening

In addition to a commitment to building the east–west link — western section and a new airport rail link, the coalition government will oversee an \$850 million widening of CityLink, including additional lanes from the Bolte Bridge to Melrose Drive on the Tullamarine Freeway.

This project will increase traffic capacity by around 30 per cent and reduce travel times from the West Gate Freeway to Melbourne Airport by around 16 minutes in the peak, providing a productivity boost to business, freight and commuters. This project, financed by Transurban, will create around 700 jobs at its peak.

Level crossing removals

The coalition government understands that eliminating level crossings delivers significant benefits to all Victorians, increasing productivity, reducing accidents and providing a better quality of life.

Since coming to office, the government has provided around \$1.8 billion to remove or start planning for a program of 40 level crossing removals and grade separations — the largest such initiative on record.

Five level crossings have already been removed or significantly progressed at Springvale Road, Springvale, Mitcham and Rooks roads, Mitcham, and at Anderson Road north and Anderson Road south at Sunshine.

The 2014–15 budget provides in excess of \$1 billion to remove a further eight level crossings at Ormond, Blackburn, Glen Iris and St Albans with four level crossings at Murrumbeena, Carnegie and Clayton being part of the Cranbourne-Pakenham rail corridor project.

Further transport initiatives

Public transport travel will be more affordable under the coalition government.

From 1 January 2015, tram travel will be free within Melbourne's CBD and Docklands, while bus, train and tram commuters will be able to travel in zone 1 and 2 for the price of a zone 1 fare, reducing cost of living pressures by saving zone 1 and 2 daily commuters up to \$1200 a year.

From 2015, the government will provide subsidised travel on public transport for eligible international students in partnership with higher education providers. This will enhance Victoria's reputation as a leading international student destination.

Construction of a new station at Southland shopping centre will commence this year, easing congestion at neighbouring stations and improving access to the bus interchange and shopping precinct.

Rural and regional transport initiatives

Rural and regional Victoria will also benefit from major road and rail infrastructure investment.

In a major boost for rural and regional Victoria, the coalition government is investing up to \$220 million on the Murray Basin rail project; a transformational rail project that will deliver far more efficient movement of freight from the state's west.

This long-awaited investment will deliver modern rail infrastructure and transform Victoria's freight network, improving productivity and enhance access to the ports of Geelong, Portland and Melbourne for Victorian exporters.

Rural and regional Victorians will also benefit from the progressive opening of the regional rail link project, which has been successfully turned around by the coalition government.

This budget provides \$362 million for the duplication of 37 kilometres of the Princes Highway between Winchelsea and Colac, supporting around 250 jobs at its peak.

A further \$42 million has been allocated to the Princes Highway East including new overtaking lanes between Nowa Nowa and Orbost and an upgrade to the Sand Road interchange near Drouin.

In addition to road maintenance and restoration funding of more than half a billion dollars in 2014–15 — a figure over \$120 million more than the comparable budget allocation in 2010 — this budget provides a \$50 million regional roads package which will focus on removing regional road freight bottlenecks, increasing capacity and safety.

\$3.6 million has also been allocated in 2014–15 for planning, project development and the preparation of business cases for the Drysdale bypass, Westall Road extension, Edgars Road extension in Epping and a northern extension of the Mornington Peninsula Freeway to bypass Mordialloc.

Investing in our future

Victoria is well positioned to take advantage of new markets to drive economic growth.

The 2014–15 budget invests \$17.8 million over three years in the Global Health Melbourne Plan to help leverage Victoria’s competitive advantage in health and medical research through increased exports of health-related products and services.

The budget also allocates \$4 million for the implementation of the Victorian coal development strategy to drive economic development and potential new export markets for Latrobe Valley coal. \$30.2 million has been allocated for stage 1 of the Ballarat West employment zone to stimulate growth in this regional centre.

In line with the coalition government’s strategy to actively seek new opportunities for Victorian industry, \$8.7 million has been allocated to assist local defence and national security companies to target major defence projects.

The \$1 billion Regional Growth Fund has now provided almost \$400 million in direct funding support for regional projects, generating over \$1.6 billion of total investment across more than 1400 projects to create strong vibrant cities and country communities.

This budget also invests \$35 million to increase the volume and value of regional Victoria’s food exports through the government’s food and agriculture into Asia plan.

Funding to further develop Melbourne as a sport and events destination and to develop key Victorian export markets is designed to capitalise on the success of the government’s super trade mission agenda.

These measures include:

more than \$366 million for stage 2 of the Melbourne Park redevelopment, including a new pedestrian bridge over Batman Avenue;

\$13 million to attract new air services from priority international markets;

\$1.2 million to open a Victorian government business office in South Korea, building on the new free trade agreement recently signed between the two countries; and

\$17 million for marketing activities, advertising campaigns and partnerships to promote Melbourne and \$14 million in continued support to increase visitation for regional Victoria.

Strengthening health care and community services

The coalition government is investing in key social infrastructure projects to secure Victoria’s prosperity and deliver the services our growing population needs. Total additional funding for the health portfolio over the next four years is \$1.2 billion, plus an additional \$223 million in new capital projects. This includes an additional \$190 million to boost elective surgery.

Victoria’s health system continues to lead the nation in providing responsive, integrated and innovative health-care options.

Major regional health initiatives announced in this budget include:

\$73 million for the Latrobe Regional Hospital to increase capacity and responsiveness, as well as lifting the number of specialist services on offer to the local community;

\$28 million for the Barwon Health — North health hub to deliver a range of community-based services to cater for growing demand;

\$14 million for the Boort hospital redevelopment; over \$8 million to expand mental health services across Warrnambool and Mildura; and

\$60 million to replace and improve medical equipment and statewide infrastructure.

These build on current coalition government health projects including the \$250 million Monash Children’s hospital, the \$448 million Box Hill Hospital redevelopment, the \$1 billion Victorian Comprehensive Cancer Centre in Parkville and the largest regional health project in Australia — the new \$630 million Bendigo hospital.

The Napthine coalition government has increased support for the most vulnerable in the community and the 2014–15 budget builds on that record.

Over the next four years the coalition government will spend almost \$100 million to boost services for people

with a mental illness. In addition, \$121 million has been allocated for additional individual support packages for Victorians with a disability.

The budget also provides \$25 million over three years to establish the headquarters of the National Disability Insurance Agency in Geelong, creating 300 jobs.

This budget funds diversion responses for young people at risk of entering the youth justice system at a cost of \$17 million and allocates \$34.9 million over four years to address the harms of ice and other drugs in the community.

We will also contribute \$4.5 million to protect women and children at high risk of family violence, because there is no place — and no excuse — for family violence in our community.

Record education investment

Speaker, this generation of Victorian schoolchildren will be tomorrow’s leaders. The coalition government is investing in their future to build a stronger Victoria.

The budget delivers an additional \$1.6 billion over five years to deliver high-quality education, in addition to state funding growth of \$1.2 billion.

This funding boost contributes to the coalition government’s commitment to providing \$5.4 billion in additional funding over six years.

We recognise the importance of providing modern, vibrant learning environments, which is why this budget includes \$500 million for:

- new schools in growing communities;
- upgrades for existing schools; and
- land acquisitions to meet demand for new schools in growth corridors.

Twelve new schools will be delivered, including 11 through public-private partnerships (PPPs), to provide better local access and learning facilities in growing communities across Victoria. PPPs involve the private sector designing, building and maintaining schools, freeing up educational staff to focus on quality learning. Using PPPs as the delivery method enables principals to be educational leaders rather than ‘handyman-in-chief’.

The government remains committed to supporting students with disabilities and their families. More than \$270 million has been allocated over the next four years in additional funding to government schools to support

students with moderate to severe disabilities. Students attending specialist schools will benefit from new funding to provide transport assistance.

This government believes that better education outcomes are not as simple as merely spending more money. That is why we have implemented reforms to Victoria’s education system to give school principals more autonomy over safety and discipline, improvements in teacher training and recruitment, as well as a greater emphasis on professional development.

Vocational education and training

The coalition government also recognises the need to invest in skills and training. Since coming to office, the number of government-subsidised enrolments in vocational education and training has grown by more than 50 per cent.

The government’s subsidies to students in training have likewise increased and are now \$1.2 billion a year, compared to a budget of a little over \$800 million in the former government’s last year.

Our reforms have led to students undertaking fewer lifestyle courses in favour of more job-ready training.

In this budget, on top of the \$1.2 billion investment in skills training, the coalition government will be investing \$30 million over two years to retrain employees in the automotive sector and the supply chain.

This government’s strong economic management and infrastructure program will create thousands of new jobs. We will invest in skills and training to ensure that those workers whose industries are in transition have access to the support they need to take advantage of the many job opportunities to come.

Protecting a growing Victoria

Speaker, the coalition government was elected on a clear platform of making Victorian communities safer, and we are delivering on that commitment.

By November this year there will be an extra 1700 police on our streets and 940 protective service officers to patrol metropolitan and major regional train stations from 6.00 p.m every evening across the network. These measures, combined with reforms to the justice system, are helping to build a safer Victoria.

The 2014–15 budget builds on the comprehensive community safety package provided over the past three years. Specific initiatives include:

\$447 million for prison capacity expansion to support the coalition government’s parole reforms and to keep pace with population growth;

\$73 million to redevelop Shepparton’s court precinct into a new multijurisdictional court complex; and

\$33 million in funding for a new police station in Echuca, the relocation of the St Kilda Road police station and the development of a new emergency services precinct in Ballarat West.

More than \$13 million has been allocated to equip first response operational units at 24-hour regional police stations with 580 taser stun-gun devices.

The budget provides \$457 million in 2014–15 for the Country Fire Authority and funding over four years for 78 new vehicles and over \$20 million to replace respiratory protection equipment. The Metropolitan Fire Brigade will receive \$326 million, a rise of 3.1 per cent from 2013–14.

Environment

The 2014–15 budget continues the coalition government’s commitment to protecting our environment.

New funding will be provided to the Environment Protection Authority’s illegal dumping strike force, which is tasked with gathering intelligence to measure, track and respond to illegal dumping.

The government will also contribute \$11.6 million for preformed incident management teams to ensure local communities are better protected on days of high bushfire danger.

This initiative delivers on a recommendation of the Victorian bushfires royal commission.

Other measures include:

\$13.4 million to boost national park assets; and

the establishment of a conservation area within Yellingbo Nature Conservation Reserve to protect rare and endangered fauna including the helmeted honeyeater and Leadbeater’s possum.

Supporting arts, culture and heritage

The 2014–15 budget secures Victoria’s reputation as an arts and cultural leader.

The government’s \$45 million arts funding commitment — in addition to core arts spending of more than \$470 million — will preserve our cultural heritage while also building for the future.

This will protect the state’s much-loved cultural assets, support the creation of new work, and bring the arts to more Victorians.

Initiatives include:

a \$16.4 million building upgrade and maintenance package for Arts Centre Melbourne and the National Gallery;

\$3 million to Museum Victoria to continue its successful program of renewal of the permanent exhibition spaces, including the development of new children’s exhibitions; and

\$5 million for the Arts and Cultural Facilities Maintenance Fund, which supports essential maintenance works at state-owned arts facilities.

In 2014–15 Australia will commemorate the 100th anniversary of the Gallipoli campaign; a defining moment in the history of this state and nation. The coalition government is providing \$6 million for Anzac centenary commemorative activities.

Conclusion

Speaker, in November 2010 Victorians elected a coalition government to fix the problems and build for the future.

Three and a half years later we have stayed true to that commitment and capably managed the state’s finances in challenging times.

We have ended the unsustainable growth in government expenses, refocused the public sector on front-line services and provided the right framework to support business and grow the economy.

The Napthine coalition government has demonstrated that it can manage Victoria’s finances and it can manage major projects.

It is the strength of Victoria’s finances, alone amongst the states, which now provides the basis for an infrastructure program that will connect and grow Victoria like never before.

Building Melbourne rail link and the airport rail link, completing the east–west link, eliminating more level crossings, upgrading the Cranbourne-Pakenham rail corridor, the CityLink — Tulla widening, and delivering the Murray Basin rail project will create benefits that will endure for decades to come.

This budget builds on our record of delivery for the Victorian community over the past three and a half years.

This budget builds stronger services to ensure more Victorians are safer, healthier and better educated.

This budget builds a once-in-a-generation infrastructure program of up to \$27 billion that will create thousands of new jobs, grow our economy, drive productivity and secure our quality of life.

This budget will build a better Victoria.

I commend the bill to the house.

Debate adjourned on motion of Mr PALLAS (Tarneit).

Debate adjourned until Thursday, 8 May.

APPROPRIATION (PARLIAMENT 2014–2015) BILL 2014

Message read recommending appropriation and transmitting estimates of expenditure for Parliament for 2014–15.

Estimates tabled.

Introduction and first reading

Ms ASHER (Minister for Innovation) introduced a bill for an act for the appropriation of certain sums out of the Consolidated Fund for the Parliament in respect of the financial year 2014–15 and for other purposes.

Read first time; under standing order 87, ordered to be read second time immediately.

Statement of compatibility

Ms ASHER (Minister for Innovation) 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 Appropriation (Parliament 2014–2015) Bill 2014.

In my opinion, the Appropriation (Parliament 2014–2015) Bill 2014, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purpose of the Appropriation (Parliament 2014–2015) Bill 2014 is to provide appropriation authority for payments from the Consolidated Fund to the Parliament in respect of the 2014–15 financial year.

Human rights issues

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

The bill does not raise any human rights issues.

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

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

Conclusion

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

Hon. Michael O’Brien, MP
Treasurer

Second reading

Ms ASHER (Minister for Innovation) — I move:

That this bill be now read a second time.

The bill provides appropriation authority for payments from the Consolidated Fund to the Parliament in respect of the 2014–15 financial year, including ongoing liabilities incurred by the Parliament such as employee entitlements that may be realised in the future.

Honourable members will be aware that other funds are appropriated for parliamentary purposes by way of special appropriations contained in other legislation. In addition, unapplied appropriations under the Appropriation (Parliament 2013–2014) Act 2013 have been estimated and included in the budget papers. Prior to 30 June actual unapplied appropriation will be finalised and the 2014–15 appropriations adjusted by the approved carryover amounts pursuant to the provisions of section 32 of the Financial Management Act 1994.

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

The total appropriation authority sought in this bill is \$115 756 000 (clause 3 of the bill) for Parliament in respect of the 2014–15 financial year.

I commend the bill to the house.

Debate adjourned on motion of Ms ALLAN (Bendigo East).

Debate adjourned until Thursday, 8 May.

BUSINESS OF THE HOUSE

Program

Ms ASHER (Minister for Innovation) — I move:

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 8 May 2014:

Corrections Amendment (Further Parole Reform) Bill 2014

Crimes Amendment (Protection of Children) Bill 2014

Justice Legislation Amendment Bill 2014

Victoria Police Amendment (Consequential and Other Matters) Bill 2014.

This resembles the government business agenda put to the house this time last year, which was supported by the opposition and the member for Frankston on that occasion. The program has four bills. I anticipate there will be a lot of interest in one or perhaps two of those bills and perhaps slightly less interest in the other two, although obviously the house will make that call, not me. Four bills is not an onerous workload in budget week, and this is an achievable government business program.

The opposition has asked for the first bill to be called on, the Crimes Amendment (Protection of Children) Bill 2014, to be considered in detail, and the government has said that it will offer that if that is what the opposition wishes to do on this particularly important bill.

The opposition has asked to make its budget response on Thursday. I indicate to the opposition that it is my strong preference that on Thursday we will do two second-reading speech incorporations. Parliamentary counsel has indicated to me that two bills — and members will see that one is particularly large — will not be ready on Wednesday, so on Thursday I will be prepared to do two quick second-reading speech incorporations followed by the budget response. The opposition has also sought to vary one of the time limits

for the leader of the third party; I will be happy to grant that. The Leader of The Nationals has consented to speak for 15 minutes, and I am prepared to grant the opposition's wish to debate the Appropriation (2014–2015) Bill 2014 all day Thursday.

I am in a position to guarantee that to the opposition should the government receive a government business program. Of course everyone in this Parliament is aware that if there is no government business program, I will not be in a position to guarantee anything and the conduct of the house will be in the hands of honourable members rather than in the hands of government. With those few words, I urge support for the government business program, with the items I have designated in my speech, to go forward.

Ms ALLAN (Bendigo East) — I will make a few comments in response to the issues raised by the Leader of the House in relation to the government business program. This is a program with only four bills on it; however, the budget bills that were moved today by the Treasurer and Leader of the House will take up, in anticipation, the balance of Thursday. Opposition members understand why there are four bills on the program this week.

The opposition has sought, as has been indicated by the Leader of the House, a consideration-in-detail stage on the Crimes Amendment (Protection of Children) Bill 2014. We appreciate that consideration-in-detail stage being granted. It is pleasing to note that more requests of this nature are being granted than ever before. That is appropriate as this is an opportunity for the opposition to scrutinise critical pieces of legislation, and indeed this is a critical piece of legislation. It is a shame that for three years opposition members were not able to get any of these requests granted, but it is pleasing that we have had this request agreed to by the Leader of the House, and indeed the Attorney-General, who is responsible for this bill.

The other key issue this week is the budget bill. The opposition has signalled its desire to have its response to the budget kicked off as the first item of business on Thursday morning after other business has been dealt with. It has been common practice in previous years for the opposition to lead its response to the budget on the Thursday of the sitting week.

It is interesting that the Leader of the House has indicated that she continues to not have confidence in the government's ability to hold the numbers on the floor of this house, given that she has just said she cannot guarantee anything that may or may not go on in this chamber on a day-to-day, hour-to-hour or

week-to-week basis. The Leader of the House has revealed that once again this week — of all weeks — the government continues to be a government in crisis, a government in chaos and a government that lurches from week to week without knowing whether it has the support of or confidence of the floor of the house. This revelation builds on many that have been made by the Leader of the House about the precarious nature of this minority government and how it lurches from crisis to crisis from week to week. In saying that, the opposition anticipates that its response will be kicked off on Thursday morning.

It is interesting to note that the Leader of The Nationals has agreed to be gagged and to speak for only 15 minutes. I say that with my tongue firmly in my cheek. There is a standing order requirement, which has since been overridden by sessional order changes, that where there are coalition engagements in place the lead speaker rights of third party are waived. That is entirely appropriate, and the Leader of The Nationals will have 15 minutes, as is the case for every other member of the house except the lead speakers of the major parties. As it is budget week, members have many other issues they wish to address. The opposition looks forward to being able to commence its forensically detailed response to another budget on Thursday. This budget will no doubt follow previous budgets in cutting funding to education and health and in not providing sufficient support to communities, particularly those in regional and rural Victoria. My colleagues who will follow me have other items they want to raise for consideration during the government business program.

With those comments, and I am sure to the delight of the Leader of the House, I indicate that we will not be opposing the government business program. However, in saying that, we expect that the consideration-in-detail stage that the government has made a commitment to will not be a whip in, whip out, 5-minute job. We expect there will be a generous consideration-in-detail stage that will allow these issues to be considered appropriately, and that the lead speaker for the opposition, the shadow Treasurer, the member for Tarneit, will be kicking off proceedings with unlimited speaking time arrangements on Thursday as the first item of government business. With those comments, I repeat that we will not be opposing the government business program.

Mr TILLEY (Benambra) — After listening to the words of the member for Bendigo East, I stand firm and strong in support of the Leader of the House in this matter of the government business program. I will keep my comments short, but I reaffirm that this business program is certainly achievable. It is not onerous. I look

forward to the opposition having the opportunity to go into forensic detail about the budget, which is a great budget that we have just heard the Treasurer of Victoria deliver. Once again, in good faith I have every confidence that the Leader of the House has had her door wide open to the negotiations with the manager of opposition business. When the ball is in the opposition's court, it will have every opportunity to come to the table. Let us see what happens in good faith. I look forward to a good week for members of this side of the house, who will be speaking on a fantastic budget.

Mr CARBINES (Ivanhoe) — I am pleased to make a contribution to the debate on the government business program motion, and I note that the Labor Party is not opposing the program. In speaking to the motion, I want to draw the house's attention to the notice paper and to the Assisted Reproductive Treatment Further Amendment Bill 2013, which is listed there. While we are not opposing the government business program, we implore and encourage the government to again consider in developing and negotiating its future business program bringing this bill on for debate.

I commend the government for bringing forward the Assisted Reproductive Treatment Further Amendment Bill 2013 for consideration at some future date. I note that although the opposition is not opposing the government business program on this occasion, the community has an expectation bills on the notice paper will be debated at some stage. I encourage the government to give due consideration to how long — that is, since December 2013 — the bill has been on the notice paper. We encourage the government to give due consideration to debating the bill at some time in the not-too-distant future, if only because in discussions on those matters the government has made it clear it has a position it wants to put to address issues raised in the unanimous report of the Law Reform Committee that was tabled in March 2012. I was a member of that committee, which was chaired by the member for Prahran. I am sure that report has been in part the motivation for the government wanting to address those matters through the bill.

We will need to consider those matters at some future time. It is important for communities and stakeholders in Victoria who are concerned about those matters and have some enthusiasm, hope and excitement about them, if you like, that at some point they be considered and resolved in one way or another by the house, by the Parliament. There is an expectation that the government needs to consider when it develops the government business program. It should not leave these stakeholders up in the air and concerned about matters

that they in good faith believe the government is keen to address, that the house is prepared to debate and that the Labor opposition is prepared to discuss and debate once the government brings them forward on its business program.

We have got some really significant matters on the business program to debate this week, and I commend the fact that the government has brought forward the debate on the Assisted Reproductive Treatment Further Amendment Bill 2013, which has been on the notice paper for nearly six months. If it cannot provide certainty as to the timing of debate on the bill, it is appropriate for the government to reconsider its business program and provide at least an opportunity for stakeholders to understand where their futures lie and whether their matters will be addressed. It would be disappointing if the matter were to continue to languish on the notice paper and give false hope to constituents in the broader Victorian electorate for whom these matters are very serious.

I appreciate the opportunity to draw the attention of the house to those matters and say that Labor does not oppose the government business program but is certainly encouraging the Premier, the Minister for Health and the manager of government business to give further consideration to when this matter can be debated and given further consideration by the Parliament. That would be most appropriate. I temper my remarks with that reminder, but I feel it is something on which the government could use some direction in its negotiations on the future development of the program for the coming sitting weeks.

I seriously request that the government give further thought to this matter in what is a busy program for this significant week in the parliamentary year, budget week. This bill has now been on the notice paper for debate for some five or six months. I look forward to the opportunity to debate and discuss it in the house in the very near future.

Mr DELAHUNTY (Lowan) — I rise to speak on the government business program and indicate that I strongly support it. In addition to the four bills on the program there are the two budget bills. I have heard two members of the opposition say in the house that they are not opposing the government business program, but I remind members of Parliament that during the last sitting week we had opposition members saying they would not oppose a bill, but when it came to the vote they went against what they had said they would do. We on this side of the house stick to our commitments.

The member for Bendigo East was right when she said that the Leader of The Nationals has a standing order right to speak for an hour. Last year he gave up that right and spoke for only 15 minutes, and he is doing that again, because he is one of those people who believes in doing rather than speaking. The \$1 billion Regional Growth Fund has already distributed half a billion dollars in this term of government and is delivering enormous benefits to rural and regional Victoria.

The bill we will take into consideration in detail, the Crimes Amendment (Protection of Children) Bill 2014, comes about because of the *Betrayal of Trust* report. I note there is widespread support for that report from all sides of this house, but I do not want to go into the detail of the bill. However, I congratulate members of the Legislative Council — a member for Southern Metropolitan Region, Georgie Crozier, and a member for Northern Victoria Region, David O'Brien — and many other members from both sides of this house on the work they did in producing that report and also on the introduction of the Crimes Amendment (Protection of Children) Bill 2014.

As I said earlier, the opposition members say one thing and do another. Its members do not oppose some things in the Legislative Council, and when they come into this house they say they will not oppose them, but they then vote against those things. We will wait and see what happens when the vote on this motion is taken, but I say again that we have heard a commitment by two members of the opposition that they will not oppose the government business program. I hope that is true so that we can get on with the business of government. I remind the member for Ivanhoe that I sat on that side of the chamber for 11 years, but I do not remember going into consideration in detail many times when the Labor Party was in government.

An honourable member — Once a week.

Mr DELAHUNTY — I do not believe that. I can assure members it did not happen very often. That is what happens when you are in opposition. But we have got a very fair and reasonable government business program of four bills and two budget bills, and I look forward to debating those bills for the rest of the week.

Ms GARRETT (Brunswick) — I am pleased to rise to make a contribution to the debate on the government business program. I note the comments of the previous speaker that the opposition perhaps says one thing and does another, and we on this side of the house experience that quite a bit from the government. For example, the government says it has the numbers on

certain things, and then it is proven that it does not have command of the house or the numbers in the house. As the manager of opposition business so eloquently put it earlier, the manager of government business has certainly indicated that it could be anything on any particular day, given the way this Parliament rolls at the moment.

That brings me to a very significant issue. We have sat through many discussions and debates about the government business program. In particular the manager of opposition business has had to stand to argue that there be genuine discussion, debate and focus on the most important issues that affect Victorians. Important issues come before this house on a regular basis, and unfortunately on many occasions the opposition has had to stand firm and oppose the government business program because of the manner in which the government has sought to have those issues ventilated.

They are often issues of critical and fundamental importance to the Victorian people, and far too often not enough time has been given for proper scrutiny or debate. We will continue to stand firm against the government on those sorts of matters, but we note the palpable sigh of relief that is coming from the other side of the house because on this particular occasion the opposition will not be opposing the government business program. So government members do not have to run around, as they have been, to make sure that they have the numbers on the floor of the house on any given day in this chaotic Parliament.

In particular I rise to echo and support the comments of the member for Ivanhoe regarding the Assisted Reproductive Treatment Further Amendment Bill 2013, which has been languishing on the notice paper for months. While I will not go to the substance of the bill, it is worth looking at some time lines around how this legislation came to the house. I was a member of the then joint-party parliamentary Law Reform Committee that delivered unanimous and comprehensive recommendations to government regarding this legislation and changing the rights of donor-conceived people.

There was supposed to be a comprehensive response from the government in September 2012. All that was forthcoming was a single-page document, which was tabled in this Parliament without any reference to or discussion of key stakeholders, and which sought some further work to be done, primarily looking at the views of donors. That then languished again for months and months until finally a bill was introduced into Parliament last year. While it did not go anywhere near

far enough towards the recommendations that the all-party committee had made, it made some changes in this area.

We need to remember also that these issues were comprehensively discussed when the Assisted Reproductive Treatment Bill was debated and passed in 2008. There was then literally years worth of work undertaken during two terms of government, with two different committees looking at these issues. This matter has been dragging on for those people who are fundamentally affected by the substance of this bill. That significant group of people are fundamentally affected because the bill goes to the very core of their identity and their rights.

We are now three and a half years into this term of government. We have had comprehensive reports and we have had some watered-down legislation introduced. I fear it is because, on this issue as on so many others, the government does not know the strength of the numbers it has on the floor and is worried about testing those in regard to this piece of legislation. But in our view that is not a good enough reason not to have this issue brought forward for debate. It is of critical, fundamental importance to a very significant group of people — people who are emailing almost daily and asking when the legislation will be brought forward and when they will have the opportunity to hear their elected representatives debate and discuss and focus on the issues that are of such importance to them.

The opposition calls on the government to bring this bill on for debate. We will be raising this matter in future debates about the government business program. This is a serious matter for those on this side of house and the people they represent. We urge the government to treat the bill with the seriousness it deserves.

Motion agreed to.

MEMBERS STATEMENTS

Science and innovation prizes and fellowships

Ms ASHER (Minister for Innovation) — On Tuesday, 29 April, I announced that applications for the 2014 Victoria Prize for Science and Innovation and the 2014 Victoria fellowships are now open, and will close on 5 June. The Victoria prize and Victoria fellowships were a Kennett government initiative that continued under Labor and have been doubled by the current coalition government. Two \$50 000 Victoria prizes, one for physical science and one for life sciences, will be available this year to recognise the work of

outstanding science leaders. Twelve Victoria fellowships, each year worth \$18 000, will be offered to support international study missions by emerging researchers in science, engineering or technology. The coalition government is continuing to deliver its 2010 election commitment to double the number of annual Victoria prizes from one to two and Victoria fellowships from 6 to 12.

Since 1998 the Victorian government has recognised 19 leading Victorian scientists with the Victoria prize and awarded over 100 fellowships. The Victorian coalition government has appointed the Victorian Endowment for Science, Knowledge and Innovation, an outstanding organisation, to administer the Victoria Prize for Science and Innovation and the Victoria fellowships in 2014. These fellowships and prizes are a critical component of the government's science strategy, and I congratulate all those who have been previous winners. I urge the best of our best to apply for this year's offerings and again remind people that nominations are now open and will close on 5 June.

Wally Curran

Mr NOONAN (Williamstown) — I rise to pay tribute to Wally Curran, who passed away at home in Williamstown on 24 March after a long battle with cancer. Much has been said and written about the great Wally Curran since his passing. There have been many stirring words, tributes and stories shared. This was a man who dedicated his life to the advancement of working people. Through his more than four decades at the meatworkers union, Wally Curran achieved superannuation payments for meatworkers years before universal superannuation became a right. He delivered portable industrial entitlements for meatworkers and stopped at nothing to improve the health and safety standards in his industry, even pioneering the establishment of a dedicated health clinic in Melbourne's west to ensure that workers had access to high-quality health care.

Wally believed workers had a right to be treated with dignity and respect. He was right. They did then, and they still do now. Never one to take a backward step, Wally's fierce and unflinching approach was legendary. He cut a path for others to follow and went out of his way to develop a privileged and chosen group of people who shared his commitment to working people. I will always be grateful for having met Wally Curran. He was a friend like very few others. He invested heavily in me, but never expected anything in return. I wish to extend my condolences to Wally's wonderful partner, Kay Morrissey, and his family. Vale the great Wally Curran.

Protective services officers

Mr WELLS (Minister for Police and Emergency Services) — I am pleased to inform the house of recent protective services officer (PSO) deployments to regional Victoria. These deployments deliver a major part of the government's commitment to deploy PSOs to four regional centres — Ballarat, Bendigo, Geelong, and Traralgon — by November 2014. The government remains committed to deploying PSOs to the fourth regional rail station, Traralgon, by November this year as part of its commitment to deploy 940 PSOs to the rail network by that time. The exact date for the deployment of PSOs to Traralgon is an operational matter for the discretion of the Chief Commissioner of Police.

I had the great pleasure of attending the Ballarat and Bendigo rail stations on Monday, 28 April, and Geelong station yesterday to welcome the first protective services officers (PSOs) to be deployed to those stations. Those PSOs underwent their induction at those stations on Monday and commenced duty at the stations at 6.00 p.m. the following day. The PSOs deployed to Ballarat, Bendigo and Geelong live either in those areas or within reasonable proximity to those locations, which has made these deployments more practical. Since graduating from the Victoria Police Academy these PSOs have undergone three months of intense on-the-job training and, under the supervision of Victoria Police, at large metropolitan rail stations. The government remains on track to meet its objective to deploy 940 PSOs to the rail network by November 2014.

Peter Greste

Mr CARBINES (Ivanhoe) — I rise to make comment in regard to journalist Peter Greste. I have been a member of the Media, Entertainment and Arts Alliance for over 20 years. In January the union presented a petition with the signatures of more than 1000 Australian journalists calling on the Egyptian government to release Australian Peter Greste and his two colleagues from prison in Cairo. The three — all from Al Jazeera English network — have been detained since 29 December 2013 for simply doing their job. The media alliance's federal secretary, Christopher Warren, said:

We strongly believe that upholding the rights of journalists and permitting the free flow of information is vital to bringing about greater understanding and serves the best interests of all Egyptians and the world. We urge the ambassador to pass on our concerns to the Egyptian authorities with the aim of immediately releasing our journalist colleagues from detention.

That petition had the signatures of over 1000 Australian journalists.

I also note that the 2014 Press Freedom Dinner was held on 2 May to raise funds for the Media Safety and Solidarity Fund, which supports press freedom and assists journalists and their families in need. In Australia journalists work to expose corruption and to scrutinise the powerful, but these are difficult issues overseas, and we seek to support our journalists there. In relation to Peter Greste, I hope he is freed soon. We expect some action from the Egyptian government.

Premier's Spirit of Anzac Prize study tour

Dr SYKES (Benalla) — In April I was privileged to lead the Premier's Spirit of Anzac Prize trip to Lemnos, Gallipoli and the Western Front. The 12 students, 2 RSL members and the trip coordinators were overwhelmed by the experience of learning more about the suffering and sacrifices of our World War I servicemen and servicewomen. It was the first time that Lemnos had been included in the itinerary. We were made very welcome, and our presence attracted significant local media coverage, which I thank the member for Dandenong for passing onto me.

There were many haunting experiences: the heart-rending epitaphs, multiple — up to nine — graves side by side signifying death in the same incident and the monuments at Menin Gate, Lone Pine, Tyne Cot et cetera and the thousands of soldiers who have no known grave. Perhaps most haunting were the words of Colonel Pompey Elliot:

The weather was hot and the flies pestilential. When anyone speaks to you of the glory of war, picture to yourself a narrow line of trenches two and sometimes three deep with bodies and think too of your best friends — for that is what these boys become by long association with you — mangled and torn beyond description by the bombs and bloated and blackened by decay and crawling with maggots. Live amongst this for days ... this is war and such is glory — whatever the novelists may say.

Pompey was one who suffered post war, and after spending many years trying to help his men he committed suicide. Lest we forget.

Broadmeadows electorate funding

Mr McGUIRE (Broadmeadows) — The Napthine government has continued its political bias and the historic neglect of Broadmeadows by coalition governments with a cruel budget for the people who form the capital of Melbourne's north, who through their sweat and nous have underwritten the prosperity of this state for generations. In the past two budgets the

coalition has played a reverse Robin Hood, axing almost \$100 million in shovel-ready infrastructure projects in Broadmeadows. It has failed to reinvest in this booming growth area. In response to the last two budgets, I have had to name and shame the Minister for Planning for the difference between his rhetoric and reality, boasting to the media that he represents the families and people of Broadmeadows in the upper house then axing the central activities district and the much-needed government services building, while transferring the money from one of the state's poorest communities to sandbag this government's marginal seats.

The minister has now been proven to have welshed on his subsequent commitment to reallocate \$10 million from the government services building into one of Australia's booming growth areas. For this he will be held to account. This budget underscores the coalition government's continued and repeated mistakes from the past. Insanity is repeating the same pattern and expecting a different result, according to Einstein, yet all we get are more investments in the criminal justice system, rather than investments in attitude, education, opportunity and a fair go.

Anzac Day

Mr BATTIN (Gembrook) — It was a pleasure to attend the Emerald RSL Anzac dawn service this year, a service at which over 1000 members of the community came along to support the memory of those who had fallen. This year the RSL had a focus on returned soldiers who had injuries, both physical and mental. The RSL president, Peter Maloney, was proud to see the support from local Community Fire Association brigades, ambulance staff, Victoria Police, the State Emergency Service and local sporting groups. This year the Emerald RSL announced its intention, with funding from the state, federal and local governments, to build a memorial walk to ensure that the next generation never forgets the 32 soldiers from the Emerald township who lost their lives.

Puffing Billy Great Train Race

Mr BATTIN — Although I did not run in the event this year, it was a pleasure to attend this year's Puffing Billy Great Train Race 2014. Now in its 33rd year, it was again a huge success due to the work of CEO John Robinson and the many volunteers. I also congratulate Edward O'Donohue, a member for Eastern Victoria Region in the Legislative Council, who completed the race with his wife, Jen. I admire all who complete this challenging event and say well done to Ed and Jen on promoting a healthy lifestyle.

Cardinia Creek Parklands

Mr BATTIN — It is fantastic to see another coalition commitment delivered with the opening of the Cardinia Creek Parklands. This park will have many environmental outcomes, including protecting our waterways, and will open some great walking tracks to the public. I have used the tracks for running and admire the way Parks Victoria and the Department of Primary Industries and Environment have worked with the local community to design a park that represents our Indigenous heritage and farming history in the local region, and how important it is to our local communities to have an asset that provides an understanding of what it has been in the past and what the community was built on.

Ballarat region infrastructure

Mr HOWARD (Ballarat East) — In 2010 the Baillieu opposition made a number of election promises to the people of the Ballarat region. However, when it came to office, the coalition forgot those promises. It is only in this year that the Napthine coalition government has realised that it should take action on its promises in a desperate bid ahead of this year's election. The Ballarat-Buninyong Road upgrade works will only be half completed by the end of this four-year term, and the Mount Helen fire station should be just completed. However, while much was said about a helipad for the Ballarat hospital, this will not be completed by the end of this government's term either. Premier Napthine has confirmed that promises of a police station for Sebastopol and a second rail platform at Ballan station will also no longer be honoured.

By contrast, in the first term of the Bracks government Labor delivered much in our region. As an example, it identified the opportunity to relocate the State Revenue Office to Ballarat and acted immediately to see the new site at Mount Helen open within two years of coming to office. This government has done very little to support job growth in Ballarat, and its three-plus years in office have seen it sack nearly 500 government employees in the area. It has sat on its hands while hundreds more jobs have gone. It is only now the government is talking about the possibility of moving the government office to Ballarat if it is re-elected. It should have acted before now.

Infrastructure delivery

Mr MORRIS (Mornington) — In November Victorians will have a clear choice. They can elect a government that talks about things, or they can elect a government that gets things done. Labor promised big

but delivered little. Labor promised to standardise the Portland–Mildura rail line; it took a coalition government to get it done. It promised to build a rail link to Melbourne Airport; this government will get that job done. Labor promised to put protective services officers on the city loop stations; we got that done, and we put them on the rest of the network. And who can forget Labor's \$34 billion unfunded transport plan, with the second river crossing it now rejects? That 2010 unfunded plan has been replaced with a brand spanking new 2014 model, which has its very own black hole — \$19 billion worth of unfunded capital works and \$500 million of operational expenses each and every year.

In contrast to Labor's empty promises, this government is delivering on public transport and on roads, with projects such as our \$2.5 billion investment in the Pakenham and Cranbourne rail lines, a 30 per cent capacity boost for Melbourne's busiest rail corridor, new trains, new signalling, new stations and grade separations. There is also the Melbourne Airport rail link, with services departing from Southern Cross station every 10 minutes. Labor refused to fund a project that is dear my heart, the \$200 million removal of the notorious St Albans level crossing. Other projects include an \$850 million project to add capacity to the Tullamarine Freeway, a 30 per cent boost to capacity and travel time cut by 16 minutes; both stages of the east–west link; and the cross-city road connection that Labor talked about but is now desperate to stop. When it comes to infrastructure, only the coalition delivers.

Premier's Spirit of Anzac Prize study tour

Mr PANDAZOPOULOS (Dandenong) — I congratulate the government on its inclusion of Lemnos Island in the Spirit of Anzac trip this year from Victoria. I thank the member for Lowan, as the Minister for Veterans' Affairs at the time, for taking up the initiative and ensuring that the island, which was the base for the Gallipoli campaign, was included in this year's visit. I look forward to that and to other sites in Greece being a regular part of the Spirit of Anzac program, which is so important for students.

Cranbourne-Pakenham rail corridor

Mr PANDAZOPOULOS — I express my disappointment that the government has not seized an initiative with the very important and large capital works program that it has announced. The government has announced that up to \$2.5 billion will be spent on the Cranbourne-Pakenham rail upgrade project, but it was very disappointing to read in the media that the Metro Trains Melbourne-led consortium has leased an

office in Collins Street, Melbourne, not along the rail corridor. One would have thought that if the consortium had a project in the area it would try to maximise local jobs in the region, and as part of maximising local jobs in the region would provide opportunities for local content. How is that going to be done from an office in Collins Street? The government can, at the last minute, relocate government offices from the city to places like Ballarat, yet for new initiatives it does not insist that as part of those projects the project is based in those same regions. It is where the locals expect those offices to be and where that workforce will be. It would also allow access to the project by local industry, of which Dandenong has a significant part, and enable it to benefit from this project.

Lowan electorate funding

Mr DELAHUNTY (Lowan) — I welcome the budget delivered today by the Treasurer which will deliver infrastructure, services and programs that will benefit the Lowan electorate by providing funding for roads, rail, health, education, the Country Fire Authority, the Food to Asia Action plan and, importantly, the Horsham College.

Horsham West and Haven Primary School

Mr DELAHUNTY — I congratulate the Horsham West and Haven Primary School on being one of the 72 Victorian schools that have been chosen to join a global partnership with 1000 schools from 10 countries to develop new ways to educate and inspire young people, accelerated by technology.

Dunkeld Kindergarten

Mr DELAHUNTY — I also congratulate the students and staff of the Dunkeld Kindergarten, which is one of nine early learning centres to take part in a trial to teach children about sustainability. The ResourceSmart program for early childhood centres plans to ensure that young Victorians have the skills to adopt sustainable practices at school and at home, and to carry those skills into their adult lives.

Stawell Gift

Mr DELAHUNTY — The 133rd Australia Post Stawell Gift was staged over the Easter long weekend. I congratulate the Stawell Athletic Club president, Jeremy Irvine, the officials and volunteers on another successful event. I was proud to attend this event with the new Minister for Sport and Recreation and The Nationals candidates for Ripon and Lowan, Scott Turner and Emma Kealy. I also want to thank the many

athletes who came to that sensational event. My congratulations go to Luke Versace, who won this year's gift on the narrowest of margins — one-five hundredths of a second.

Grampians Grape Escape

Mr DELAHUNTY — The Grampians Grape Escape was again held on the weekend. It was another successful event in western Victoria.

Bus route 535

Ms BEATTIE (Yuroke) — After an influx of inquiries from upset constituents to my office about the sudden cancellation of bus route 535 in Craigieburn, I recently wrote to the Minister for Public Transport seeking an explanation of why a local bus service had simply vanished. The response was astounding. Apparently bus route 535, servicing the residents of Craigieburn, was cancelled and — I quote — 'ceased due to antisocial behaviour'. There was no further clarification of what that antisocial behaviour involved nor the extent of it. I am unaware of any police or media reports about such behaviour, but it must have been of an extraordinarily serious nature if the government's response was the immediate cancellation of the bus route, which was servicing local families and students.

I would greatly appreciate clarification from the minister, so that I can inform local residents, as to the following. What other bus services in my electorate, or indeed across the state, are under threat of cancellation due to undefined antisocial behaviour? Is the threat of antisocial behaviour the new coalition strategy for determining where public transport services will be provided? Is there evidence that antisocial behaviour is moving from railway stations to other areas now that there are protective services officers in place? I eagerly await the minister's response.

Israel Innovation for a Better World exhibition

Mr SOUTHWICK (Caulfield) — It was my pleasure today to co-host the opening of the Israel Innovation for a Better World exhibition. The exhibition, which is running at the Parliament of Victoria from 5 to 9 May, features displays of Israel's great start-up, can-do attitude from SodaStream to ReWalk to Check Point security, Gilat Satellite Networks, Hanita Pacific, Maze, Solar Edge Technologies, Mobileye, Yissum, the Hebrew University of Jerusalem and Technion University. I congratulate the Zionist Council of Victoria for seeing this fantastic initiative highlighting the great

achievements of Israel come to fruition, and may I say how proud I am to work with such a great organisation that is so passionate about what it does.

In particular I applaud the efforts of council executive director Jane Rapke and communications and events coordinator Brenda Segal, who have done an extraordinary job in seeing a true portrayal of Israel come to light in this fantastic display. This is particularly important given these times and will help dispel the myths of the boycott, divestment and sanctions movement and those who seek to destroy Israel's reputation. I also recognise the great efforts by students from the Australasian Union of Jewish Students, who are kindly assisting by guiding guests through the displays.

Victoria-Israel Science, Innovation and Technology Scheme

Mr SOUTHWICK — It was my pleasure also to launch the Victoria-Israel Science, Innovation and Technology Scheme today. The Victorian government will offer grants of up to \$250 000 for Victorian companies, with the Israeli government offering 50 per cent of research and development expenses to Israeli companies. This government is committed to the development of science and technology, and these sorts of initiatives ensure that Victoria and Israel are both internationally recognised for the quality of their research and their innovation. There is no end to what they can achieve together. This program is open to the private sector, and I encourage companies to put forward opportunities in which we can help grow their businesses, create jobs and, most importantly, ensure that innovation continues to grow and the relationship between these two countries continues to flourish.

Chandler Highway bridge

Ms RICHARDSON (Northcote) — It is great to be back in this house making my first members statement since my return to Parliament. What is not so great is that yet again I am here using this time allotted to me to highlight the urgent need for a duplication of Chandler Highway bridge. My community and I were hopeful that the plans drawn up and costed by the former Labor government would at last be funded. These plans were distributed to the community over four years ago, and while the Greens party is still vigorously opposed to any fix, the Liberals remain shamefully silent on this most important project, although I understand that during the Kew preselection process Liberal Party members did raise it as an issue of concern to them.

Over 5000 signatures have been collected calling for a fix to the bridge, but the concern is not limited to my local community. For its size, Melbourne has relatively few river crossings, and Chandler Highway bridge is a dangerous and congested crossing at that. It regularly features in traffic hot spots every peak hour and poses a particular threat to cyclists travelling north across the bridge. The development of the former Amcor site will put significant pressure on the bridge, yet still the Liberals are silent and sit on their hands in respect of this issue. The member for Ivanhoe and I will continue to fight for a fix to the bridge, a fix that will not only help our communities but will also ease congestion pressure right across Melbourne.

Anzac Day

Ms WREFORD (Mordialloc) — On Anzac Day I was privileged to join Chelsea RSL members at their dawn service and breakfast. Later I attended the Mentone RSL service and morning tea. Both were very moving, respectful services from terrific RSL clubs. Well done to Chelsea's president, Mick Weissenfeld, Mentone's president, Barry Lowe, and their teams. I commend and thank everyone who ran Anzac Day events across the Mordialloc electorate.

Lions Club of Chelsea District

Ms WREFORD — I was recently the guest of the Lions Club of Chelsea District at a meeting at Chelsea Yacht Club, and participated in its question and answer session. It was terrific to hear of the continuing good work it is doing in the community. Well done to president Evelyn Sainsbury and the club.

Edithvale Aspendale Sporting Club

Ms WREFORD — To start the football season, I was invited to the Edithvale Aspendale Sporting Club president's lunch and was asked to participate in the premiership flag unfurling with June Lyons. June has a long history with the club, and the club pavilion rooms are named after her late husband, Ken Lyons. Well done and good luck to president Ted Turner and the club for the year ahead.

Mentone Primary School

Ms WREFORD — After a six-month pilot, Mentone Primary School formally launched the QkR app, or quick response app, before Easter. The Minister for Education, the member for Sandringham and I attended. It is an app that allows schools to have an 'anytime, anywhere' payment process. Users just scan a

QR code to pay. Commendations to the school for leading the way. It is such a time saver for parents.

John Cohen

Mr HERBERT (Eltham) — I rise to pay tribute to a man who valued community, who valued family, who was valued and admired by many and whose friendship and guidance I valued greatly, the late John Cohen, OAM, who passed away on 18 March at the age of 94. It was my honour, with the member for Ivanhoe, to be at a wonderful public celebration of John's life, which was held at the iconic Montsalvat in Eltham on Sunday, 13 April. It was standing room only and a tremendous tribute to the life of a man who made the world a better place by his presence.

As I said in this house on the occasion of John's 90th birthday, he was born in Germany in 1919. He fled the Nazis in 1938 following beatings and persecution as a Jewish youth living in Germany. John joined the Labor Party in March 1940 and was a passionate advocate for the labour movement and the advancement of socially progressive policies for 74 years. His family described him as a great educator and social activist who gave so much to our community. He was a passionate teacher and a member of many community groups, including the Australian Institute of International Affairs, the Australian Council for Christians and Jews, the Jewish Christian Muslim Association of Australia, the RSL, since 1946, and the Australian Republican Movement, to name a few. He was a widely admired councillor for 10 years and served as president of the old Eltham shire. He was devoted to his wonderful wife, Shirley, their three children, seven grandchildren and two great-grandchildren. We will all miss him sadly.

Murray Basin rail project

Mr CRISP (Mildura) — North-western Victoria will undergo a rail revolution under the coalition government with the announcement of a \$220 million Murray Basin rail project. This is a landmark project that northern Victoria has been waiting for, and it is being delivered by the Liberal-Nationals coalition government in its first term. The project has many aspects: the \$41 million upgrade of the Mildura and Hopetoun lines, a business case to finalise costs and alignments to be delivered by the end of the year and standardisation of the north-western Victorian rail lines by 2018.

This project supports jobs and the Mildura economy as well as other investments in economic infrastructure. There will be an investment in a gas compressor to

boost natural gas to business and homes in Mildura and a \$103 million commonwealth investment in irrigation infrastructure. This government's continued investment in infrastructure will support the continuing development of food exports and secure and create jobs in Mildura. I am reminded of the 1895 quip by Mark Twain on the different rail gauges in Victoria, 'Think of the paralysis of intellect that gave that idea birth'. One hundred and nineteen years later that paralysis is being addressed in north-western Victoria by the Liberal-Nationals government, a government I am proud to be a member of.

Mallee District Aboriginal Services

Mr CRISP — The Regional Growth Fund is supporting the further development of health services at the Mallee District Aboriginal Services. The funding will be matched by the service to allow the construction of a service facility to deliver over \$1.8 million of state services.

Anzac Day

Mr CRISP — Finally, I would like to pay tribute to the RSL in Mildura and surrounding regions in my electorate for their organisation of many Anzac services.

Yan Yean electorate roads

Ms GREEN (Yan Yean) — During this term of Parliament I have had to rise to my feet on many occasions to raise the issue of the neglect of roads and public transport in the Yan Yean electorate, which is the most populous and fastest growing electorate in the state. I thought that finally, instead of the guffaws and laughter that are usually the response of members of the government and ministers of the Crown, my pleas on behalf of my community had been heard.

On Saturday a week ago I received a phone call from a journalist saying that the Treasurer had found his way all the way from leafy Malvern to Mernda and that he was about to make an announcement on Plenty Road. I was delighted to divert my journey to the football to go to Plenty Road in the hope that I would be hearing about a duplication, a road widening, a bike path, a footpath or even traffic lights at the intersection of Bridge Inn Road and Plenty Road. What did the minister and the two other suit-clothed gentleman who went with him announce? They announced 300 metres of bitumen. This is not leading; this is not government delivering for the most populous electorate in the state. It is an absolute joke. It was like throwing peanuts at the peasants. People in the north will not forget the

arrogance of that behaviour by the Treasurer. The budget delivers nothing for roads — —

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

Anzac Day

Mr KATOS (South Barwon) — On Anzac Day I had the pleasure and honour of attending the Torquay RSL Anzac Day dawn service at Point Danger. I congratulate the organisers at the Torquay RSL sub-branch, along with the Surf Coast shire Lions and Rotary clubs, businesses and volunteers, on this significant commemorative service that attracts thousands of people to Torquay.

I also participated in a wreath-laying ceremony as part of the Geelong RSL commemorative service in Belmont, followed by another service in Johnstone Park. I then cheered on the South Barwon football club at the traditional Anzac Day match against St Joseph's. St Joseph's won the Anzac title. The match was a great opportunity to unite the local community and honour those who fought for our country.

Jan Juc Preschool

Mr KATOS — Last Thursday I had the honour of representing the Minister for Children and Early Childhood Development, Ms Lovell, at the opening of the upgraded Jan Juc Preschool. I was pleased to join the mayor of Surf Coast shire, Rose Hodge, to open the \$507 000 upgrade of Jan Juc Preschool, which will provide 50 more places in the four-year-old program, increasing capacity to 150 children. The \$300 000 investment is another example of this government delivering to meet the demand for high-quality, local early-years services in the growing Torquay and Jan Juc community and providing excellent early childhood education for generations of local children.

Spring Creek Critical Links project

Mr KATOS — On Tuesday, 15 April, I was delighted to announce the \$1.3 million Spring Creek Critical Links project. The \$500 000 investment in the project by the Victorian coalition government from the Regional Growth Fund will develop pathways along the Spring Creek corridor from the Great Ocean Road through to Spring Valley park. It includes the construction of a new pedestrian bridge, providing additional access across Spring Creek.

Anzac Day

Mr FOLEY (Albert Park) — At the recent Anzac Day services in the district of Albert Park I was pleased to support the Friends of Elwood RSL in its continuation of the finest traditions of Anzac commemoration, following the closure of the Elwood RSL a number of years ago. I say well done to that community-based group and wish its members luck in ensuring that next year's significant milestone is marked by an appropriate, permanent commemoration site in Elwood.

The same goes for the Port Melbourne community, which for over 15 years now, following the closure of that RSL, has continued marking this significant occasion each and every year. I say well done to a former member for Albert Park, Bunna Walsh, who steers that group along fearlessly every year.

Albert Park electorate schools

Mr FOLEY — I rise to point out the significant disappointment of the school communities in my electorate. Having been promised a new primary school by this government, all we have had in four years is a promise to buy a site, now two years late, and in today's budget a sad reflection — —

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

CRIMES AMENDMENT (PROTECTION OF CHILDREN) BILL 2014

Second reading

Debate resumed from 26 March; motion of Mr CLARK (Attorney-General).

Opposition amendments circulated by Mr PAKULA (Lyndhurst) under standing orders.

Mr PAKULA (Lyndhurst) — It gives me pleasure to rise to speak on the Crimes Amendment (Protection of Children) Bill 2014. I indicate that the opposition will not be opposing the bill, but it will be seeking an amendment to the bill. This bill seeks to amend the Crimes Act 1958 to insert two new offences in relation to the sexual abuse of children, including failure by a person in authority to protect a child from sexual abuse and failure to disclose a sexual offence committed against a child under 16 years.

To give this bill some background, prior to the last election the then Leader of the Opposition, the member for Hawthorn, and the current Attorney-General

announced that a coalition government would create so-called failure-to-protect laws, being laws that require adults who have custody or care of a child to take action if they know or believe that the child is being abused. That announcement met with very strenuous objection from family violence victims and family violence advocates. The experts in the field at the time were of the firm view that this type of law encourages the blaming of victims, fails to understand the complexity of family violence and may have a negative impact on women and children who are experiencing violence in the home.

What happened next was that the Cummins report was tabled in February 2012. It advised caution about a failure-to-protect law in the context of family violence and instead recommended that the Crimes Act 1958 be amended to create a separate reporting duty for a member of a religious or spiritual organisation who has a reasonable suspicion of physical or sexual abuse against a child within their organisation. That report said that non-abusive parents are themselves very often the victims of family violence, as well as their children, and they may not be in a position to act protectively towards their children. Philip Cummins noted that:

... efforts ... to acknowledge that, for victims, putting an end to family violence is not as simple as 'walking away' could be undermined by laws that criminalise ... behaviour by vulnerable parents.

Then the parliamentary inquiry which resulted in the *Betrayal of Trust* report was announced. The election commitment went into abeyance and the Family and Community Development Committee was asked to inquire into and report to the Parliament on the processes by which religious and other non-government organisations respond to the criminal abuse of children by personnel within their organisations.

That report was tabled in November last year. The opposition thanks the committee for its important work. We acknowledge the amazing efforts of victims who came forward and provided in-principle support for the recommendations. However, the committee stressed that all the recommendations are being considered in their application to the criminal abuse of children within non-government organisations, and if implemented, they may become of general application. As a consequence, in the drafting of the legislation there needs to be consideration of any unintended implications for other groups and individuals, and that was the recommendation of the committee. It did not make an express recommendation about individuals such as non-abusive parents and carers being under a legal duty to report. There is an argument that, in any case, that would have been outside the terms of

reference, those terms of reference being confined to religious and non-government organisations and their response to criminal child abuse. In that context clause 4 of the bill is problematic, and in a little while I will come to some of the concerns that have been raised. First I want to turn to clause 3, which is a provision that the opposition wholeheartedly supports.

Clause 3 provides that a person in authority — that is, someone who has power by reason of a position he or she occupies in an organisation — has the responsibility of reducing or removing any substantial risk that a child under the organisation's care, supervision or authority will become the victim of a sexual offence. The kinds of organisations that are considered in that provision include churches, out-of-home care providers, sporting clubs, schools, government agencies, service groups and the like. An offence under clause 3 applies when a person in authority knows that there is a substantial risk that a person associated with the organisation will commit a sexual offence against a child and the organisation negligently fails to reduce or remove that risk. I will just pause there for a moment to consider that. It is not enough for somebody in an organisation to have a reasonable belief. It is not enough to suggest that someone in an organisation should have known in all circumstances. The provision is triggered only if it can be shown that someone actually knew, and that contrasts with the provisions in clause 4.

The way that might work in practice is that if a person in authority simply moves an offender or person who poses a risk to children to another place within the organisation, or if someone becomes aware of someone's history and their proclivity to abuse children and fails to take steps to remove or reduce that risk, then the maximum penalty in those circumstances is five years imprisonment. We wholeheartedly support that provision. We know that there are many victims who suffered abuse as a consequence of people in authority failing to respond to things they knew about or indeed failing to respond to things they ought to have known about and not dealing with allegations of past criminal behaviour. Obviously this provision will not help past victims, but we hope that it will provide some comfort to them, at least from the knowledge that the law will now help prevent those sorts of acts occurring to other vulnerable people in the future.

The bill also introduces clause 4, which proposes a new offence of failure to disclose sexual offences committed against a child under the age of 16 years. This applies to situations outside organisations, and it will be most applicable within the family unit; of that there can be no doubt. Specifically, a person who is 18 or over who has

information that leads them to a reasonable belief that a sexual offence is being committed against a child must disclose that information to a police officer as soon as is practicable unless they have a reasonable excuse for not doing so. The maximum penalty is three years in prison. A reasonable excuse can be triggered where a person fears on reasonable grounds for the safety of any person except the perpetrator were they to disclose the information and the failure to disclose is a reasonable response in the circumstances. That will become a matter of fact and judgement for a court and ultimately for a jury. A reasonable excuse is also triggered where a person believes that the information is already disclosed or if it comes from a victim over 16 who requests that it not be disclosed or if it is privileged or confidential under the Evidence Act 2008 — that is, it is provided by way of religious confession or other circumstances of privilege.

There therefore needs to be a very clear understanding of what this bill actually suggests, because what it says is that if you are, for example, a mother and you have a reasonable belief that there may be abuse going on, then you are criminally liable if you do not report it, but if you are a priest who has actual knowledge because you have been told about it in the confessional, you have no obligation to report it. We think the relative burden that is imposed by that is unreasonable, and shortly I will go to some of the concerns that have been raised.

A clause 4 offence extends beyond people in authority. It captures parents and other family members and potentially neighbours. Basically it is a failure-to-protect provision, and such provisions cause much angst and concern, in another guise. This has been the subject of correspondence from numerous organisations to the Attorney-General and also to the Minister for Mental Health, who is also the Minister for Community Services and the Minister for Disability Services and Reform, to me, to the member for Yan Yean and to Ms Hartland and Ms Pennicuik, who are members of the Greens in the Council. There has been separate correspondence to other members as well. In that correspondence these groups go into some detail about their concern regarding the provisions in this bill because everybody agrees that we need to do everything we can to prevent and respond to the sexual abuse of children.

Our concerns are not about prioritising the concerns of, for instance, mothers against those of children. They are about whether this provision will help or make the situation worse. In the correspondence from the various domestic violence groups, I would like the house to

consider the following. Under the heading ‘The offence may cause more harm to children’ the letter says:

In helping children to recover from abuse, it is widely accepted best practice that services should be resourced to work to support the non-abusing parent and assist them to enhance their child’s safety. However, if the mother is incarcerated for ‘failure to disclose’ the abuse ... the child may instead be left in the care of the state, or even in some instances with the perpetrator of the abuse.

In 2012, the report of the Protecting Victoria’s Vulnerable Children Inquiry (the Cummins report) found that the then proposed ‘failure to protect’ law could undermine the growing recognition of the complex dynamics of family violence and could be inconsistent with the recent reforms to the family violence system. Importantly, the Cummins report suggested that reforms addressing offender accountability ‘may be waylaid by placing responsibility for abusive behaviour on a non-abusive parent.’

The inquiry identified a range of risks and adverse consequences that could arise if such legislation was introduced. In particular, the Cummins report expressed serious concerns that the law ‘might have a dampening effect on help-seeking behaviour and the reporting of abuse’.

In a nutshell what these groups have communicated to the Attorney-General is their concern that a law of this nature may in fact reduce the likelihood of mothers reporting for fear of the consequences, whether they be criminal consequences for themselves or their children being taken away. If we are seriously trying to create a culture where we destigmatise reporting, it can be well argued that holding criminal sanctions over the heads of mothers is not the way to do it.

I should indicate that the groups that contributed to this correspondence are not a minority of the groups that operate in this field. The correspondence that has gone to the Attorney-General and others with concerns about clause 4 comes from the Victorian Centre against Sexual Assault, Domestic Violence Victoria, the Federation of Community Legal Centres, No to Violence, the Human Rights Law Centre, the Women’s Legal Service Victoria, Women with Disabilities Victoria, the Domestic Violence Resource Centre Victoria, the Victorian Council of Social Services, the Women’s Domestic Violence Crisis Service, the Victorian Women’s Trust Limited, inTouch Multicultural Centre against Family Violence, the Aboriginal Family Violence Prevention and Legal Service Victoria, McAuley Community Services for Women and the Law Institute of Victoria.

These concerns have been raised right across the spectrum, and when you have a swell of concerns raised by people who work at the coalface of family violence, the people who are dealing with victims of family violence on a daily basis and dealing with

emotional and sexual abuse, I think it behoves the government to consider very seriously the concerns raised by those groups.

Some of the views that have been put include that women should feel supported to come forward and report abuse and not fear that they will themselves be prosecuted or sent to jail or have their children removed from their care. The existence of the offence may also be used by perpetrators as leverage over their partners to encourage them not to report; in other words, to convince vulnerable women that they might be in trouble and/or be prosecuted and/or go to jail if they report later than they might otherwise have been legally required to.

I think this represents a degree of victim blaming. We all saw the furious response of Rosie Batty to comments made by Joe Hildebrand on TV a couple of weeks ago when he said, 'If you are not going to report a case of child abuse because you're scared for your own safety, I'm sorry it is not an excuse'. I think that demonstrates an outdated way of thinking, and I think the provisions of clause 4 demonstrate that as well.

I am sure government members will make the point that there is an exemption in regard to reasonable fears for safety, but in a family violence context I would submit that that exemption does not encompass the complexity of all situations. When we consider why women might find it difficult to report or to flee we have to take into account the fact that there can be all manner of duress applied in these kinds of complex family environments, such as financial control, emotional control, mental illness, drug addiction, alcohol addiction, childhood trauma. A multitude of factors can make it very difficult for women to report abuse. Psychological, emotional and financial control can be held over the heads of such women, making them fearful of reporting.

This might not necessarily be understood by a jury, and a woman could then be put in a position of having to effectively launch a defence of her actions to demonstrate that her behaviour has been reasonable. For jurors to have to discern what constitutes reasonableness in an environment that most of them will never have experienced is asking them to undertake a consideration of great complexity. I do not think it is reasonable to ask them to do that or to expect that they will be able to apply that in any kind of consistent or appropriate way.

We know from other cases that in many circumstances there has been great difficulty in having juries or courts understand or make those sorts of exceptions in matters of family violence. There are some well-researched

case studies from the United States — which have been provided to the Attorney-General in the correspondence from the domestic violence groups — where in fact those sorts of defences have not been accepted by the courts. There was the case study of *Campbell v. State* (2000) and *State v. Williams* (1983) (New Mexico). Again, let me read — —

Mr Clark — Tell the house what the law has provided there.

The DEPUTY SPEAKER — Order! The member for Lyndhurst, without assistance.

Mr PAKULA — I would not have thought this was the kind of debate in which that manner of interjection was appropriate, but I will leave it to the Attorney-General to search his own conscience in that respect.

The DEPUTY SPEAKER — Order! The member for Lyndhurst knows that he is not to respond to interjections.

Mr PAKULA — Let me read from the letter from the domestic violence groups again. On page 4 it says:

While it is possible to argue that the cases above might meet the 'reasonableness' test for the defence under clause 4 of the bill, there are other family violence situations where the perpetrator's tactics of entrapment are more multifaceted and subtle. It then becomes harder to explain to a court how her partner's coercive controlling tactics undermine a mother's parenting capacity, and her sense of confidence, capacity and judgement, to such an extent that even when he is not threatening her and has not used overt tactics of violence against her recently, she is still far too constrained to be able to report the abuse of her child.

Of course the domestic violence groups dealt with the subtle differences between that legislation and the legislation before us, but nevertheless this is a very difficult test for the people in these circumstances to be confident that they can demonstrate their positions before a court if they are prosecuted.

There are myriad practical reasons why a woman might not be able to report or leave an abusive situation. They go to the availability of accommodation and resources, as I have said; psychological and financial pressure; and threats of physical violence. If they wait to report until they have somewhere else to go, have they then committed an offence? Would that be viewed as reasonable? I think it is important for the Parliament to understand that the Children, Youth and Families Act 2005 already provides that it is an offence where someone who has a duty of care in respect of a child intentionally fails to take action in circumstances that result or are likely to result in harm to the child. In other

words, in situations where the mother is complicit in, participates in or contributes to abusive behaviour, that is already an offence, and it will continue to be prosecuted in the way it has in the past.

I do not intend to say more about this than I need to. This is a very complex consideration for the house. This is not some objection that the opposition has dreamed up; this is an objection that has been raised after considerable consideration by a range of groups that operate in the areas of family violence and sexual assault. I have been through the list, and I do not intend to go through it exhaustively again, but it includes the Victorian Centre Against Sexual Assault, Domestic Violence Victoria, the Domestic Violence Resource Centre Victoria, the Women's Domestic Violence Crisis Service Victoria and the like.

Today's budget alone gives an indication of the extent of this problem. If you look at the performance reporting measures in the justice area and you look at where crime is on the increase, where reporting is on the increase and where resources are being deployed, you will see footnotes everywhere indicating that family violence offences are the driver of some of these increases. It has reached epidemic proportions. In fact it could well be argued that the most pressing community protection issue facing Victoria today is what is going on in the home — the epidemic of family violence. There are women and children all over Victoria who are having to deal with the realities of this every day, and there are a whole range of non-government organisations that are trying to assist them to deal with this every day. Those groups say unanimously that criminalising non-reporting behaviour by family members in these circumstances will not help to reduce the incidence of sexual abuse of children, that in fact it may have the opposite effect — that it might drive reporting underground, it might criminalise women whose only crime is to be afraid and it might break up family units.

These are concerns that we think ought to be given the most serious consideration by the government. Sexual abuse of children is an abhorrent crime. It has lifelong consequences. We are not trying to make our concerns about this bill a matter of partisan politics; we think it should be beyond that, and we think there ought to be a search for a bipartisan solution.

The fact is that opposition members would have considered a reasoned amendment if we could have had a reporting back date of a month from today, but we have been advised by the clerks that a reasoned amendment cannot take that form. We did not want to be in a position where we were effectively seeking to

kill the bill off entirely by moving a reasoned amendment. In these circumstances, the device left to opposition members is to oppose clause 4 and ask government members to come back with something else, if they need to. We ask government members to go and consult with these organisations properly, and to get their heads around the concerns and legitimate fear held by people in these organisations that this clause will make the situation worse, not better.

Opposition members support the recommendation that lays criminal responsibility at the feet of people in authority within organisations, and we will support any measure that protects children; however, we will be guided by the experts, we will be guided by the evidence and we will be guided by the people who have real experience in the field. Those people — the experts, the people who have real experience in the field, the ones who have compiled the evidence — say that the provisions of clause 4 will not make things better and will not lead to an increase in the reporting of offences against children or increase the protection of children. Opposition members urge the government to give strong consideration to the amendment we have moved, and we urge the member for Frankston to give strong consideration to it.

If the amendment passes, we ask government members to engage in genuine discussion, to listen and to negotiate with all of the domestic violence, family violence and sexual assault groups that I have referred to in my contribution, and to try to come back to the Parliament with a provision that is supported by the evidence and supported by those individuals and organisations who work in the domestic violence, family violence and sexual assault field every day. They are convinced unanimously that the reasonableness test in this bill is not sufficient to provide protection for people who are genuinely afraid.

As I have indicated, members of the opposition are guided by the evidence presented by experts and by people who have daily experience in the field. As I have said, opposition members do not suggest that this provision needs to disappear for all time. The only advice we have is that government members reconsider this matter in detail. We oppose clause 4 and seek to have it removed from the bill. In regard to this failure-to-protect regime, opposition members ask the government go back to the drawing board and to come back with something that will actually work.

In other considerations, particularly in regard to clause 3, the opposition is fully supportive of those provisions. With the exception of the provisions of clause 4 and the other matters dealt with by the

opposition's amendment, I commend the bill to the house.

Mr BATTIN (Gembrook) — I rise to support the Crimes Amendment (Protection of Children) Bill 2014. As we all know and has been stated on the record, this bill has come about as a response to recommendations made in the Family and Community Development Committee report *Betrayal of Trust*. I again put on the record the work done by Georgie Crozier, a member for Southern Metropolitan Region and the chair of the committee. She chaired the committee in a bipartisan fashion. It was a very difficult inquiry, and I am sure that those involved in it will look back at their days in this Parliament and regard that inquiry and report as highlights of their time here. They should be proud of the changes that are being made not just today but through other bills, and of the way their work led to the establishment of a federal royal commission into child abuse.

I note that the lead speaker from the opposition raised the issue of the offences created in clause 4 of the bill, which inserts new section 327 into the Crimes Act 1958. New section 327 provides for an offence of failure to disclose a sexual offence committed against a child under the age of 16 years. I note that, during the committee's inquiry, this matter was raised by a member of the opposition; however, when the report was published, members of the opposition supported the recommendation in chapter 22 of the report, which is:

That the Victorian government give consideration to an amendment to the Crimes Act 1958 (Vic.) to create a criminal offence of grooming.

The grooming offence should:

not require a substantive offence of sexual abuse to have been committed

recognise that in addition to the primary or intended child victim of sexual abuse, parents and others can be victims of this criminal conduct.

This recommendation has led to this bill being before the house today. The bill is necessary. We all agree that it is of utmost importance to protect our children and that we must do so. The worst possible scenario would be a failure to act, and it is important that we act by passing this bill.

The bill creates two new offences: a failure to protect a child from a sexual offences and a failure to disclose to police a sexual offence against a child. It is important to put on the record that the reason these changes are being made is to ensure that each person in our community understands their responsibilities when it

comes to protecting children. Governments have introduced mandatory reporting in the past in relation to other offences, particularly around schools, in order to ensure that teachers are in the position that they must report any offences. Those provisions will remain.

Clause 3 of the bill inserts new section 49C into the Crimes Act 1958 to provide for the offence of failure by a person in authority to protect a child from a sexual offence. These provisions relate to situations where there is a substantial risk to a child under 16 years of age who is under the care, supervision or authority of an organisation and who may become the victim of a sexual offence committed by an adult associated with that organisation. I think I am correct in saying that opposition members support this reform.

At the time of the Family and Community Development Committee inquiry much of the media commentary was about child abuse in religious organisations, but the terms of reference of the federal royal commission refer to all sorts of organisations. There are many organisations in this state in which people work with young people, often vulnerable young people, and it is important that these vulnerable young people are cared for in centres where they are afforded the best protection possible. This means ensuring that staff and other people who work in these facilities understand that they are responsible for those young people and that they must report anything that could lead to a sexual offence being committed against a child or young person. The accused will be guilty if they knew of the risk and had the power or responsibility to reduce it or remove it but failed to do so.

The penalty is up to five years imprisonment. This is a fair charge and a fair penalty to go with it. It ensures people are aware that they must act to protect children, who are the most vulnerable people in our community.

The offence can be committed by any person who by reason of their position within a relevant organisation has the power or responsibility to reduce or remove the risk that a child will be sexually abused by another adult. Again it is important that people working within these facilities understand that their responsibility is to protect the children and report what they need to report to make sure that a child is protected, now and in the future. This includes people who have the power to engage and dismiss staff and those with the responsibility of managing volunteers and subcontractors. It is important that that provision about subcontractors be included in the bill. Sometimes people come in from outside to work in these facilities so that there are sufficient staff. These people have their

working-with-children check, but it is important that any person who enters these facilities is supervised and understands that they can be reported by another staff member should they offend whilst they are in the organisation.

This offence targets child sexual abuse within organisations, and it is again a response to widespread community concern about evidence of some organisations failing to protect children in their care. Again, you do not want a perception out there that children will not be protected while they are in care. We want to make sure they are protected whilst they are there.

The definition of a relevant organisation is broad. It includes: churches, schools, sporting groups, government agencies and out-of-home care services — any organisation that exercises care, supervision or authority over children, whether or not it is their primary function, is covered. That is to ensure that the bill covers the broad number of places that young people frequent, whether it be a church group or somewhere involving family groups. It is important that children are protected wherever they go, and it is important that we make that clear.

New section 327 of the Crimes Act 1958, inserted by clause 4, involves an offence that applies to a person aged 18 or over who has information that leads to him or her forming a reasonable belief that a sexual offence has been committed in Victoria against a child under the age of 16 by another adult. A person will be guilty of the offence if they fail to disclose that information to the police as soon as practicable, unless they have reasonable excuse for not disclosing it. This relates to new section 327(3)(a), which provides:

For the purposes of subsection (2) —

which concerns the actual reporting of the crime —

... and without limiting that subsection, a person has a reasonable excuse for failing to comply with that subsection if —

- (a) the person fears on reasonable grounds for the safety of any person (other than the person reasonably believed to have committed, or to have been involved in, the sexual offence) were the person to disclose the information to police (irrespective of whether the fear arises because of the fact of disclosure or the information disclosed) and the failure to disclose the information to police is a reasonable response in the circumstances;

We hear about family violence all the time and we see stories about it on the TV news. The reporting of family violence has increased. I have said before in here that the positive aspect of the increase in reporting is that we

know it is occurring in people's homes. It is essential that we see that increased reporting. It is the best way for us to fight against family violence in this state.

It is important that this provision is in the bill, which the Attorney-General has emphasised. We recognise that if you are in a home, whether you are a parent, another carer or a sibling over the age of 18, and an offence occurs, you may have a genuine and reasonable fear for your own safety or the safety of others. It is important that this provision is included so that when someone is charged with this offence, because the subsection states that if the person did not report the incident on the reasonable grounds of fear for the safety of themselves or others, the courts should understand the intention behind this provision.

The word 'reasonable' is used in many bills and acts in our state. If something is held to be true on reasonable grounds, a person reasonably believes that something is happening or could happen. This is very relevant. In the context of domestic violence, the definition of 'reasonable fear' can vary. It is important that our court system understands this, and from its history and current processes we can see that it does.

It is important that this Parliament commits in a bipartisan way to ensuring that we have the best possible protections for our young people in Victoria. It is our duty of care to ensure we do everything we can, whether it is in a government organisation, a private organisation or a home, to put in place the best practices to ensure the protection of our children. When I was working in the police force in Dandenong, the common belief was that it was always best to return a child to their family. We know now that that is not the case, that this is not always the best circumstance or the best outcome.

This bill is a positive step forward. I ask the opposition to support it to ensure we have the best possible practices to protect young people in Victoria.

Ms GREEN (Yan Yean) — I sincerely and respectfully join the debate on the Crimes Amendment (Protection of Children) Bill 2014. Sadly, I speak on this bill with too much information over my lifetime about the abuse of children. I am pleased that other members of this place took the sad responsibility in their duty as the members of the Family and Community Development Committee of hearing the horrific evidence from victims who had been in organisations whose responsibility was to care for them.

I grew up in the Ballarat diocese, in the city of Warrnambool. Sadly two men of the cloth, whose obligations were to care for and teach the children in their charge, being Father Gerald Ridsdale and Brother Edward Dowlan, did anything but that. That is now very much on the public record. A number of the altar boys abused by Father Ridsdale were in the same year as I was at primary school. One of the boys was a friend of mine from the time I was five years old. As a long-term consequence of that abuse, that young man, who I will not name out of respect for his family — and who was only two weeks older than me — is no longer alive. Two other brothers who were also abused in that town have had severe mental illnesses, and one took his life. Numerous other young men at Christian Brothers College, in the same year at school as I was — as well as some above and below my year — at St Anne's College just around the corner, have had horrific lives because of the consequences of the abuse that for decades was not responded to. That is why I stand very strongly in support of this legislation, but I stand equally strongly against clause 4 of the bill.

It is not a solution to further demonise people in families who may well be the victims of similar abuse. What is quite clear from the inquiry is that we need to make those in institutions responsible for their actions. As the shadow Attorney-General, the member for Lyndhurst, has said, those who oppose clause 4 should be listened to because they have a very well-thought-out position. Those organisations include the Federation of Community Legal Centres Victoria, the Domestic Violence Resource Centre Victoria, Domestic Violence Victoria, the Aboriginal Family Violence Prevention and Legal Service Victoria, the Women's Domestic Violence Crisis Service, the inTouch Multicultural Centre Against Family Violence, the Women's Legal Service Victoria, the Family Law Legal Service, No To Violence, the Men's Referral Service, Women with Disabilities Victoria, the Victorian Women's Trust and the Victorian Centres Against Sexual Assault (CASA) forum.

I know many CASA counsellors work with not only victims of sexual abuse from whichever walk of life but also many victims of institutional abuse, particularly within church organisations. CASA knows in great detail the harm this sort of abuse can result in, and it is speaking out against clause 4 of the bill. Women's Health West, the Australian Association of Social Workers, McAuley Community Services for Women and the Law Institute of Victoria have all said, 'Do not support clause 4'.

As the shadow Attorney-General outlined articulately in his half-hour contribution to the debate — I have

only 10 minutes — it is really important that such pivotal groups be listened to. As the shadow minister for family violence, I thank the Leader of the Opposition for the creation of the shadow portfolio I now hold. I am proud to be the first spokesperson on behalf of any major party in this country to hold this portfolio. The creation of this shadow portfolio is a recognition that family violence is the biggest threat to the safety of women and children as well as the community. Opposing clause 4 is not pitting the interests of women against the interests of children; rather it is saying that we want women and children to be protected and to feel safe in making disclosures.

The Royal Commission into Institutional Responses to Child Sexual Abuse is currently hearing harrowing evidence across this country. Respected organisations such as the YMCA have given evidence that perpetrators of sexual abuse within their organisation have groomed not only children and their parents but the YMCA itself, as an organisation. It is common knowledge that it has been usual practice for paedophiles to go about their grooming behaviour with not only children but also parents, particularly sole parents. Women raising children on their own may have thought they had met the men of their dreams, who were fabulous with their kids, so they put their trust in those men but found out that abuse of that trust was occurring within the relationships. It may well have also been directed at the women.

The horrific circumstances surrounding Fiona Warzywoda's murder in Sunshine a couple of weeks ago — I will not go into detail because the matter is before the courts — underscore that the most dangerous time for a woman, even worse than within the relationship, is when she leaves. That is the most likely time for her to be murdered. After that murder, commentators like Joe Hildebrand said in the media that women — mothers — should risk their own lives to report abuse. But how can you make that choice? We have to make sure that this law applies to those to whom it was meant to apply. It was the recommendation of the Cummins report that that path not be gone down. Taking such a path is also not consistent with the recommendations made by the Family and Community Development Committee after its inquiry.

As I have said, I know of young men and women who have been subjected to systemic and institutional abuse. But as I wrote about 18 months ago in an opinion piece about my dear friend Katrina Makkar, who lost her life to a violent ex-partner who stabbed her to death in front of a cafe full of people, I do not believe at the time her son was the subject of any abuse, but imagine if she had

had to make that choice. I know full well about family violence and about institutional abuse personally, as so many people do.

As a legislator I urge the government to reconsider clause 4. By all means, this piece of legislation has the opposition's support, but clause 4 is wrong. The Attorney-General must listen to the august groups of people who have said it is wrong and that it will further subject women to criminal actions. I urge the member for Frankston to side with the opposition on this important piece of legislation. I commend the bill to the house.

Mr MORRIS (Mornington) — I rise to support the Crimes Amendment (Protection of Children) Bill 2014. As the explanatory memorandum to the bill indicates, it seeks to amend the Crimes Act 1958 and the Serious Sex Offenders (Detention and Supervision) Act 2009, and such amendment will include an offence against section 49B of the Crimes Act. I must say I am a little bit nonplussed by the opposition's view. Its spokesman proposed a number of amendments and spoke at length against clause 4. He made some claims about the effect of the clause and the impact it would have if it passed into law. Let me make it clear that if I thought this bill was going to have that impact, I would not be supporting it. Yet the opposition also indicated it is not opposed to the bill. Having heard the words I see the relative inconsistencies of the two views that have been expressed, but no doubt things will unfold as the debate continues.

The thrust of this bill is to create two new offences. The first is a failure by a person in authority to protect a child from a sexual offence, and the second is a failure to disclose that sexual offences have been committed against a child. The bill stems from the excellent work done by the Family and Community Development Committee under the leadership of Ms Georgie Crozier, a member for Southern Metropolitan Region in the Legislative Council, and its report *Betrayal of Trust*. As Ms Crozier's foreword to the report says, and as I have said in this house before, the criminal abuse of children is unacceptable in any form.

It is also worth remembering how that report came about. The former Premier, the member for Hawthorn, in conjunction with the Minister for Community Services, commissioned former Justice Cummins to report on Victoria's vulnerable children. As a response to the Cummins report the Family and Community Development Committee inquiry and report came about. At the time the government was heavily criticised for using a parliamentary inquiry as the vehicle for the investigation, but the report vindicated

that action, and I think in particular that action created an environment where witnesses were willing to come forward. Certainly it would have still been a hostile environment for them, but I suspect it was not as traumatic an experience as appearing before a royal commission.

The report that emanated from the committee inquiry is a good one. It is a substantial report and covers a large range of areas, but in particular with regard to the bill before the house today, chapter 23 of the report entitled 'Reporting abuse and the response of the criminal justice system' identifies the shortcomings of the system. The chapter covers the criminal justice system itself, police investigations and reporting of criminal child abuse to authorities and canvasses compulsory criminal reporting and a range of other matters.

In particular in chapter 23.6 the committee made what I thought was a very strong case for what is colloquially known as mandatory reporting, which is the universal responsibility that we have to report a serious crime. It states:

The committee takes the view that every member of society has a moral and ethical responsibility to report to police any knowledge they have about serious crimes committed against children.

I certainly endorse the committee's view.

The committee came to the conclusion that modification of the law of Victoria was required. Prior to 1981 there was an offence of misprision of felony. I probably got that pronunciation wrong — it is not a term that I am familiar with — but it would have made it an offence where a felony had been committed if a person failed to disclose that within a reasonable time. That offence was wiped in 1981. The committee took the strong view, from my reading of the report, that it is necessary to introduce a regime of mandatory reporting. That committee report was a bipartisan report and we are told its recommendations reflect the view of all members of the committee, not simply some of them.

As I said, this bill creates two offences. The first is failure by a person in authority to protect a child from a sexual offence. That is essentially about where there is a substantial risk that a child under the age of 16 years in the care of an organisation could become the victim of a sexual offence. It is an indictable offence with a maximum penalty of five years imprisonment, and it unapologetically targets child sexual abuse within organisations. Certainly a substantial amount of evidence in the committee's report dealt with that issue. We know the stories of people being moved from one posting to another rather than being reported, so clearly

there was a problem. This offence is intended to address that matter.

The second, and contentious, offence is failure to disclose a sexual offence committed against a child under the age of 16 years. Some comments made by one individual have been repeated a couple of times today in the house — I am not going to give that individual the privilege of being named — but I find those comments totally and utterly repugnant, as should any reasonable person.

How does this offence apply to victims of family violence? We need to make the point that a fear for safety defence is specifically provided for in the bill. It is recognised as a real risk and it is provided for in the bill. A person has a reasonable excuse under the bill if they fear for the safety of any person. This is not limited: it includes themselves. It is quite straightforward. If you think about how that will or is likely to be applied, clearly if there is a history of abuse in a family, the police are not going to prosecute someone for a failure to report.

There have been some misconceptions about this, and I think there are some genuine misconceptions. However, the case that has been put is simply not true. I suspect there have also been some misrepresentations for mischievous or political reasons. Who knows? I do not point the finger today. No-one doubts at all the challenge of domestic violence that is faced by society, but this bill does nothing to make the problem worse. This bill is not about domestic violence, and it does nothing to make that problem worse. What it does is address the problem of the sexual abuse of children. Despite the opposition's claims that this bill potentially makes matters worse, it does not. It will not make criminals of women who are suffering domestic violence.

I support the bill. As I said earlier, if clause 4 were going to do what the opposition claims it will do, I would not support the bill. The claims are fallacious; they are simply wrong. The bill is a good bill. I strongly support it.

Mr McGuire (Broadmeadows) — Criminal child sexual abuse and domestic violence are scourges within our community. The inquiry that resulted in the *Betrayal of Trust* report revealed a cover-up that had blighted lives and killed. The Family and Community Development Committee looked at the organisational structures, how people were moved on and how the cover-up worked right across a range of religious organisations. It was an investigation into crime, not faith. There was a real sense of purpose and seriousness

among all members — from the Liberal Party, the Labor Party and The Nationals — of the committee in coming to a bipartisan response on how to deal with these matters because of their seriousness. Having discussed these issues with so many different people who had been victims and then survivors and with the experts in the field and with the legal advice we had, we were able to come to a position about organisations.

I think that is admirably reflected in this bill, particularly under clause 3, which creates a new offence for a person in a position of authority within an organisation that has children under its care, supervision or authority and who fails to protect a child from sexual abuse. That situation will be captured through the bill amending the Crimes Act 1958 to insert two new offences in relation to the sexual abuse of children: namely, failure by a person in authority to protect a child from sexual abuse, in clause 3; and failure to disclose a sexual offence committed against a child under 16, in clause 4, which is more contentious and which I will come to.

Under clause 3, a person in authority is someone who by reason of their position within an organisation has the power or responsibility to reduce or remove a substantial risk that a child under that organisation's care, supervision or authority will become the victim of a sexual offence. The kinds of organisations referred to here where these offences could occur include churches, out-of-home care services, sporting clubs, schools and government agencies. As the committee investigated further what was happening within these organisations, the inquiry revealed that the Anglican and Catholic churches and the Salvation Army frequently took steps to conceal wrongdoing, according to their concessions before the inquiry and a substantial body of credible evidence. Victorian governments in the past failed in their duty in orphanages and homes. Children suffered the betrayal or neglect of abandonment as infants and once taken into the community's care were grievously abused physically, emotionally and sexually.

The committee was able to get to the heart of these issues in trying to get to the obtainable truth about what had been going on. What we also found was an unintended consequence — that in 1981 the offence of misprision of felony was removed from the statute books. It was only applied if there was a gain involved. The unintended consequence was that the Catholic Church was able to argue before our inquiry that it had not broken the law in what it had done. I know for a fact that that was not what was intended when the amendment was made in good faith.

There are issues about whether there are unintended consequences and what we need to do when we are presented with new evidence or other facts. What the government and the Attorney-General are trying to do with this legislation is contained in clause 3. I think the Attorney-General would argue that there are enough conditions in clause 3 to enable the bill to do what it is intended to do. I also want to point out that in the discussion as this inquiry evolved there was good faith on the part of the Attorney-General in responding to calls by the inquiry for greater resources, particularly for personnel such as Frank Vincent to be appointed as the legal adviser. I think there is enormous goodwill across the Parliament to try to come up with what we can say is legislation that will work in an effective way. I totally support clause 3 for what it will do and what its intent is — that is, to try to address this matter from an organisational proposition.

The contention comes around clause 4, which proposes a new offence of failure to disclose a sexual offence committed against a child under the age of 16 years. This refers specifically to a person 18 years and over who has information that leads them to a reasonable belief that a sexual offence has been committed against a child. They must disclose that information to a police officer as soon as is practicable, unless they have a reasonable excuse for not doing so. The penalty is three years imprisonment, and reasonable excuses are outlined. They include whether a person fears on reasonable grounds for the safety of any person, except the perpetrator, were they to disclose the information to police, and that the failure to disclose the information is a reasonable response in the circumstances or the person believes the information has already been disclosed or the information came from the victim who is now over 16, unless they have an intellectual disability and they have requested it not be disclosed, or the information is privileged or confidential under the Evidence Act 2008, and the example given there is by way of religious confession.

The second-reading speech describes the new offence as a community-wide legal duty to report information about child sexual abuse. The offence extends beyond people in authority to include, for example, parents, other family members and neighbours. If such information is not disclosed to Victoria Police, that conduct will constitute the offence.

The bill provides protection for a person who discloses information as required by this offence, similar to the protections under the Children, Youth and Families Act 2005. An example given is that it will be an offence to disclose the name of the person or to disclose any information that is likely to lead to the identification of

the person. In following the argument, I know the government is saying that that should be enough to protect the anonymity of the person and should be enough of a safeguard. I accept that the government is acting in good faith to try to get to the right position on this. But I am also conscious of new evidence since our report was handed down from those who work in this area on a day-to-day basis and whose lived experience is in dealing with this issue. They have now come forward and said that while the intention is to help, this bill may hinder.

I ask the government for greater feedback on its analysis of this argument and what it says on this, because this group includes the Federation of Community Legal Centres, the Domestic Violence Resource Centre Victoria, Domestic Violence Victoria, the Aboriginal Family Violence Prevention and Legal Service Victoria, the Women's Domestic Violence Crisis Service, inTouch Multicultural Centre Against Family Violence, the Women's Legal Service Victoria, the Family Law Legal Service, No To Violence, the Men's Referral Service, Women with Disabilities Victoria, the Victorian Women's Trust, the Victorian CASA Forum, Women's Health West, the Australian Association of Social Workers and McAuley Community Services for Women.

We now have the predicament of trying to weigh it up, and I am putting this argument on the table in good faith. I want to hear back from the government on how we can make it easier for families to provide the information so that they do not have the fear and they do not feel the threat of the consequences that have been outlined by the lead speaker for the Labor Party on this bill. To sum up, I am looking for feedback and a response from the government in good faith on the fears of leading groups who have a lived experience in dealing with remedies and argue that clause 4 may not help but inadvertently hinder. I hope we do not have another unintended consequence, and I hope this Parliament has the goodwill to resolve this matter.

Mrs POWELL (Shepparton) — I rise to support the Crimes Amendment (Protection of Children) Bill 2014. In doing so, I also commend the Attorney-General on introducing this legislation, which is in response to the report of the Family and Community Development Committee, *Betrayal of Trust*, that was tabled in this house on 13 November last year. Firstly I pay tribute to the all-party committee, of which I am now a member and of which I was a member for a number of years before that; its previous chair, Georgie Crozier, a member for Southern Metropolitan Region in the Council; and committee members Andrea Coote, a member for Southern Metropolitan Region in the

Council; the member for Ferntree Gully from the Liberal Party; David O'Brien, a member for Western Victoria in the Council from The Nationals; and the members for Broadmeadows and Thomastown from the Labor Party.

I understand that they heard absolutely graphic details of abuse. It must have been harrowing for them to sit each time the committee met and listen to the stories of the people who had been sexually, physically and mentally abused by those they trusted and those they thought should look after them. This is their story, and I understand that when they were telling their story it must have opened up old wounds. I pay tribute to the people who came before the committee.

I know that as it happened we saw some tragic stories reported in the newspapers. I have been a member of committees when they have heard from people who have bared their souls, telling stories that probably no-one else had heard before. For some of them it may have been the first time they had disclosed that they had been abused or sexually abused as a young child. When this was happening, the young children concerned were silenced and told not to talk about it. They were threatened with all sorts of abuse. They felt they could not tell anybody, and they will carry the scars forever. I have spoken to a number of people who were abused as young children, and I understand their mental anguish and all the feelings that go with being abused. Their lives have been devastated forever. Some of them have committed suicide because they were not able to deal with what was happening in their lives or what had happened.

This bill covers sexual offences against children in churches, where people think they will be safe to pray with those they feel the highest regard for. The bill deals with people in out-of-home care services. Young children are put into out-of-home care because they need to be protected and made safe. To find that they are abused is not tolerable. When somebody is in the care of a government agency and is abused in some way, whether it be sexual abuse or physical abuse, we all feel that is something that should never happen. I pay tribute to those who went to the committee and told their stories.

The bill makes it absolutely clear that sexual abuse of a child is never to be tolerated and that moving a perpetrator to another area where they will deal with children will also not be tolerated. We see from reports on television and from other reports that have come out that in the past when perpetrators were found, they were moved on. Whether it was in the teaching system, the churches or any other organisation, they were just

moved on so they did not have to be dealt with. That does not make the children in other parts of those organisations safer; it just means that a perpetrator has moved on and can continue with his or her heinous crimes.

Worse still, in the past some people knew of the abuse and did nothing about it or covered it up. The bill will make it an offence to fail to disclose a sexual offence committed against a child under 16 years of age. It provides that an adult who has information that leads that person to form a reasonable belief that a sexual offence has been committed in Victoria against a child under the age of 16 years by another adult must disclose that information to the police as soon as it is practical to do so unless he or she has a reasonable excuse for not doing so. The maximum penalty for this is three years imprisonment. A number of concerns have been raised about this. I have received emails from people in decent organisations who have some concerns about this bill. However, if they read the relevant provision, they would see that it is a reasonable excuse if a person fears on reasonable grounds for the safety of any person — except of course for the person reasonably believed to have committed or to have been involved in the offence — were the person to disclose the information.

I know that some people have concerns around family violence in the situation where, if a person discloses to the police that they feel their partner, spouse or other family member has committed acts of sexual abuse, they may be abused. Over my years as a member of Parliament I have been to many different forums that dealt with family violence. I have heard the stories from partners, particularly women, who have been affected by family violence. For some of them it had not ended up well; others had left the family home and were moving on with their lives. A number of women said to me that in some ways they put up with their abuse. We know the reasons — they do not want to leave home — and we should not pass judgement on those people. There are many reasons why women do not leave their homes.

These women said that they put up with years of abuse from a partner, but when they found out that their partner was sexually abusing their child, they said, 'Enough is enough' and went to the police. They were then protected. The perpetrator was put into jail where they belonged. This is what we need to do. However, if a spouse or partner believes that as a result of going to the police they will be worse off — that they will be exposed to family violence and that they will be abused — then they do not have to disclose that. That is

classed as a reasonable excuse, so they do not have to report that abuse.

I am saddened that people who do not support this bill might think we did not take into account those considerations about a person who fears for their own life, the life of their child or the life of another family member. If a perpetrator has been sexually abusing a child for years and another person knows about that abuse and does not report it to police because they fear for their own life, that is a reasonable excuse. But again there comes a time in somebody's life when a child is being abused when they do want to report it.

In the past people in the Aboriginal community often dealt with these sorts of situations in the family. When I was a minister I spoke in a number of forums. Even the women there are now saying, 'We are now going to report the abusers', because the abusers need help. They either need to be charged or to get some sort of help. If that abuse is not reported or recognised, then it goes undisclosed and untreated. That is the problem. We need to make sure that those people who are perpetrating these heinous crimes are reported.

There are some other non-disclosures that do not constitute an offence. One is when information is protected by privilege, such as from a lawyer-client discussion. Another is when a victim has confided in a counsellor or health professional. I know of a case of a young child who confided in a schoolteacher that he had been abused and the teacher disclosed that. The child's parents moved that child to another school, but again the perpetrator was reported, monitored and charged.

Again, it is about making sure we do everything we can to stop this abuse. There are also those who are covered by the privilege of the confessional, such as priests or religious people. Under the sanctity of the church it is felt that people will go to confession and talk about whatever it is they want to talk about. Although there was a lot of discussion about whether a priest should disclose information given to him under the seal of the confessional, it was felt that non-disclosure of that information should not constitute an offence.

I understand Labor members are saying there are concerns about family violence increasing because of the disclosure offence, but at the end of the day there is enough protection in this bill to ensure that if a mother suspects that her child is being sexually abused and she does not want to disclose that because she fears for her life or her child's life, we will be able to work through that. I know many women who have disclosed that their son or daughter was being sexually abused, and we all

know the ramifications of that reporting — it breaks up families and the family is never the same again.

We do not want that to happen, but we need to make sure that a child is protected in those places where they believe they are safe: in the home, in the church and in organisations that are intended to care for them. We need to make sure that the abuse that has been happening for many years in all those organisations stops, and stops now. Where abuse is found, it must not be kept quiet. The perpetrators must not be moved on but dealt with to the full extent of the law. I commend the Attorney-General for introducing this bill to further protect our children from sexual abuse.

Ms HUTCHINS (Keilor) — I rise to speak on the Crimes Amendment (Protection of Children) Bill 2014. Whilst Labor does not oppose the bill, as has been outlined by previous speakers, we will be putting forward amendments to the bill which have been circulated in the name of the member for Lyndhurst. I draw the house's attention in particular to amendment 6, to omit clause 4, which is our area of concern.

Physical and sexual violence against children are the most abhorrent crimes in our society. They have devastating effects on the lives of survivors for a very long time — quite often forever — as well as significant flow-on effects for others in their families. The protection of children from sexual abuse should always be beyond politics. At the same time we as legislators need to ensure that the legislation we are passing does not create more victims, contrary to its intent to protect the most vulnerable in our society.

Clause 3 of this bill proposes a new offence for a person in a position of authority within an organisation that has children under its care, supervision or authority when they fail to protect a child from sexual abuse. A person in authority, as defined in the bill, is someone who, by reason of the position he or she occupies in that organisation, has the power and responsibility to reduce or remove a substantial risk that a child under the organisation's care, supervision or authority will become a victim of a sexual offence. Under clause 3 it is quite clear that the failure of a person in authority to protect a child from sexual abuse will entail quite substantial consequences, with a maximum penalty of five years imprisonment. That is something we strongly support as part of this bill.

Clause 4 of this bill creates a new offence which goes to the failure to disclose a sexual offence committed against a child under the age of 16. Specifically, a person 18 years or over who has information that leads

them to a reasonable belief that a sexual offence has been committed against a child must disclose that information to a police officer as soon as practicable unless they have a reasonable excuse for not doing so. The penalty outlined in the clause is three years imprisonment.

The previous speaker, the member for Shepparton, said that the time comes in a situation such as this where there is abuse in a family when the responsibility falls to the parent who is the non-abuser to step forward, take action and go to the police, and in most cases I hope that that happens. But there are plenty of cases I know of, and I am sure thousands more, in which women have taken that step and gone to the police for support and disclosed the circumstances, sought legal intervention and apprehended violence orders — the whole gamut — and they have ended up being killed by their partners. Domestic violence is one of the biggest killers in our community. One woman dies every week at the hands of a violent spouse in Australia. That is a shameful statistic to have to quote, but unfortunately it is the truth.

Many stakeholders have raised concerns with the opposition and have called for clause 4 to be redrafted in line with some of the suggestions in the Cummins report. The opposition shares the stakeholders' concerns in regard to this clause, in that the clause could target those non-abusive parents and basically cause them to become victims. The Cummins report specifically said that non-abusive parents themselves are often victims of family violence, as well as their children, and may be unable to act protectively towards their children. The crux of this issue is not just passing legislation but adequately resourcing all the services in our community that go to the heart of dealing with this problem.

In 2011 I released a report on family violence in the electorate of Keilor. At that time I was shocked to see a 14.6 per cent rise in the level of family violence within a six-month period. That was in 2011. By 2012 across the areas of Brimbank and Melton we had 3166 incidents of family violence reported and investigated by local police. By February 2013 we saw a 48 per cent rise in that figure of reported incidents of family violence over a three-year period.

Unfortunately this issue is very prevalent in many communities, including my community. The costs of family violence are enormous on so many levels — psychological, physical, economic and social impact — and unfortunately it then perpetuates intergenerational issues, with the cycle of family violence being replicated across generations, where there is no

intervention, no support and no encouragement for people to come forward and be protected.

I draw the house's attention to a quite public debate that happened only at the start of April. That debate involved Rosie Batty, the mother of Luke Batty, the poor, innocent child who was bashed to death by his father in retaliation for his mother fleeing a situation of family violence. Rosie was due to go on air on Channel 10 earlier in April to talk about and highlight the importance of issues surrounding family violence. As she waited to be interviewed she heard one of the panellists, Joe Hildebrand, make the comment:

... frankly, to say that, you know, you're going to not report a case of child abuse or child sex abuse by your partner because you are scared for your own safety, I'm sorry, it is not an excuse.

As you can imagine, with everything this woman had been through, she was pretty quick to respond and insisted on coming on air sooner than she was due to in order to be able to respond to those comments. Rosie Batty said in that Channel 10 interview:

If you minimise how it feels to feel unsafe — and when we're talking about unsafe, we're talking about the risk to our lives. We're talking about — when women finally may decide to leave their partners they are at the most risk.

...

Joe needs to look at his views as a man, and he needs to step up and get informed, because when I hear comments like that I am so saddened that the focus is still on the woman. Where the hell is the perpetrator? Why isn't he being jailed for three years?

Those words sum it up pretty accurately.

Our proposed amendment to eliminate clause 4 from this bill is not about playing party politics; it is about ensuring that our laws not only protect women and children but also do not create more victims in their application. All MPs voting on this bill need to be assured that this legislation will not cause more harm to those children who are already suffering in these circumstances. We as legislators need to be assured that this bill does not get used against women who are experiencing family violence if they fail to disclose suspected child abuse. We on this side of the house urge all members to give strong consideration to our amendments, in particular amendment 6, which is to have clause 4 removed from the bill.

Mr SOUTHWICK (Caulfield) — It is with sadness that I rise to speak on the Crimes Amendment (Protection of Children) Bill 2014. Many times we have stood in this house with great enthusiasm about the bills we are debating to ensure that, with the rigour of the

law, we are progressing and improving things. In this particular case we are talking about one of the ugliest forms of attack, being attacks on children, the most vulnerable in our community.

It is sad that we need laws like this to protect our children, but the harsh reality is that we do need them. These new laws further protect children from abuse, and we need to ensure that the child is front and centre and key in any situation where they are unable to protect themselves. Children are innocent in so many different ways and need to be protected as far as we possibly can. We as law-makers in this state have a responsibility to protect our young people from these harms at all costs. This bill is about ensuring that harm to young people is minimised by ensuring that when people are armed with information, that information is passed on and those children are put under protection, away from harm's way, at the earliest possible point.

This is a signalling bill in many respects. Very early on we introduced mandatory reporting of child abuse for those in professional services. That sent a very important signal back then to say that if information is given that a child is in an abusive situation or, particularly in this instance, is being sexually abused, that information needs to be passed on, and that child needs to be protected at the earliest point.

As we know, this bill comes as a result of the Family and Community Development Committee *Betrayal of Trust* report. As a result of two recommendations made in that report — recommendations 23.1 and 23.2 — this bill contains two new offences: failure to protect a child from a sexual offence and failure to disclose a sexual offence against a child to police.

The first of these offences, failure of a person in authority to protect a child from a sexual offence, is provided for in new section 49C of the Crimes Act 1958, inserted by clause 3 of the bill. This applies where there is a substantial risk that a child under the age of 16 who is under the care, supervision or authority of an organisation may become the victim of sexual abuse committed by an adult associated with the organisation. The accused will be guilty if they knew there was a risk and if they had the power or responsibility to reduce or remove the risk but neglected to do so.

We have seen in that committee's work the hundreds of people who came forward to give their stories. They and their families had thought they were protected by organisations such as schools or religious organisations, in places we would consider safe, places where we would have thought our children would be protected.

They were the last places we thought there would be predatory activity of any kind.

Clause 3, of the bill which inserts new section 49C, does not in this instance look at the individual case of the child, but if any of these organisations are aware that there is predatory activity happening within them there is a responsibility and obligation on the part of those who are aware of it to report that information. That is crucial. It is a key point in the *Betrayal of Trust* report. This clause ensures that those organisations are aware that they have a moral and, more importantly, a legal responsibility to report this type of activity and action.

There are many situations when these sorts of activities take place when people have said, 'We will look after ourselves. We will sort it out within our own communities. We will keep it quiet within our communities. We will ensure that the media and the general public are not made aware of it'. Most importantly they say, 'We will sweep this under the carpet'. That is absolutely unacceptable. This bill seeks to ensure that there is an imperative for those people who are aware of that information to report it.

The second part of the bill talks about the rights of the individual. I know there is sensitivity on both sides of the house when it comes to this issue, but again there is an obligation to ensure that a young person is safe regardless of anything else. Such young persons do not have the opportunity, the skills, the maturity, the experience, the know-how or the wherewithal to protect themselves, so even in the most difficult situations we need to ensure that the full force of the law is applied.

I understand that there can be difficult and sensitive situations when there is family abuse, and concerns that if there is a report by a parent, that person might be affected by some form of continued family violence. We as a government have been well and truly on the front foot when it comes to dealing with domestic and family violence. It is unacceptable, and a number of laws have been passed in this house that have been supported by all to ensure that we stamp out family violence. It is a real blight on society and we need to do whatever we can to address it. I am sure members on both sides of the chamber agree that we need to do what we can to achieve that.

We have allocated police resources in the form of specific units that deal with family violence. Task Force Australia deals with young people who are being preyed upon, for example, on the internet, or are experiencing family violence. That unit is working to ensure those young people are protected. However, our

police force cannot do what they need to do if they do not have the information to do it; if the information is covered up; if the young person continues to be exploited and sexually abused by a parent, a family member or anybody; if that information is not passed on to the authorities so that the full force of the law can be applied. That is paramount.

We can talk about amendments and all sorts of different ways of watering down this legislation, but this is not about watering down legislation. We need to be firm when it comes to this issue. We need to ensure our children are protected at all costs, and the only way we are able to do that is by ensuring our authorities have the correct information so that they can act on that information and protect the child and the family, and if it is a wife and mother who is being abused, they can act on that as well because that is unacceptable. They can act on that matter and ensure that the mother, the parent, is supported and protected in the same way the child is supported and protected.

This is a very important bill which is the result of a lot of work. I commend members of the Family and Community Development Committee from both sides of the house on the work they have done in arriving at their recommendations, which include the two changes I have mentioned. I find it unfortunate that amendments have come before the house. These two recommendations were originally supported by the opposition, but now amendments to the legislation have been suggested. When the bill went before the committee extensive work was done on it, and these amendments were part of the *Betrayal of Trust* recommendations that formed part of that crucial work. Witnesses came forward and said they wanted, needed and expected protection of their children. They wanted the sort of protection they did not get when they were children. That is what we need to do here and why we need this house to pass these laws and support the important protection our children deserve. I commend the bill to the house.

Ms THOMSON (Footscray) — I rise to speak on the Crimes Amendment (Protection of Children) Bill 2014. Firstly, I want to say that everyone in this chamber comes to this debate with the best of intentions — that is, to minimise the impact of sexual abuse and abuse of minors, the most offensive crime that any of us could probably think of.

For vulnerable, young, innocent children to be abused by adults on whom they have to rely, those with whom you would think your children would be safe, is the worst kind of crime. As parents we cannot watch our children 24/7 or not send our children to school because

we are frightened that a teacher might abuse them. We cannot avoid letting them participate in sporting, community and religious activities because of this fear. We need to act and legislate to protect our children.

The opposition is certainly not opposing this legislation, but nor does it want to make the matter worse, and we need to be cautious about that. I think the work of the committee and the *Betrayal of Trust* report demonstrate that this issue is not simple. It is incredibly complex, and often it is not just children who are the victims — and certainly they are — but the families of those children are victims too. When you add to that the possibility that there is domestic violence in that household or that that child is a victim of abuse from a parent or someone trusted within the family circle, then there is an additional complexity that needs to be taken into account, and that is the concern of the opposition. The concern of the opposition is not with the general direction of this legislation; far from it. We actually do support the direction that this legislation is taking — of course we do — but we also know that we have to consider the consequences.

The committee itself recognised that it did not have the opportunity to do that because it was not within its ambit as a committee. It was not within its terms of reference to have a look at the impact on women — or on men, in some instances — who are victims of domestic violence themselves and the consequences in terms of how abuse is then reported and their responsibilities in that. The committee did not look into that; it was not part of its charter to do so. That is our responsibility.

It is our responsibility to look at this because it has been raised with us by organisations — lots of them — whose role is to help the very people who are the victims of domestic violence. Those organisation include the Victorian Centre Against Sexual Assault, Domestic Violence Victoria, the Federation of Community Legal Centres, No to Violence, the Human Rights Law Centre, the Women's Legal Service Victoria, Women with Disabilities Victoria, the Domestic Violence Resource Centre Victoria, Victorian Council of Social Service, the Women's Domestic Violence Crisis Service Victoria, the Victorian Women's Trust, inTouch Multicultural Centre Against Family Violence, Aboriginal Family Violence Prevention and Legal Service Victoria, McAuley Community Services for Women and the Law Institute of Victoria. I have had local community groups that deal with women who are victims of domestic violence talk to me about the complexity of this issue.

For these women it is not just about the physical abuse; it is also about the mental abuse and their capacity to have the strength to actually go and report the situation. In some instances there are no physical scars at all, but there are deep-rooted mental scars, and these things have to be taken into account when we consider the family and the situation that they are in. When women are told, 'You can leave and the government will support you — you will be safe', we know that that is not necessarily the case. We know that intervention orders are not necessarily adhered to. We know that when women stay in the house — which they can do under the legislation — and they change the locks and there is an intervention order against the male, he still can come around and cause physical harm and damage.

We need to take into account what has been requested by these organisations, and we need to take time to work with them on what the solutions might be and how these women can be encouraged to report abuse. It might not be a situation where we need a legislative provision; the solution might be around the services we provide to enable women to report. They are already victims; why do we need to make them feel like criminals? In many instances they are already made to believe that it is their fault, that they are to blame, and all this does is compound that. Even though the government — I think with the best of intentions — has put in a clause to exempt women who are victims of family violence, this does not help them. If you could understand their mental state, you could see why in fact they may feel like they are not only doing the wrong thing but that they are criminals. Yet they are captured and are as much the victims as the children in these instances.

Whilst this legislation is fundamentally sound — and it is — we ask that the government not put in place clause 4 at this point in time. Let us take the time to speak to the experts who deal with these women, whose responsibility it is to support these women and who know the shortfalls in the system and the gaps that women and families fall through. Let us talk to them first about what alternatives can be put in place to encourage these women to report and, most importantly, to protect these women if they do. If we took into consideration the psychological position that these women are in, then maybe we would all understand why these groups are saying, 'Do not proceed with clause 4'. Let us take the time to speak to these organisations to understand their concerns and to work with them on the paths that we can take.

Of course we heavily support clause 3. We welcome the fact that we now have the capacity to sentence people to five years imprisonment if they have not

reported when they reasonably should have or if they allow for people to stay in a position of access to young children. You cannot just move them on. So much is said in the *Betrayal of Trust* report about people who committed a crime but instead of being reported or removed from their position were moved on and were able to commit the crime in their new location, and still nothing happened. It would get reported to the organisation and then get buried. We cannot allow that situation to continue.

However, there are exemptions. We have the exemption of the confessional in order to enable people to confide in priests, and we have client-lawyer privilege. There are instances where that confidentiality has been protected in this legislation, yet we are putting a burden onto other victims — not perpetrators but victims. I ask that every member of this house think very carefully about whether it is worth proceeding with clause 4 and consider taking the time to rethink how we deal with families who are potentially at risk. These matters are not just about children who are at risk; they put entire families at risk.

Surely it is worth taking the time to speak to people in these organisations — people who know more than any of us about the vulnerability of these families. Why not take the time to get it right and come back with processes that we know have a better chance of working without making victims feel that they are more at fault? Why make the victims the criminals rather than the perpetrators? The government should take the time to get this right and, if need be, come back to this place with legislation that is based on the recommendations of the people who know better than any of us how vulnerable these families and these women are. We could then we have a better piece of legislation that would provide for better support for these families.

Ms RYALL (Mitcham) — I rise to support the Crimes Amendment (Protection of Children) Bill 2014, and I commend the Attorney-General on his work in relation to it. I also commend the incredible work of the members of the Family and Community Development Committee involved in the child abuse inquiry; they are to be absolutely commended. The inquiry was very difficult for everybody involved, and out of it came the *Betrayal of Trust* report.

I also note the courage and strength shown by every single person who appeared before the committee during that inquiry, many of whom had suffered at the hands of someone either they or their family trusted. These people are to be commended, and we cannot underestimate what it must have taken for them to give

their evidence, particularly given the scars, the hurt, the pain and the suffering they have experienced.

As a result of that inquiry, the committee made many recommendations in its report. These recommendations have enabled us as legislators to take the necessary steps to deal with the abhorrent crime of child abuse. Any crime against a child — particularly any sexual crime — is abhorrent; there is no other word that I can use to describe such acts.

This bill creates two new offences. The first relates to the failure by a person in a position of authority to protect a child under the age of 16 years from a sexual offence, and the second relates to the failure to disclose a sexual offence committed against a child. The people who will be affected by these provisions include people in authority in such organisations as religious organisations, out-of-home care services, government agencies — any sort of organisation. This is about the failure of people in authority to protect children aged under 16 years from sexual offences. Failure to protect children from sexual offences will become a crime. This legislation provides that if information comes to light or there is evidence demonstrating that a child is being abused and the child is aged under 16 years, that information must be disclosed.

Safeguards are built into this bill, and there has been much discussion by members opposite of those safeguards. One of those safeguards concerns a person's fear for their personal safety, which is considered a reasonable excuse for not disclosing child abuse. A woman may fear for her life or safety or that of her child or of another person. In such instances that fear is deemed to be a reasonable excuse for not reporting child abuse.

Another safeguard is that the bill provides that if a child has attained the age of 16 years and does not want the abuse exposed, they are considered mature enough to be able to say, 'I don't want this exposed; I don't want it reported'. That is another reasonable excuse not to disclose. The bill makes sure that, as a starting point, people in all situations and circumstances will consider reporting child abuse.

I have spoken to many women who have been in abusive situations — indeed I have friends who have experienced abuse — so I understand to a degree their pain and suffering and the fear, guilt and shame that go along with abusive relationships. However, I also understand that many different types of abuse occur in relation to family violence, including psychological abuse, financial abuse where money is withheld, and physical abuse. There are many types of abuse in

family violence situations; it is not only about physical violence.

We need to consider the starting point for considering reporting the abuse of a child. I will give an example. If a woman is experiencing financial abuse and money is being withheld from her and she is aware of the abuse of a child, her case may be different to that of somebody who is being physically abused and is also aware that a child is being abused. Every case is different. The woman with support services needs to come to a decision on whether to report abuse, and that decision needs to be based on the level of fear these people experience, either for their personal safety or that of a child. This bill allows and enables that to happen.

I know of situations where a woman would feel uneasy about reporting such an offence, and I am glad this bill enables women in such a situation to not have to do so. I also know of circumstances where a woman would report the offence. I recall the member for Shepparton earlier referring to a circumstance where a woman would report such an offence. Women have different circumstances, and the violence they face differs from case to case. In this bill we provide safeguards to enable women in circumstances where they should report it to do so. However, we allow them to make that judgement themselves if they do not feel that they or their child would be safe, and they can choose not to report in that instance.

One member of the committee — the member for Broadmeadows — is in the chamber at the moment. The committee undertook extensive deliberations regarding all facets of this issue. It is important to make sure, as we are doing, that prompt action is taken in response to the recommendations of that report. That is what we have done in creating this bill and these two new offences. It is important that we get this done. I think I heard an opposition member say the opposition does not oppose the bill, but it has put forward an amendment. Our police force has done a lot of work on this issue. Time and again our police chief has stated on the record, including in opinion pieces in the paper, that we need to provide education on this issue.

We have come a long way but we still have a long way to go. This bill creates two new offences that will help protect our children, who are the most vulnerable people in our community. As a parent I have believed at times that my child is safe. You trust people. Inherent in that trust is a belief that the organisation or people caring for your child will not harm them. That is the trust that is given in those circumstances. When the trust is betrayed — and the report is aptly named

Betrayal of Trust — we need to act. However, in acting we have provided built-in safeguards for people who have excuses or reasons for withholding information, such as women who fear for their safety or fear for the safety of their child. Protecting women in those circumstances is the right thing to do. I commend the bill to the house.

Mr CARBINES (Ivanhoe) — I am pleased to make a contribution to debate on the Crimes Amendment (Protection of Children) Bill 2014. As previous speakers have said, the bill amends the Crimes Act 1958 to insert new offences in relation to the sexual abuse of children. These include failure by a person in authority to protect a child from sexual abuse, which is clause 3 of the bill and which the Labor Party supports, and failure to disclose a sexual offence committed against a child under 16 years, which is clause 4 of the bill. The Labor Party is proposing amendments to that clause. I will comment on those amendments shortly.

Regarding the government's motives for proposing these two new offences, the Attorney-General's second-reading speech states that they will:

... play an important role in redefining the legal framework for responding to risks of child sexual abuse.

They will help ensure that persons and organisations responsible for children shift to a new paradigm in which the moral imperative to act to protect children is backed up by the law.

Members would be aware of the protecting Victoria's vulnerable children inquiry, which is also known as the Cummins inquiry and which the government announced on 31 January 2011. The Cummins inquiry made several recommendations which relate to specific amendments contained in the bill. In particular the inquiry recommended amendments to the Crimes Act that would create a separate reporting duty where there is a reasonable suspicion that a child or young person under 18 years of age is being or has been physically or sexually abused by an individual in a religious or spiritual organisation.

Sitting suspended 6.30 p.m. until 8.01 p.m.

Mr CARBINES — I am pleased to continue my contribution on the Crimes Amendment (Protection of Children) Bill 2014. I was referring to many of the stakeholders that have raised concerns with the opposition in relation to clause 4. The Labor Party amendment is that we should redraft clause 4 to take note of the organisations and those in positions of authority within them, as suggested by the Cummins report. We also share a lot of the concerns raised by stakeholders about clause 4. We believe it is

inconsistent with the recommendations of *Betrayal of Trust* parliamentary report and may cause more harm to children suffering physical or sexual abuse, and it is potentially dangerous for women experiencing family violence. Some of those stakeholders have raised concerns since the government put forward the amendment bill, particularly in relation to clause 4, including very significant organisations that deal daily with these very difficult and critical issues. It is instructive to list those organisations.

As law-makers, it is incumbent on us to take serious advice from those stakeholders and organisations that deal daily with those matters and from members who come into contact with constituents who have personal experience of dealing with these very traumatic and difficult concerns. It is also important that we take the time to consider the very serious concerns of the organisations that deal daily with the protection of children and the traumas that many families face in relation to these matters and the matters that have been raised in relation to clause 4. These are not just my words; they are the concerns that have been raised by several organisations, including Victorian Centres Against Sexual Assault, Domestic Violence Victoria, the Federation of Community Legal Centres Victoria, No To Violence, the Human Rights Law Centre, Women's Legal Service Victoria, Women with Disabilities Victoria, the Domestic Violence Resource Centre Victoria, the Victorian Council of Social Service, the Women's Domestic Violence Crisis Service, the Victorian Women's Trust, inTouch Multicultural Centre Against Family Violence, Aboriginal Family Violence Prevention and Legal Service Victoria, McAuley Community Services for Women and the Law Institute of Victoria.

When there are a significant number of organisations with great credibility that have done a power of work — and many families rely on those organisations which are funded in many ways from a range of organisations as well as by government and which deal with victims of physical, emotional and sexual abuse on a daily basis — it is incumbent on us as law-makers to consider very seriously their concerns and misgivings about the way in which the government seeks to address those matters.

It is fine for us to put forward amendments and move on to other matters, but we are leaving potential changes to the law that were thrown back to these organisations that have been very supportive of a lot of the work that Parliament has done and have raised many concerns with us about how we should deal with these issues. It is incumbent on the Attorney-General to indicate what conversations and discussions he has had

with the organisations that are directly affected by the amendments he has brought before this house, especially in relation to clause 4. We believe the government has not consulted effectively with those organisations and that it is incumbent on the government to do so.

In particular we note that there are a range of media articles that have drawn attention to these concerns, and I will touch on a couple of those in my contribution. An article in the *Age* of 1 April 2014 headed 'New law sparks jail fear for victims of abusive partners' says:

Victim support groups fear women with abusive partners may be unfairly jailed under new laws that make it a crime to not disclose a case of child sexual abuse. They warn juries may not accept that mothers of abused children were too afraid for their own safety to turn in their abusive partners.

While that is one particular viewpoint, again I state that a range of stakeholder organisations that deal daily with the tragedies, stresses and horrors that confront many families and children in our community have raised concerns and it is incumbent on the government, through the Attorney-General, to explain to this house what assurances he can give that he has dealt adequately with those concerns. Many of those concerns have been raised by organisations subsequent to the work of the parliamentary committee and subsequent to the work of the Cummins inquiry, so it is most important that they be considered by the government, especially in relation to clause 4 and the amendments proposed by the Labor Party.

Touching on another article, this time in the *Herald Sun* of 2 May headed 'Groups urge MPs to protect abused women over child protection bill change', it says:

Domestic violence groups and community legal centres have appealed to female MPs in the Napthine government and controversial Independent Geoff Shaw to oppose government plans to make it a criminal offence for women facing family violence not to report child abuse.

Those are the significant concerns which have been raised and which make it incumbent on the government to explain what assurances it is able to give to the very many stakeholders that deal with the issues at the coalface every day about how we are assisting them to do their jobs when they raise significant concerns that perhaps did not come to light despite the very important and valuable hard work done by the Cummins inquiry and by the Family and Community Development Committee as contained in its *Betrayal of Trust* report. Labor continues to support measures that protect children, but we will be guided by experts and those who have experience of these devastating crimes. We maintain clause 4 is not the best way to protect children

from abuse and should be withdrawn. That is the view of the Labor Party, and it is reflected in the proposed amendment to clause 4.

Previous speakers from the government have touched on particular clauses in relation to a new section. I am looking at clause 4, which provides under new section 327(2) what constitutes a reasonable excuse; it goes on to explain some of the reasons, which perhaps are a catch-all for reasonable excuses that would allay the concerns that have been raised by the stakeholders and in the media.

Part of the problem with many government members falling back on some of these exceptions — these reasonable excuses that the bill seeks to provide to assure stakeholders in relation to these matters — and the reason why Labor feels this clause should be deleted and not supported is that these catch-all phrases in the bill do not provide a greater level of certainty to those who are affected by these sorts of crimes. They are clearly not seen as practical by many of the stakeholders who have raised concerns. We have seen many examples of this government putting into legislation these sorts of catch-all phrases that are believed to then pick up on the concerns expressed. But the stakeholders are saying that in practice in their day-to-day dealings on these issues that is not satisfactory.

It is incumbent on the government to come back and talk to these stakeholders about what can be done by the law-makers in this place to make sure that their concerns are addressed to make their jobs more effective. I commend the opposition's circulated amendments to the house.

Mr CRISP (Mildura) — I rise to support the Crimes Amendment (Protection of Children) Bill 2014. The purpose of the bill is to amend the Crimes Act 1958 to insert new offences in relation to the sexual abuse of children, to make consequential amendments to other acts and to amend the Serious Sex Offenders (Detention and Supervision) Act 2009 to include an offence under section 49B of the Crimes Act in schedule 1 of the act.

It is time for all of us to put on the record how concerned we are about family violence and that too much of society's time is spent dealing with the consequences of family violence. We are debating this bill today because the Family and Community Development Committee tabled its report entitled *Betrayal of Trust* in November last year and recommended three reforms. One of those has been delivered already — that is, the grooming legislation that was debated last year. The committee

recommended the creation of two further offences: failure of a person in authority to protect a child from a sexual offence and failure to disclose a sexual offence against a child.

I pay tribute to the committee. It had to undertake a very difficult task. We all saw snippets of reports that showed how traumatic the evidence was. Given the climate of the time and the material before the committee, I commend its members for their courage, patience and empathy, and finally the report that it produced. It was an extraordinarily difficult task. As I said, I am sure, from the little that I saw — I was not there; I only picked up the news clips — that the victims provided extremely confronting evidence which would have been very challenging to hear.

Let us talk a little more about failure to protect a child from a sexual offence. The bill creates the offence of failing to protect a child from such offences and it has wide-ranging effects, particularly under the Crimes Act 1958, which already includes a number of offences such as endangering life and placing a person in serious danger. With the wisdom that has been gained from the Family and Community Development Committee's report, we find ourselves now having to amend the legislation and be very specific about the particular risks that were identified by the committee. One of the key aims of creating the offence is to promote cultural change within organisations. The message came through clearly that some cultural change is required in organisations, and I am sure that they are anxious to undertake that change. In any event they will have no choice under this legislation.

The second offence created is that of failure to disclose a sexual offence against a child under 16. Some controversy surrounds this part of clause 4, and I am happy to talk about that. The committee recommended the introduction of this offence to address the concerns that there is no community-wide duty to report information of an offence against a child to police. It is interesting to note that there is already a mandatory reporting framework under the Children, Youth and Families Act 2005, which requires those whom I call professionals — teachers, doctors and others — to report concerns about child welfare and child protection issues. My wife is a nurse, and she is very familiar with these requirements and at times has to make judgements about reporting offences. Those in our professional community are well aware of their obligations. What we are now doing is extending that requirement to other people in order to further protect our children.

A person who discloses information as required will receive certain protections under the law. It is important to make sure that some protections are provided. It is probably worth exploring some of these provisions in more detail. We need to look at it in almost a question and answer style, because in supporting clause 4 I am endeavouring to look at what conduct is an offence and therefore prohibited. The offence occurs where there is a substantial risk that a child under 16 years of age who is in the care of and under the supervision and authority of an organisation has become the victim of sexual assault. The offence covers anyone who is in authority or has responsibility and the power to reduce or remove the risk from a child of being sexually abused by another adult.

We have constructed a series of offences to improve that protection, particularly as we now have to tighten up on various organisations. The definition of a 'relevant organisation' is broad. It includes churches, schools, sporting groups, government agencies, in-home care and out-of-home care, and any organisation that exercises care, supervision or authority over children. The definition has to be wide because we live in a world where a great deal of organisations operate in this environment.

The offence of failure to disclose applies to any person 18 years of age or over who fails to pass on information that has led them to form a reasonable belief that a sexual offence has been committed against a child under 16. There are also specific exemptions relating to persons who are not required to pass on information that has come to their knowledge from other sources. That is covered in the clause notes to the bill. The notes on clause 4 go into some detail on these matters, particularly in relation to new section 327 and its subsections, and provide significant guidance about what is in and what is out. I am sure that these matters will become part of common law as this legislation develops.

The explanatory memorandum states that a person will not have committed an offence if he or she has heard rumours or speculation about another person or has only a small piece of information that may not be relevant. It also states that if a person fears on reasonable grounds that the safety of anyone is at risk then they are protected from disclosure as well. There are also some protections if the person reasonably believes that the information may have already been disclosed.

Subsections (5), (6) and (7) of proposed section 327 provide quite a bit of guidance about protecting people who may have information and who may be in fear of

disclosing it or may not want to disclose it. There is an exception if the person providing information has a disability, there is an exception if the person was a child when they came into possession of the information and there are also exceptions for members of the police force acting in the course of their duty and if the alleged victim has turned 16 before the commencement of section 4 of the act.

I understand the concerns about the amendment that is before the house, but there has been extensive work done to provide protection for those people who may be in one way or another in fear of disclosing information. This is a bill that has had its genesis in some very hard and strong work by members of the committee, producing a courageous and detailed report. This is a necessary and very adequate response to that report, and I commend the bill to the house.

Ms HALFPENNY (Thomastown) — I rise to speak on the Crimes Amendment (Protection of Children) Bill 2014. I will make a brief comment on some of the comments made by the member for Gembrook. He seemed to have knowledge of or make comments about the actual confidential deliberations of the committee. He made reference to certain members of the committee and their views within those deliberations, which I understand are supposed to be confidential. It is concerning that we have at least one member from the government who has knowledge of those confidential deliberations.

I will speak to the substantive issues in this debate. The Labor opposition proposes an amendment to this bill. It is not an amendment that detracts from our support for additional criminal sanctions against perpetrators of child abuse, but it is an extremely important amendment. Just as the *Betrayal of Trust* inquiry and report was conducted in a bipartisan way, it would be good to see the same bipartisanship used in the proper consideration of the amendments that the Labor Party proposes.

As a member of the Family and Community Development Committee I was involved in this inquiry along with the member for Broadmeadows, who is also a Labor member, and I was subsequently involved in the development of the report. I also reiterate support for the amendments foreshadowed by the shadow Attorney-General. The area of contention is clause 4. This clause casts a very broad net. It does not specifically address the issue raised by the *Betrayal of Trust* report to ensure that people in authority in organisations must disclose any knowledge they have of child abuse committed in that organisation.

The second-reading speech states that the Family and Community Development Committee tabled its report on 13 November 2013, that the committee recommended that the government consider three key reforms to criminal law and that this bill provides in a follow-up to that report two further offences in response to the remainder of the reforms and recommendations contained in the report. That is not necessarily correct. In the recommendations of the *Betrayal of Trust* report the committee was talking about all forms of criminal child abuse, not just criminal sexual abuse.

In discussing these criminal reforms, it is also important to consider the preamble and the context in which the inquiry that resulted in the *Betrayal of Trust* report was conducted. If you look at the preamble, for example, you see that it talks about the recommendation of the committee that the Victorian government be mindful when considering the criminal sanctions, that while the recommendations have been considered in their application to the criminal abuse of children in non-government organisations, if implemented they might become of more general application and that consequently in drafting any legislation there needs to be consideration of any unintended implication for other groups or individuals.

This is the thing that the Labor opposition has been repeatedly raising in the debate tonight. Labor is not opposed to sanctions and the use of the full force of the law against these terrible perpetrators of child abuse. We have all heard and have been moved and touched by the most horrific stories of people who have been abused as children by some of the most awful people — and we all believe that they should have the full force of the law exercised against them.

The other issue I would like to raise is that next Tuesday, 13 May, marks six months since the *Betrayal of Trust* report was tabled. The government is required to respond in full to the committee report within six months of its tabling. We have not received a full response to this report to date, even though the Premier at the time of the tabling of the report promised adamantly that the government would act quickly and decisively. Again, as we raised in debate on earlier pieces of legislation such as the grooming legislation, it is important that we get a full and rounded response to the *Betrayal of Trust* report and that the criminal, civil and other recommendations be considered in full in order to provide proper justice and proper remedy to not only those who came forward and very courageously gave evidence to the committee but also those we have not heard from, and also to ensure protection against and prevention of abuse into the future.

I think there is a bit of spin around this issue. The *Betrayal of Trust* report has been used to justify the introduction of legislation that does not go as far as it should in protecting children from criminal abuse. This bill addresses only the sexual abuse of children. The government is required at the very least to respond to the report within the six-month period and give consideration to all the recommendations, even though it gave undertakings that it would respond much more quickly than that.

As a member of that committee and of that inquiry I believe the government should, in the spirit of bipartisanship, sit down and talk with the opposition about amendments to this bill. It is not just Labor that is saying amendments are required: nearly every section of the sector that deals with domestic violence community has concerns about certain aspects of this bill, in particular clause 4. I hope that fair-mindedness and justice will prevail and that the government will discuss these amendments with us to ensure that we have a proper, well-considered piece of legislation that brings the full force of the law to bear on the perpetrators of child abuse.

Ms WOOLDRIDGE (Minister for Mental Health) — I am very pleased to contribute to the debate on the Crimes Amendment (Protection of Children) Bill 2014 and to make some comments in relation to the contribution of the member for Thomastown. In my experience, it is exceptionally unusual for a government to respond early to a committee report. In fact my experience in the previous term of government was that usually the responses came after a long time.

Six months have not yet elapsed since the report of the Family and Community Development Committee was tabled — and a very good piece of work it was. Already some legislation has been introduced, some of which has been passed, and we are debating this bill, all before the clock has stopped ticking on the six months. I think that is a reflection of the significant work of the Attorney-General and the importance of the issue we are debating. The member for Thomastown and all the members of the Family and Community Development Committee, and I think this Parliament, acknowledge the commitment of the government to making sure we are getting on in terms of addressing the recommendations. I think it is important to put that on the record.

A lot has happened in relation to the protection of children over this term of government. Initiating the Cummins inquiry was one of the first actions of the government upon coming to office. After today's budget there will have been investments of over

\$900 million in initiatives to protect vulnerable children and families. They range from the work in child protection and the workforce to multidisciplinary centres to deal with the issues of sexual abuse in a coordinated way and include involving the police, centres against sexual abuse and the Department of Human Services, innovative programs like Cradle to Kinder and Springboard to deal with at-risk young people, and working with adolescents with highly sexualised behaviour. There has also been a lot of work across the board in the justice area. This has led to increased penalties for breaching intervention orders and new work in the Children's Court on child-friendly processes — and the list goes on and on. There is work involving Victoria Police and child protection on reducing the sexual exploitation of children. All of this goes towards an agenda that is clearly of the government's making, which I think is supported by the Parliament in general, to make sure we are doing all we can to protect children.

For me, this bill is very much about putting children at the centre and not compromising the safety of children in relation to the laws that are in place. I welcome the Crimes Amendment (Protection of Children) Bill 2014, which brings further protections against the abhorrent and intolerable crime of sexual abuse of children and young people. The new criminal offences being created will further protect children from sexual abuse. One new law will make it an offence for a person in authority to fail to protect a child from sexual abuse where, by reason of their position within a relevant organisation, they have the power or responsibility to reduce or remove a substantial risk that someone associated with the organisation poses.

This law will apply to a range of organisations such as churches, youth groups, sporting clubs and schools. The law makes it clear that the offence applies at the stage where there is a substantial risk that a sexual offence will be committed against a child, rather than waiting for that child to be actually harmed. This is another step forward in protecting children and ensuring that any potential trauma is minimised, if not eradicated, which is the objective.

The new laws will also make it an offence for a person to fail to provide relevant information to police if they know or believe a child under the age of 16 years has been sexually abused by another adult. However, the laws provide for this offence to have not been committed if the person has a reasonable excuse for failing to disclose information about sexual abuse to police. Those reasonable excuses include where a person fears on reasonable grounds for the safety of any person other than the person committing the sexual

abuse offence, or where a person believes they have heard rumours or speculation about another person.

It is disappointing that the Labor Party is opposing clause 4, because I believe clause 4 will protect children. It will also ensure that women who fear for their safety in reporting have a reasonable excuse not to report. Clause 4 of this bill provides for a reasonable excuse where there is a risk of harm to any person other than the perpetrator. While I know some commentators are concerned about the clause, I am confident that we have made a good provision to address those issues. For a woman to be prosecuted under this provision, the police would have to find that she had no fear for her safety and that she failed to report. Police will be provided with training and support on this to ensure that they can carefully and fairly assess the situation in relation to the woman who is presenting. If anyone who is prosecuted for failing to inform police raises fears for safety as a reason for not reporting, the burden is on the prosecution — —

Mr Wynne — Acting Speaker, my apologies. This is a very important debate, but I direct your attention to the state of the house.

Quorum formed.

Ms WOOLDRIDGE — We are discussing a very critical issue and to be interrupted is disappointing in terms of the substance of this very important bill. What I was saying before the call for a quorum was that if anyone prosecuted for failing to inform police raises safety as the reason for not reporting, the burden is on the prosecution to prove beyond reasonable doubt that it was not reasonable for them not to report. A woman does not have to prove the defence; the prosecutor has to prove it beyond reasonable doubt. We believe therefore that victims of family violence will have mechanisms by which they will be protected under these laws.

At the heart of it, we have to decide whether we are going to put the child first or other adults first. This government has chosen to put the child first and then to put in reasonable protections, in particular for women who have experienced family violence. We understand the perspectives of those women and the depth of their challenges, but we have put in safeguards in relation to them. At its heart this is about vulnerable young people who have been sexually abused or have potentially been sexually abused. We want to make sure that people are required to stand up and say that they believe this abuse is occurring. We need to ask how we can stop that abuse occurring and prevent it occurring in the future. We have to prioritise and put the child at the

forefront in relation to the decision making and then put in place reasonable protections, as we have, for women in these circumstances.

The shadow Attorney-General, the member for Lyndhurst, compared this legislation to the US laws, but the US laws do not have that exception of fear for safety, so it is not a valid comparison. We have tried to put in safeguards through this process, and we believe we have got the right balance, because putting the child first is absolutely crucial when we are talking about sexual exploitation.

I have said this to people involved in the sector. The Attorney-General and I have sat down with a range of people representing organisations across both family violence and child protection to brief them about the legislation, and I have to say that while some in the room had concerns — and we understood and took them on board — others were very supportive. When you put the child first you understand the logic of these recommendations. What I said then and what we will continue to say is that we will work with the police to make sure they can fairly and reasonably understand the laws and how to apply them. We will monitor it closely. We are confident this can work, but as with any legislation, if in the future changes are required there is the option to make them.

However, we must put children first. I am not prepared to let child abusers go free. Without clause 4 there is no requirement to report child sexual abuse at any time or in any circumstance. I believe clause 4 enhances the safety of children in relation to the reporting of sexual abuse. The government is committed to protecting children. This legislation takes that a long way forward. It reinforces investment and policy reforms that have been happening across the board. I commend the bill to the house.

Mr BROOKS (Bundoora) — It is a great privilege to join this debate on a piece of legislation that is designed to enhance the protection of children.

On Easter Sunday my local community was rocked by the passing of two beautiful little sisters. Because the matter is before the courts I do not intend to go into any detail on that matter. Suffice it to say that my local community is under a pall of sadness at the loss of these two beautiful girls. All the details of this incident will eventually see the light of day, and we will be able to consider ways in which things might have been improved. It makes the discussion and debate on this bill tonight all the more poignant for me as a representative of that community. It brings home to me why we need to make sure we get the legislative

settings around the protection of children and the legislation that guides us in dealing with family violence right. We have to get these things right, not just near enough; they need to be spot on. We also need to make sure that we have the programs and resources in place to protect children and to tackle the scourge of family violence.

I will come back to the issue of family violence and the discussion that has dominated the debate on the bill tonight, but I want to go back to the point that was made in the Attorney-General's second-reading speech and by many members in support of the bill in its current form — that is, that the genesis of this legislation is supposedly in the *Betrayal of Trust* report produced by the Family and Community Development Committee. It is important to recognise that that committee's recommendation was to create an offence of failing to report a serious indictable offence involving the abuse of a child. It was not limited to child sexual abuse, which this legislation deals with; it was a much broader concept of child abuse. I do not think it is accurate to say that this legislation reflects, in its entirety, the recommendation of that parliamentary committee. That is not a criticism; it is simply a point that needs to be addressed by those people supporting the bill in its current form.

I also want to make it clear that I and other members on this side of the house support clause 3 of the bill in relation to the failure by people in authority in organisations to protect children from sexual offences; that is not in question. The issue that has been raised by many members on this side tonight in a genuine spirit has reflected the concerns that have been raised with all of us — members of the government, members of the opposition and the Independent member — by family violence groups, women's groups and legal groups. They are respected organisations in our community. I will not list them; many members have listed them. More than a dozen organisations have made submissions on this piece of legislation, saying that clause 4 of the bill could have an impact on victims of family violence. They point to evidence that not only could this have an impact on family violence but it could have an adverse impact on the protection of children and certainly on women who are the victims of family violence.

On my reading of the bill and the provision to protect people — predominantly women in that situation — from prosecution for the relevant offence, the reasonable excuse would have to be proved by the defendant. If that is not the case, it is important that members on the other side state that clearly. I think that is where one of the concerns lies. Certainly it is

something that concerns me — that the onus for proving a reasonable excuse in relation to an offence would lie with the defendant. Predominantly in this case we are talking about someone who is potentially a victim of family violence, and it is inexcusable to place the onus on a victim of family violence to prove that they have a reasonable excuse.

Many speakers tonight on both sides have cited the Cummins report that was initiated by the current government. The Cummins report deals with this issue of the offence of failing to report a serious crime. It recommends that the failure-to-protect law, if it were enacted:

... should provide that the prosecution is required to prove, as an element of the offence and beyond reasonable doubt, that the accused was not the subject of, or exposed to, relevant family violence.

Contained in that section of the Cummins report are a number of warnings similar to those that have been issued by domestic violence groups, women's groups and legal institutes that we have spoken about in this debate. I recommend to members who are intending to vote in favour of this bill in its entirety that they read the section of the Cummins report relevant to this piece of law reform at pages 359 to 361. It is incumbent upon them to read it, to understand it and then to come to the view, if they can, that it is reasonable to support this legislation, in particular clause 4. I think after reading that section of the Cummins report most members would have serious questions about clause 4 of this bill. Those questions have been raised in an articulate manner by the shadow Attorney-General and other members of this place as part of this debate.

As I say, a number of institutions have raised these concerns; it is not just the opposition. This is not a political debate in many ways but a debate about trying to get the best possible piece of legislation in this important public policy area. The Law Institute of Victoria has written a submission to the government on this matter stating that it is concerned that the bill would:

... impose unfair obligations on victims of family violence, usually women, who are often themselves being victimised by the same perpetrator as a child suffering criminal abuse.

A range of well-regarded organisations in the community have raised serious concerns about the impact of clause 4 of this bill. The shadow Attorney-General has moved a reasonable and sensible amendment, so that we can properly consider the impacts of this aspect of the bill. I urge members to read the section of the Cummins report on this part of law reform and to also consider the recommendations

of the Family and Community Development Committee report entitled *Betrayal of Trust*. They should read that report carefully. The committee specifically pointed out in its recommendations that the Parliament needed to be careful of any unintended consequences when reforming this area of law. All the warning signs are there for the government. I ask in the spirit of bipartisanship that this government consider this issue carefully instead of rushing this legislation through.

The great shame of this debate today has been that we are debating the responsibilities, in most cases, of women who are the victims of family violence. We have been debating the degrees and the types of family violence that they suffer and the types and degrees of family violence that children suffer, and we have discussed the onus on women. This debate in a broader sense needs to shift to a debate about how men behave — most importantly, men who bash their wives, partners and children, and in some cases kill them — and what other men can do to prevent that behaviour. It is a shame that the debate today has focussed on the responsibilities of women, who are in many cases the victims of family violence, when our broader debate should be about what men can do to prevent family violence.

Mr WATT (Burwood) — I rise to speak on the Crimes Amendment (Protection of Children) Bill 2014. It is not the type of bill that would normally cause me to get up and make commentary on the contributions of other members, but I do want to comment on the contributions of a number of people on the other side. I was particularly disappointed with the member for Footscray's comment that as members of Parliament we have no experience or knowledge of this topic and that we need to listen to stakeholders. There are 128 members of Parliament and 88 members in this house. Looking at some of the statistics around the prevalence of child abuse and domestic violence, I would hazard a guess that there are a number of members in this house who have some personal experience of these matters — whether it be themselves, their children, their brothers, sisters, nieces or nephews. I was disappointed to hear the way she finished her contribution because it did not acknowledge some people in here who clearly have personal knowledge of this topic, and I wanted to make that point.

I am reluctant to go into too much detail, because one's personal life and one's family history is not necessarily something you want splashed all over *Hansard*; but I wish that this piece of legislation had been enacted in other states, because it may have changed the behaviour

and the attitudes of certain people within my family. Without going into too much detail, I went for 10 years without speaking to a member of my family because of their attitudes and inaction in this regard.

Violence is never acceptable in any form, whether it be male against female, female against male, male against male or brother against sister. It does not matter who it is. But the worst thing would probably have to be when a person sexually abuses a child where others would never have thought that was possible or should have happened.

It is never excusable to allow it. It is never excusable to say, 'I didn't report it because' unless you have a reasonable excuse that you had a fear for yourself or for the victim. I do not stand here and say it is ever acceptable; it is not. It is not acceptable for a person to say, 'I didn't report because I did not want to lose my spouse or some other support mechanism'. How can people stand by and watch some of the things that happen to children and excuse them? I do not grasp how people can excuse it, how they can watch it happening. In my case I did not know for a very long time that it was happening to a member of my family. Others in my family did, and they did nothing about it. It is extremely distressing. If legislation such as this had been introduced in other jurisdictions, maybe people might have said, 'I have to take action. I have to do something. I have to stand up'.

I will just quickly move on from that. One of the issues the opposition has raised is the ability of a person to prove they had a reasonable excuse. As a member of the Scrutiny of Acts and Regulations Committee. I know we would have raised an issue had there been the necessity for somebody to prove beyond reasonable doubt that they had a reasonable excuse. Being a member of the committee, I know the member for Benalla, who is in the chair, would have raised this issue within the committee and also more broadly. It is quite clear that a person does not need to prove beyond reasonable doubt that they have a reasonable excuse; the burden is on the prosecution to prove that the person does not have a reasonable excuse. The opposition should be somewhat reassured that a person who has a reasonable excuse is not going to be traumatised to the point where they have to prove they have that reasonable excuse. The burden will be on the prosecution to prove the lack of it.

I want to move on, just quickly, to the inquiry into the handling of child abuse by religious and other non-government organisations. I particularly turn to part 23.6 of the report, and I know there are members of the Family and Community Development Committee

in the chamber who looked into this and have spoken on it. I would not want to misconstrue the intent of the committee, but I will read what the committee report says:

23.6 Universal responsibility to report a serious crime

The committee takes the view that every member of society has a moral and ethical responsibility to report to police any knowledge they have about serious crimes committed against children. This obligation is certainly stronger in circumstances where the most vulnerable members of our community are child victims or adults suffering the consequences of criminal child abuse.

The committee therefore considers that it is necessary to develop a criminal offence that deals with the reporting of serious criminal offences committed against children.

That section does not particularly exclude family members. Aunties and uncles who see abuse should report it. This will apply to them just as it will apply to a scout leader or a person within some religious organisation.

The committee went on to make comparisons with a piece of Irish legislation:

The Irish reports prompted the drafting of the Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012. This act provides some useful guidance for reform of Victorian law. The relevant section of the Irish legislation is set out in box 23.1.

I will not read out what is quoted in that box, but members can find it in the report. I have had a look at that. I have had a look at the actual legislation which we have presented before the house. Others might want to jump up and point out to me the difference between what is suggested in that box and what is in the legislation I see before me. I do not see great differentiation. It talks about the fact that if a person believes that an offence has been committed, the person has to report it. It does not particularly talk about the situation in institutions, but to me, abuse within a household is just as insidious as abuse within an institution. It should never be accepted.

Sexual abuse against children is something I find absolutely abhorrent. I find it extremely distressing. I know many members in this house would too; I would be surprised if any member in this house did not find it abhorrent and distressing. I would also say that I would not be the only person in this house who has some personal knowledge of a family member who has been affected by this particularly insidious act. I would like to stamp it out, and I would like to say that it is not acceptable. I would like to say to anybody who knows that it is happening that it is not acceptable and that they need to do something about it. That is what this piece of

legislation will do. Even if nobody is charged, it will tell people that it is not acceptable. It will set a standard. It will tell people, 'If you hear it, if you know it, if you are sure of it, report it'. I commend the bill to the house.

Mr PERERA (Cranbourne) — I wish to make a short contribution to the debate on the Crimes Amendment (Protection of Children) Bill 2014. First, let me give some examples from my local area. Police attended 1271 family violence assaults in the city of Casey in the year to 30 September 2013. More people were charged in Casey than in any other police region in Victoria.

When family violence takes place children are the innocent victims. That is always the case, but it is not reported in detail. Some factors, such as huge urban sprawl, financial pressures and job pressures, would definitely contribute to high levels of family violence. Some schools in the Cranbourne electorate maintain thick piles of intervention orders issued against parents for the protection of some children attending those schools. It is a very serious issue in Cranbourne and the surrounding areas. Principals, administrative staff and teachers play a role in making sure that the conditions of those intervention orders are complied with, so there are some mechanisms in place to protect the children at the school level.

On 23 November 2010, a few days before the last election, the then Baillieu Liberal opposition announced that a coalition government would bring in failure-to-protect laws — this piece of legislation. In government the coalition subsequently went silent on its election commitment until the release of the parliamentary committee report entitled *Betrayal of Trust*. Now, after three and a half years, this bill has been introduced to amend the Crimes Act 1958 to insert two new offences in relation to the sexual abuse of children, including failure by a person in authority to protect a child from sexual abuse and failure to disclose sexual offences committed against a child under the age of 16. However, the report did not make an express recommendation that individuals such as non-abusive parents and carers be under a legal duty to report information about sexual abuse. Arguably this would have been outside the terms of reference, which were confined to the responses of religious and non-government organisations to criminal child abuse.

As family violence victims and advocates point out, this bill has provisions which will further victimise a non-abusive parent for their failure to report incidents and protect a child under the same roof in a domestic situation. Clause 4 will have a disastrous impact on women and children experiencing violence at home.

This part of the bill clearly displays the government's lack of knowledge or failure to understand the complexities of family violence. I can understand where the member for Burwood is coming from, and I appreciate him disclosing his real-life experiences. However, our society is broader, and there are people from many different walks of life and social backgrounds.

Some female victims who are being abused do not report those incidents because they are afraid for their lives. Some may be uncomfortable with the breakdown of a marriage due to cultural or other reasons. Some may believe that having the children's father living under the same roof is better than no father. This can be understood in the context that people come from a range of different cultures and have different values. To give a parallel example, female genital mutilation takes place in some parts of the world, and I have seen reports that men who come from those countries and have lived in the Western world for many years still believe females should undergo FGM because it is performed in their culture. They believe it is right, however much we think it is wrong, so it is important that there is wider consultation when things of this nature, which are so important, are included in legislation.

The Cummins report, tabled in Parliament on 28 February 2012, advised caution about a failure-to-protect law in the context of family violence and recommended instead that the Crimes Act 1958 be amended to create a separate reporting duty for a member of a religious or spiritual organisation who has a reasonable suspicion of physical or sexual abuse against a child within their organisation. The report stated the obvious: that non-abusive parents themselves have very often been victims of family violence and may be unable to act protectively towards their children. Therefore I support the opposition's proposed amendment.

Everyone agrees that everything possible should be done to prevent and respond to the sexual abuse of children, but there are concerns about the impact of clause 4, which inserts new sections 327, 328, 329 and 330 into the Crimes Act 1958. The opposition calls for the withdrawal or deletion of this clause. The rest of the clauses in the bill I support.

Dr SYKES (Benalla) — I rise to contribute to debate on the Crimes Amendment (Protection of Children) Bill 2014 which, as other speakers have indicated, contains two new offences. The first is the failure to protect a child from a sexual offence, and the second is the failure to disclose a sexual offence against

a child to police. As others have done, I would like to congratulate the Family and Community Development Committee on its *Betrayal of Trust* report tabled in this Parliament. The committee dealt extremely well with a very difficult subject, and its report has wide-ranging implications.

I would like to comment on the conduct as much as the content of this debate. I welcome the in-general support from the opposition and note that it raises concerns in relation to clause 4, but having been in the chair and listened to the debate I believe those concerns have been raised in a measured manner by the members for Ivanhoe, Thomastown and Bundoora. I noted also the responses and the commentary from government members, in particular the Minister for Community Services, who I believe made it clear that this was a matter of judgement and that there had been extensive consultation between her and the Attorney-General on the wording of the bill and its implications and intent.

I want to make it very clear that I trust the judgement of the Minister for Community Services and the Attorney-General and concur with the comments made by the minister in response to matters raised by the member for Thomastown, who expressed concern that our government had not yet responded in a formal sense to the report, albeit that the six months allowed for responding had not elapsed. As the minister indicated, our government has responded in a very practical way by introducing legislation in this place immediately implementing action on some of the key recommendations in the committee's report. The minister also indicated that our government had taken the initiative by commissioning the Cummins inquiry, which also had wide-ranging implications.

The minister also indicated that the coalition government had made further budget allocations to address a series of related matters that will hopefully reduce the overall issues related to sexual offences against children and other broader offences that unfortunately are part of the mix of what can happen in our society. It was also made very clear by members on this side of the house that this legislation is about putting the child first and, that said, ensuring that people who may have knowledge are protected if there is a perceived or real risk of danger to them should they report.

The minister also indicated that as a government we are open minded about this legislation. As you would expect, the implementation of the legislation will be monitored and subject to ongoing review. Should there be a need to modify it, the minister indicated that as a government we would be prepared to do that. I also

note that the coalition government had the courage to initiate the *Betrayal of Trust* inquiry, which was going into uncharted waters and caused a lot of grief along the way, exposing abhorrent activities in some of our institutions. Many of those institutions have been highly regarded for a long time but there were doubts about others, so there was a combination of high regard for them and ill ease about what was going on.

The fact is that it was the coalition government that had the courage to go down this track, and I commend the members of this committee from both sides of politics on the work they did. The consequences of this inquiry have, as I said, resulted in things such as legislative changes in this state by our government. There has also been the initiation of a royal commission at a federal level with, as we read daily, wide-ranging implications and further revelations of absolutely abhorrent behaviour.

The contribution of the member for Burwood highlighted something that I sometimes see in this Parliament, where a view is expressed by some members that MPs, particularly government MPs, are not in touch with communities. I think the member for Burwood made it extremely clear that with 88 people in this house and 128 in the Parliament overall there is a fair chance that we do represent a wide cross-section of the community. As he indicated, he has close personal experience of matters pertaining to this bill. I think it is unfortunate that there should be any inference that MPs in this place live in an ivory tower or up in the clouds. I know that as Nationals MPs most of us come to this Parliament after extensive experience in our communities. We feel that we are very much part of our communities, with extensive life experiences, a combination of both good and bad. I would be surprised if most members of this place had not had experiences as local MPs where they had to deal with difficult situations, including matters that are covered by this bill.

As others have indicated, the bill itself basically looks at protecting our children from sexual abuse. The issue that is being debated here in relation to clause 4 is the balancing act of ensuring that children are protected but not putting a potential informant at unreasonable risk. That is a real balancing act, and the challenge is to get it right. We have a legal system that attempts to get it right. I think the debate that has gone on in this place has been productive in terms of presenting a range of views, and I should say that it has generally been conducted in good faith. That said, I must make comment about the member for Richmond seeking a quorum when the Minister for Community Services

was speaking. I felt that was not within the spirit of good faith in which this debate had been conducted.

With those few remarks, I wish the bill a speedy passage. I commend the Attorney-General on this bill, which is one of many pieces of legislation introduced by him, all of which have had a strong commitment to protecting the wellbeing of members of our community, whether they be children or other people at risk. All along the way the coalition government has been committed to protecting public safety and public wellbeing, and this piece of legislation is another part of that approach to public safety. I commend the bill to the house.

Mr LIM (Clayton) — I rise tonight to speak on the Crimes Amendment (Protection of Children) Bill 2014. There is no doubt — in fact it is an understatement to say — that this is an emotive bill affecting every one of us who has been listening to the debate and who has read through the report entitled *Betrayal of Trust*. I start by saying that I commend all the members who were involved in that inquiry and sat through all the horrendous accounts from the witnesses who came forward to share their stories. Having said that, from the beginning I must also say that I support the amendments proposed by the shadow Attorney-General. It would be remiss of us not to take into consideration the concerns of all the institutions that have been listed by him. We would be failing in our duty not to address those concerns.

I have another small concern about the parliamentary committee's inquiry into the abuse perpetrated on children who have been put into care in institutions. Believe it or not, Acting Speaker, the bill we are debating will go a long way in reaching out to all the community. In particular I have in mind my own Chinese community, the members of which are probably best at hiding their shame.

Recently I came across an ABC report about Beijing in which it is estimated that at least 25 per cent of Chinese womenfolk suffer from domestic violence. Can anyone imagine the dimension of this problem? Can anyone imagine what it must be like when Chinese people come to live here? Can anyone imagine the problems that arise due to resettlement and the sense of isolation, particularly when a husband has to go back to China, leaving a mother here by herself?

I am talking about the Chinese population of around 1 million people in Australia. I do not know how these people are coping with hiding all their suffering, especially when a husband comes to Australia and experiences a high degree of frustration. Many people

try to maintain a semblance of normality, but they suffer enormously. How are we going to reach out to these people? Hopefully this new legislation will act as a restraint to assist people who are suffering quietly.

I am very proud to be a member of this Parliament when we are making reforms that will address what is in many ways a hidden problem in our Asian community. I came to Australia from the Chinese community in Cambodia, and when there is a problem in that community people want to have it addressed internally, within the family. People never report such problems; they never want to tell anyone, and they suffer. The more they can stand the suffering, the better they come across to other members of the community. It is horrendous to have such attitudes entrenched in that culture. I hope this bill will go a long way towards addressing this problem. I will not go through the drill about what this legislation is all about, because many of my colleagues on both sides have done it to death already. However, it is important for all of us to bear in mind that we have a very big responsibility.

I must also say that it shocked me to the core when I heard about abuse in religious institutions. Looking back to my time in Cambodia, I always looked at the church — especially the Catholic Church — as a symbol of respectability, authority, goodness and compassion. To hear that people in the Catholic Church are capable of perpetrating such horrendous acts on our young people completely breaks our hearts. It is heartbreaking to hear the stories about how the abuse has affected each of the witnesses who have come forward. They grow up feeling broken inside. The behaviour of the perpetrators calls into question all of us as human beings. In our capacity as leaders of the community and law-makers, we must ask ourselves how these actions could have been allowed to continue for so long. We must also question how we can trust the people in these institutions any longer. This abuse has wrecked our thinking and our perception of our own community.

I feel very strongly about this bill. I hope it will be landmark legislation and that the amendments proposed by the opposition will be acceptable to the government so that we can address all the potential problem areas, including problems that have been overlooked. Having made this short contribution, I wish the bill a speedy passage.

Ms McLEISH (Seymour) — I rise to make a contribution to the debate on the Crimes Amendment (Protection of Children) Bill 2014. It is with some degree of sadness that we are debating this bill, because in an ideal world sexual abuse of children would not

exist. However, we also know that members of the coalition government, and I believe all members of this house, are very keen to see procedures and measures in place to strengthen our child protection regime, and the coalition government is moving a long way to doing so. Members of this government are absolutely committed to achieving better outcomes for our vulnerable children and young people. I support the legislation brought to this place by the Attorney-General, and I also support the work being done by the Minister for Community Services.

Specifically, the purposes of this bill are about putting in place greater legal protections for children. This bill creates two new offences in relation to the sexual abuse of children. The first offence is the failure by a person in authority to protect a child aged under 16 years from a sexual offence. The second is the failure to disclose a sexual offence committed against a child aged under 16 years. For the adults involved in such circumstances there is currently a moral obligation to report the offence, and with the passage of this bill they will also have a legal obligation to take matters into their hands and do their bit to protect our children.

The bill before the house amends the Crimes Act 1958, makes consequential amendments to other acts and amends the Serious Sex Offenders (Detention and Supervision) Act 2009. I will give some background which will demonstrate the determination of members of the coalition government to protect our most vulnerable. The work we have done in this field is evident. In January 2011 the Premier of the day, the member for Hawthorn, announced that the Parliament would conduct an inquiry into protecting our vulnerable children and that it would comprehensively investigate systemic problems in our child protection system.

Some 15 months later the Parliament gave terms of reference to the Family and Community Development Committee for the establishment of a parliamentary inquiry into matters relating to the handling of alleged criminal abuse of children by religious and other organisations. The report of that inquiry, *Betrayal of Trust*, was tabled in the Parliament on 13 November last year. It was an extremely significant and historic event and will affect the nature of the work undertaken in the state of Victoria in terms of protecting our most vulnerable.

The inquiry investigated the practices, policies and protocols of religious and other organisations relating to the handling of matters of child abuse, and the committee's report made recommendations about ways to improve the system and give legislative teeth to our child protection framework. This government moved

swiftly on this issue. We did not sit and wait for a six-month period; we introduced the Crimes Amendment (Grooming) Bill 2013 some time ago and now have further legislation, the aim of which is to strengthen our child protection regime.

Firstly, I will deal with the offence of failure by a person in authority to protect a child aged under 16 years from a sexual offence. This offence is specific to the risks identified during the Family and Community Development Committee inquiry. The committee held an extensive consultation period, and its members heard some horrific stories, some previously untold and some which had already been told.

One of the key recommendations of the inquiry was to implement legislation to make it a criminal offence for a person in authority to fail to protect a child. This legislation is about changing a culture that has existed for years — decades in some cases — in a number of organisations in regard to how to deal with risks to children. We had situations and circumstances in which the accepted culture was to move people to somewhere else, in a sense sweeping the problem under the carpet by moving the perpetrator from this situation or this town to another town. People knew this was happening, but that was the way it was dealt with. Many of us have heard of some awful stories in relation to our own electorates or in our own lifetimes. These practices need to change. They may have changed to a small degree over the years but not to the extent that we as a community and a state would hope for.

This legislative framework, and the metaphorical teeth provided by making it an offence to fail to protect a child from a sexual offence, will help drive some of that cultural change. In some organisations these cultures and practices that need to be changed have been very well embedded; in others perhaps less so. However, some very large organisations — in particular, the Catholic Church — have a culture that needs a lot of changing. Cultural change is difficult, and it takes a long time. Hopefully this bill can help speed up those changes. The Family and Community Development Committee inquiry has highlighted the degree to which it is unacceptable to not protect our children from sexual abuse.

An offence will occur if someone negligently fails to reduce or remove a substantial risk of a sexual offence against a child being committed by person associated with an organisation. The embedded behaviour of moving a person on will no longer be accepted. The accused will be guilty of this offence if they knew of this risk, they had the responsibility for reducing or

removing the risk and they did not do so. I cited examples of large organisations moving people away from situations where sexual offences were taking place and those same offences occurring again in a different community. This will be an indictable offence attracting a penalty of up to five years imprisonment.

The second offence is the failure to disclose a sexual offence against a child under 16. We are talking about someone 18 years or over who has information that leads them to reasonably believe that another adult has committed a sexual offence against a child under 16. If this person has information, it is expected, and the legislation requires, that they must act on this information and do something about it. The offence occurs if the person does not disclose information to the police as soon as is practicable. This comes with a possible sentence of three years.

There are some limited exceptions to this offence. These exceptions act as safeguards, because it is a defence to have a reasonable excuse for not reporting this information to the police. An example is a person who was under 16 when the offence was committed and is now over 16. This person may not want the offence reported. If you put yourself in the shoes of this person, they are now over 16 and have their life ahead of them. They might be trying to get on with their life and deal with this past experience as best they can. They might not want this issue going through the courts. Equally there may be somebody who is scared that their life will be at risk if they report the offence. These are the exceptions, and it is a defence to have a reasonable excuse. I would think that being afraid for your life is a reasonable excuse for not reporting this to the police.

These issues and the issues surrounding clause 4 of this bill were discussed at length by the Family and Community Development Committee, and all members of the committee were on the same page. As we know, that was a bipartisan committee. It is surprising given that the committee's discussions led to all members agreeing on the correct course of action to find out that the opposition is now going against the recommendation. People in communities in my electorate where such offences have taken place welcome the changes introduced by this bill, which mean that behaviour that has been able to be swept under the mat and where the cultural climate within an organisation has allowed this to happen is no longer possible. I am pleased that this legislation takes on the recommendations of the Family and Community Development Committee but also tackling this very serious matter of protecting our children from one of the most horrific offences that one could imagine. I

wholeheartedly support this bill and commend it to the house.

Mr WYNNE (Richmond) — I rise to make a contribution to the debate on the Crimes Amendment (Protection of Children) Bill 2014. In doing so I acknowledge the pain of the member for Burwood, who made a very impassioned contribution, for which I thank him. It was a contribution that came from his heart and his own personal experiences. We are a better place in this Parliament when people are able to provide their particular insights into what a bill is about in such a passionate and deeply felt way. I also want to acknowledge my colleagues the members for Broadmeadows and Thomastown, and I want to acknowledge the bipartisan way in which the Family and Community Development Committee sought to tackle this most difficult social issue.

I also come to this debate aware of the personal circumstances of a very old friend of mine. I grew up with him. He was a poor, working-class boy like me, who grew up in working-class inner Melbourne. He came to see me only a few months ago. We had worked together and been political allies, and he came to see me to tell me of his appalling abuse at the hands of the Catholic Church. By any measure his circumstances were horrendous. He was preyed upon by the Catholic Church and by a particular paedophile priest who took the most appalling advantage of him and his family. His family was so poor that it relied on food vouchers to survive. His family's relationship with the Catholic Church was so symbiotic that he was trapped in that relationship and was powerless, as a young boy of 12, to escape the terrible victimisation that was perpetrated upon him.

He was a paperboy, and he would stay out late so he did not have to be at home when the Catholic priest came to visit the family for the secular duties of the church. But the visits were not for secular duties; the priest was there to prey upon my friend. My friend stayed out delivering his newspapers as late as he could so he could try to escape this venal individual who ruined his life. He turned to drink and, frankly, probably by the time he was about 16 I would say he was pretty much an alcoholic. What a terrible way to start your life.

When occasionally we had the opportunity, coming from poor Catholic families, he went, as I did, on vacation to the Young Catholic Workers' camps. He was taken on vacation by this paedophile priest and he was abused. But worse than that, he was handed around at those camps like a plaything for paedophile priests in the Catholic Church. It did not happen once, it happened on multiple occasions. People have asked

why he did not somehow report this somewhere, and why did no-one reach out and do something to help him, but what people need to understand is the nature of the relationship between the Catholic Church and poor families like my friend's family, and indeed like my family. It was simply not possible — it was not imaginable that we could ever have gone to the authority of the church to report those sorts of events. It was unimaginable, first, that it could happen, because it was something that could not possibly happen; but if it had happened, it was not possible that you would seek recourse for it.

Somehow or another my friend managed to get through this. He came to see me and told me about this abuse in a torrent of tears, rage and outrage. In his rage I think he also understood that there may be an opportunity for him to repair, at least in part, his shattered life. He went on, pursued his studies and undertook a professional career. He did very well — he married and has a family — but he is a man who is deeply scarred by the ravages that were inflicted upon him as an innocent young boy of 12 who did not know where he could hide and who could protect him.

My friend reminded me that when the then Premier, the member for Hawthorn, announced the inquiry, he was driving in country Victoria and had to pull over to the side of the road. When he heard about the inquiry he was so deeply distressed that he could not drive on, because all those wounds had been opened up again. He was sceptical about the inquiry and thought it probably needed to be a national inquiry, but in my view the announcement of the inquiry marked a landmark decision. I commend the Premier of the day for the courage he showed in implementing this inquiry and for the bipartisan way in which this inquiry was conducted, because it has helped my friend to acknowledge the terrible things that happened to him. He has had psychological and psychiatric support and so forth, but the wonderful thing that has come out of this is that he has now gone to the task force that was attached to the inquiry — —

Mr McGuire — Taskforce Sano.

Mr WYNNE — He has gone to Taskforce Sano and made a formal complaint against the paedophile priest who, by the way, was jailed for other activities, and that has been at least a step forward for my friend in terms of his healing. Will he ever be completely repaired? Of course he will not; he was a 12-year-old boy too frightened to return home because of a paedophile priest who continued to prey upon him — what a dreadful indictment.

This legislation comes out of the Cummins inquiry, and it is a good piece of legislation. What we say is that we genuinely have deep concerns about clause 4. My colleague the shadow Attorney-General has outlined those concerns in a very considered and measured way. We do not want clause 4 to doubly victimise women, in particular, and children.

Essentially we want to excise clause 4 and have the opportunity to get it further ventilated through the parliamentary processes and also to have further consultation with a range of very substantial community organisations that have expressed significant concerns about clause 4. These include the Domestic Violence Resource Centre Victoria, Domestic Violence Victoria, the Aboriginal Family Violence Prevention and Legal Service Victoria, the Women's Domestic Violence Crisis Service, Women with Disabilities Victoria, the Victorian Women's Trust, the Victorian Centres Against Sexual Assault, Women's Health West, the Australian Association of Social Workers and the Law Institute of Victoria — and the list goes on.

When that level of concern is expressed by organisations with such prestige it gives us reason to pause and say, 'Let us listen to what these people are saying in relation to clause 4' and, in the way we have debated this bill and the grooming bill in this Parliament, that we pause for a moment and ask the Parliament to support the amendment moved by the shadow Attorney-General. We want this to be good legislation that can be supported right across Victoria, and we ask the house to support the amendment.

Debate adjourned on motion of Mr HODGETT (Minister for Ports).

Debate adjourned until later this day.

ENERGY LEGISLATION AMENDMENT (CUSTOMER METERING PROTECTIONS AND OTHER MATTERS) BILL 2014

Introduction and first reading

Received from Council.

**Read first time on motion of Mr NORTHE
(Minister for Energy and Resources).**

CORRECTIONS AMENDMENT (FURTHER PAROLE REFORM) BILL 2014

Second reading

**Debate resumed from 2 April; motion of
Mr WELLS (Minister for Police and Emergency
Services).**

Mr PAKULA (Lyndhurst) — It gives me pleasure to rise to speak on the Corrections Amendment (Further Parole Reform) Bill 2014, which amends the Corrections Act 1986. It seeks to do two things: firstly, to provide a two-tier process for the granting of parole for serious violent or sexual offenders; and, secondly, to provide that if a parolee has his parole cancelled and he is then convicted of a further offence punishable by prison, the Adult Parole Board of Victoria is unable to grant parole again until half of the parolee's remaining parole period at the time of cancellation has elapsed. At least that is what the bill purports to do, but everything is not quite as it seems. I will make some more comments about that presently.

It is worthwhile putting on the record that parole plays an important role in promoting community safety. It is not simply about releasing prisoners earlier than at the end of their full sentence or at the end of their head sentence. It is about ensuring that many prisoners are released into the community with monitoring and with conditions on them, as is the case when they are released on parole, rather than simply being released into the community unsupervised, which is the case in most circumstances when prisoners are released at the end of their head sentence. When prisoners are granted parole, upon release they are placed under the supervision of corrections officers and they can have conditions such as curfews, reporting restrictions and travel restrictions. So parole does play a role in enhancing community safety by reducing or seeking to reduce the risk of prisoners reoffending upon release.

That is not to say there have not been some catastrophic and tragic failures of the system and of individuals who have been released on parole. There have been some very well publicised circumstances of terrible cases — for example, the cases of Jill Meagher and Sarah Cafferkey — where people released on parole have gone on to commit heinous crimes, and that is a matter of regret to people on all sides of politics.

Some time ago, in early 2013, former Justice Ian Callinan of the High Court was engaged by the government to review the parole system. The member for Altona, as the then shadow Minister for Corrections, raised concerns about the secretive nature of that review

back in May 2013 and indicated that the process ought to be much more open and transparent and ought to be one that allowed all victims and all Victorians to share their experiences and to make a contribution to the review that was being carried out. But the opposition supports the justice system and the parole system being the subjects of ongoing review and consideration by the Parliament and the government of the day.

Former Justice Callinan's report was delivered to the Napthine government, as it had become at the end of his report, in July 2013. The report found the workload of the adult parole board was intolerably heavy. Certainly the board has suffered from a significant lack of resources to enable it to do all the things it needs to do to consider all the matters it needs to consider. The board is required to deal with a very crowded schedule.

There were 23 recommendations in the Callinan review report. This bill deals with two of them. One of the measures — measure 3 — recommended by Mr Callinan is:

On cancellation of parole and reimprisonment, an offender should not be entitled to have cancellation of his or her parole reconsidered until half of the unexpired time of parole has elapsed or unless the offender has a prima facie case that he or she was unable to comply with a substantial condition of parole by reason of matters beyond the control of the offender, or that the breach should be excused for other truly exceptional reasons.

The second measure from the Callinan review that is dealt with in part by this bill is measure 5, which recommends that applications for parole from a category of offender who has committed intentional crimes of violence or serious sexual crimes should be considered in the first instance by a panel of board members; and parole should only be progressed for those offenders by a unanimous decision of the panel, followed by a review panel consisting of the chair, who may grant, vary or overturn the parole recommendation. The decision of the review panel will be final and no review will be necessary or should be undertaken if the first panel decides not to grant parole.

This bill is about dealing with those two recommendations from former Justice Callinan. It seeks to create a two-tier parole system for prisoners who are serving time for serious violent and sexual offences by creating a new serious violent offender or sexual offender parole division of the adult parole board.

It is clear from the conversation we had with the department that to describe this as a new division is probably overcooking it a little bit. This supposed division consists of the chairperson and at least one other member that the chairperson selects from time to

time. It does not have an ongoing existence. It is not a separate part of the parole board. It is simply a second hearing of a decision to grant parole with another group of parole board members that includes the chairman, with the chairman not having been part of the first hearing.

It means in practice that the first-hear panel will be one which the chairperson does not sit on, and that group will consider parole for serious violent or sexual offender prisoners; and if that first-hear panel recommends not to grant parole, parole is denied. But if there is a recommendation to grant parole, there is effectively a second hearing of that decision, and the new division will review the recommendation and have the final say over the granting or refusing of parole. It effectively creates a veto power for the chairperson of the adult parole board in relation to serious violent or sexual offenders. Because the chairperson does not sit on the initial panel that considers parole but only on the second panel and can effectively overturn the decision of the first panel, what we are really doing here is putting all of the decision-making authority in regard to serious violent and sexual offenders in the hands of the chairperson of the adult parole board.

I am not suggesting that there is any particular issue with that. It does place significant pressure and significant responsibility on the shoulders of one individual because ultimately all decisions in regard to serious violent offenders or sexual offenders will effectively be in the hands of the chair of the board, because the chair of the board can let a decision go through or can effectively determine to overturn the original decision. That means we need to have enormous faith and confidence in the capacity of that chairperson, in the resources provided to the chairperson and in the judgement of the chairperson — and it is certainly the opposition's hope that that does not ultimately prove too big a burden for any individual — but that is effectively what this bill does.

The second thing the bill does is provide that if a parolee is convicted of a crime, their parole is cancelled and they can be returned to prison — that is, if they are detected committing a crime. If they are convicted of that offence while on parole, then the board cannot grant parole until at least half of the prisoner's remaining parole period has elapsed. The media release from the government — again, as is the wont of the government in matters of this nature — tends to overcook the reality of the situation, because the media release says all offenders who reoffend while on parole must serve at least half their remaining parole period in prison before being reconsidered for parole.

In fact the bill does not say that. What the bill says is that if a prisoner is on parole, they are not eligible for parole again until half of their remaining sentence has elapsed. But the bill goes on to say that that is unless the adult parole board believes making a parole order earlier than that is justified in the circumstances. It effectively puts in the hands of the adult parole board the same discretion the adult parole board has today. It might provide a greater degree of guidance for the adult parole board about what it ought to do in cases where a prisoner is convicted of an offence while on parole, and what it says is, 'You should not grant parole again until half their remaining sentence has elapsed'. But it says quite clearly that if the adult parole board is satisfied that releasing the prisoner at an earlier date is appropriate in the circumstances, the board can do that.

We in the opposition frankly do not have an issue with the adult parole board being granted that discretion, particularly when the government places enormous responsibility in the hands of the chair of the adult parole board in the provision that I referred to earlier. Clearly there is a view that the chair of the adult parole board is a sufficiently robust character to be able to make decisions about serious violent or sexual offenders, and in those circumstances providing the chair or the board with that degree of discretion is not something we take issue with. Again it is an example of the government letting hyperbole get in the way of reality. The fact is that although the government says the prisoner must serve half of their unelapsed sentence, that is not the case. That is not what the bill says. The bill says it is half of their un-elapsed sentence unless the adult parole board believes in all the circumstances that releasing them earlier is justified.

The opposition recognises the important role that parole plays in the justice system in transitioning prisoners back into the community with strict supervision and support structures in place. It is better than their being released into the community without those supervision and support structures. Responding to community expectation by regularly reviewing the justice system, including parole, is a fundamental responsibility of government. But we have already dealt in recent times with at least four bills that make amendments to the Corrections Act in the area of parole. We in the opposition recognise that any offence committed by a prisoner while on parole is unacceptable. We say that is particularly the case with violent offences and sexual offences.

Offending in the first place and recidivists offending post release are grievous things, and they need to be cut out wherever possible. We do not object to the suggestion that prisoners who commit offences while

on parole ought to serve at least half of their remaining sentence before they are considered for parole again, but the fact is that running an effective corrections and parole system is about much more than legislation. In the budget that was released today the government has indicated that the rate of recidivism, those people returning to prison within two years, is on an ever-upward trend. It is up again from last year. It was 36.8 per cent in 2012–13, it is up to 39.5 per cent in 2013–14 and it is expected to go above 40 per cent in 2014–15.

In other words this government is overseeing an increase in the rate of reoffending and is budgeting for that rate of reoffending to go even higher. In regard to the total annual daily average number of prisoners in the system, there were 5120 in 2012–13, rising to 5902 in 2013–14 and to a projected almost 7000 in 2014–15. When you consider that the Productivity Commission said the average annual cost of maintaining a prisoner in the system is almost \$100 000, there is \$100 million plus per annum just in the increase from 2013–14 to 2014–15.

Maintaining a justice system and a corrections system which are viable takes more than just beating your chest and passing laws that make it easier for the government to lock up an ever-increasing number of people for an ever-increasing period of time. This government is overseeing a massive increase in the prison population, a massive increase in the rate of reoffending and a massive additional drain on the budget. This means that in this budget the government is budgeting for twice as many prison beds as it is budgeting for hospital beds. Only an out-of-touch, delusional government would consider a mark of success to be a rising crime rate, a rising rate of family violence, a rising rate of prisoner numbers and a rising rate of reoffending, but this government does. It sees the prison population going up, costs spiralling, an increased rate of reoffending and an increased crime rate going with it as somehow being a mark of success and an indication that it is tough on crime rather than as the abject failure that it has proven to be in the area of criminal justice.

Business interrupted under sessional orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house now adjourns.

Essendon electorate schools

Mr MADDEN (Essendon) — The matter I wish to raise tonight is for the Minister for Education. I

understand that he is visiting the Essendon electorate in the next week or so, and I ask him to spend an hour or two with me and some parents from the Strathmore area to discuss education issues of various shapes and sizes. Parents in the Strathmore community are dealing with a number of issues, and it would be nice for the minister to hear firsthand from these parent groups the nature of these issues.

I understand that the minister will be in the Essendon electorate on 14 May for a business breakfast, which will take place at the Demazzi Restaurant at 7.30 a.m. I understand it is being organised by Fred Ackerman, one of his colleagues, who is an interesting gentleman. Not only is he the Liberal candidate for Essendon but he also works with the Department of Education and Early Childhood Development. I understand he gives strategic advice to the minister in relation to funding projects. It would be great if I could explain these issues to the minister so that he could talk to his colleague about them, because a number of them are specific to the Strathmore area.

The first issue is funding for Strathmore Primary School. This was a project the Labor government committed to funding prior to the last election. The school has been in the system. It has developed the designs and determined how it would build the project, but unfortunately funding has not been forthcoming from this government, and the school has been left stranded in recent years — and today it was not on the receiving end of any funding. If the minister has any good news in this area, that would be great as well.

We also have the very controversial issue of the catchment zone for Strathmore Secondary School, which I am sure the Minister for Education is well aware of. Some adjustments have been made to that recently, particularly to what is known as the Strathmore Heights area, and parents are furious about it. Some of the parents who live along Mount Alexander Road near Strathmore now find that their households have been left out of the catchment zone. Many of them paid good money to be in this area, and they are furious that they have been left out of the catchment zone.

Another issue for parent groups in the area is the Strathmore North Primary School catchment zone. Some of the parents drive past the school to deliver their children to other schools because they cannot access Strathmore North Primary School. Various kindergarten services in the area around Strathmore are also a high priority for these parents. If the minister could spare a couple of hours to meet with me and those parents, it would be very much appreciated. I

think he would learn a lot, and he might be able to — —

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

Cornish College

Ms WREFORD (Mordialloc) — I raise a matter for the Minister for Planning. The action I seek is that the minister visit Cornish College in the Mordialloc electorate to see the school's plans for the future. Back in 1987, St Leonards College in Brighton East opened a year 9 campus at Bangholme, right near Patterson River. It became known as the Cornish Campus, referencing the founding principal, Richard B. Cornish. It is a very good campus, becoming widely recognised and winning awards such as the 2004 University of New South Wales Sustainable School Champion and a range of academic achievement awards. It was something of a pioneer in the establishment of year 9 campuses and sustainability programs.

Early in 2011, St Leonards announced its intention to close the campus. This caused quite a strong reaction from the school and wider communities, which rallied to save the campus. My community, from Chelsea through to Mordialloc and beyond, got right behind the move. Credit is due to the campaign organisers. Their efforts were amazingly successful, and Cornish College was formed. It was no longer just a year 9 campus but also an independent school with a vision for the future and plans to cater for students ranging from early learning to year 12. In order to achieve its goals the school needed to change the way school buildings were being used and build some new facilities.

However, planning options are limited for schools in the green wedge. The school came to the minister with a sensible proposal to enhance its facilities. The minister has agreed to its proposal and recently announced that the school's request had been successful. It has always been a unique campus. It is recognised for its sustainability programs. Early learning students spend time visiting the school's two wetland islands learning about insects and birds. Years 7, 8, 9 and 10 students undertake environment and global sustainability studies. Years 3 and 4 students have the Eco Kids vegetable garden program. Other year levels have similar programs. Students, parents and staff have planted over 25 000 trees.

The minister's announcement will allow an expansion of these programs as students at the college will commence year 12 for the first time next year. The announcement also allows an expansion of other years,

particularly early learning. It is a massive win for my community. My new electorate takes in Bangholme. Many of Cornish College's students come from neighbouring Chelsea Heights, Aspendale Gardens, Chelsea, Edithvale, Aspendale, Mordialloc and beyond. The community is delighted Cornish College is going ahead in leaps and bounds. It gives them additional educational options from early learning to year 12. I hope the minister can visit so he can see what Cornish College has planned. I look forward to a positive response.

Northern Melbourne Institute of TAFE

Mr HERBERT (Eltham) — I raise an issue for the Minister for Higher Education and Skills. The action I seek is that the minister personally guarantee that all courses and classes at the Prahran campus of the Northern Melbourne Institute of TAFE (NMIT), which operates as Melbourne Polytechnic, will continue and that every enrolled student will be allowed to complete their full course at Prahran. The minister needs to explain how the government will protect the interests of students at NMIT's Prahran campus, but he also needs to explain how it will protect the interests of students at NMIT's Greensborough campus, which has now closed. NMIT's operation at Prahran arose from Swinburne University's decision to sell the campus following the devastating \$1.2 billion cuts in state government funding to TAFEs.

While the government has ensured that the current arrangements are shrouded in secrecy, it is widely understood that NMIT is currently leasing the site for a couple of years, after which it will purchase it at market value. The site is in the marginal seat of Prahran, and in this respect it is doing the government a great favour.

The former Minister for Higher Education and Skills informed Parliament earlier this year that there were 80 courses on offer at Prahran and enrolments were going well. Unfortunately this optimism appears to be unfounded. Enrolments seem to have slumped and courses collapsed. Certainly when I walked through the site a few weeks ago it was a ghost town. I talked to Swinburne students still studying at the site, and they told me they rarely saw any NMIT students there. In fact many in the industry estimate that enrolments may be around 50, with some believing current enrolments on site are as low as 25 or so. It is clearly an unsustainable situation.

To make matters worse, following the massive funding cuts to NMIT it has gone from being a robust, profitable public training provider to a financial basket case. It is reported that the \$50 million in cash reserves

it had in 2010 have virtually been exhausted. Real operating losses last year were reported in the tens of millions, with some suggesting losses as high as \$30 million, and the CEO, Dr Andrew Giddy, abruptly left the organisation — not a great sign for an organisation which is supposedly going to find a \$30 million to \$50 million sale price for the Prahran campus in a couple of years. Indeed the business case for NMIT's purchase reads like *Alice in Wonderland* rather than suggesting an astute financial investment.

I invite the minister to come into the chamber, tell us how many students are actually studying at this site and give current students a gold-plated guarantee that they can finish their courses at Prahran — and give this guarantee to the students who may enrol midterm, if any — and do so under the same conditions as they are right now. Basically I ask the minister to lift the cloak of secrecy and tell the community exactly how many students are enrolled, exactly how Melbourne Polytechnic or NMIT will purchase the site, where it will get the money from and what are its current financial circumstances.

Payroll tax

Mr GIDLEY (Mount Waverley) — My adjournment matter tonight is directed to the Treasurer. The action I seek from the Treasurer is that he outline to the house how the coalition government's payroll tax cuts will benefit businesses in my electorate.

Running a business in Victoria, and Australia in general, is competitive by nature. Challenges include such things as cost structures, with many costs being higher than those in other countries and other states, market limitations and so forth. It is no surprise to business owners and operators in my electorate that whilst building and running your own business can be valuable and rewarding it is also an incredible challenge, and there are cost structure issues there. There are some aspects, such as exchange rates and other matters, that governments cannot influence in the trading environment, but there are others that governments can influence. This government has certainly taken action in a number of other areas, whether it be red-tape reduction or a reduction in payroll tax, which was announced this afternoon. Given that payroll tax is a state tax I was pleased to see the Treasurer taking action.

I note that although state payroll tax is payable when an organisation's wages hit the annual threshold of around \$550 000, or \$45 833 monthly, those figures can be deceiving. Many businesses which are not classified as large businesses are caught by payroll tax because they

might involve family members working six or seven days a week in a variety of roles in the business who need to receive reasonable remuneration. When you take into account the broad definition and structures that payroll tax encompasses under wages, because it obviously includes superannuation, bonuses and other things, that threshold is easily reached.

Many businesses in my electorate which are not wealthy but which are made up of people who are working hard to build their businesses hit that payroll tax threshold. Once they do, payroll tax hits not only profitability but also cash flow, because when they are drawn into the reporting environment under the State Revenue Office there is also a drain on cash flow based on expected remuneration. The tax cut that the Treasurer has announced this afternoon will not only benefit Victoria but make Australia a more competitive place because it will put more pressure on other states to manage their budgets better and put downward pressure on the extent of business taxation.

I seek from the Treasurer that he provide a further explanation to the house as to how this significant reduction in payroll taxes, making Victoria one of the lowest payroll taxing states in terms of rate alone, will further benefit businesses in my electorate.

TAFE funding

Mr HOWARD (Ballarat East) — I have a matter to raise for the attention of the Minister for Higher Education and Skills. I ask the minister to take action to review the TAFE funding model with a view to seeing course options in the hospitality and retail areas reintroduced into the Ballarat region.

Ahead of the TAFE cuts I spoke to many TAFE students in Ballarat, and I know that they and TAFE staff were very distressed to learn about the massive TAFE funding cuts undertaken by this government which saw funding removed from courses which, according to the government, did not lead to real job opportunities for students. At the time the government advised that there were too many students studying in areas where there were not strong job prospects or where the large number of students studying in that field resulted in oversupply relative to the positions available in the workforce.

The bizarre example given by some members of the government of courses not resulting in job prospects was belly dancing. I have yet to find any belly dancing courses in the Ballarat region. As a result of these so-called belly dancing courses, funding was significantly cut to many TAFE courses around the

state. In Ballarat, at the then University of Ballarat, something like 47 courses were cut from its TAFE offering in line with the government funding model. This saw hospitality and retail courses go as well as courses in horticulture through to business courses and a range of others.

At the time these cuts were announced I spoke to many students who were extremely disappointed that they could not take the courses which they had been working towards. Now, two years after the cuts were announced, employment service providers in Ballarat are telling me the cuts have meant that there are now numerous job opportunities open which they cannot fill because they cannot find applicants with the appropriate skills. Surprise, surprise! These relate to hospitality and retail areas. These are not the only skill areas that are now undersubscribed. I therefore urge the minister to undertake a review of the decision taken by his government.

I know that in this budget there is no additional funding for TAFE, but it has not of course been voted on, and there are opportunities to review issues within the budget. I ask the minister to review this decision in regard to TAFE funding to find ways of putting money back into courses like horticulture and retail, which are going to see unemployed people in my area undertaking skills training to get them into the important job areas that are available in my community. I think that can spread across to many other courses as well.

Lowan electorate libraries

Mr DELAHUNTY (Lowan) — My adjournment matter tonight is for the Minister for Local Government. The action I request on behalf of the great Lowan electorate is that he give strong consideration to applications from libraries in my electorate under the Living Libraries funding program. Today's budget, which is building for a better Victoria, particularly western Victoria, has allocated \$17 million-odd over four years through the Living Libraries program, which is a great support for libraries right across Victoria. Public libraries are the heart of a community. They provide a non-judgemental, safe place, develop strong and connected communities and supports, and foster a reading culture that improves quality of life. They are accessible to all, regardless of age, race, sex, religion, nationality, language or social status. These public libraries provide a wide range of services that are very valued by the communities I represent.

A comprehensive bipartisan review of Victorian public libraries, chaired by the member for Mornington, was

completed in November last year and resulted in the release of the report entitled *Tomorrow's Library*. That report highlights that Victorian libraries are operated by local councils, which provide the majority of funding. It also states:

Public libraries need to continually adapt and evolve to meet the changing needs of their local communities. As new technologies emerge, or changes in society occur, public libraries must alter their practices to ensure services remain relevant and valued.

I commend the previous minister, the member for Shepparton, and I know the current minister will continue her work in providing strong support for our libraries, which saw more money provided for recurrent funding. The Living Libraries infrastructure program has supported many libraries in the Lowan electorate. I can mention a few: Kaniva, Edenhope, Horsham and Lake Bolac, where the whole town turned out when the previous minister attended to open the library there.

There are a couple of applications I want to mention. One is from the Southern Grampians Shire Council, which has applied for \$1500 for minor refurbishments, to replace the desks and also to introduce wi-fi access. The Horsham Rural City Council has applied for \$199 000 to install air conditioning and heating and perform other minor works in the library at McLachlan Street. Both libraries provide a suite of services, whether it be static libraries in towns or mobile library services that visit many of the towns in those two shire council areas. It is interesting that Southern Grampians shire runs its own library service, whereas the Horsham library comes under the Wimmera Regional Library Corporation, which has 11 static branches and visits 17 sites using mobile services. I again call on the Minister for Local Government to support the applications of these libraries so that they can remain vibrant and modern and be effective resources for their communities.

Kangan Institute site

Mr CARROLL (Niddrie) — I raise a matter for the attention of the Minister for Planning, who is also responsible for the statutory authority known as Places Victoria. The action I seek is for the minister to release his proposal for the former Kangan Institute site on Military Road, Avondale Heights, an important and large vacant site in the Avondale Heights community. The community wants answers and clarity on this site. Last month marked the three-year anniversary of the planning minister's promise of a new proposal to be submitted to the Moonee Valley City Council on the TAFE site and to engage the local community in consultation. Three years is a long time to be kept

waiting, a long time to be ignored and a long time to be kept in the dark.

On 6 April 2011 the minister released a media release stating that the government would work with the Avondale Heights community and that a new development proposal for Avondale Heights would be submitted to the council in the coming months. For three years the community has seen nothing and heard little from the minister except delays and excuses. There has been no community consultation and no proposal submitted in the years 2011, 2012 and 2013. In fact it has been left to a line of Places Victoria spokespeople to allay growing community concern about the promised community consultation. To date no community consultation has been undertaken. In June last year I spoke in this place about the former TAFE site and what an opportunity it presented for the local Avondale Heights community.

Rather than offering a time line or any clarity, the minister has admitted that there is no plan for community consultation at this stage. While the local community hoped there would be a straightforward process of consultation on the new plan for the site, this has turned out to be a merry-go-round of delays, excuses and more recently just little bits of information. The community has almost been treated with contempt.

If we fast forward to 2014, three years after the minister's promised proposal for community consultation, there appears to be some movement behind the scenes on the former Kangan TAFE site. On 19 March the *Moonee Valley Leader* reported that a proposal for the site was close to being released. In the same article a Places Victoria spokesperson is quoted as saying it had signed a heads of agreement with Australand to develop the land. If Places Victoria has signed an agreement with developer Australand, why not open it up for community consultation?

Make no mistake, this is a once-in-a-generation opportunity for the local community, a chance to energise and enhance the local area with not just a residential development but an important new community hub. Instead the vacant block to date has been left idle and abandoned. Residents have watched in disbelief as this central local asset has become an eyesore, become unkempt and been used as a dumping ground for bags of trash, old tyres, broken bottles and plastic bags. The local Avondale Heights community demands and wants community consultation, not obfuscation.

Just recently I received an email from Maria Loiacono suggesting what should happen at the former site. Like

many residents, Maria is concerned about it. She suggested:

... a beautiful piazza with an indoor and outdoor environment surrounded by cafes and food shops promoting the community's diverse cultures.

She concluded her email by highlighting the need for community consultation, saying it was important to find out what the community wanted and to tailor the outcome to the community's needs.

Victoria-Israel Science and Technology Research and Development Fund

Mr SOUTHWICK (Caulfield) — The matter I raise tonight is for the Minister for Innovation. The action I seek is that the minister update Victorian companies that currently have activities involving collaboration with Israel on how they can access support from the Victorian government in terms of opportunities for them to further collaborate and commercialise some of their research and development activities. We have had the launch of the Israel Innovation for a Better World exhibition in the Parliament this week. A number of very interesting and innovative companies have exhibited at the exhibition; there is no shortage of good ideas, and a number of companies are already collaborating with Israel on these projects.

A few years back it was a pleasure to be involved in kicking off the review of what initially was the Victoria-Israel Science and Technology Research and Development Fund, known as VISTECH, and to look at how that program could be reformed to ensure that more companies could access government support. As chair of the Australia-Israel Chamber of Commerce, Leon Kempner was involved in and integral to the work of reviewing the program, along with Alan Finkel, the chancellor of Monash University; Meir Itzhaki, the Israeli embassy's deputy chief of mission; and Ethy Levy, the Israeli trade commissioner.

We looked at ways of being able to provide various forms of support. I note that a number of initiatives have already been launched and there have been a number of opportunities, but I think it is important, now that we are at the pointy end of this program, that there be opportunities for many of these companies that are out there doing some great things that will benefit Victoria, provide jobs for Victoria and more importantly create new markets and new opportunities. It would certainly be very beneficial for many of those companies to find out how they can access government support, how they can look further at collaborative means and mechanisms to identify potential partners in

relation to these support opportunities and how they can look at growing these opportunities. It certainly is fertile ground. We are great researchers here in Victoria and there are great innovators in Israel, and that unique partnership offers a great benefit for Victorian companies wishing to grow and to identify these opportunities.

Thomastown railway station

Ms HALFPENNY (Thomastown) — I raise a matter with the Minister for Public Transport. The action I seek is that the minister direct Metro Trains Melbourne to have an employee standing by at the Thomastown railway station lifts when they are broken to assist people who are unable to access the station and to arrange for taxis, as required by the agreement between Metro and the government.

As the minister may be aware, in recent weeks commuters trying to get on trains at the Thomastown railway station have been severely inconvenienced by the latest breakdown affecting one of the station's two lifts. A number of commuters and pedestrians, mainly older people and people with disabilities, depend on the lifts at the station to access not only the platforms but the other side of the railway line for shopping, medical appointments and other services following the removal of a pedestrian level crossing by this government.

One particular commuter, a man with cerebral palsy, advised me that he missed an important employment appointment in Mill Park. It is difficult enough for him to get around without the added frustration of a broken lift and no advice that he had a right to have alternative transport provided by Metro Trains. He was not aware of the option to seek assistance from Metro to access a cab that would take him to a neighbouring station or the place he needed to go, because he could not speak to anyone from the station as nobody was there to assist passengers. He could not access the lift to access the staff situated on the city side of the platform.

Apparently the lift could not be repaired for such a long time because of a long wait for parts from interstate. It takes less time to transport an eBay order from the other side of the world. Given the plethora of lifts across the system, VicTrack, Metro or the relevant body should have a more efficient system of supplying parts. I have also submitted to the house a number of questions on notice for the attention of the minister on behalf of residents and can only hope that the answers to those questions come in less time than it takes to fix a lift at the Thomastown railway station.

Forest Hill electorate community services

Mr ANGUS (Forest Hill) — I raise a matter of importance for the attention of the Minister for Community Services. The action I seek is for the minister to visit the electorate of Forest Hill to meet with and address residents in the electorate and to provide them with an update on the work being done by the Victorian coalition government to support and assist residents in the eastern suburbs.

Within the electorate of Forest Hill there are many residents who have regular contact with the Department of Human Services. This contact can be for a range of reasons, including residents seeking assistance with domestic issues such as family violence or other issues such as disability services. There are also many organisations within the Forest Hill electorate providing services to residents, again covering a wide range of services. In some cases the organisations have employees, with most of these organisations being very well supported by teams of dedicated volunteers. These volunteers work tirelessly to support the broader community through the provision of multiple services at their organisations and are to be highly commended for their selfless service.

Since being elected the Victorian coalition government has worked diligently to address the numerous issues facing Victorian families. Some of the initiatives introduced include the expansion of various concessions for low-income families — for example, concessions to assist with cost of living pressures such as electricity, water, sewerage and rates expenses. In the area of violence against women and children the coalition government has invested many tens of millions of dollars to address this issue through a range of programs, including through the national Foundation to Prevent Violence against Women and their Children. As a member of the VicHealth board I was pleased to be at the launch of this program with the minister, several fellow board members and representatives from many related organisations.

I was pleased to see today that an additional \$198.4 million over four years has been allocated in the 2014–15 Victorian budget to continue improving the lives of vulnerable children and families through a range of programs. Residents of Forest Hill would benefit from hearing the Minister for Community Services talk about some of the initiatives the Victorian coalition government is undertaking to support families in Victoria. I welcome the opportunity to meet with the Minister for Community Services. I look forward to the minister's visit and the chance for her to meet with

residents in the electorate of Forest Hill and to address various issues of importance with them.

Responses

Ms ASHER (Minister for Innovation) — The member for Caulfield raised a particularly important issue for me about collaboration between Victorian businesses and Israel. I note that the member for Caulfield launched the Israel Innovation for a Better World exhibition in Queen's Hall today, and I congratulate him for the work he has done to assist in that particular relationship.

The government has put in place the Victoria-Israel science, innovation and technology scheme. We have implemented a trade mission program to Israel. To date, two missions have been organised: one in July 2013 around innovation for health and medical services, which was led by the Deputy Premier, and another in October 2013 around innovation for sustainable resource management.

We have some grants for eligible Victorian organisations to attend trade missions, conferences and meetings in Israel, and we also have the Victoria-Israel Feasibility and Proof of Concept grant program, which provides grants of up to \$50 000 for organisations to collaborate on feasibility studies. Today the government added more aspects to this program. It will now offer grants of up to \$250 000 for Victorian companies for collaboration in these ventures. The Israeli government will offer what is called a soft loan of up to 50 per cent for research and development expenses to Israeli companies. MATIMOP, the executive agency of the Office of the Chief Scientist of Israel's Ministry of Economy, is the delivery vehicle for that.

The government is committed to the development of science and innovation programs. We want to collaborate with Israel. We believe there are enormous opportunities for us in this area. I thank the member for Caulfield for raising this matter in the house tonight and for the preparatory work he has done to ensure that this program is targeted towards modern needs and has the support of not only the Victorian business community but also the business community of Israel.

Mr BULL (Minister for Local Government) — The member for Lowan has raised with me the value of upgrades to the Hamilton Library, which is run by the Southern Grampians Shire Council, and the Horsham library, which is managed by the Horsham Rural City Council. The action the member is seeking is for me to support funding applications for the upgrading of these

two libraries. I understand the respective councils have made applications for funding to upgrade these libraries under the Living Libraries Infrastructure program. In January this year my predecessor as the Minister for Local Government called for applications for the 2014 round of this funding program. There is up to \$4.79 million available to invest in library upgrades under this scheme, which is very important. The closing date for applications was Friday, 28 March, and I am pleased to inform the house that the quality of applications was high — my department received 24 applications for this program. These applications will be assessed by an independent panel, and I will be advised of the panel's recommendations in due course.

Obviously we have a strong interest in this area. I look forward to finding a date on which I can visit the member for Lowan's electorate and have a look at these two libraries. The funding program under which these applications have been made is very important, and it shows this government's commitment to upgrading library facilities throughout Victoria. I look forward to taking up the request of the member for Lowan and to visiting him in his electorate.

Ms WOOLDRIDGE (Minister for Community Services) — I am very pleased to participate in the adjournment debate this evening. I thank the member for Forest Hill for his adjournment matter. I want to acknowledge right from the outset that I would be thrilled to visit his community. He is an exceptionally strong advocate. We have had many conversations on many issues in relation to the provision of community and human services in the Forest Hill electorate. The member invited me to attend a forum with his community sector organisations. We had a very constructive meeting with a number of community sector organisations in his electorate, and they are doing excellent work. The forum provided those organisations with the opportunity to raise issues and challenges and to talk about where to go from here.

As the member for Forest Hill mentioned, he is particularly interested in a number of areas but also has an interest across the board. It was great that he was able to join me recently at the Foundation to Prevent Violence Against Women and their Children, where we announced \$3 million in additional funding to sustain the operation of the foundation.

It is really important that we have a response, and Victoria's leadership in establishing a national foundation that is located here in Victoria with co-funding from the commonwealth government is leading the nation in terms of thinking about how we prevent violence happening. It was wonderful that the

member for Forest Hill was part of that important announcement.

Just in the last week we had the announcement of the new Anex program at the Penington Institute, a harm reduction agency in the alcohol and drug space which is transitioning to a new name and a new broader organisation. Once again it was wonderful to share the evening announcing the transition of that important organisation with the member for Forest Hill. It was an opportunity to talk about the very significant reform agenda this government has in connecting up services and being able to respond to vulnerable families who have a range of needs in a way that is coordinated, responsive and puts them at the centre of decision making.

When we take into consideration our transition to the national disability insurance scheme as we roll out our trial in the Barwon area to the broader Victorian community from 2016 and with our initiatives in family violence, our initiatives in child protection and family services, and our reform of the mental health and alcohol and drug treatment areas, there are many great things to discuss with the Forest Hill community in terms of the reform agenda of this coalition government in relation to health and human services, and I would be very pleased to join the member for that discussion, reflecting the important leadership he shows and the commitment he has to these important areas.

Mr MULDER (Minister for Public Transport) — The member for Thomastown raised an issue with me concerning the lifts at the Thomastown railway station, which continue to break down. I understand that this is a relatively new station; it is not all that old. It was redeveloped and rebuilt as part of the duplication of the line between Keon Park and Epping. I understand that the Labor government did all of the specifications and scoping for that project, and unfortunately not only Thomastown but also a number of other railway stations appear to have had difficulty in relation to dodgy lifts that were installed under the former government. In fact I just had a look online and found an article in the *Age* of 28 September 2011 written by a prominent transport reporter, Clay Lucas, in which he referred to me raising an issue at that time in relation to the Laverton railway station where in a period of 10 months the lifts had broken down 100 times. The lifts at the Footscray railway station lifts had broken down 117 times in the same period.

When we came to government I put in place what I called a station user panel to inform the government on what the community would expect in new railway stations that were built. If the member for Thomastown

goes out to Williams Landing and looks at the railway station there, she will see fantastic ramps so that if the lifts break down and there are elderly people who cannot negotiate stairs, they can use the ramps, which are fully compliant with the requirements under the Disability Discrimination Act 1992. In fact in most of the railway stations we are building now we are providing ramps, stairs and lifts, where we can fit them in, specifically because of the problem we inherited from the Labor government.

The member for Thomastown has indicated that perhaps Metro Trains Melbourne could find someone to stand there and advise the people of Thomastown on what their rights are if the lifts break down. I am not sure what a former Minister for Transport, Peter Batchelor, is doing these days, but given that he had a key role in the scoping of these projects, perhaps we could enrol him in a part-time job out at Thomastown to inform people exactly what their rights are. What I will do on behalf of the member for Thomastown is raise this issue with Metro so that it can have a discussion with the staff out there at Thomastown to ensure that people who are caught up with the dodgy Labor lifts understand that there is a provision whereby they are provided with alternative transport if the lifts cannot be repaired in time.

This is not something that is just an issue at Thomastown. As said, it is also an issue at Laverton and Footscray. My understanding is that the lifts we are installing are far better quality and we will not have the types of problems being experienced at Laverton, Footscray and Thomastown. Nevertheless, if the former minister is available and he would like to serve his community, I suggest that is not a bad role for him.

Mr R. SMITH (Minister for Environment and Climate Change) — The member for Essendon raised an issue for the Minister for Education about having the minister visit some people in the Strathmore area to talk about education issues.

The member for Mordialloc raised an issue for the Minister for Planning and invited him to visit Cornish College to see its plans for the future.

The member for Niddrie also raised a matter for the Minister for Planning. He asked for the release of proposals for the Kangan Institute site.

The members for Eltham and Ballarat East raised issues for the Minister for Higher Education and Skills, and I will ensure that those two issues are passed on to him.

The hardworking and conscientious member for Mount Waverley raised a matter for the Treasurer. He asked

the Treasurer to highlight the benefits of the magnificent payroll tax cuts that were announced today and how those cuts will benefit businesses in the Mount Waverley electorate. I will ensure that the Treasurer, despite his busy schedule over the next week or so, receives that request and acts on it.

The DEPUTY SPEAKER — Order! The house will now adjourn.

House adjourned 10.41 p.m.