

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Wednesday, 11 November 2015

(Extract from book 16)

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The Lieutenant-Governor

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FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

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Deputy Speaker:

Mr D. A. NARDELLA

Acting Speakers:

Mr Angus, Mr Blackwood, Ms Blandthorn, Mr Carbines, Mr Crisp, Mr Dixon, Ms Edwards, Ms Halfpenny,
Ms Kilkenny, Mr McCurdy, Mr McGuire, Ms McLeish, Mr Pearson, Ms Ryall, Ms Thomas,
Mr Thompson, Ms Thomson, Ms Ward and Mr Watt.

Leader of the Parliamentary Labor Party and Premier:

The Hon. D. M. ANDREWS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. J. A. MERLINO

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

The Hon. M. J. GUY

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

The Hon. D. J. HODGETT

Leader of The Nationals:

The Hon. P. L. WALSH

Deputy Leader of The Nationals:

Ms S. RYAN

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 A. Young

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE ASSEMBLY
FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

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Andrews, Mr Daniel Michael	Mulgrave	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	Morris, Mr David Charles	Mornington	LP
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Battin, Mr Bradley William	Gembrook	LP	Naphthine, Dr Denis Vincent ³	South-West Coast	LP
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Blandthorn, Ms Elizabeth Anne	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
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Languiller, Mr Telmo Ramon	Tarneit	ALP	Wells, Mr Kimberley Arthur	Rowville	LP
Lim, Mr Muy Hong	Clarinda	ALP	Williams, Ms Gabrielle	Dandenong	ALP
McCurdy, Mr Timothy Logan	Ovens Valley	Nats	Wynne, Mr Richard William	Richmond	ALP

¹Elected 31 October 2015

²Resigned 3 September 2015

³Resigned 3 September 2015

⁴Elected 14 March 2015

⁵Elected 31 October 2015

⁶Resigned 2 February 2015

PARTY ABBREVIATIONS

ALP — Labor Party; Greens — The Greens;
Ind — Independent; LP — Liberal Party; Nats — The Nationals.

Legislative Assembly committees

Privileges Committee — Ms Allan, Ms D’Ambrosio, Mr Morris, Ms Neville, Ms Ryan, Ms Sandell, Mr Scott and Mr Wells.

Standing Orders Committee — The Speaker, Ms Allan, Ms Asher, Mr Brooks, Mr Clark, Mr Hibbins, Mr Hodgett, Ms Kairouz, Mr Nardella, Ms Ryan and Ms Sheed.

Joint committees

Accountability and Oversight Committee — (*Assembly*): Mr Angus, Mr Gidley, Mr Staikos and Ms Thomson.
(*Council*): Ms Bath, Mr Purcell and Ms Symes.

Dispute Resolution Committee — (*Assembly*): Ms Allan, Mr Clark, Mr Merlino, Mr M. O’Brien, Mr Pakula, Ms Richardson and Mr Walsh. (*Council*): Mr Bourman, Mr Dalidakis, Ms Dunn, Mr Jennings and Ms Wooldridge.

Economic, Education, Jobs and Skills Committee — (*Assembly*): Mr Crisp, Mrs Fyffe, Mr Nardella and Ms Ryall.
(*Council*): Mr Bourman, Mr Elasmr and Mr Melhem.

Electoral Matters Committee — (*Assembly*): Ms Asher, Ms Blandthorn, Mr Dixon, Mr Northe and Ms Spence.
(*Council*): Ms Patten, Mr Somyurek.

Environment, Natural Resources and Regional Development Committee — (*Assembly*): Ms Halfpenny, Mr McCurdy, Mr Richardson, Mr Tilley and Ms Ward. (*Council*): Mr Ramsay and Mr Young.

Family and Community Development Committee — (*Assembly*): Ms Couzens, Mr Edbrooke, Ms Edwards, Ms Kealy, Ms McLeish and Ms Sheed. (*Council*): Mr Finn.

House Committee — (*Assembly*): The Speaker (*ex officio*), Mr J. Bull, Mr Crisp, Mrs Fyffe, Mr Staikos, Ms Suleyman and Mr Thompson. (*Council*): The President (*ex officio*), Mr Eideh, Ms Hartland, Ms Lovell, Mr Mulino and Mr Young.

Independent Broad-based Anti-corruption Commission Committee — (*Assembly*): Mr Hibbins, Mr D. O’Brien, Mr Richardson, Ms Thomson and Mr Wells. (*Council*): Mr Ramsay and Ms Symes.

Law Reform, Road and Community Safety Committee — (*Assembly*): Mr Dixon, Mr Howard, Ms Suleyman, Mr Thompson and Mr Tilley. (*Council*): Mr Eideh and Ms Patten.

Public Accounts and Estimates Committee — (*Assembly*): Mr Dimopoulos, Mr Morris, Mr D. O’Brien, Mr Pearson, Mr T. Smith and Ms Ward. (*Council*): Dr Carling-Jenkins, Ms Pennicuik and Ms Shing.

Scrutiny of Acts and Regulations Committee — (*Assembly*): Mr J. Bull, Ms Blandthorn, Mr Dimopoulos, Ms Kealy, Ms Kilkenny and Mr Pesutto. (*Council*): Mr Dalla-Riva.

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Wednesday, 11 November 2015

The SPEAKER (Hon. Telmo Languiller) took the chair at 2.03 p.m. and read the prayer.

REMEMBRANCE DAY

The SPEAKER — Order! On the 11th hour of the 11th day of the 11th month, Remembrance Day, we pause and reflect on the sacrifices of Australian servicemen and servicewomen during conflicts of war and peacekeeping operations. Parliament today was suspended to allow members to attend Remembrance Day services. The President of the Legislative Council and I joined the Premier, the Leader of the Opposition, the Minister for Veterans' Affairs and other members as part of the official party to attend the service this morning at the Shrine of Remembrance.

At 11.00 a.m. on 11 November 1918 fighting on the Western Front fell silent after more than four years of war. The moment that hostilities ceased on the Western Front has since become associated with the remembrance of those who have died and served in war. I ask that on this Remembrance Day members are mindful that it is the Anzac centenary when 100 years ago this year in April the Anzacs landed in Gallipoli. This time 100 years ago Anzacs were still engaged in fighting with Turkish forces, which has since become the basis of an evolving and strengthening friendship between our two nations.

DISTINGUISHED VISITORS

The SPEAKER — Order! I would like to welcome ministers and ambassadors and their delegations from Afghanistan, Cambodia, Chile, the Czech Republic, Iran, Ecuador, Ethiopia, Indonesia, Kazakhstan, Kenya, Malaysia, Peru, the Solomon Islands, Ukraine and Uruguay, who are all here to attend the International Mining and Resources Conference. Welcome to the Parliament of Victoria. On behalf of the Premier, the Leader of the Opposition and all members, I wish you a very successful conference.

ABSENCE OF MINISTER

Mr ANDREWS (Premier) — I inform all honourable members that the Minister for Police and Minister for Corrections will be absent from question time today and that the Attorney-General will answer in his place.

ABSENCE OF MEMBERS

Mr GUY (Leader of the Opposition) — Out of courtesy I inform the house that the member for Murray Plains, other Nationals MPs and the members for Ripon and Benambra will be absent as they are attending Remembrance Day events in their electorates.

**QUESTIONS WITHOUT NOTICE and
MINISTERS STATEMENTS****East–west link**

Mr GUY (Leader of the Opposition) — My question is to the Treasurer. I refer the Treasurer to the annual report of the Treasury Corporation of Victoria tabled yesterday that shows the state has incurred further financial liabilities of over \$200 million in relation to the government's decision to terminate the east–west link project. I ask the Treasurer: when did he first become aware of this additional multimillion-dollar financial cost?

Mr PALLAS (Treasurer) — I thank the Leader of the Opposition for the question. When did I become aware of this? I suppose if we go back in history, we will see that there was a note in the pre-election budget update that said that there had been a letter provided to the east–west consortium — a letter.

Honourable members interjecting.

Mr PALLAS — My level of awareness at that stage was that I was slightly disconcerted about what this all meant. But after the election the member for Malvern did something that he refused to do all the time he was in government: he produced the letter of comfort.

Honourable members interjecting.

Mr Guy — On a point of order, Speaker, in relation to relevance, the question was very straightforward. It was focused very clearly on the matter raised in the Treasury Corporation annual report yesterday and when the Treasurer first became aware of those additional costs — a simple question. I ask you to bring him back to that question.

Mr Pakula — On the point of order, Speaker, the Leader of the Opposition asked the Treasurer about when he became aware of certain liabilities. The Treasurer is chronologically taking the house through his awareness of liabilities, beginning from the time that he became aware of the member for Malvern's disgraceful side letter.

Honourable members interjecting.

Mr R. Smith — On the point of order, Speaker, the Attorney-General can attempt to recast the question if he wishes, but the question was about specific liabilities, not various liabilities.

The SPEAKER — Order! The Chair does not uphold the point of order at this point. I ask the Treasurer to continue and to respond to the question as advanced by the opposition.

Mr PALLAS — My state of awareness is growing at the level of injustice and of the feckless indifference those opposite imposed upon the Victorian people. Then we finally got to see this gross injustice to the Victorian people. What does it say? It says:

If, at any time, a provision of this deed poll is or becomes illegal, invalid or unenforceable — —

Honourable members interjecting.

The SPEAKER — Order! As the Chair has indicated repeatedly, the Chair, the public and indeed the media must be able to hear the responses advanced by the Treasurer. The Treasurer, to continue in silence.

Mr PALLAS — If only they had had their voices in cabinet when this was being discussed. It continues that if it becomes:

... unenforceable in any respect under the law of any jurisdiction, that will not affect or impair the legality, validity or enforceability of —

these arrangements. What a gross injustice! When did I become aware of this?

Honourable members interjecting.

The SPEAKER — Order! Requests made by the Chair for silence apply to government and opposition members.

Ms Ward interjected.

The SPEAKER — Order! The member for Eltham is warned.

Mr R. Smith — On a point of order, Speaker, just to clarify: is that the side letter that the Treasurer told Neil Mitchell he did not even know about close to the election? Is that the same side letter that he lied to the public again today about?

Honourable members interjecting.

The SPEAKER — Order! The member will resume his seat. There is no point of order. The member for

Warrandyte should be fully aware by now that that is not a way of putting a point of order to the house.

Mr PALLAS — At that point my understanding was crystal clear. I knew then the absolute level of treachery against the Victorian people. Like a drowning man grasping at straws, members of the former government grabbed hold of Victorian taxpayers and their interests and said, 'I'm not going down without you'. That is exactly what they did to Victorians and their interests. At what point did good governance or their ministerial responsibilities impact on their thinking? Quite frankly, those opposite should hang their heads in shame for the crass indifference in the way they treated their responsibilities.

Honourable members interjecting.

The SPEAKER — Order! The Chair can understand the excitement. We have had a two-week break, and we have a wonderful international delegation with us. I promised the international delegation that we would perform well today, but I am not sure that this is the performance the Chair was expecting.

Supplementary question

Mr GUY (Leader of the Opposition) — We will have to apologise on the Treasurer's behalf if that is the case. On a supplementary question, given that on 15 April the Premier declared that the Labor government had incurred costs of just \$1 and no more money would be paid, when the Premier made that claim, had the Treasurer advised him that additional losses of \$217 million, started to be incurred in February, would have to be added in addition to the cancellation figure, yes or no?

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition asked his question. The Chair demanded silence for him. The Chair demands equal silence and respect for the Treasurer.

Mr PALLAS (Treasurer) — Let me say that everything we said about the amount has been proven to be true. In fact we mentioned the fact that there were swaps in place in both April and in June. Let us be clear about what a swap is.

Mr Wells interjected.

The SPEAKER — Order! The member for Rowville is warned.

Mr PALLAS — A swap is when you trade something of value for something of equal value. That is a swap. The people of Victoria did not swap governments; they got rid of a hopeless one, a valueless one.

Mr Guy — On a point of order, Speaker, by way of relevance, I ask you to bring the Treasurer back to the question, which is very clear: had he told the Premier of that additional \$217 million when he sat next to him at the Park Hyatt and the Premier said that the government had incurred costs of just \$1 and no more money would be paid, yes or no?

The SPEAKER — Order! I ask the Treasurer to come back to answering the question. The Treasurer has finished.

Ministers statements: Remembrance Day

Mr ANDREWS (Premier) — I rise to pay the respects of all members of Parliament and indeed to inform the house of the government's ongoing effort to ensure that we remember those who made the ultimate sacrifice and indeed those who this very day serve in the defence of our freedom at home and in all parts of the world. As you noted, Speaker, in your earlier comments, the hostilities on the Western Front ceased at the 11th hour on the 11th day of the 11th month in 1918. Seventy million people were pulled into the web of the First World War, and 13 million died. Sixty thousand Australians, some 19 000 Victorians, never came home, and today we remember them.

We remember the many thousands of Australian men and women who fought in our colours for our cause, for our liberties and freedoms and in defence of our values not just in the First World War but in all conflicts and indeed in peacekeeping missions since that time. We remember those who made the ultimate sacrifice, their loved ones, their families and their carers, and of course we remember those who are in service and in the defence force right now.

In terms of our government's efforts to make sure that we remember, pay respect to and prove worthy of the sacrifice of those who have fallen, we have many different programs, the most recent of which are the important preparations for the 50th anniversary of the Battle of Long Tan, which will occur next year. I can inform the house that there will be a full program of events, including — I think, critically — a proper curriculum, a proper study, of that battle and of the Vietnam War in all its contexts.

The Long Tan battle was of course the most costly engagement of the Vietnam War, and every government secondary school student next year will learn appropriately about that chapter in our history. That is about paying due respect, about a proper memory and about a proper commemoration of the sacrifice of so many not just in that conflict but in all conflicts. Let us all join together in the hope that we will prove worthy of the sacrifice they made for us.

East–west link

Mr M. O'BRIEN (Malvern) — My question is to the Treasurer. I refer to yesterday's disclosure by Treasury Corporation of Victoria (TCV) that \$217 million in financial liability has been caused by the Treasurer's decision to take on \$3 billion of private credit in terminating the east–west link project. Given that the Treasurer told the media on 15 April this year that this new financial facility would lead to 'saving Victorians costs', how does he explain this additional \$217 million hit to Victoria's financial position?

Mr PALLAS (Treasurer) — I thank the member for Malvern for his question. There is nothing like a convert to openness and accountability. He has got that old-time religion now, but he sits there, feckless and friendless, alone and palely loitering on the front bench, and he is there for a reason.

Honourable members interjecting.

Mr M. O'Brien — On a point of order, Speaker, I think that even in setting the context the Treasurer should be brought back to trying to actually answer what is an important question about a huge cost to Victorian taxpayers.

The SPEAKER — Order! The Treasurer will come back to answering the question.

Mr PALLAS — I will take it easy on the member for Malvern because I know he is a bit brittle. Let us be very clear. Is the member for Malvern confusing the idea of a bond issue with the swaps? I think he is. Let us be very clear on this matter. This government gave a commitment to Victorians. We said to Victorians that we would not pay \$1. In fact we did pay \$1, so there is a measure of contrition, and the total value of that measure of contrition is \$1. We paid \$1 for these facilities.

Of course the swap arrangements are being managed. As we said back in April when we first announced these arrangements and as we restated in June when the final arrangement was put in place, TCV will manage the swap. Why is TCV managing it? Because it is

effectively its job. It is the banker for the state of Victoria. Why is this important? Because we can — —

Mr Paynter — On a point of order, Speaker, on a matter of relevance, I can understand why this Treasurer is having difficulty answering this question. The \$217 million is a cost to the state of Victoria. It does not add to the facility to be used for future products. He does not understand what being a Treasurer means, and — —

The SPEAKER — Order! The member for Bass will resume his seat. The Chair gave the member for Bass the opportunity to make a point of order, and he missed that opportunity.

Mr PALLAS — I thank the member for Bass for giving me the opportunity to collect my thoughts and to remind all Victorians that the member for Bass is a cleanskin. He was not infected by the tawdry arrangements those opposite participated in. Let us remember that the swaps are being administered by TCV, as we always said they would, but let us never forget who backed up the truck and got the money out the door before this government came to office. Who did that? The mendacious member for Malvern — the man who cares little about the interests of Victoria and whose insufferable arrogance cost Victorians dearly.

Let us remember therefore that when they dug this money pit, when they refused to justify it — —

Mr Paynter interjected.

The SPEAKER — Order! The member for Bass is warned.

Mr PALLAS — When they refused to put the facts before the Victorian people, they failed. They failed the basic test of accountability. They have trashed the legacy that loosely is described as liberal, but there is nothing liberal about them. This was nothing but a fit-up job on the Victorian people.

Supplementary question

Mr M. O'BRIEN (Malvern) — TCV disclosed that the Treasurer's own department directed it to transact interest rate futures in February this year, so why did he assure Victorians on 15 April that the state's liability was capped at \$339 million? Was he ignorant or was he lying?

Mr PALLAS (Treasurer) — Believe me, the member for Malvern would never confuse ignorance with arrogance, but he has both in equal measure. Let me refer to the media release that the government put

together in respect of this issue on 15 June when these matters were finally resolved. What did we say in that document? We said:

The bond agreement, along with the swap arrangement, will be managed by Treasury Corporation Victoria.

Goodness, at what point hidden in amongst this media release did he think there was some clever, hidden meaning? When we said TCV would manage it, that is what we meant. Why did we mean it? Because as we extract ourselves from this tawdry, despicable poison pill that he sought to infect the Victorian economy with, let us be clear, he should chow down on it.

Ministers statements: veterans

Mr EREN (Minister for Veterans) — I rise to update the house on this Remembrance Day on the Victorian government's work to support our veterans. It was great to see that Victorians paid their respects at services right across the state today and supported the RSL Remembrance Day Poppy Appeal. I am also proud of this morning's attendance at the shrine. Many members of Parliament attended, and according to a trustee it was one of the largest attendances since World War II, which is fantastic to see.

Our veterans have earned their respect and support for the rest of their lives, and we are giving them that help. I can announce today that we are investing \$61 000 under the restoring community war memorials and avenues of honour grant program to help communities upgrade their unique tributes. Today we are also committing \$89 000 to deliver activities that commemorate our veterans services. Our first budget honoured the contribution of our veterans. This included \$1 million to recognise Victoria's Vietnam veterans on the 50th anniversary of the Battle of Long Tan.

We are also providing \$400 000 over the next four years to the Victorian branch of the RSL for welfare support of veterans. We are committing \$5 million over four years to commemorate the Anzac centenary. We are supporting the 5000 Poppies project at the prestigious Chelsea Flower Show. The Victorian Veterans Council is working on a community sector review, which I look forward to seeing. I also opened the veterans accommodation project, a \$1.3 million investment in five short-term units to help veterans in crisis. The new \$45 million Galleries of Remembrance continues to attract visitors and educate our students.

As the Minister for Veterans, I certainly look forward to working with the veterans community to continue

commemorating and supporting them further. Lest we forget.

Questions and statements interrupted.

DISTINGUISHED VISITORS

The SPEAKER — Order! I wish to acknowledge in the gallery a former member for Boronia and Melbourne West in the Legislative Council, the Honourable Jean McLean.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Questions and statements resumed.

East–west link

Mr M. O'BRIEN (Malvern) — My question is to the Treasurer. Given that on the Neil Mitchell program this morning he refused to rule out further costs being incurred by the taxpayer as a consequence of the Premier's decision to rip up the east–west link contracts, can he now detail to the house what financial risks or liabilities, including interest rate exposures, are still outstanding and how much more they will cost Victorians?

Mr PALLAS (Treasurer) — I thank the member for Malvern for his question. There is one thing we have to acknowledge with the member for Malvern: he whistles past his own graveyard, a graveyard of his own making. We know that the hand that signed the paper basically — and let us be clear — —

Mr M. O'Brien interjected.

The SPEAKER — Order! The member for Malvern is warned.

Mr PALLAS — The letter that was provided and accounted for prior to the election was not a letter of comfort. I will tell you what it was: a letter of guarantee, irrespective of the law. It basically said, 'We care nothing about what a court says about our actions. We care nothing about what the Labor Party and its lawyers say'.

Mr Clark — On a point of order, Speaker, on a question of relevance, this was a very specific question about future costs to the Victorian taxpayer. If the Treasurer is not prepared to answer that question, he should say so; otherwise he should come back to informing the house accordingly.

Ms Allan — On the point of order, Speaker, and asking you to rule it out of order, the preamble to the question talked about risks and liabilities, and I think the Treasurer is doing an outstanding job of pointing out where the risks and liabilities from those opposite and their actions lay in telling the story about this tawdry tale that those opposite left us with.

The SPEAKER — Order! The preamble does become a part of the question, as we all know. The Treasurer has indeed responded to the preamble and established a context. I ask the Treasurer to come back to answering the question.

Mr PALLAS — We know that east–west was a major loss-leading undertaking. We know it was a money pit. A money pit by other names is a hole, so if you have dug yourself into a hole, stop digging. That is a good start to the basic principle. In an economic sense we know exactly what those opposite were intending.

Mr Burgess interjected.

The SPEAKER — Order! The member for Hastings is warned. I will not warn the member again.

Mr PALLAS — They were intending to ensure that for every dollar of Victorians money that was spent, 45 cents would be returned. They told the consortium, 'Back the truck up before the election and take the money out'. But I tell you one thing, Speaker, when it comes to any additional liabilities, the liabilities are as we put them in our press conferences in April and June, together with the swaps that were accounted for in those press conferences. But let me also be very clear that we are not going to have any of this nonsense about due diligence engagement of government constituting a cost. It is not a cost. It is not a cost; it is a sunk cost that sunk you.

Mr Pesutto interjected.

The SPEAKER — Order! The member for Hawthorn is warned.

Honourable members interjecting.

The SPEAKER — Order! Opposition members will allow the manager of opposition business to make a point of order. That includes the Leader of the Opposition.

Mr Clark — On a point of order, Speaker, the Treasurer has now been speaking for well over 2 minutes, and he has still not yet addressed the question of what is the future cost to Victorians of the

deals that he has done. I ask you to bring him back to answering the question.

Mr Pakula — On the point of order, Speaker, the Treasurer has been answering the question in detail, going through the government statements made in both April and June that went to the very matters contained in the member for Malvern's question.

The SPEAKER — Order! The Chair does not uphold the point of order.

Mr PALLAS — Let me be clear that the liability to the state is as described in the press conference of June of this year, with the addition that if we ever bring to account the swaps and we cannot repurpose the swaps into appropriate alternative instruments, there will be an implied cost in that.

Mr T. Smith interjected.

The SPEAKER — Order! The member for Kew is warned.

Mr PALLAS — But additionally, what we will not cop from the opposition is a suggestion that the due diligence analysis of government should constitute a cost, because what due diligence showed us was that this road was a dog and those who sought to impose it upon Victorians were nothing short of a disgrace.

The SPEAKER — Order! The Treasurer will resume his seat.

Mr R. Smith — On a point of order — —

The SPEAKER — Order! The Treasurer has finished. There is no need for clarification, as the member for Warrandyte understands.

Mr Burgess interjected.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Hastings

The SPEAKER — Order! The member for Hastings will withdraw himself from this house under standing order 124 for a period of half an hour.

Honourable member for Hastings withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

East–west link

Questions and statements resumed.

Supplementary question

Mr M. O'BRIEN (Malvern) — On a supplementary question, after covering up a budget deficit and an additional \$1.1 billion of debt, why did the Treasurer deliberately cover up the true costs of scrapping the east–west link when he knew he had not capped the state's liability?

Mr PALLAS (Treasurer) — Let me be very clear that the Department of Treasury and Finance makes it very clear beyond any doubt or argument that the opposition might seek to mention that the state is very strongly in surplus and will remain so under this government.

But it is rich beyond compare that those opposite, particularly the member for Malvern, should suggest that we are the subject of a cover-up — the bloke who had the secret side deal. What other secret arrangements did he enter into? We will find out about them very soon, but I can assure him that we know what a budget surplus is. Our department has told us what a budget surplus is, but the member for Malvern does not know what a surplus is.

Mr Dixon interjected.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Nepean

The SPEAKER — Order! The member for Nepean will withdraw himself from the house under standing order 124 for a period of 1 hour.

Honourable member for Nepean withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Questions and statements resumed.

Ministers statements: regional housing affordability

Mr PALLAS (Treasurer) — I rise to update the house about initiatives of the Andrews Labor government to deliver good government in Victoria. Good government means governing for all Victorians, including those in regional Victoria — and our apologies to absent friends. The Housing Industry Association's September quarter affordability report showed that in regional Victoria the affordability increased by 2 per cent and then again by 3.5 per cent over the year.

However, apparently there are some who were very disappointed with this news. A report that was recently published found that the attraction of cheaper housing in regional cities for those on lower incomes, including income support, was against certain political interests. It found that throwing \$17 billion into a single road that would return 45 cents in every dollar was a plan for a comprehensive infrastructure program — that was the grand plan.

All these findings were in a report written by the former president of the Liberal Party. What was this report called? *Good Government for Victoria!* That is good government when you are having dodgy government, secret government and side-deal government. It was somewhat unfortunate for Victorians that those opposite turned their minds to the idea of good government from opposition.

The SPEAKER — Order! The Treasurer will make his statement.

Mr PALLAS — Let us not forget that those opposite described the state as the toenails when previously in government, and it seems like nothing is going to change. Even last week the east-west one-trick pony, the member for Malvern, was still out parading himself on Derby Day rather than fighting for the support of regional Victoria.

Leadbeater's possum

Ms SANDELL (Melbourne) — My question is to the Premier. The government has now been in power for almost one year, and the industry task force, which was an election promise, is yet to commence discussions on forestry jobs and protection of threatened species. The critically endangered

Leadbeater's possum will become extinct in the wild if the government continues logging in its habitat. Given that the industry task force's terms of reference have not yet been released, when will the task force begin its work?

Mr ANDREWS (Premier) — I thank the member for Melbourne for her question. I am sorry to tell her that she is sadly mistaken. The work of the task force has indeed begun. We are well underway, and this does represent — —

Honourable members interjecting.

Mr ANDREWS — I am asked by those opposite, 'Who started that work?'. As I look across here, I thought maybe the Greens were the commentators in this debate. The hapless member for Warrandyte, who was the Minister for Environment and Climate Change for a short time, asks who started this work. This government started this work, not the pretender from Warrandyte, who did not lift a finger.

The member for Melbourne asked a serious question, and I indicate to her that I think this is a genuine opportunity for representatives from the forestry industry, representatives from the environment groups and representatives of timber workers to come together in a unique partnership and work through these issues and find — —

Honourable members interjecting.

Mr ANDREWS — Again, the polar opposite. There is only the commentary of those opposite, which are just words.

The SPEAKER — Order! The Premier will not engage with the opposition's interjections.

Mr ANDREWS — There are just words from those opposite. They did not do a thing, or a thing good, in four long years.

Honourable members interjecting.

The SPEAKER — Order! Government and opposition members will allow the Premier to continue in silence.

Mr ANDREWS — The member for Melbourne has asserted that the government has not acted on its commitment, and that is completely and utterly wrong. The work is well underway.

Mr R. Smith — I doubt it.

Mr ANDREWS — The member for Warrandyte doubts it. We doubt you, mate. We doubt you, you dill!

The SPEAKER — Order! The Premier will come back to answering the question put by the member for Melbourne.

Mr ANDREWS — The member for Melbourne is mistaken. If the member for Melbourne, might I say with respect, would like to be briefed on these matters as a commentator — and that is her capacity, as a commentator, because this government is getting on with it — I am more than happy to facilitate a briefing for her so that the next time she accuses the government of something she might be halfway accurate.

Supplementary question

Ms SANDELL (Melbourne) — I thank the Premier for his answer. My supplementary question is: while we are waiting for the industry task force to have its terms of reference made public and for it to provide recommendations on a way forward, the forest which is the home of the Leadbeater's possum is being destroyed at quite an alarming rate. Will the Premier commit to a moratorium on native forest logging in Leadbeater's habitat until the industry task force makes its final recommendations?

Mr ANDREWS (Premier) — I do thank the member for Melbourne for her supplementary question. There would seem to be a little bit of conflict around the place. We had someone a moment ago claiming credit for this work and the person sitting directly behind him has described it as absolute rubbish, so there is a little bit of conflict over there I think.

I inform the member for Melbourne that rather than imposing an outcome we have said that if all of those involved — environment groups, timber workers and the forestry industry — can come together and be supported and facilitated in that work by the government, we think there can be a consensus that is arrived at. I think that is always the best way to go.

I might again, with the greatest of respect, indicate that commentary and talk will not get this done. It is about action and leadership, and that is exactly what our government is delivering — in spades, might I say — after four years of complete inaction and now, it would seem, completely binary conflict.

Ministers statements: level crossings

Ms ALLAN (Minister for Public Transport) — I am very pleased and delighted to provide information to the house on new achievements that our government is

taking with its revolutionary removal of the 50 most dangerous and congested level crossings across Melbourne.

How pleased I am to provide the information to the house that since the last sitting of the Parliament the following has been achieved. We have brought forward construction of the removal of the three level crossings in and around Bentleigh by six months, meaning they will be removed earlier. We have also — just last week — announced that the two level crossings in Bayswater will be among the first 20 removed by 2018, and we are building a new station at Bayswater as well.

Just on Sunday I joined with the Premier and members to announce that eight level crossings at the southern end of the Frankston line will be removed as one package, and planning and consultation are starting right now on this project.

Victorians voted for us to get on with this program of removing these deathtraps, and that is exactly what we are doing. This is part of our broader vision for infrastructure. Governments should know the importance of having and should take the advice of those who suggest that governments should have a broader vision for infrastructure.

I read many transport and infrastructure reports that help inform the new actions we take as a government. One recent report I was reading outlines the damaging consequences of government not having this type of vision.

Honourable members interjecting.

The SPEAKER — Order! My three amigos are warned: the Minister for Planning, the Minister for Housing, Disability and Ageing and the Minister for Tourism and Major Events — especially the Minister for Planning.

Mr Clark — On a point of order, Speaker, the minister is now departing from the requirement of sessional order 7 for her statement to inform the house of new government initiatives, projects and achievements. I ask you to bring her back to compliance.

Ms ALLAN — On the point of order, Speaker, perhaps the honourable member was not listening. I was talking about new information that helps inform the new actions, achievements and initiatives that we are taking as government, and that is entirely in accordance with sessional order 7.

The SPEAKER — Order! The minister will resume making a ministers statement.

Ms ALLAN — We are getting on with this program. We are not relying on one dud project to count as a broader vision or an empty slogan. Who can forget that empty slogan Building a Better Victoria that has been panned by the recent report as not a narrative itself. I hope that those Liberal Party members opposite who contributed to this Liberal Party report take note and get out of the way of stopping us from removing these level crossings.

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

Mr Melhem (Western Metropolitan Region)

Mr CLARK (Box Hill) — My question is to the Premier. I refer the Premier to today's report in the *Australian* newspaper that Cesar Melhem has hired his former union mate Frank Leo as an electorate officer despite damning evidence at the trade unions royal commission that Mr Leo sold out low-paid workers at Chiquita Mushrooms in exchange for payments to union funds, and I ask the Premier: is it consistent with his government's policy for a union to allow workers to be sacked and their jobs transferred to a labour hire company in exchange for money being paid to the union behind workers' backs?

Mr ANDREWS (Premier) — This is the best they can do: a rip-and-read from the *Australian* today. I am indebted to the member for Box Hill, the former Minister for Finance, who sat on and delivered the sustainable government initiative, otherwise known for sacking 5500 public servants and maybe more. Now I am asked about labour hire, and I am happy to answer that.

Mr Clark — On a point of order, Speaker, the Premier is debating the question. He is not allowed to engage in diatribes or express personal views. He should come back to answering the question that I asked of him.

Mr ANDREWS — On the point of order, Speaker, the member for Box Hill has asked me to speak and clarify the government's position on labour hire, and I am absolutely delighted to do that.

The SPEAKER — Order! The Premier will resume his answer on the question as put.

Mr ANDREWS — I am asked by the member for Box Hill about labour hire. We are having a proper inquiry into labour hire because we believe there are

some completely unscrupulous labour hire companies out there operating in Victoria, and we will not stand for that. We want to see a situation where people are paid fairly and where people are rewarded fairly for the contribution they make, and we will deliver in full on our commitments in terms of reform and a licensing system for labour hire companies.

The reason we have to do that is because this is a completely unregulated system, a system that those opposite did nothing about, so I am delighted to be given an opportunity to clarify our government's leadership position on labour hire. Those who are doing the wrong thing will not be allowed to trade in Victoria when we are finished delivering our commitment in full.

The opportunity was given to me by someone who did more sacking, more contracting out and more outsourcing than most of us can remember, but let us put that to one side and be positive and grateful that the member for Box Hill gave me a chance to show yet again the difference between a government that will back workers and their entitlements and those opposite, the sack 'em and contract out brigade, who were dispensed with by the Victorian people a year ago.

Honourable members interjecting.

The SPEAKER — Order! Before calling on the manager of opposition business I will not warn the Minister for Planning or the Minister for Housing, Disability and Ageing again.

Supplementary question

Mr CLARK (Box Hill) — Given the Premier's answer, will the Premier continue to condone workers being ripped off by union bosses by allowing Mr Melhem to remain a member of his team?

Mr ANDREWS (Premier) — I thank the member for Box Hill for his supplementary question. He was not just the finance minister who sacked quite a few thousand people; he was also the Attorney-General. Apparently the administration of justice is now lost on him; he has no idea how these things work anymore. He would like us to act — he would like me to act — before Dyson Heydon has acted, before the royal commissioner has acted. It is a nonsense question, and I would simply say that the royal commission has a job to do and it ought be allowed to do it. If those opposite have a different view — —

Mr Guy interjected.

Mr ANDREWS — Probity lectures from Fishermans friend over here! I do not think so, my little white-shoed friend. We will not be taking any lectures on standards from this dross over here.

Ministers statements: inner city schools

Mr MERLINO (Minister for Education) — I rise to inform the house of new information and important progress that the Andrews government has made on delivering on its commitment to provide much-needed schools to inner city Melbourne. There has been a resurgence of the student-aged population in many inner city areas. Due to smaller site sizes and issues of scarcity of land for new schools, numerous hotspots have emerged.

The Andrews Labor government will deliver new schools in Prahran, Footscray and Richmond and two in South Melbourne. They will be developed in real collaboration with communities. I can announce to the house that all of our new schools now have new school planning committees in place — made up of community representatives, principals and local government — to start with the nuts and bolts of establishing these vitally important new schools.

Can I remind the house why this effort is needed now. The Fishermans Bend precinct, for example, could require up to five new primary schools and two new secondary schools catering for up to 4800 enrolments. The failed former planning minister wanted over 80 000 people to live in Fishermans Bend, but Einstein over here thought that all the kids could fit into one primary school. More broadly, those opposite halved the investment in school infrastructure over this term. We are cleaning up the mess.

On Monday evening I had the pleasure of speaking at a community forum regarding education provision in the inner city. I told them all at the forum that we are on track to deliver each and every commitment. Those opposite learn nothing. Only Labor values education.

Honourable members interjecting.

SUSPENSION OF MEMBERS

Members for Kew and Rowville

The SPEAKER — Order! The members for Kew and Rowville will withdraw from the house for a period of 1 hour.

Honourable members for Kew and Rowville withdrew from chamber.

The SPEAKER — Order! The time for questions and statements has concluded.

Mr Hodgett — On a point of order, Speaker, I refer you to sessional order 12. The Minister for Public Transport has not answered a significant number of questions on notice, 27 at last count — lazy — that are past their due date. The minister has also answered questions 697, 698, 748 and 1109 with a glib one-liner saying, ‘No answer available’, despite that some of them asked about the strikes that affected hundreds of thousands of commuters before the Premier and minister reached their expensive sweetheart wage deal with their union mates. I ask you to follow up with the minister and ask her to conform to the sessional orders which this government introduced but now ignores.

The SPEAKER — Order! The Chair will follow that matter through for the Deputy Leader of the Opposition.

CONSTITUENCY QUESTIONS

Gembrook electorate

Mr BATTIN (Gembrook) — (Question 6425) My constituency question is to the Minister for Agriculture. This is a question from students of Beaconsfield Primary School, which I visited recently. When I visit schools, I give students an opportunity to ask a question that can be asked in the Victorian Parliament so they can get an answer. Although, judging by the last point of order, they may not get an answer. The question to the minister is in relation to the development that is going on through the area of Clyde and down through the Beaconsfield area. The students have asked: why is so much farmland being developed for housing?

Obviously we have huge growth happening through the Casey and Cardinia corridor. It is something that the students have identified as an area that they would like to understand. They ask: why is the housing development moving along Clyde Road and why is it moving out through Soldiers Road et cetera? It is a very good question from a great bunch of students at Beaconsfield Primary School.

Bundoora electorate

Mr BROOKS (Bundoora) — (Question 6426) My constituency question is to the Minister for Environment, Climate Change and Water. Strathallan Golf Club, located in Bundoora, is a great local sporting club. It is a community-run club offering a low-cost alternative for golf lovers who might otherwise not be able to play golf at commercial clubs. The club does

some great work in encouraging older members in the community to stay active and engage with golf. The club is primarily located on land owned by Latrobe University; however, access to and from the course is via a small pocket of Crown land, and the clubrooms are located on this land.

The lease for this Crown land recently expired. Following a dispute over the lease between the club and La Trobe University, I asked the minister to halt the process for re-leasing the land in order for the club, university and the Department of Land, Water and Planning to work through the issues that had been raised. I understand that the various parties have now had an opportunity to express their views. I ask: can the minister advise what action she intends to take in relation to re-leasing the Crown land in a way that responds to issues raised by this great golf club?

Ferntree Gully electorate

Mr WAKELING (Ferntree Gully) — (Question 6427) On behalf of issues raised by the parents of students at Eastern Ranges school in Ferntree Gully, I ask the Minister for Roads and Road Safety to explain if 40-kilometres-per-hour flashing neon signs will be installed outside the school on Dorset Road. This issue was first raised with VicRoads back in early 2014 by Knox police, and I understand that this has been an ongoing issue with not only Knox police but also with parents. I have worked with the local school community and parents on this very important issue.

Dorset Road is a very busy dual carriageway with a speed limit of 60 kilometres per hour. It currently has hard time-based school zone signs, but with such a volume of traffic using this road many drivers continually drive over the set speed limit, particularly during the allocated 40-kilometres-per-hour times, and this puts the students at risk. My office has received complaints from parents, and it is imperative that this government listens to the concerns of my community. I ask the minister to explain if these traffic signals will be installed.

Footscray electorate

Ms THOMSON (Footscray) — (Question 6428) My constituency question is to the Minister for Public Transport. In August the minister came out with representatives from Public Transport Victoria to talk to residents in west Sunshine who have been complaining about their bus routes since they were changed by the previous government. Their concerns were about their access to medical centres and local shopping centres following the change of these bus routes.

The minister came out and spoke to a large number of these residents, who had shared their concerns with me prior to the election. This was meeting an election commitment for the minister to come out and speak to those people, which she has honoured. I think they all appreciated the generous time that she gave in hearing and listening to all their issues. They were very keen to also be able to talk to the public servants who were there about the issues so that they too could understand the complaints in front of them. I ask for an update.

The DEPUTY SPEAKER — Order! I suggest to members that constituency questions are constituency questions. They are not statements where at the end, after time has run out, members ask their question. A preamble is only there to set the context of the question. It is not about padding it out for a minute. I ask members to take on board that constituency questions should only be questions with some preamble to set the context.

Eildon electorate

Ms McLEISH (Eildon) — (Question 6429) My question is to the Minister for Police, and the matter I raise is on behalf of Ulrich and Sandra Zipsin of Two Hills Road, Glenburn. The Zipsins have been subject to two arson attacks on their property — one in October 2013 and the other in January 2014. A number of sheds as well as machinery, timber and hay were destroyed in these attacks. The attacks have impacted greatly on their livelihood and obviously have been a great source of stress for them. The matters have been investigated by the police and the major suspects identified have proved to be elusive. The suspects have now been apprehended in New South Wales, but the Zipsins have been informed that Victoria Police do not have the resources to send detectives interstate to pursue the matter, which includes the collection of DNA for matching purposes. I know that police resources are stretched due to government policy and lack of investment in recruitment, but will the minister ensure that in this instance appropriate resources are made available so that my constituents and others like them receive the justice they deserve?

Carrum electorate

Ms KILKENNY (Carrum) — (Question 6430) My constituency question is to the Minister for Public Transport. Can the minister provide an update on the government's commitment to remove four dangerous and congested level crossings along the Frankston train line in my electorate of Carrum? As the minister knows, the level crossings which the government committed to remove — at Station Street, Bonbeach;

Station Street, Carrum; Eel Race Road, Seaford; and Seaford Road, Seaford — are not only dangerous but cause major local traffic congestion, especially in peak times. My community has been living with these dangerous congested crossings for too long. When it came to public transport and traffic congestion, the former Liberal government ignored the needs of Carrum locals. I together with the greater Carrum community would welcome an update from the minister on these much-needed works which will not only overhaul our Frankston train line and our train services but will transform the way all of us in the Carrum community live.

Melbourne electorate

Ms SANDELL (Melbourne) — (Question 6431) My question is to the Minister for Consumer Affairs, Gaming and Liquor Regulation and relates to short-stay accommodation in my electorate. Residents in my electorate, particularly in Docklands and the CBD, have raised their concerns with me about the impact of commercial short stays in their apartment buildings. Short-stay tenants have been known to damage communal property and compromise security, and they can also significantly reduce amenity for residents as they feel they are living in a hotel rather than a community. Many residents also have concerns that the independent panel on short-stay accommodation has not provided recommendations that properly address the residents' concerns, and the minister has not yet responded to this report despite it being released almost six months ago. I ask the minister: when will the government respond to the panel's report in a way that adequately addresses the concerns raised by residents?

Yuroke electorate

Ms SPENCE (Yuroke) — (Question 6432) My constituency question is to the Minister for Local Government. I note that the first round of funding approvals for the Andrews Labor government's Interface Growth Fund was announced recently. This is a new grants program which is vitally important to outer suburban communities like mine. I note that the Annadale interim community facility in Mickleham was approved and received \$500 000. Could the minister inform my constituents as to the benefits of this project and the project timelines?

Burwood electorate

Mr WATT (Burwood) — (Question 6433) My constituency question is to the Minister for Police. Given that his chief of staff, Bob Stensholt, is the former member for Burwood and former president of

the Ashburton Traders Association, and given that in his capacity within both roles he organised petitions calling for the reinstatement of the Ashburton police station — particularly given that he presented me with one of these petitions two years ago outside the station, only days before the increase in hours of operation — what advice has he received from his chief of staff about the recent downgrade of the Ashburton police station?

Oakleigh electorate

Mr DIMOPOULOS (Oakleigh) — (Question 6434) My constituency question is to the Minister for Housing, Disability and Ageing, Minister for Mental Health, Minister for Equality and Minister for Creative Industries. I ask the minister for information on the role the Andrews government will play in the resettlement of refugees from Syria — and going forward, settling refugees from other places in the world where Australia's help may be required. We are all acutely aware of the terrible situation faced by millions of refugees. Australia is one of the richest countries in the world, and we have a harmonious multicultural community that makes others truly envious. Australia can do more, through both settling refugees and providing adequate aid to developing and war-torn nations.

Victoria has an excellent record of settling refugees, and I acknowledge the bipartisan way that this has occurred in this place and the support given by all parties here to welcome Syrian refugees. Obviously we must do more than just give refugees a roof over their head, although that is the most important first step. Refugees also need the support programs, language, education and jobs training to enable them to become a genuine part of the community. I would appreciate any update the minister can provide me and the house on this government's role in settling refugees.

Mr Katos — I raise a point of order, Deputy Speaker, to make clear in the house that the constituency questions are to ask ministers questions. Three of the constituency questions asked by the government — the member for Carrum asked for an update on level crossing works, the member for Yuroke asked the Minister for Local Government to inform constituents as to the progress of an action and the member for Oakleigh asked the housing minister for information regarding resettlement of Syrian refugees — were asking for actions of ministers, which is the purpose of an adjournment debate. A constituency question, as per the rulings that have been given to this house, is regarded the same as a question on notice. It is not to seek actions from ministers — that

is the purpose of an adjournment debate. So I ask you to review those constituency questions of the three members and provide a ruling to the house.

The DEPUTY SPEAKER — Order! On the point of order, I will refer the matter to the Speaker. I refer back to what I said about 10 minutes ago in terms of what constituency questions are. They are questions in terms of members' own constituency, and that was a decision of this house — that honourable members should be able to ask questions about their own constituency, and not general questions, and the preamble should be just that. It should set the context; it is not about giving a speech for a minute. So I will take on board what the honourable member for South Barwon has requested. I will refer it to the Speaker. I think that the matter of constituency questions needs to be dealt with so that they are constituency questions, they are succinct and they are relevant to the constituency. So I thank the honourable member for South Barwon.

Mr Watt — On a point of order, Deputy Speaker, the member for Oakleigh specifically — going with what you have just said — has asked a question about refugees, which is also not about his constituency. I hope that when the Speaker thinks about it — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! Points of order will be heard in silence, from both sides. The honourable member for Burwood is raising a relevant point of order, and I do need to hear him in silence.

Mr Watt — In the *Rulings from the Chair* the second point with regard to constituency questions states:

Constituency questions must relate to constituency issues and not encompass broader policy issues, which can be included in questions on notice.

The question specifically — where it regarded refugees and the government policy with regard to refugees — is not a question for a constituency; that is a question for either question time or questions on notice, and I would ask that you rule that out of order and ask the Speaker to give guidance on that.

The DEPUTY SPEAKER — Order! I will rule on the point of order because I have already ruled on the point of order of the honourable member for South Barwon. I will refer the questions of both honourable members to the Speaker, and he can report back to the house on that particular matter.

PETITIONS

Following petitions presented to house:

Special religious instruction

To the Legislative Assembly of Victoria:

The petition of certain residents of Victoria draws to the attention of the house that the government has scrapped voluntary special religious instruction (SRI) in Victorian government schools during school hours.

Prior to the last election, Daniel Andrews and Labor said they would not scrap SRI during school hours in Victorian government schools. Daniel Andrews and James Merlino have announced that as of next year they will break this promise.

The petitioners therefore request that the Legislative Assembly of Victoria ensure that the Andrews government reverses its broken promise and allows students attending government schools to attend SRI during school hours, as has been the case in Victoria for decades.

By Mr ANGUS (Forest Hill) (127 signatures).

Grand Final Friday

To the Legislative Assembly of Victoria:

We, the undersigned citizens of Victoria, call on the Legislative Assembly of Victoria to note the harmful impacts of the decision by the Daniel Andrews Labor government to declare new public holidays in Victoria.

At a time of high and rising unemployment and when many businesses are already doing it tough, Daniel Andrews has imposed a major new cost that will see many businesses close their doors for the day, employees lose much-needed shifts and also inflict significant damage on our state's economy.

The Andrews government's own assessment of the grand final eve public holiday put the cost of the holiday to Victoria at up to \$898 million per year.

The impact of these additional costs will not be restricted to businesses, with local government and hospitals also affected, leaving ratepayers and the community to foot the bill.

The petitioners therefore call on the Daniel Andrews Labor government to reverse its decision to impose the grand final eve public holiday.

By Mr ANGUS (Forest Hill) (66 signatures).

Orchard Grove Primary School

To the Legislative Assembly of Victoria:

The petition of certain residents of Victoria draws to the attention of the house the inadequate facilities which presently exist at Orchard Grove Primary School, situated at 101 Orchard Grove, Blackburn South, Victoria, 3130, in the state electorate of Forest Hill.

Orchard Grove Primary School is proud of the quality education it provides to its students and this is reflected in the increasing number of enrolments the school receives each year.

Regrettably, the facilities for both staff and students are inadequate to meet the demands of this growing school. The administrative and staff facilities are overcrowded, the toilets used by the senior students often require maintenance and there is insufficient room for the first aid facilities.

The petitioners therefore request that the Legislative Assembly of Victoria provide adequate funding to Orchard Grove Primary School to modernise the school, in particular to upgrade the administrative and staff facilities, including the toilet and first aid facilities for both staff and students.

By Mr ANGUS (Forest Hill) (19 signatures).

Vermont Primary School

To the Legislative Assembly of Victoria:

The petition of certain residents of Victoria draws to the attention of the house the inadequate facilities which presently exist at Vermont Primary School, situated at Nurlendi Road, Vermont, Victoria, 3133, in the state electorate of Forest Hill.

Vermont Primary School is proud of the quality education it provides to its students, and this is reflected in the increasing number of enrolments the school receives each year.

Regrettably, the facilities for both staff and students are inadequate to meet the demands of this popular and progressive school. The central administration and classroom wing of the school is in need of urgent and costly maintenance works, which often results in major disruption to both staff and students.

The petitioners therefore request that the Legislative Assembly of Victoria provide adequate funding to Vermont Primary School to rebuild its central administration and classroom wing, so that the high-quality academic program can be matched with high-quality facilities.

By Mr ANGUS (Forest Hill) (22 signatures).

Tabled.

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

Ordered that petition presented by honourable member for Hastings on 10 November be considered next day on motion of Mr MORRIS (Mornington).

DOCUMENTS

Tabled by Clerk:

Statutory Rules under the following acts:

Parliamentary Salaries and Superannuation Act
1968 — SR 127

Subordinate Legislation Act 1994 — SR 126

Subordinate Legislation Act 1994:

Documents under s 15 in relation to Statutory
Rules 114, 122, 123, 127

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

Reporting date

Ms ALLAN (Minister for Public Transport) — By leave, I move:

That the resolution of the house of 5 May 2015 be amended to extend the final reporting date for the Family and Community Development Committee's inquiry into abuse in disability services to no later than 30 April 2016.

Motion agreed to.

BUSINESS OF THE HOUSE

Standing and sessional orders

Ms ALLAN (Minister for Public Transport) — By leave, I move:

That so much of standing and sessional orders be suspended on Thursday, 12 November 2015, to allow the members for Polwarth and South-West Coast to make inaugural speeches for a maximum of 15 minutes each immediately after statements by members.

Motion agreed to.

MEMBERS STATEMENTS

Findon Primary School

Ms D'AMBROSIO (Minister for Industry) — I rise to congratulate Findon Primary School on being a successful recipient of the Andrews Labor government's funding through the Ride2School program, and I thank the school community for inviting me to take part in the launch of its ACTIVEpaths initiative on 30 October. I had the pleasure of joining the students, parents and teachers as they walked, skated, scooted and rode to school as part of the Ride2School program. The Andrews Labor government is a proud supporter of this program, which started in 2006 and has encouraged thousands of students to embrace healthier lifestyles as they make their way to and from school.

The program also encourages safety, such as wearing helmets, as well as learning to share roads and footpaths with other users. Increasing the level of physical activity amongst Victorians is the cornerstone of the

government's commitment to supporting active communities, and we are proud to be supporting students to help them lead healthier lives.

We committed \$2.8 million in the last budget to secure the future of the Ride2School program for a further four years, which includes an expansion to secondary schools. Thanks to this important funding commitment 19 schools across our state have been awarded a share of \$50 000 to be used for bike sheds and bike parking or to improve the provision of ACTIVEpaths in the area. The ACTIVEpaths initiative involves working closely with school communities to identify appropriate travel routes using path markers.

Following the launch of Findon Primary's ACTIVEpaths I joined the school for assembly, at which prizes were given to four students for showing leadership and respectful behaviour. The students were: Joshua Curtin, Matthew Stingas, Annabel Momirovski and Tanisha Rowe. I would also like to praise the efforts of the principal Paula Cosgrave, school council president Michelle Sapardanis and school council members.

Maroondah Hospital car parking

Mr HODGETT (Croydon) — Residents in my electorate have raised concerns with me over many years about the lack of car parking at Maroondah Hospital and the need for increased spaces. On any given day it is near impossible for patients or visitors to find a car park at Maroondah Hospital, and the elderly are often required to walk long distances to the hospital after finding an all-day park or risk receiving a hefty fine if their treatment or visit takes longer than expected.

The coalition government had a plan for Maroondah residents and took a fully costed, comprehensive commitment to the 2014 election to provide up to an extra 100 car parking spaces to alleviate some of the parking pressures for residents in Melbourne's east. Melbourne's population is growing at over 100 000 people a year. At a time when the government should be investing in health it is ripping money out of the system and leaving Maroondah Hospital to source an additional car park when this funding could be spent on hospital beds, wages and improvements to facilities.

Maroondah Festival

Mr HODGETT — On another matter, last Sunday Maroondah Festival was held, and I had a presence there with the members for Bayswater and Ringwood. The federal member for Deakin, Michael Sukkar, was

also there. The Maroondah Festival was attended by thousands of local residents. It was a great event and day with terrific activities and wonderful food and entertainment. I take the opportunity to congratulate Maroondah City Council on putting together a fantastic Maroondah Festival 2015.

Daylesford Macedon Ranges Open Studios

Ms THOMAS (Macedon) — Now in its fourth year, a visit to Daylesford Macedon Ranges Open Studios is a wonderful opportunity to see some of our finest artists at work as they open their studios to the public over three consecutive weekends in November. For this unique opportunity I acknowledge the vision and hard work of creative producer Jill Rivers and the committee: Nick Alexopoulos, Brad Hooper, Greg Mallyon, Louise McKenzie, Chris Rowe, Sue Walker and Colleen Weste. It was a delight to open Daylesford Macedon Ranges Open Studios this year at the fantastic group show at St Paul's Anglican Church hall in Kyneton and to meet so many talented artists, including Sarah Gabriel, Matthew Harding and Catherine Abel. This coming weekend is your last opportunity to visit us this year. I do hope you will come.

New Gisborne Primary School

Ms THOMAS — On this Remembrance Day I was proud to join with young leaders from grade 6 at New Gisborne Primary School to lay wreaths in honour of those men and women who have fought and those who lost their lives in defence of our nation and our values. As these students continue their education I hope they will learn from the history of past conflicts and strive for a fairer and more peaceful world.

Sunbury and Macedon Ranges Specialist School

Ms THOMAS — I was also proud to join with final year students from Sunbury and Macedon Ranges Specialist School to lay wreaths at the Gisborne Cenotaph in honour of those men and women who have fought and those who lost their lives in defence of our nation and our values. They are young men and women with their own challenges to face, but I know they have been well supported and encouraged at school, and I wish each of them the best for a happy and productive future.

Emerald Primary School

Mr BATTIN (Gembrook) — The other week I was able to attend Emerald Primary School's inaugural speech contest, which was conducted by the Rotary

Club of Emerald and District. I want to pass on congratulations to all those involved in it, particularly Mark Carver and all at Emerald Rotary who were present on the day. It was a fantastic event, and it was great to see young people getting up and using their confidence and skills to deliver some fantastic speeches for the local community.

Hy Gain Feeds

Mr BATTIN — I met with Greg Manley, CEO of Hy Gain Feeds. Hy Gain's headquarters are in Officer, next to the railway station car park. Currently Hy Gain that car park to access its business with quite large trucks. Over the years this has caused some issues for the local community. Hy Gain is working its hardest to prevent any further damage to the car parks in the area and is also trying to create an alternative route.

However, it has run into complications when dealing with Melbourne Water and the Cardinia Shire Council, and we have been trying to work through these issues. They want to create a new access at the back of Hy Gain, and there is a water drainage point through there, but they are having issues working out exactly what that drainage point is going to do to the future. It is important that the minister assist us with this so that we can get through and fix it.

Gembrook electorate emergency services

Mr BATTIN — I recently met with the Emerald State Emergency Service unit and with Ben Owen, who is the unit controller, to have a discussion about their station, and I will be pushing the government to continue that. It was also a pleasure this weekend, on 8 November, to be up at the Clematis Country Fire Authority station for the handover of a new truck, which was funded by the coalition government.

Michelle Payne

Ms KNIGHT (Wendouree) — 'Oh, my God, we just won the Melbourne Cup!'. That is the way Melbourne Cup-winning jockey Michelle Payne finished the biggest race of her life. The Melbourne Cup was truly momentous for the young woman from Ballarat. Never before in the history of the Melbourne Cup had a woman ridden the winner. Prince of Penzance was a long shot at 100 to 1, and few would have given it a chance — but Michelle did, and her words after the race ring true:

... I really want to say that out to all the young children and people growing up with dreams, you've got to believe in yourself and for some reason I always have had great belief in myself.

The news of Michelle Payne's success has spread around the world, and why would it not? In her post-race interview she called out the male-dominated sport as 'chauvinistic', and she said to her detractors:

I just wanted to say that everyone else get stuffed, because they think women aren't strong enough but we just beat the world.

Michelle comes from a racing family and is the youngest of 10 siblings. She has known adversity in her young life, but with adversity comes great joy, and one of those joys is Michelle's much-loved brother Stevie. Stevie has worked at winning trainer Darren Weir's stables in Ballarat and was the proud strapper of Prince of Penzance for the Melbourne Cup. I am so proud of this young woman — a former Loreto College student who was not afraid to dream big. Stevie and Michelle are proof that fairytales really do come true, and both are great ambassadors for Ballarat. I also want to congratulate the City of Ballarat for its civic reception, closing Sturt Street for Michelle, Stevie, Darren and the horse.

High Street Road, Wantirna South

Mr WAKELING (Ferntree Gully) — I recently had the pleasure of joining the member for Rowville to visit the recent upgrade, which was part of the High Street Road duplication. There was \$16.2 million expended by the coalition government, and we were pleased to see a major milestone reached with the opening of the outbound dual lane. This is a significant improvement made by the former government — in stark contrast with this government, which is providing no funding for important road upgrades in my community.

Victims of crime

Mr WAKELING — Recently I had the pleasure of hosting the member for Hawthorn in the Ferntree Gully electorate, where he met with Bev and Noel McNamara, who have been strong advocates for victims of crime. We talked about many of the challenges victims of crime face and particularly about their concerns with the way this government is dealing with victims of crime. It is imperative that this government understands the needs of victims of crime when looking at issues of sentencing and the broader issues of law and order.

Remembrance Day

Mr WAKELING — Congratulations to the residents of Salford Park for their wonderful Remembrance Day service today, which I had the pleasure of attending. I also congratulate the members

of the Knox Remembrance Day Committee, ably led by Hurtle Lupton, a former member of this place, for a fantastic service. I was there with the member for Rowville, the member for Bayswater and the federal member for La Trobe. It was great to see so many young people from our local schools involved in that important celebration.

Knox City Basketball Club

Mr WAKELING — Finally I would like to congratulate the Knox City Cougars basketball club for a fantastic family day. It is a great club, and it has several hundred children involved. Well done to all involved.

Cr Helen Patsikatheodorou

Ms SPENCE (Yuroke) — Congratulations to Cr Helen Patsikatheodorou, who was elected mayor of Hume City Council on 28 October. I also congratulate Cr Chandra Bamunusinghe for his election as deputy mayor. This is Cr Patsikatheodorou's second term as mayor, and like she was in her previous term as mayor in 2011, I know she will again be a champion of the people. In her acceptance speech Helen said that the focus of her mayoral year would be on the services that matter to people and that she would work to support programs that assist the city's most disadvantaged residents. Helen also said that she would use this year to promote breast cancer awareness, which is an issue that is very important to her following her own breast cancer diagnosis in 2013.

During her term as mayor Helen said that she wanted to be known as the 'pink mayor'. She has committed to wearing something pink every day of her mayoral term so that husbands, sons, brothers, partners and friends will be encouraged to remind the women in their life to have a breast check and mammogram. Regular screening, as Helen knows too well, can detect breast cancer early, and when breast cancer is detected early women have a much greater chance of being treated successfully. I commend Helen for her efforts in promoting breast cancer awareness, particularly given that in the Hume municipality there is a very low uptake of breast screening for migrant women. I wish her every success for her mayoral term, and I would also like to thank Cr Adem Atmaca, the outgoing mayor, for his great service to the City of Hume and for his cooperative efforts with other levels of government.

Brighton Art Society

Ms ASHER (Brighton) — I convey to the house what a great pleasure it was to open the Brighton Art

Society's 37th Annual Exhibition on 5 November. The society was formed in 1978 to nurture an interest in art in the Bayside community, to provide facilities for local artists and to provide classes and teachers. I would like to congratulate all the entrants and indeed all participants. The exhibition was outstanding. It has been going on for many years, and it has a very wide appeal.

Remembrance Day

Ms ASHER — I convey my appreciation to the Bayside City Council and the organisers of today's Remembrance Day ceremony at Green Point in Brighton. Like another member commented before me, I was terribly impressed by the number of children from local schools, both private and public, who attended and laid a wreath at the ceremony.

Gwen Shepherd

Ms ASHER — I pay my condolences to the family of Gwen Shepherd, a stalwart of the Liberal Party in Brighton and Goldstein — she was chair of both districts. Gwen was an outstanding woman — a woman who organised many campaigns in Brighton and Goldstein for years. To her daughter Jenny in particular, who was president of the Young Liberals in my era, my condolences, and to all her family. She will be remembered fondly by many.

Remembrance Day

Mr CARBINES (Ivanhoe) — Heidelberg Repatriation Hospital, originally the 115th Heidelberg Military Hospital, will next year commemorate 75 years of service to veterans, war widows and servicemen and servicewomen of today. This morning, along with some 500 veterans, war widows, servicemen and servicewomen and their families, we gathered in the remembrance garden of Austin Health's Heidelberg Repatriation Hospital for our Remembrance Day service. My thanks to Mr Robert Winther, OAM, veteran liaison, and his team for MC-ing and arranging today's service, as they have done for many decades.

This is a very significant community event in my electorate of Ivanhoe, an electorate that includes the Simpson army barracks at Yallambie, a suburb where many defence force personnel and their families live today. New memorial plaques were dedicated and unveiled today, including those commemorating the Anzac Memorial Chapel, Agatha Grey-Wilson, Sidney Lawson and 460 Squadron. The Gallipoli mosaics, an initiative of the federal member for Jagajaga, the

Honourable Jenny Macklin, MP, were also unveiled by students of Ivanhoe Primary School.

I regret to say it was noted that many familiar names of Vietnam veterans were read out today, as time catches up with us all. As the member for Bundoora well knows, the Diamond Valley Vietnam veterans, the DViets, are very well regarded across the northern suburbs of our electorates. Today they were remembered for their service, along with those who did not return to receive the grateful thanks of the nation. Lest we forget.

Vocational education and training

Mr HIBBINS (Prahran) — I rise to bring attention to the shambolic state of vocational education and training (VET) in Victoria, and in particular the devastating effect it has had on our TAFE system and for our students. The reforms from the previous Labor government, which were continued under the Liberal-Nationals government, have seen a massive shift of funding away from our public TAFEs towards the profit margins of private for-profit providers. The federal government's privatisation agenda and the VET FEE-HELP scheme is adding to the problem.

The result has been described as a feeding frenzy — a get-rich-quick scheme where shonky training providers have been able to come in and rot the system. We have seen TAFE campuses close or downsize, courses cut, jobs lost, students saddled with debt and worthless qualifications, and course completion rates drop. The Victorian government's response has been to sink money into regulating a broken system, and it beggars belief that the opposition is still sticking to its failed policy.

The solution is straightforward. TAFE needs to be at the centre of our vocational education and training system. The government must guarantee the lion's share of the \$1.2 billion recurrent VET budget to our TAFEs, improve course quality by mandating minimum supervised hours of delivery for all courses that receive government subsidies and allow students to undertake a subsidised course regardless of the level of qualification so they can compete in the ever-changing jobs market.

Farnham Street Neighbourhood Learning Centre

Mr PEARSON (Essendon) — I would like to acknowledge the great work of Farnham Street Neighbourhood Learning Centre and its manager, Cathy Connop. The centre is a wonderful community

institution in Flemington and is a real community hub offering many services. I have attended a number of children's birthday parties there, and Farnham Street also offers training and development courses. There is also a community garden that assists people with lowering their cost of living.

Recently I attended Farnham Street as part of Mental Health Week and met with the Boomerang Network, which is a self-help group for people who suffer from a mental illness. The support the group provides to each other is significant and helps build resilience. I also want to pay tribute to Cathy Connop, the manager of Farnham Street. Cathy has worked at Farnham Street for more than 20 years and is a passionate, dedicated and committed local activist who makes a terrific contribution to our community. Thank you, Cathy, for what you do for our community. We live in a better place as a consequence of your commitment.

Whitlam federal government

Mr PEARSON — Finally, given the fact that it is the 40th anniversary of the Dismissal, it would be remiss of me not to thank Gough Whitlam and his government for universal health care, education for all, Aboriginal land rights, the recognition of China, sewerage in the suburbs, the creation of an Australian honours system, changing the national anthem and the abolition of conscription. We are a better place because of the commitment Gough Whitlam made to this nation and the delivery of Labor administration for the first time in 23 years. We are getting on with it, and we are proud standard-bearers in the tradition of the great Whitlam Labor government.

Lilydale Assist

Mrs FYFFE (Evelyn) — Lilydale Assist is a local organisation that provides direct assistance to local people who are in need of relief from poverty, sickness, destitution or suffering. I commend it for the work it does to ensure that individuals have equal access to information about their rights and the services available. Several users of Lilydale Assist services have said how appreciative they are of the courtesy, professionalism and respect shown to them in their time of need. Lilydale Assist is a voluntary organisation, and as a community we thank it for the work it does so selflessly.

Volunteer firefighter cancer compensation

Mrs FYFFE — On 28 October I was proud to be joined by the shadow Minister for Emergency Services, the member for Gembrook, as the first Victorian MPs

to pledge support for Country Fire Authority (CFA) volunteers calling for adequate compensation for cancer claims. Volunteer Fire Brigades Victoria, which represents CFA firefighters, has launched a campaign to encourage Victorian MPs of all political parties to back them on securing adequate compensation for cancer cases. My personal pledge is that I will support the CFA volunteers' call for non-discriminatory presumptive legislation for all Victorian firefighters. There is sufficient evidence from both international and state commissioned studies to substantiate the level of risk, and we need to take it seriously. Fire does not discriminate between different brigades, and neither should the legislation. In December 2013 I addressed a rally of CFA firefighters and made a personal commitment that I would lobby for a coalition policy commitment, which we took to the November 2014 state election. The member for Monbulk, now the Deputy Premier, did a 'Me too'.

Rod Quarrel

Mr J. BULL (Sunbury) — Last weekend Sunbury lost a wonderful community champion, Rod Quarrel. My deepest sympathies extend to Jan, Amanda, Stephen, David and their families on the death of their loved husband, father and grandfather. Rod was instrumental in the establishment of my former primary school, Sunbury Heights Primary School. In 2009 he wrote:

Prior to 1977 there were three primary schools in Sunbury ...

All of these schools were situated on the north side of Gap Road. New housing estates were being built on the south side but there were no school facilities to support the growing number of families. The need for a school was well founded. The school was completed and opened at the beginning of term 3 in 1981.

To raise further money for the school, a Sunbury Heights Primary School Co-operative Limited was formed, and included two parents who worked in a bank. With other interested parents they set about obtaining a loan.

The co-op asked parents to pay \$50 a family to become shareholders, stating they could get their money back when the loan was paid off.

This sums up what Rod was all about — selfless, driven, passionate, kind, decent and honest. Rod will be sadly missed by his family, his community and all who knew him.

Christian College Geelong

Mr KATOS (South Barwon) — I was pleased to attend the Christian College Geelong Foundation dinner on Saturday evening to celebrate the 35th anniversary of the college. Christian College Geelong began in

1980 with classes from prep to year 10 and now has a total enrolment of over 2200 students spread over eight campuses, with five of the campuses located within the South Barwon electorate. I wish to acknowledge the college's CEO, Daryl Riddle, who has seen the college develop from its humble beginnings to the state-of-the-art educational facility it has become today.

I also attended the college's art and technology extravaganza that was held last Wednesday, 4 November. The work of students was truly outstanding and inspiring. Seeing the work firsthand brings home the depth of initiative of the students and their creative abilities, which will give these young people many of the skills needed in an ever-changing world.

Andrew Love Cancer Centre

Mr KATOS — I attended the #ProjectLove fundraising event on Friday evening in support of the Andrew Love Cancer Centre. I would like to congratulate Monique Holmes-Richardson and Angelo Kakouras from Our Women Our Children Volunteers, along with the other volunteers who work tirelessly to raise money for women's and children's services within Barwon Health.

Remembrance Day

Mr KATOS — This morning I attended the Remembrance Day service hosted by the Geelong RSL. The service was held at the Geelong Peace Memorial in Johnstone Park, Geelong, and was attended by another large crowd being a part of this, the centenary of Anzac year. The guest speaker was retired major Anthony-Paul Kruper, who spoke about the devotion of service and the mates of those World War I diggers. Our servicemen and servicewomen carry on the tradition set by our forebears over a century ago, which has evolved and continues to this very day.

Remembrance Day

Ms GREEN (Yan Yean) — This morning I was privileged to attend and be asked to speak at the solemn Remembrance Day service held by the Doreen sub-branch of the RSL in Diamond Creek. It was fantastic to see the relationships the sub-branch has built up and promoted with all schools in the district. A choir of children from these schools, led by a senior student, Jenna, sang our national anthem to conclude the service. It was deeply moving, and it built on the great work of the centenary of Anzac celebration that it held earlier this year.

I also commend that sub-branch for cooperating with Laurimar Primary School, which held a service in Doreen as well. Hurstbridge held its own service, and the Whittlesea sub-branch held a Remembrance Day service. I was pleased that I was represented at all of those and had wreaths laid.

Hurstbridge train vandalism

Ms GREEN — This morning has certainly been an action-packed time in the Diamond Valley, where we saw a senseless act of vandalism at Hurstbridge railway station. I commend the staff that stepped up to help our commuters, those from Dyson who were operating bus services and the many members of the community who are speaking to police about what they have seen. It is a senseless waste. We as a government would certainly rather be delivering services than having to rectify them.

The Babes Project

Ms RYALL (Ringwood) — I am pleased that I have been appointed as ambassador for a volunteer organisation called The Babes Project, which supports women who have little or no support throughout their pregnancy and until their little one is 12 months old. The Babes Project develops safe spaces for women where they can learn, grow and develop. This includes pregnancy support services and accommodation. The Babes Project consists of pregnancy support workers, midwives, a social worker, a counsellor and general volunteers. It was founded by Helen Parker, who at a young age faced her own crisis pregnancy and found there was very little if any support for women in circumstances such as hers. That experience inspired Helen to start The Babes Project to ensure that all women have the opportunity to be supported throughout their pregnancies.

There are currently 50 young women in need of support on The Babes Project waiting list. That means without government support and community support, that is where those women will stay — waiting for support. These 50 young women could miss out on the support they need, and that includes having a support person during the birth.

The Babes Project provides support like antenatal information and education, with weekly or fortnightly appointments; advocacy and referral; life skills education, including budgeting and finances, cooking and nutrition, and first aid; material assistance; professional counselling; social support; and lunch groups with other women. There is also postnatal information and education, including at-home visits,

extended care for the mother and baby, regular appointments and goal-based intervention. I look forward to my role, which includes engaging with the wider community.

Remembrance Day

Ms KILKENNY (Carrum) — Today on Remembrance Day I attended a wonderful service at the Seaford RSL together with representatives from local schools, community members and returned servicemen and servicewomen. Remembrance Day is the day to remember and honour Australian men and women who have died fighting for our nation, but it is also a day to reflect on how fortunate we are to be Australian and Victorian, to be living in a country which values democracy, diversity, tolerance, compassion, acceptance and equality for all.

My grandfather was a pilot in World War II, and before he passed away several years ago we spoke about Remembrance Day. He lost his father — my great-grandfather — on the battlefields of France in 1916. My grandfather was just three months old. He lost his brother, also a pilot, who was shot down somewhere over the Pacific. My grandfather searched for him for several years, but never found his brother or the plane he was in. My grandfather told me he did not like to remember the wars because of the enormous sadness and the painful memories it brought up.

I have reflected on the sadness that my grandfather felt and I realise that for many veterans the sadness and the mental health issues that are compounded on their return to life back in Australia cannot be addressed simply by honouring them on one day or two days of the year. I urge all of us to support our servicemen and servicewomen who have returned or are returning from conflict or peacekeeping operations around the world. Let them know that we care about them and that they are not alone; ask them if they are okay; and let them know that we are here for them and that help and support are available. Lest we forget.

Remembrance Day

Mr ANGUS (Forest Hill) — I was privileged to join local residents and my veteran community attending the annual Remembrance Day ceremony at the Blackburn RSL sub-branch this morning. It was an honour to lay a wreath on behalf of the residents of my electorate of Forest Hill and to pause to remember the many sacrifices that have been made by those who have served our great country over many years. Our veterans have fought and died to defend the freedoms we so often take for granted, and we have much to be thankful

for. I thank president Athol Wells and the members of the sub-branch for organising this important event.

Financial report 2014–15

Mr ANGUS — The recent release of the 2014–15 financial report on Victoria's finances has exposed the true state of the finances under the Labor government. In an extraordinary report the Victorian Auditor-General has qualified the state's financial statements due to a material breach of the accounting standards. This qualification reveals that the financial result for Victoria is not a surplus as reported but in fact a deficit of \$286 million.

For a government to have an audit report qualified in this manner in its first year of office would, I expect, be some sort of a dubious record. It is an indictment of the Treasurer and the Premier that this situation has arisen. I was a registered company auditor for 18 years, and I could count on one hand the number of audit reports I had to qualify in that time. The fact that the Treasurer was not willing to work with the Auditor-General to correctly disclose the transaction in question but rather chose to try to cover it up — to present a false surplus to Victorians — reveals a great deal about him.

In simple terms, the state received federal money earmarked for an asset, decided not to build the asset and then decided to just keep the money. What a terrible situation this is for all Victorians that within its first year of office the Labor government has run up a deficit — the first state deficit for more than 20 years. All Victorians should be nervous that the legacies of the disastrous Cain and Kirner years, with budget deficits and increasing debt are emerging again — —

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

Fishermans Bend development

Mr BROOKS (Bundoora) — The Leader of the Opposition has to come clean over his involvement in the Fishermans Bend scandal. His dodgy decision to rezone an area without regard to infrastructure, schools, open space or social housing, against the advice of his own department, is just scandalous, particularly when you consider the windfall gains that were made by Liberal Party donors as a result of that rezoning decision. Now taxpayers will have to foot the bill to fix up his mess. To rub salt into the wounds of Victorian taxpayers, he refuses to answer questions about his decision-making process. I call on the Leader of the Opposition to release all documents in his possession in relation to his decision to rezone land at Fishermans

Bend. Until he does that, he will not have the ability in this place to ask with any seriousness questions about integrity.

Chinese Museum

Mr GIDLEY (Mount Waverley) — I rise in the Parliament to recognise and celebrate the 30th anniversary of the museum of Chinese Australian history, located in Melbourne. I recently joined many distinguished guests, including Mr Bill Au, chairman of the Chinese Museum, and Mr Song Yumin, Consul General of the People's Republic of China in Melbourne, to recognise and celebrate the 30th anniversary of the museum.

The achievements of the museum over the last 30 years are significant, including its role in sharing the story of Chinese Australians. In fact over 25 000 visiting school students each year and many visitors to Melbourne are fortunate to see the museum. Without the museum those school students and visitors would miss out on the knowledge and experience they gain through the museum. I pay tribute to those who have been long-term supporters of the museum. I recognise that their support has been critical to the establishment and continued growth of the museum and thank them for their foresight and commitment to the museum. My best wishes for the future to the museum of Chinese Australian history in Melbourne.

Xin Jin Shan Chinese Language and Culture School

Mr GIDLEY — Today in the Parliament I recognise the Xin Jin Shan Chinese Language and Culture School, its founder, Mr Sun, and principal Mr Kevin Hu. The school recently hosted a trip to China for Melbourne school principals so they could learn more about the Chinese education system. It was a great pleasure to learn about the benefits those principals gained through this visit. I thank the school for hosting this trip and also recognise the support provided by Mr Song Yumin, Consul General of the People's Republic of China in Melbourne.

Ken Eckersall

Ms WARD (Eltham) — I rise to congratulate and thank Mr Ken Eckersall for his long commitment to social justice in the Eltham community. Ken has served as the president of the Eltham group of Amnesty International for over seven years and has been an active member of the Eltham group for 14 years. He has recently made the hard decision to reduce his involvement in the group, a loss I know will be felt

keenly by all involved. Ken has continuously and passionately advocated on behalf of prisoners of conscience around the world. He regularly writes letters asking for the release of those wrongfully imprisoned in overseas countries. Ken also performs lay ministry duties at Eltham Montmorency Uniting Church and has written a book which analyses the history of churches in the Eltham area, entitled *Eltham Inhabitants*.

Ken has always had a passion for education and a keen interest in passing his knowledge on to future generations. He began his working life as a tradesman before becoming a history teacher. He is currently completing his PhD in Australian history on the history of TAFE education in Victoria. Even in retirement Ken has a strong commitment to imparting the importance of social justice to like-minded people. He is heavily involved with Volunteering Victoria and regularly gives up his time to help others learn new skills. I thank Ken wholeheartedly for his commitment to social justice and his work to make my local area a better place.

STATEMENTS ON REPORTS

Public Accounts and Estimates Committee: investigation into allegations against Auditor-General

Mr MORRIS (Mornington) — I rise to make some comment on the Public Accounts and Estimates Committee report 3 of the 58th Parliament entitled *Report of the Investigation into Allegations made against the Auditor-General*, which the chair of the committee, the member for Essendon, tabled yesterday. As we all know, this is not a run-of-the-mill report for more reasons than one. It makes no recommendations — and in fact the committee makes no findings, although there is something approximating findings in the investigator's report. The report of the committee itself is relatively slim; the bulk of the document relates to the report of the investigator retained by the committee.

In the last Parliament, along with you, Deputy Speaker, I was part of the Privileges Committee and part of a very long-running and, I think unfortunately, groundbreaking to some extent investigation of that committee. It was a once-in-a-career-type investigation. In this Parliament, somehow I have become engaged in this investigation — again, I think a once-in-a-career experience. They have both been interesting and in some ways memorable, not necessarily for the right reasons, and certainly experiences I do not wish to repeat. I do not draw those two experiences together in

any parallel way except to acknowledge that each investigation was a unique experience.

With regard to the investigation of this committee, I do not intend to dissect the report itself and certainly not the appendix, the report of the investigator the Honourable Kenneth Hayne, QC, AM, except to note that paragraph 14 of the report says that on 26 October the committee received Mr Hayne's report and noted the conclusions. The report of the investigator speaks for itself.

The report of the committee lays out clearly the chronology and process which was followed by the committee. Perhaps the report goes into rather more detail than is routine, but I think it important that the house and the other place be fully informed of the process and the time lines. I want to acknowledge the manner in which all members of the committee were able to work together through what was a difficult issue, an issue of great significance and potentially great import for both the Parliament and the Victorian Auditor-General's Office (VAGO). It has to be said this was also an issue that had the potential to lend itself to some politicking, but no members of the committee — and indeed no members outside the committee — went down that path, which is a credit to all concerned.

I particularly want to note the efforts of the chair, the member for Essendon, in that regard and also the manner in which we were able to work together. As deputy chair I was involved in all the key considerations and decisions throughout the investigation, and that certainly helped make that process easier. I also want to acknowledge the various executive officers of the committee: at the commencement, the committee's executive officer was Valerie Cheong, and our successive acting executive officers were Chris Gribbin and Phil Mithen. I also acknowledge the work of the Victorian Government Solicitor's Office; Peter Stewart, the Victorian government solicitor; and Jacqueline Parker, assistant Victorian government solicitor.

I also want to recognise the stresses that this whole process placed on the Victorian Auditor-General's Office, the now acting Auditor-General, Dr Peter Frost, and particularly the employees of VAGO who were required to testify. I also want to recognise their efforts and wish them well. I particularly want to acknowledge the work of the Deputy Clerk, Bridget Noonan, and the Assistant Clerk Committees, Vaughn Koops. I know Bridget particularly provided excellent and timely advice to both the chair and me at all points during the inquiry. I appreciated her availability and her wise counsel at all times. As I said at the outset, this was not

an experience I wish to repeat, but I think under the circumstances it has turned out as well as one could have hoped.

**Public Accounts and Estimates Committee:
investigation into allegations against
Auditor-General**

Mr PEARSON (Essendon) — I too would like to make a brief contribution on the report of the investigation into allegations made against the Auditor-General. As many members would appreciate, this has been an arduous and sometimes difficult task that was placed before the committee, the staff and the clerks. I would like to place on the record my appreciation for all the efforts of the members of the Public Accounts and Estimates Committee: the members for Mornington, Eltham, Kew, Oakleigh and Gippsland South, and those members from the other place, namely Ms Shing, Ms Pennicuik and Dr Carling-Jenkins.

In particular though I do want to acknowledge the role of the deputy chair, the member for Mornington. The member for Mornington worked diligently and assiduously throughout the entire process, and as a new member to this place and in particular being a new chair, I was incredibly fortunate and lucky to have access to his wise counsel. The member has indicated that all the key decisions were made jointly and together, and that is an accurate reflection of the way in which we conducted ourselves. I am incredibly grateful that I had in a deputy the member for Mornington.

I would also like to acknowledge the contribution made by the Deputy Clerk of the Legislative Assembly, Ms Bridget Noonan, and the Assistant Clerk Committees, Dr Vaughn Koops, as well as staff of the committee, including Valerie Cheong, Chris Gribbin and Phil Mithen. As you try to work your way through a problem you are so heavily reliant upon the advice that you receive from your advisers, and the committee and the Parliament were incredibly well served by the staff, in particular the Deputy Clerk and the Assistant Clerk Committees.

I would like to thank Ken Hayne for the diligence and the thoroughness he applied to his report, as well as Peter Stewart and Jacqueline Parker from the Victorian Government Solicitor's Office. I do not propose to comment on the report per se, other than to advise the house that, as members can see, it has been a thorough and detailed report and it is one that reflects the labours and endeavours of the committee.

**Public Accounts and Estimates Committee:
budget estimates 2015–16 (hearings alert)**

Ms STALEY (Ripon) — Today I would like to make some brief remarks about the Public Accounts and Estimates Committee (PAEC) inquiry into the budget estimates 2015–16, particularly in relation to the appearance in front of PAEC by the Minister for Corrections. During that appearance there were quite a lot of questions and commentary around rehabilitation of offenders, and it was clear that in the budget the government had flagged some new programs in relation to rehabilitating offenders, and subsequent to them we had recently had an announcement that prisoners will be tested for literacy and numeracy and they will be given more opportunities to put them on a path towards getting a job after jail.

I quote from the media release headed 'Jobs to cut reoffending at the heart of prison education', in which the minister said:

Prisoners face many obstacles when they return to the community, but gaining a job can be the key to leaving behind a life of crime. And to get a job you need skills and qualifications.

Turning back to the transcript of the PAEC committee, the minister noted that the government would make the issue of recidivism and tackling the issue of reoffending an absolute priority and it would take some steps forward on that. He went on to say in relation to a subsequent question that there were a variety of approaches to this. He said:

... I will say in terms of rehabilitation for prisoners in our system, there is a myriad of approaches taken, which have to go to things such as the offending behaviour of that particular prisoner and to the issue of education.

I must say that locally I have two prisons in Ripon, and I take a great interest, as members of this house would know, in the corrections portfolio. Both of my prisons, Hopkins and Langi Kal Kal, are working prisons, and one of the most important programs that is run out of those prisons to rehabilitate prisoners and to give them real skills is the Landmate program. The Landmate program in fact was highlighted by Minister Noonan when he recently opened the new part of Hopkins. So I am extremely concerned to learn that a \$400-a-day charge has been put on the Landmate program when it goes out to do environmental works on private property — and these are not individual farmers asking for the planting of trees; these are environmental works put together by Landcare.

I have been contacted by a number of Landcare groups in my area to say that they have no funding for this and

therefore the Landmate crews cannot be engaged to do this work. I think this is a real problem and goes against what the minister was saying when he talked about the myriad approaches, because the Landmate crews have been part of a very longstanding approach of both sides of government as part of the rehabilitation program.

So I would suggest that despite making some new initiatives that were talked about in the PAEC process, at the same time the government, by putting this new charge on Landmate crews, has effectively put them out of business. I hear that they are no longer booked up; they are no longer used to nearly the extent they were previously. I think this is a very sad thing both for the community and for the environment, and especially for the prisoners because, as we know, getting these skills does get them on the path to being able to get a job when they get out of prison. I would suggest that the government is in error in making this new charge, and I would hope that it will be reviewed pretty quick smart, because it would be terrible to lose these groups.

**Public Accounts and Estimates Committee:
budget estimates 2015–16 (hearings alert)**

Mr McGUIRE (Broadmeadows) — I refer to the Public Accounts and Estimates Committee report for 2015–16 and specifically refer to issues concerning social cohesion and community resilience. The proposition I want to put is that we have the opportunity to turn adversity to our advantage to help develop industries for the future, to create new jobs for the next generation, to address housing affordability and to replace anxiety and fear with hope. This is the chance we have now before us as a nation, but to do this we need to have a better coordinated and collaborative strategy.

My call is for a new model of practical federalism. What I mean by that is a new paradigm that deals with issues in the public interest beyond partisanship, that delivers responsible government and that makes the cultural, generational and systemic change that is required for national security, jobs and growth. The proposition is not beyond our will, our wit or our imagination; we can do this, and in fact we absolutely have to start doing this as a nation. I am encouraged by the fact that whoever is Australia's next Prime Minister will be somebody promoting innovation. We have heard the federal Labor leader, Bill Shorten, give a big-picture speech on how we should be pursuing this, and I was glad to see the new Prime Minister, Malcolm Turnbull, come in and support innovation and the development of new industries — and jobs as well.

There is no place where this is more relevant, because of globalisation and the demise of manufacturing, where we have population growth, multiculturalism and the complexity of postcodes of disadvantage than where it all comes to an epicentre which is actually in Campbellfield. The issue is as simple as this: when Tony Abbott was Prime Minister, he went to the Australian Security Intelligence Organisation. It put out the maps for the media, and it showed where the terrorist recruitment hot spots were. One was Campbellfield, and another one was Craigieburn, just outside my electorate.

This comes to the issue. The manufacturing of cars ends in Campbellfield in less than a year. Australia's once-proud automotive manufacturing industry ends the following year. Toyota and Holden will fall like dominoes. So we need, right now, a coordinated strategy that looks at the Australian government not being a bystander but being a participant in how we actually bring these strategies together.

The Victorian government has developed a strategy and is out there looking at the coordination. We have the Treasurer of Victoria being part of it. He came to the economic and cultural development summit that I had recently in Broadmeadows, the third one I have had, to try to build these cooperative models. This is the proposition we need to look at because the electorate of Broadmeadows has twice as many Muslim families as any other state district. They are living side by side with Christian refugees from Syria and Iraq, and what I am hearing from the community is that the new arrivals that will come from Syria will eventually move to Broadmeadows and relocate there. Remember, these are people coming out of a war zone. They will need language skills. They will need skills for jobs, and we need to have a bigger picture proposition on how we put this together.

What I am really looking for is that we get this done now, that we do not just have gesture politics and that we do not just address it and do something that sounds good off the top but leaves people stranded in the longer term in an area where the jobs have gone. I note from today's *Age* that Australia's three largest business groups have teamed up with the Migration Council to help with the resettlement, and they are putting up a proposal called Friendly Nation, which is a plan to help people resettle. I will coordinate with them, and we have the Victorian government taking a leadership position on this. We have the local council, the City of Hume, heavily involved and committed as well, but we need the engagement of the federal government, because it has now realised that a job is one of the best antiradicalisation strategies to help connect the

disconnected, and using the community as your level of engagement and your connector is also critical. That will help both propositions.

**Public Accounts and Estimates Committee:
budget estimates 2015–16 (hearings alert)**

Mr D. O'BRIEN (Gippsland South) — I too rise to make a contribution on the Public Accounts and Estimates Committee budget estimates hearings alert report. I look forward to, I think in the next little while, having the final report of the budget estimates. It is significantly delayed this year, but nonetheless we will be looking forward to seeing that one tabled. It has been a long process. Just in passing, without speaking to the report that was tabled yesterday, I endorse the comments of the member for Mornington and the member for Essendon on the report that was tabled with respect to the former Auditor-General yesterday, and I endorse those comments about the good working relationship between all those members of the committee.

I want to turn today, though, on the issue of the budget estimates to the matter of vocational education and training because it is one of those areas where the estimates process revealed one of the great frauds of the ALP in the last couple of years with respect to TAFE. I note that the ALP likes to only talk about TAFE; it does not talk about the entire vocational education and training sector. Perhaps that is with good reason, because it was in fact the former Labor government that introduced the competitive market for vocational education and training and did not prepare TAFEs at all for the process of opening them up to a competitive market. Unfortunately it was the coalition government that was left to pick up the pieces, because it had a significant issue where TAFEs were simply not ready for a competitive market, and they were being metaphorically slaughtered by the registered training organisations.

It was indeed the coalition government that increased the Victorian training guarantee from something like \$800 million to \$1.2 billion — a 50 per cent increase — yet for a couple of years, and to this day, we have had the Labor Party running around saying that we created a crisis and that we cut millions of dollars from the TAFE sector. The reality is that the Victorian training guarantee went up 50 per cent while we were in government, and indeed TAFEs' share of that funding also went up. Notwithstanding all that, Labor has been running around saying that we had a crisis.

What do you do when you have a crisis? Presumably you take action to fix the crisis. What we discovered

during the estimates process was that, as I said, the previous government had provided \$1.2 billion per annum for the Victorian training guarantee. Through estimates, what do we find that the new minister is providing for TAFE given that there is a crisis, ladies and gentlemen? Of course there is a crisis. The new minister is providing precisely \$1.2 billion to the Victorian training guarantee — not one extra dollar.

Indeed it is better than that, because in budget paper 3, page 187, it says the government's target for students enrolled in government subsidised courses is 443 687. That sounds like a lot, but it is precisely the same figure that was aimed for by the previous coalition government — 443 687. There is not one single extra dollar for TAFE, and not one single student targeted for training. This is one of the great frauds that the Labor Party has presided over, and, as I said, not one additional dollar is going into training.

In my own electorate there is no doubt that we have a serious issue with TAFE and with Federation Training in particular, which the coalition government recognised. Last year we committed \$40.2 million to our TAFE structural adjustment program to assist the merger of Advance TAFE and Central Gippsland Institute of TAFE to try to get TAFE back up to being in a competitive situation.

In my own electorate in particular we have a serious issue with the Fulham campus of Federation Training, which is out of town. It has been recognised for a long time that the campus needs to move into town; indeed I think there are three different sites for Federation Training in and around Sale. We want to see the campus consolidated into one area, and I am sure Federation Training is working on that. Federation Training is trying to address some commercial issues, but it is up to the minister as well to come forward and put his money where his mouth is and make sure that we do get a much better outcome in terms of TAFE training in Gippsland. Already we have seen training drop by 11 per cent in the first year of the Labor government — 1100 fewer enrolments. We need a lot more work. We need less spin and more action from the government.

**Public Accounts and Estimates Committee:
investigation into allegations against
Auditor-General**

Ms WARD (Eltham) — I refer to the recent Public Accounts and Estimates Committee (PAEC) report of the investigation into allegations made against the Auditor-General. I thank the Parliament for taking this complaint seriously and acting respectfully. I thank the

chair of the committee, the member for Essendon, and the deputy chair, the member for Mornington, for the professional manner in which they have conducted themselves and helped facilitate this process, along with the entire committee, the members of which have acted in a genuine and thoughtful manner in approaching this situation. I also thank the committee secretariat and the clerks for their support, particularly Bridget Noonan, and Ken Hayne for his diligence.

Sexual harassment is a serious issue, and sadly it is far too common. In this instance, I thank the woman who stood up and was brave enough to make her complaint, because it does take bravery to be heard, to step forward and to offer yourself up to scrutiny. It is also important that those who make complaints are listened to with respect. Respect is incredibly important.

In 2012 the Australian Human Rights Commission released the report *Working Without Fear — Results of the Sexual Harassment National Telephone Survey*, which indicates that sexual harassment in the workplace in this country is widespread. Sex discrimination commissioner Elizabeth Broderick said:

Progress in addressing it has stalled and people remain extremely wary of reporting incidents.

This is despite efforts from numerous people and organisations to heighten awareness of this issue — to prevent and address it in Australian workplaces.

According to the report, one in five Australians has experienced sexual harassment in their workplace. It is no surprise to me, and I am sure to many of the women in this place, that women are five times more likely than men to experience sexual harassment from their bosses or employers. The commissioner also said:

We need to send a clear message that sexual harassment ruins lives, divides teams and damages the effectiveness of organisations.

That was very much the feeling that we at PAEC experienced throughout this process. It was extremely difficult. We absolutely have to send a very clear message that sexual harassment — any kind of harassment — should never, ever be tolerated.

This also ties in with the messages around equality that we have heard from the Minister for Women, who is also the Minister for the Prevention of Family Violence. When women are seen as equals, the attacks on them and their person will significantly drop. Individuals do not sexually harass those they see as equals; they harass those they see as weaker and insignificant. They harass those who they see as lesser. These are people who seek to take advantage of another. They seek to take

advantage of someone for whom they have no respect, for whom they have no regard and for whom they absolutely do not regard as an equal, and it needs to stop. It really needs to stop.

Everyone in this place needs to be conscious of this report, and they need to be conscious of the kinds of things that happen far too regularly in workplaces. It is up to us to do all that we can to prevent it and to shine a mirror on those who seek to take advantage of and damage the lives of other people. It is incredibly difficult to deal with sexual harassment and its aftermath. It damages families, friendships and trust. It damages an individual's ability to trust others, and it can damage their relationships with others. A lot of work has to be put in to repair that damage.

Sexual harassment is not only an emotional issue but also an economic issue. There must be hundreds of thousands of lost productivity hours as a result of this behaviour. That cannot be tolerated in a just and fair society. I am very glad that members of this Parliament have stood up and thoughtfully and carefully gone through this inquiry and looked to protect the rights of those who are employed in and around this place.

DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT BILL 2015

Statement of compatibility

On behalf of Mr NOONAN (Minister for Police), Mr Pakula 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'), I make this statement of compatibility with respect to the Drugs, Poisons and Controlled Substances Amendment Bill 2015.

In my opinion, the Drugs, Poisons and Controlled Substances Amendment Bill 2015, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

The bill amends the Drugs, Poisons and Controlled Substances Act 1981 (Drugs Act) to create new offences to strengthen laws against the manufacture and distribution of illicit drugs such as ice.

The bill establishes new offences in relation to trafficking or supplying illicit drugs at or near schools, possessing or publishing instructions to traffic or cultivate illicit drugs, using violence or threats to compel another person to traffic illicit drugs, and permitting a premises to be used by another person to traffic or cultivate illicit drugs.

Human rights protected by the charter that are relevant to the bill

A number of provisions of the bill engage charter rights.

Trafficking or supplying drugs in and around schools

Clauses 5, 6 and 9 of the bill insert new offences in sections 71AB, 71AC and 71B of the Drugs Act, which will sit alongside the existing offences in those sections that deal with, respectively, trafficking in drugs of dependence to children, trafficking in drugs of dependence and supplying drugs of dependence to children.

Each new offence imposes a higher penalty for the particular criminal conduct when it occurs at or near a school, with a maximum term of imprisonment that is higher by five years than the penalty for the existing offence. In each of these offences, the area near a school is taken to be any public place within 300 metres of the school.

Protection of families and children

The provisions established by clauses 5, 6 and 9 of the bill promote the right in section 17(2) of the charter, which recognises that children are entitled to special protection. This right is premised on the recognition of the child's vulnerability because of their age.

The objective of the new offences established by clauses 5, 6 and 9 is to better protect school children through stronger laws against drug dealing in and around the schools they attend daily. The seriousness of the offences reflects the view that drug dealing in or around schools is particularly heinous because of the vulnerability of children to becoming the targets of or witnessing drug deals.

The heavier penalties associated with the new offences are intended to send a strong message about the seriousness of the conduct, as well as provide appropriate punishment for those who engage in the conduct.

Possession or publication of instructions to manufacture or cultivate illicit drugs

Clause 10 of the bill amends the Drugs Act to insert new offences which prohibit the possession or publication of instructions about how to traffic or cultivate illicit drugs.

Specifically, clause 10 inserts new section 71E in the Drugs Act to make it an offence for a person who is not authorised or licensed under the Drugs Act or otherwise does not have a reasonable excuse, to possess a document containing instructions for trafficking (including manufacturing) or cultivating a drug of dependence. Clause 10 also inserts new section 71F in the Drugs Act that creates an offence for a person to publish a document containing instructions for trafficking or cultivating a drug of dependence where that person intends, knows or is reckless as to whether the instructions will be used by others for trafficking or cultivation purposes. The penalty for these offences is up to five years imprisonment.

These offences are also being added by clause 14 of the bill to the list of offences in sections 79 and 80 of the Drugs Act in relation to which a person may be found guilty of an offence of conspiracy or incitement under the Drugs Act.

Clause 10 of the bill engages two charter rights — the right to freedom of expression (section 15 of the charter) and the right to the presumption of innocence (section 25 of the charter).

Freedom of expression

Section 15(2) of the charter provides a person with the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds. Special duties and responsibilities are attached to the right to freedom of expression, and this right may be subject to lawful restrictions reasonably necessary to respect the rights and reputation of other persons or for the protection of national security, public order, public health or public morality.

While the offences in clause 10 may be said to limit freedom of expression by attaching penalties to the possession and publication of information, the limitation clearly falls within the internal limitation to that right in section 15(3) as lawful and reasonably necessary to protect public order and public health.

The objective of both offences is to assist enforcement efforts to shut down the domestic production of illicit drugs such as ice in clandestine drug laboratories. The offences are intended to deter and sanction conduct that makes drug 'recipes' more widely available in the community and increases the risk that individuals will either make or grow illicit drugs themselves, or incite or assist others to commit these crimes. Such behaviour increases the supply of illicit drugs in the community and potentially causes people harm.

According to the Australian Crime Commission, domestic production of methylamphetamine in clandestine drug laboratories has remained steady in Australia, despite an upward trend in importations of methylamphetamine since 2010, and continues to play a substantial role in supply.

The proposed offences are lawful in that they are established by legislation and the circumstances in which they apply are appropriately limited to ensure only those intended to be captured by the offences will be captured.

For example, the provisions exclude persons who possess or publish instructions for drug trafficking or cultivation in connection with activities that are authorised or licensed directly under the Drugs Act (such as drug manufacture, the provision of health services, or for industrial, educational, advisory or research purposes), and except persons who have a reasonable excuse.

Further, the proposed offence of publishing drug trafficking or cultivating instructions will require proof that the person knew or was reckless as to whether the instructions would be used by another person for those purposes. This requirement will ensure that only people who intend for the instructions to be used or are reckless to the probability will be captured by the offence.

A further safeguard is that for the offence of possessing drug trafficking or cultivating instructions, the court will have the option of adjourning proceedings without conviction for up to 12 months for a first time drug offender, under amendments to the Drugs Act made by clause 13 of the bill. This will empower the court to allow the person to enter into an adjourned bond for 12 months under section 75(1) of the Sentencing Act 1991.

Consequently, the offences are lawful and reasonably necessary to protect public order and public health within the internal limitation provided by section 15(3) of the charter.

Presumption of innocence

Section 25(1) of the charter provides that a person charged with a criminal offence has the right to be presumed innocent until proven guilty in accordance with the law.

The onus of proving an accused's guilt beyond reasonable doubt lies on the prosecution. However, where the law allows for a reasonable excuse to an offence, an accused needs to present or point to evidence that suggests a reasonable possibility of the existence of facts that would establish that excuse. When the accused meets this evidential burden, the prosecution will then have the task of disproving the availability of that excuse beyond reasonable doubt.

The offences in new sections 71E and 71F in clause 10 of the bill each place an evidential burden on the accused to point to a reasonable excuse to engage the exception to the offence. To ensure that the onus is evidential only, clause 10 disapplies section 104 of the Drugs Act to each offence. Section 104 of the Drugs Act provides that in any proceedings for an offence against the Drugs Act, the legal burden of proving any matter of exception, qualification or defence rests with the accused.

The placing of an evidential onus on the accused to point to a reasonable excuse may be considered a limitation on the right to be presumed innocent. However, any limitation will be reasonable as the excuse will be based on facts that are peculiarly within the accused's knowledge.

Amendments to the Confiscation Act 1997

Clause 17 of the bill adds to the list of serious drug offences in schedule 2 of the Confiscation Act by including the proposed offences in new section 71AB(2) (trafficking to a child at or near a school) and new section 71AC(2) (trafficking at or near a school) of the Drugs Act.

The listing of an offence in Schedule 2 of the Confiscation Act means that a person convicted of the offence may be subject to the 'automatic forfeiture' regime in that act, which provides for the proceeds of the offence to be forfeited to the state 60 days following an accused's conviction.

The listing of an offence in schedule 2 of the Confiscation Act also means that the 'civil forfeiture' regime applies to the offence. Under civil forfeiture, property that is reasonably suspected to be the proceeds of one or more schedule 2 offences can be forfeited to the state, irrespective of whether a person has been charged or convicted of that offence.

Clause 17 of the bill engages the right not to be deprived of property in section 20 of the charter.

Property rights

Section 20 of the charter establishes a right not to be deprived of property other than in accordance with the law.

Clause 17 of the bill may limit section 20 of the charter because it establishes new schedule 2 offences that may enliven the Confiscation Act's automatic forfeiture and civil forfeiture schemes and result in the forfeiture of property.

However, the limitation is reasonable for the following reasons.

The purposes of the automatic forfeiture and civil forfeiture schemes are to deprive persons of the proceeds of their crime and of property used in the commission of crime, to deter persons from engaging in criminal activity and to disrupt criminal activity.

The Confiscation Act contains strong powers that are primarily directed at confiscating persons' property, but these strong powers are balanced by a range of appropriate safeguards designed to protect the individual rights of persons who may be subject to the scheme. These safeguards include the right for the accused and other persons to seek to exclude property from the operation of restraint or forfeiture on specified grounds. The court also has broad powers to modify the operation of restraining orders and, in the case of civil forfeiture, powers to make appropriate orders to address hardship.

The seriousness of the offences being added to schedule 2 of the Confiscation Act is in line with the seriousness of the other drug offences in the schedule, which include the existing offences in section 71AB (trafficking a drug of dependence to a child) and section 71AC (trafficking a drug of dependence) of the Drugs Act.

In addition, the objective of deterring serious drug crime that underpins the new trafficking offences aligns with the confiscation scheme's own policy objective of deterring serious crime.

In light of the purpose of the confiscation scheme, and the safeguards that operate to protect the individual rights of persons who may be subject to the scheme, the inclusion of the proposed new offences in schedule 2 of the Confiscation Act is compatible with the right not to be deprived of property under the charter.

The Hon. Wade Noonan, MP
Minister for Police

Second reading

Mr PAKULA (Attorney-General) — I move:

That this bill be now read a second time.

Speech as follows incorporated into *Hansard* under sessional orders:

This bill delivers on the Victorian government's commitment to introduce tough new laws to stop drug dealers.

The government's election commitment on ice, Ice Intervention, outlined steps to tackle the ice epidemic and find a solution to make communities safer.

That commitment included new criminal offences targeting ice: publishing or possessing instructions for ice, trafficking ice to school students or near a school, allowing the use of premises for the manufacture or trafficking of ice, and trafficking ice associated with violence or threats.

The commitment also pledged the delivery of an Ice Action Plan in the government's first 100 days of office.

In March 2015, the government released Victoria's Ice Action Plan and embarked on a landmark, \$45.5 million effort to reduce the supply, demand and harm of ice.

The Ice Action Plan recognises the complexity of the ice problem and outlines a balanced approach to reducing supply, demand and harm. The government is working together with Victoria Police and legal, health and youth experts to help families, support frontline workers, invest in prevention programs and drug rehabilitation, reduce supply and make communities safer.

In addition, Victoria has been working with the commonwealth and other states and territories to assist in the development of the national ice action strategy.

Ice, or crystal methamphetamine, is a dangerous drug causing significant harm to Victorian families and communities.

Whether imported from overseas or produced locally in clandestine drug laboratories, the supply and distribution of ice is a major concern. According to the Australian Crime Commission the market for ice in Australia is entrenched and expanding, and of all illicit drugs, ice poses the highest risk to the Australian community.

In Victoria, a Sentencing Advisory Council report released in March 2015 found that ice was the most common drug trafficked in commercial quantities in Victoria over the last five years.

As part of efforts to reduce the supply of ice on our streets, Victoria's Ice Action Plan outlines measures such as cracking down on clandestine drug laboratories and following the money trail of those profiting from drug addiction. The plan also affirms the government's commitment to introduce new drug offences.

This bill will fulfil that commitment and help strengthen Victoria's drug laws by targeting behaviour that contributes to the domestic manufacture and trafficking of illicit drugs such as ice.

The bill establishes seven new indictable offences, developed to fit with the existing legislative framework of the Drugs, Poisons and Controlled Substances Act 1981 (the Drugs Act). While the government's election commitment dealt specifically with the drug ice, the offences in the bill apply to all drugs of dependence to maintain consistency with other illicit drug offences in that act.

I turn now to the key provisions of the bill.

Trafficking or supplying illicit drugs in or near schools

Clauses 5, 6 and 9 of the bill give effect to the government's commitment to target people who deal ice to school children in or around school premises. They reflect the government's firm view that drug dealing is even more heinous when it occurs in or around schools where the risk of children being targeted by drug dealers or witnessing drug dealing is much greater. This conduct deserves a stronger form of deterrence and heavier penalties.

The bill inserts new offences in sections 71AB, 71AC and 71B of the Drugs Act, which will sit alongside the existing offences in those sections that deal with, respectively, trafficking in drugs of dependence to children, trafficking in

drugs of dependence and supplying drugs of dependence to children.

Each new offence imposes a higher penalty for the particular criminal conduct when it occurs at or near a school, with a maximum term of imprisonment that is higher by five years than the penalty for the existing offence. The area near a school is taken to be any public place within 300 metres of the school.

In clause 5 of the bill, the new offence of trafficking in a drug of dependence to a child at or near a school carries a penalty of up to 25 years imprisonment. In clause 6 of the bill, the new offence of trafficking in a drug of dependence at or near a school carries a penalty of up to 20 years imprisonment.

Clause 9 of the bill establishes a new offence of supplying a drug of dependence to a child at or near a school for the purpose of the child either supplying the drug to someone else or using the drug. The penalty is a maximum term of imprisonment of 20 years or a fine of up to 1600 penalty units, or both.

Consistent with the objective of deterring serious crime, the trafficking offences in clauses 5 and 6 of the bill are being added under clause 17 to the list of serious drug offences in schedule 2 to the Confiscation Act 1997. That act establishes a scheme for the confiscation of the proceeds and instruments of crime, and of property suspected to be tainted in relation to serious criminal activity. The inclusion of an offence within schedule 2 of the Confiscation Act means that the offence may lead to automatic forfeiture following conviction and enliven the civil forfeiture scheme.

Use of violence or threats to compel trafficking

The final report of the inquiry into the supply and use of methamphetamine in Victoria by the Law Reform, Drugs and Crime Prevention Committee noted that the involvement of organised crime groups in the production and distribution of methamphetamine in Australia created the preconditions for a type of systemic violence, wherein violent behaviour is used in the illegal drug market to facilitate drug transactions.

A well-known example of systemic violence in this context is where a member of an organised crime group or criminal syndicate coerces a drug user into becoming a dealer, either by using physical force against the drug user or by using or threatening violence against the drug user's family members or friends.

Clause 7 of the bill aims to strengthen Victoria's drug laws against this specific form of systemic violence by inserting new section 71AD in the Drugs Act. This clause creates a new offence of intentionally compelling another person to traffic in a drug of dependence by threatening harm or using violence against that person or another person. The offence carries a penalty of up to five years imprisonment.

The clause clarifies that the person who has been compelled to traffic remains liable for an offence of trafficking. There is no intention, however, to limit the potential availability to that person of a defence of duress or duress in the context of family violence. To this end, the section specifies that it does not limit or affect the operation of sections 322O and 322P of the Crimes Act 1958, which relate to the defence of duress.

Possession or publication of instructions

Among the factors the Australian Crime Commission identified to support its conclusions about the risks posed by ice, the commission noted the simultaneous presence of both importation and domestic manufacture as sources of supply. The possession and dissemination of illicit drug ‘recipes’ increases the risk that individuals will either make or grow illicit drugs themselves, or incite or assist others to commit these crimes. In turn, this contributes to the problem of domestic drug production, especially in individual, addict-based or small-scale clandestine laboratories.

Clause 10 of the bill inserts two offences in the Drugs Act to deter people from obtaining and keeping information about how to manufacture or cultivate illicit drugs, or disseminating this information on the internet or in other ways.

New section 71E in clause 10 of the bill makes it an offence for a person, unless authorised or licensed under the Drugs Act or otherwise with a reasonable excuse, to possess a document containing instructions for trafficking or cultivating a drug of dependence. This offence carries a penalty of up to five years imprisonment or a fine of up to 600 penalty units, or both.

New section 71F in clause 10 of the bill makes it an offence for a person, unless authorised or licensed under the Drugs Act or otherwise with a reasonable excuse, to publish a document containing instructions for trafficking or cultivating a drug of dependence where the person intends, knows or is reckless as to whether the instructions will be used by others for trafficking or cultivating purposes. The term ‘publish’ as used in this section includes selling, displaying, distributing and demonstrating. The penalty for this offence is up to 10 years imprisonment or a fine of up to 1200 penalty units, or both.

In each of these offences, persons who are authorised or licensed under the Drugs Act — for example to manufacture drugs, provide health services or carry out industrial, educational, advisory or research activities — are excluded from the offence. Thus a person who is required to keep, use or share information about manufacturing or cultivating illicit drugs as part of those authorised activities is not intended to be captured by these offences.

Other persons may have a reasonable excuse depending on the circumstances. It will be for the courts to determine reasonable excuse in all of the circumstances of each individual case.

For the possession offence in new section 71E, the court will have the option of adjourning proceedings without conviction for up to 12 months for a first time drug offender, under amendments made by clause 13 of the bill to the ‘adjourned bonds’ provisions of the Drugs Act.

Permitting use of premises

The report of the inquiry into the supply and use of methamphetamine in Victoria highlighted the substantial proportion of clandestine laboratories found in residential premises in Victoria and the hazards faced by responders such as police and forensic chemists and by children and others who live in or close to such environments.

It is proposed to strengthen laws against the use of premises to host clandestine drug laboratories or cannabis ‘crop

houses’ by inserting new section 72D in the Drugs Act under clause 12 of the bill. This section makes it an offence for an owner or occupier to intentionally allow their premises to be used for trafficking or cultivating a drug of dependence, unless the person is authorised or licensed under the Drugs Act. The penalty for this offence is up to five years imprisonment.

To reflect the breadth of the circumstances in which Victoria Police officers find clandestine drug laboratories, ‘premises’ is defined in clause 12 to include residential dwellings, commercial buildings, structures on land such as cabins or sheds, and vehicles including motor vehicles, aircraft and vessels.

Taken together, the new offences in this bill, as outlined, will target conduct that contributes to the domestic production and trafficking of illicit drugs such as ice, and will help to strengthen the deterrent effect of Victoria’s illicit drug regime.

I commend the bill to the house.

Debate adjourned on motion of Mr PESUTTO (Hawthorn).

Debate adjourned until Wednesday, 25 November.

ABORIGINAL HERITAGE AMENDMENT BILL 2015

Statement of compatibility

Ms HUTCHINS (Minister for Aboriginal Affairs) 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), I make this statement of compatibility with respect to the Aboriginal Heritage Amendment Bill 2015.

In my opinion, the Aboriginal Heritage Amendment Bill 2015, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

The bill raises human rights issues by amendments improving Aboriginal cultural heritage protection and expanding the scope of Aboriginal cultural heritage protection to include Aboriginal intangible heritage. The amendments to the Aboriginal ancestral remains system also raise human rights issues.

Entry, search and seizure powers of authorised officers will impact on human rights, as will new amendments relating to the private possession of secret and sacred Aboriginal objects.

Finally, the charging of fees to individuals also raises human rights considerations.

Human rights issues

Promotion of Aboriginal cultural rights

Section 19 (cultural rights)

Section 19(2) of the charter confirms the distinct cultural rights of Aboriginal people, including the right to not be denied the enjoyment of their identity and culture. This is the central purpose of the bill, as stated in clause 1.

The bill's scheme improves the protection and management of Aboriginal cultural heritage in accordance with the wishes of traditional owners. Specifically, clause 35 provides increased powers for registered Aboriginal parties (RAPs — regional traditional owner groups appointed by the Victorian Aboriginal Heritage Council to make decisions about cultural heritage in their local area) to determine cultural heritage permit applications without the intervention of government. Clause 88 enables RAPs to nominate heritage on the register as 'sensitive', which provides greater protection.

Clause 78 provides new functions for the Victorian Aboriginal Heritage Council (VAHC), which enable it to assert more control over Aboriginal heritage management, including the management of a new Aboriginal Cultural Heritage Fund.

Further, sections 19(2)(b) and (c) of the charter confirms that Aboriginal people should not be denied the right to maintain and use their languages, or to maintain their 'distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.' These rights are specifically promoted by clause 59 relating to the protection of Aboriginal intangible heritage, which includes languages and spiritual connections with land and waters.

Aboriginal ancestral remains

Section 13 (rights to privacy and reputation)

Section 17 (protection of families and children)

Section 19 (cultural rights)

Section 13 of the charter provides for a person the right not to have his or her family and close or enduring and personal relationships unlawfully or arbitrarily interfered with. Section 17 of the charter provides the right of protection of the family and children. The Aboriginal ancestral remains processes established in clauses 10–18 promotes these rights. Through enabling traditional owners to control the process of returning the physical remains of their ancestors from institutional and private possession to their ancestral lands, the bill enhances close and enduring personal and family relationships. Further, clause 18 will enable traditional owners to lay these remains to rest and to participate in culturally appropriate burial ceremonies, which enhance connections between traditional owners across generations. Section 19 is described above, and is also promoted by this part.

Entry, search and seizure and obtaining information

Sections 13 (right to privacy and reputation) and section 20 (property rights)

Under section 13 of the charter, a person has the right not to have their privacy unlawfully or arbitrarily interfered with.

Under section 20 of the charter, a person has the right not to be unlawfully deprived of property. These rights are relevant to the entry, search and seizure powers in the bill.

Clause 105 establishes Aboriginal heritage officers (AHOs) as authorised enforcement officers. AHOs will replace inspectors under the current act. The provisions in clauses 105–125 provide for AHOs to enter, search and seize property in specified circumstances.

The circumstances in which these actions may take place are clearly circumscribed in the bill and safeguards exist to ensure accountability, such as the requirement for AHOs to produce identification, obtain a warrant to enter land if consent is not obtained, report any entries and to receipt and return seized property if not required. Clause 120 clarifies the current process for return of seized property and provides for oversight by a court or tribunal.

Consequently, any limitations on the rights to privacy and property are not unlawful and not arbitrary.

Sections 24 (right to fair hearing) and 25(2)(k) privilege against self-incrimination

Clauses 121 and 122 allow an AHO to require a person to give their name, address and other information. These clauses do not expand the current powers of inspectors in the act, but rather amend the person able to do so. The current provisions allowing the compelling of information (sections 180 and 181), which will be retained after amendment, provide that it is an offence for a person to refuse to give their name and address or provide information without reasonable excuse. The ability to compel information engages the right against self-incrimination in sections 24 and 25(2)(k) of the charter. However, the amended provision will retain the current defence that it is a reasonable excuse if the information (that can be compelled under section 181) would tend to incriminate the person. Therefore, the provision does not limit section 25(2)(k). The provision will also engage the right to privacy, but as above, is unlikely to be unlawful or arbitrary, and therefore will not be a limit.

Offences

Section 25(1) (presumption of innocence)

Section 25(1) of the charter provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law.

Clause 25 is an offence of strict liability which engages s 25(1) of the charter. Strict liability offences limit the right to be presumed innocent in s 25(1). The bill contains no examples of offences reversing the onus of proof or expanding on existing offences.

Clause 25 creates a strict liability offence of doing an act which does or is likely to cause harm to Aboriginal cultural heritage. This is justified for a number of reasons.

The offence is not punishable by imprisonment. The penalty for this offence is considerably lower than that of the equivalent indictable offence in clause 24(1).

The new strict liability offence is being introduced to increase the deterrent power of the act and to provide government with greater enforcement flexibility. The new offence will address

low level incidents of harm, which is currently lacking in the act.

The strict liability nature of the offence will encourage people to exercise proper due diligence in planning and carrying out activities in order to minimise the probability of harming Aboriginal cultural heritage.

It will also bring the Victorian act into line with recent successful amendments in New South Wales.

Finally, it will address a serious shortcoming in enforcing this type of provision — that of proving the accused's knowledge of the nature of the heritage harmed in the absence of the accused conducting any due diligence.

The defence of reasonable mistake of fact will apply. In addition, my department will provide guidance material for Victorians on the proper exercise of due diligence which, if followed, will minimise the risk of prosecution under this provision.

Clauses 121 and 122 allow AHOs to request information if that officer reasonably suspects that a person has committed or is committing an offence against the act. Clause 121 requires a person to provide information to an AHO on request, and clause 122 has a similar requirement relating to a request for information from an AHO who has entered land or premises under division 2 of part 11. It is an offence for a person not to comply with a request for information from an AHO without reasonable excuse. Clause 122 operates with section 181(3) of the act, which provides that it is a reasonable excuse not to comply with a request for information from an AHO if the person believes providing this information would incriminate them. Clause 125 provides that a person may not obstruct or hinder an authorised officer in the carrying out of the officer's duties or powers.

These provisions already exist in the act. The amendments do not change the scope of the powers or the offence, but merely provide the powers to AHOs in lieu of authorised officers. However, as the act has not been previously assessed for compatibility, these provisions are included in this statement of compatibility.

The offences that clauses 121, 122 and 125 amend require the defendant to provide a reasonable excuse to avoid liability reverse onus provisions which limit the right to be presumed innocent under section 25(1) of the charter. However, the limitation in clauses 121, 122 and 125 is reasonable, as the excuse will be a matter within the knowledge of the defendant that is readily provable. Further, the offences in clauses 121, 122 and 125 are less serious than other offences in the bill and attract a relatively low penalty.

Hon. Natalie Hutchins, MP
Minister for Aboriginal Affairs

Second reading

Ms HUTCHINS (Minister for Aboriginal Affairs) — I move:

That this bill be now read a second time.

Speech as follows incorporated into *Hansard* under sessional orders:

In doing so I would like to acknowledge the people of the Kulin nation — the traditional owners and custodians of the land on which the Parliament stands. The government pays our respects to their Elders — past and present — and takes this opportunity to acknowledge the many Aboriginal nations who have lived on this land for thousands of generations prior to and since the establishment of the state of Victoria.

Aboriginal people have lived in Victoria for the better part of 50 000 years. Over that incomprehensible age Aboriginal people left an enduring legacy of their lives, cultures, societies and economies on the landscape. Along with rock paintings; tool production sites; the remnants of coastal camping places; and scarred trees, Aboriginal people also left amazing and elaborate engineering works such as the Budj Bim cultural landscape. The government is now progressing the elevation of Budj Bim to the world heritage list. If successful, it will be the first place in Australia to be listed solely for its Aboriginal cultural heritage values.

Aboriginal cultural heritage in Victoria is remarkable indeed.

However, Aboriginal cultural heritage is not just the physical remnants of past lives. It is Aboriginal language and stories, ritual, art, traditional knowledge and relationships with the natural environment. Traditional owners in Victoria live their cultural heritage. As a constant element of their identity it is inherent in traditional owner interactions with and contributions to our 21st century society and culture. It is a part of their very being, and as such, it is a part of all Victorians.

This centrality of Aboriginal cultural heritage to traditional owner identity is particularly critical to consider in the context of the rapid and often violent colonisation of Victoria by Europeans. In the process of dispossessing Aboriginal people of their land, Europeans also sought to strip Aboriginal people of their cultures and identities. They did not succeed. But Aboriginal cultural heritage still faces significant threats today. In this context, the government is humbled by the responsibility of enacting legislation to properly protect Aboriginal cultural heritage.

Any legislation protecting Aboriginal cultural heritage must walk a delicate line, lest it merely further dispossess Aboriginal people from their cultural heritage. The first Victorian law in this field — the Archaeological and Aboriginal Relics Preservation Act 1972 — did not reconcile Aboriginal people with the power to make decisions about their cultural heritage.

The later commonwealth Aboriginal and Torres Strait Islander Heritage Protection Act 1984 made some progress in this respect, but it did not work with the later emergence of native title in the 1990s, nor did it provide any clear processes for land use and development industries to meet their obligations.

In this environment, nearly 10 years ago, the Bracks Labor government introduced the current act which revolutionised the protection and management of Aboriginal cultural heritage in Victoria.

The Aboriginal Heritage Act 2006 returned to traditional owners rights to determine appropriate protection for their cultural heritage places. It recognised a broader range of Aboriginal cultural heritage. And it provided clear cultural heritage management processes for industry to follow.

The act dramatically altered the way in which Victorians interact with the Aboriginal cultural heritage of this state. It still does so in five key ways.

First and foremost, it places traditional owners at the centre of decision-making about their cultural heritage by establishing the Victorian Aboriginal Heritage Council. This council of 11 eminent Victorian traditional owners appoint registered Aboriginal parties — the cornerstone of Victoria's Aboriginal cultural heritage management and protection system. Registered Aboriginal parties are the primary sources of knowledge and advice about the Aboriginal cultural heritage of their regions. They provide education and cultural knowledge to the broader community. Critically, they represent the traditional owners of their areas in determining appropriate management of their cultural heritage in land use and development projects.

Second, the act establishes a clear process for land use and development industries to follow in accounting for their cultural heritage responsibilities. The cultural heritage management plan process has resulted in better protection and management of Aboriginal cultural heritage, real engagement between traditional owners and industry and real savings for industry, by addressing Aboriginal cultural heritage matters early in the development process.

Third, the act strengthens penalties relating to harming Aboriginal cultural heritage, thereby creating an effective deterrent.

Fourth, it provides traditional owners with the power to prevent the secretary from issuing permits to harm Aboriginal heritage — giving traditional owners a critical say in managing and protecting their important places and objects.

Finally, it establishes an appeal process through the Victorian Civil and Administrative Tribunal — providing a fair and independent arbitrator of disputes involving cultural heritage management plan and cultural heritage permit decisions.

This government is proud that as a result of the act, Aboriginal cultural heritage management is a central consideration in the land use and development process. The current amendment bill advances this critical objective.

The review of the act was carried through by previous governments over 2010 to 2014, and finalised by this government today. Along the way, the bill has been the subject of intensive and widespread consultation with traditional owners, industry groups, local, state and commonwealth governments and cultural heritage professionals. The government thanks them all for their valuable contribution and insight leading to the development of the bill.

Increasing Aboriginal self-determination

During the review, traditional owners told us they wanted to strengthen the act to provide them with greater decision-making roles and responsibilities.

The bill does this in a number of ways.

First, it provides registered Aboriginal parties with the power to evaluate cultural heritage permit applications, removing government from the process and placing this function squarely in traditional owner hands.

Second, and importantly, the bill provides the nation's strongest protection and most comprehensive process for treating Aboriginal ancestral remains. For the first time in Victoria traditional owners, through the Victorian Aboriginal Heritage Council, will be in control of determining what happens with their ancestors.

Over many years, the government has heard from traditional owners about the mistreatment of their ancestors and I cannot stress enough just how significant these Aboriginal ancestral remains amendments are for Victorian traditional owners.

It is time for people and institutions to return Aboriginal ancestral remains collected in the past for research or curiosities to their traditional owners. The bill mandates public institutions such as universities and museums report to the Victorian Aboriginal Heritage Council within two years about any Aboriginal ancestral remains they possess. The council will be empowered to decide what is to be done with those remains.

Third, the bill returns enforcement powers to Aboriginal Victorians, who operate at the front lines in protecting their cultural heritage places. Aboriginal heritage officers will have special powers to stop works for 24 hours if they believe an offence has occurred or is likely to occur.

Finally, the bill provides increased powers and functions to the Victorian Aboriginal Heritage Council. These include greater oversight of registered Aboriginal parties. They also include a responsibility to report annually to the minister, and importantly, to report on the state of Victoria's Aboriginal cultural heritage every five years. These powers and functions increase the oversight traditional owners have of Victoria's Aboriginal cultural heritage management and protection.

Improvements for industry

In Aboriginal cultural heritage management, industry stakeholders want certainty, clarity and consistency of process. The amendments address this by improving the certainty of when a cultural heritage management plan is required by establishing a new due diligence process which can be certified by government. This certified due diligence assessment — the preliminary Aboriginal heritage test — can be used by industry to determine whether or not a cultural heritage management plan is required for a project.

The bill establishes a new administrative process for engaging with traditional owners on projects in areas of Victoria where a registered Aboriginal party has yet to be appointed. The Secretary to the Department of Premier and Cabinet will have the power to appoint an activity advisory group comprising relevant traditional owners of that area. The activity advisory group will act as a registered Aboriginal party for engagement

on the project, but without approval rights, which will remain with the secretary.

The bill also allows for amendments to approved cultural heritage management plans — obviating the need to start a plan again.

Industry asked for better resourcing of registered Aboriginal parties, as the development approvals process runs more smoothly in those areas where a registered Aboriginal party has been appointed by the Victorian Aboriginal Heritage Council. In addition to introducing this bill, the government has met this challenge by allocating \$20.9 million towards Victoria's Aboriginal cultural heritage management and protection system — including necessary operational support for registered Aboriginal parties.

These amendments and resources will improve the certainty, clarity and consistency industry demands from Victoria's Aboriginal cultural heritage management system, while enhancing the protection and management of Aboriginal cultural heritage and providing more opportunities for traditional owners to be properly engaged.

Improving Aboriginal cultural heritage management and protection

The bill creates Aboriginal cultural heritage land management agreements to foster closer relationships between public land managers and registered Aboriginal parties. These agreements will facilitate better strategic planning and provide public land managers with greater flexibility to manage the impact of routine management works on Aboriginal cultural heritage.

The bill introduces greater security measures for the Victorian Aboriginal Heritage Register. The register, which was established in 1972, is an invaluable repository for information about Victoria's Aboriginal cultural heritage. There are currently records of over 36 000 Aboriginal places and objects listed on the register. The Victorian government acknowledges the cultural sensitivity of some of this information and restricts access to certain people for certain purposes. Now traditional owners will be able to nominate sensitive information on the register for extra security, increasing protection for this information. Nominated information will then only be able to be accessed with permission of the relevant registered Aboriginal party or the Victorian Aboriginal Heritage Council. This ensures sensitive cultural information is appropriately managed while still maintaining the critical useability of the register for all Victorians.

The bill establishes an Aboriginal Cultural Heritage Fund, which will work similarly to the Victorian Heritage Fund established under the Heritage Act 1995. All fees and charges collected by government under the Aboriginal Heritage Act will be deposited into the fund for use by the Office of Aboriginal Affairs Victoria in consultation with the Victorian Aboriginal Heritage Council. Funds may be allocated to registered Aboriginal parties, or for specific protection works, for example. The fund will also be able to receive bequests and gifts.

Improving enforcement and compliance

In the eight years of the act's operation, the Office of Aboriginal Affairs Victoria has undertaken almost 200 investigations into potential offences. Despite

unauthorised harm to Aboriginal cultural heritage occurring, there has yet to be a case of unauthorised harm brought before the courts. An act which is difficult to enforce lacks the ability to fulfil its objectives and purpose, as the deterrent effect inherent in its offence and penalty provisions is diminished.

Government has listened to many during the review of the act who bemoaned the difficulty of proving a case of harm, and the consequent undermining of the act's objectives. We agree the act needs to be stronger. We note developments in this area, particularly in New South Wales, where amendments to its Aboriginal cultural heritage protection laws have resulted in greater enforceability and more successful prosecutions for unlawful activities.

In response, the bill strengthens the existing harm offences by removing a redundant hurdle to prosecuting cases of harm, thus bringing it into line with similar offences in other legislation. In addition, the bill introduces a new strict liability offence as an additional enforcement tool. This is also consistent with recent changes in other jurisdictions. The penalty associated with this new offence is much lower than the other major offences, but it will enable greater enforceability of the act and greatly increase its deterrent effect.

The bill introduces other new offences. It will be an offence to commence an activity for which a cultural heritage management plan is required without first preparing and obtaining approval for such a plan. This will increase compliance and will provide even more incentive for industry to consider impacts on Aboriginal cultural heritage early in land use and development processes.

It will be an offence to fail to comply with the conditions of a cultural heritage management plan. This will strengthen the cultural heritage management plan process, improve compliance and facilitate better Aboriginal cultural heritage management.

It will be an offence to misuse information obtained from the Victorian Aboriginal Heritage Register. This will help to safeguard the sensitive information contained within that database.

The bill introduces additional offences related to failing to report Aboriginal ancestral remains to the Victorian Aboriginal Heritage Council. This will encourage institutions to investigate, report and return any Aboriginal ancestral remains held in their possession.

These improvements to enforcement and compliance tools will result in stronger protection for Victoria's Aboriginal cultural heritage.

Aboriginal intangible heritage

There is an increasing global focus on protecting Indigenous peoples' vulnerable intangible cultural heritage. The bill places Victoria at the cutting edge in Australia in this area.

Victoria's rich Aboriginal culture has significantly shaped our values and traditions — from our music, art and stories to environmental management practices and even the development of Australian Rules football. The influence of Aboriginal culture on Victorian society has not been properly acknowledged in our past, and it is important we recognise its value in the future.

Aboriginal intangible heritage is not protected adequately by current intellectual property laws, patent laws or copyright laws. Stories, songs, dances, language, manufacturing techniques and knowledge about the properties and management of plants and animals are central to traditional owner culture and wellbeing, and deserve proper statutory protection as part of the cultural heritage of Victorian traditional owners.

The bill provides a process for registered Aboriginal parties and other eligible traditional owner organisations to nominate particular intangible heritage for registration. Once registered, anyone wishing to use that intangible heritage for their own purposes will require a formal agreement with the relevant traditional owner organisation.

The revolutionary Aboriginal intangible heritage amendments in the bill will create new opportunities for economically beneficial partnerships between Aboriginal people and industry, promote new Aboriginal industries and advance reconciliation and self-determination. This will significantly increase respect for Aboriginal culture and traditional knowledge and provide opportunities for it to be appropriately shared and celebrated. It will finally place traditional owners in the driving seat and able to control how their traditional knowledge is used by the broader community and industry.

Victoria's Aboriginal Heritage Act broke new ground in 2006. It greatly improved the way Aboriginal cultural heritage is protected and managed in this state. It served to increase respect for Victoria's Aboriginal cultural heritage. It has inspired other states to follow suit, and is a model internationally.

The bill represents another significant step forward for Victoria on the road to true reconciliation with Aboriginal people, and toward true Aboriginal self-determination.

I commend the bill to the house.

Debate adjourned on motion of Ms VICTORIA (Bayswater).

Debate adjourned until Wednesday, 25 November.

KARDINIA PARK STADIUM BILL 2015

Statement of compatibility

Mr EREN (Minister for Sport) 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), I make this statement of compatibility with respect to the Kardinia Park Stadium Bill 2015.

In my opinion, the Kardinia Park Stadium Bill 2015, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

The bill will establish the Kardinia Park Stadium Trust to administer, plan, develop, promote, use, operate and manage

areas of Kardinia Park (including the stadium) and other land and facilities.

The Greater Geelong City Council (council) is currently the committee of management of Kardinia Park, and is expected to remain as committee of management for the areas of Kardinia Park that do not form part of the trust land.

Clause 34 of the bill provides the Governor in Council with the power to make an 'event management declaration' (on the recommendation of the minister responsible for administering the bill), giving the trust control of the whole or any part of Kardinia Park (excluding Kardinia pool and the senior citizens centre) on the days specified in the event management declaration when major events are held on the trust land. Pursuant to subclause 34(2) of the bill, event management declarations may only be made where the minister is satisfied that the event is suitable to be held on the land and the event is of significance to the Geelong region or the state.

Human rights issues

Property rights

Section 20 of the charter provides that a person must not be deprived of his or her property other than in accordance with law.

This is relevant because there are current leases, licences and other agreements between council and third parties with respect to:

- (a) land that will become trust land under the bill; and
- (b) other areas of Kardinia Park that the trust will have power to control on days when major events are held on the trust land.

Clause 43 of the bill provides for current leases and other agreements with respect to the trust land, of which the council has notified the state, to be transitioned to the trust.

In relation to the other areas of Kardinia Park that the trust will control on major event days pursuant to an event management declaration, there may be a temporary restriction of a person's ability under a lease or licence to hold other events in the relevant areas on those days. This is consistent with the council's current management of Kardinia Park, and in my opinion is reasonable and justified to enable the trust to facilitate appropriate event management, including safe and efficient traffic management, parking and pedestrian movement.

In light of the consistency between current arrangements and the proposed provisions, it is questionable whether any deprivation of property will occur under the bill. However, to the extent that a current or future lessee or licensee could be regarded as having a property right that is deprived by an event management declaration, that deprivation will be in accordance with law. It will be authorised under the bill and subject to the restrictions and procedures set out in it.

Right to privacy

A person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. The touchstone for the right is a reasonable expectation of privacy.

Clause 13 of the bill requires a member of the trust to declare in a meeting of the trust any pecuniary interest or conflict of interest in relation to a matter being considered or about to be considered by the trust. Insofar as the provision requires disclosure of information about which a person might have a reasonable expectation of privacy, I consider that any interference with privacy is reasonable and not arbitrary. It is essential for the maintenance of the integrity of the trust that conflicts of interest are declared.

I consider that the bill is compatible with the section 13 right.

Right to freedom of movement

Every person lawfully within Victoria has the right to move freely within Victoria and to enter and leave it and has the freedom to choose where to live under section 12 of the charter.

This right is relevant because subclause 42(1) of the bill provides the Governor in Council with the power to make regulations on a range of matters, in particular the exclusion or expulsion of persons found contravening the regulations from the trust land or any other land managed by the trust. These regulations have the potential to impact upon persons' freedom of movement in what are otherwise publicly accessible areas. However, I consider that such restrictions are appropriate in order to protect the land, facilities and services; protect public safety and facilitate property site management. The regulations themselves will be subject to the charter.

I consider therefore that the bill is compatible with the section 12 right.

John Eren MP
Minister for Sport

Second reading

Mr EREN (Minister for Sport) — I move:

That this bill be now read a second time.

Speech as follows incorporated into *Hansard* under sessional orders:

Kardinia Park Stadium is an important sport venue in a great Victorian city — Geelong — and the home of an outstanding football club, the Geelong Football Club.

The government made a commitment to establish a state trust to manage and preserve the stadium, and elevate it to a more fitting status where it can officially stand alongside the Melbourne Cricket Ground as one of Australia's great sporting arenas.

The Kardinia Park Stadium Bill 2015 delivers on that commitment.

The creation of the Kardinia Park Stadium Trust, along with the government's \$70 million investment in the stage 4 redevelopment of the stadium, will enable this great venue to host more major events.

The underlying purpose is to contribute to the economy, community and livability of the Geelong region and the state through improved use of the stadium.

The trust will ensure a more strategic approach to the development and use of the stadium, greater operational efficiencies and increased opportunities to attract events to the Geelong region, thereby maximising the return on the state's past and present investments in the stadium.

The trust will initially be responsible for Kardinia Park Stadium and land adjacent to the stadium, including car parking areas.

Further areas of the park may be added to the trust land in future, and the bill provides a process for that to take place. This will only be done with the agreement of the Greater Geelong City Council, unless unforeseen circumstances dictate otherwise, and should include an agreement on costs.

The bill also provides for the trust to take control of further areas of the park on days when major events are held on the land managed by the trust, to ensure that all aspects of events, including car parking, can be delivered in an efficient, integrated and safe way.

This is consistent with council's current management of Kardinia Park on event days and it is necessary to maintain this approach to facilitate appropriate event management, including safe and efficient traffic management, parking and pedestrian movement.

I now turn to the detail of the bill to highlight some key points.

Part 2 of the bill will establish the Kardinia Park Stadium Trust.

The functions of the trust are broadly to be responsible for the Kardinia Park trust land, which includes the stadium, with the objective of contributing to the economy, community and livability of the Geelong region and the state.

The trust will also provide for the planning, development, promotion, management, operation and use of other facilities for which it may be responsible, and for facilities and services for car parking and other necessary services to be used in conjunction with any of its facilities. The trust may also accept appointment and act as a committee of management of crown lands.

The trust will consist of a part-time chairperson and between four and either eight other part-time members appointed by the Governor in Council on the recommendation of the minister.

The trust will be required to provide a business plan to the minister each year including information about how its planned activities are proposed or designed to contribute to the economy, community and livability of the Geelong region and the state.

It will also be required to prepare an annual report under part 7 of the Financial Management Act 1994.

Part 3 of the bill sets out financial provisions for the trust, including a requirement to establish and maintain a Kardinia Park Trust Fund.

Part 4 of the bill provides for the management of the Kardinia Park trust land.

Kardinia Park trust land is defined as Kardinia Park Stadium land and any land set out in a Kardinia Park trust land order.

The bill provides for various existing reservations to be revoked to enable the Kardinia Park trust land to be established.

It will revoke the permanent reservations over all parcels of land in Kardinia Park that are permanently reserved, and temporarily re-reserve the land for the same purposes. This will facilitate an efficient process for adding to the Kardinia Park trust land in future.

This change will not make any difference to the use of the land. I can reassure the people of Geelong that the land will continue to be used as park land and facilities for community activities.

The Governor in Council, on the recommendation of the minister administering the Crown Land (Reserves) Act 1978, will be able to make a range of orders to create the Kardinia Park trust land.

This includes an order specifying that the land shown on the plan LEGL./15-504 is Kardinia Park Stadium land. This area comprises the stadium and adjacent land, including car parking areas.

The Governor in Council will also be able to make one or more Kardinia Park trust land orders specifying that further land in Kardinia Park is Kardinia Park trust land.

The land leased by the council to the senior citizens' centre near the stadium is not included in the land that may become Kardinia Park Stadium land. This is clearly shown on the plan LEGL./15-504. Further, it will not be possible for this land to become Kardinia Park trust land in future or be controlled by the trust on event days.

The land surrounding the senior citizens' centre will, however, become Kardinia Park Stadium land. The trust will ensure that convenient car parking facilities will continue to be available for users of the senior citizens' centre on this land. It will also pursue a cooperative approach to matters affecting the senior citizens' centre with the council through the proposed Kardinia Park advisory committee.

It is not intended that the Kardinia pool complex will be included in the trust land through a Kardinia Park trust land order, nor that it will be controlled by the trust on event days.

Part 4 will establish the Kardinia Park advisory committee to advise the trust in relation to the trust land, and to advise both the trust and the council in relation to the rest of Kardinia Park. The advisory committee will be appointed by the minister and will include representatives of the trust, the Geelong Football Club, lessees of Kardinia Park, and the council.

The trust will be able to grant a lease of the trust land, with the approval of the minister, for up to 50 years, and a licence to enter and use the land for up to 3 years, or up to 10 years with the approval of the minister.

Part 5 of the bill provides for event management declarations for Kardinia Park events.

This is an important feature of the bill which will enable the trust to take control of areas of the park that are not Kardinia

Park trust land on days when major events are held on the trust land. This will ensure that all aspects of events, including car parking, can be delivered in an efficient, integrated and safe way.

The bill provides that on the recommendation of the minister, the Governor in Council, by order published in the *Government Gazette*, may declare an event to be a Kardinia Park event. An event management declaration may cover more than one event.

It is anticipated that all Australian Football League premiership season matches scheduled to be played at the stadium in a particular year will be covered by a single declaration, along with any other events that are already confirmed at the time when the declaration is prepared. One or more further declarations may be required each year for additional events.

The minister must not make a recommendation for an event management declaration unless satisfied that the event is suitable to be held on Kardinia Park trust land and the event is of significance to the Geelong region or the state.

The minister will be required to provide a copy of a declaration to the council within seven days after the declaration is published.

A range of information will be required to be specified in an event management declaration, including the event to which it applies, the times and dates when the event is to take place, when the declaration would apply, the relevant area of land within Kardinia Park and the arrangements applying to the management of the land at the times and dates when the declaration is in force.

An event management declaration may provide that the trust is to have specified functions, duties and powers during a Kardinia Park event, including powers to enter into agreements or arrangements with an event organiser, and undertake, organise or facilitate an event.

The bill provides that despite section 17E of the Crown Land (Reserves) Act 1978, car parking may be provided on land at Kardinia Park during a Kardinia Park event, reflecting current practice on event days. This may be arranged without ministerial approval.

An event management declaration may also provide for functions, duties and powers of the council as the committee of management of Kardinia Park, to be suspended for the relevant times. This may only occur, however, if the minister considers that this is necessary for the purposes of the event.

Local laws will continue to apply during a Kardinia Park event unless the declaration provides for suspension of those laws or they are inconsistent with the purposes of the declaration.

Importantly, the trust will have to restore, or ensure the restoration of, the relevant areas of Kardinia Park after an event.

Part 6 of the bill sets out that the Governor in Council may make regulations in relation to the Kardinia Park trust land.

Part 7 includes transitional provisions which provide that any specified lease, licence or other arrangement the council has entered into prior to the commencement of the bill is taken to

be a lease, licence or other arrangement granted by the trust, from the day the section comes into operation.

It also provides for the Governor in Council to make regulations dealing with transitional matters arising from enactment of the bill, which may be retrospective to the day when the bill receives the royal assent.

Division 2 of part 7 sets out consequential amendments to the Geelong (Kardinia Park) Land Act 1950, the Filming Approval Act 2014, the Major Sporting Events Act 2009 and the Borrowing and Investment Powers Act 1987.

The amendments to the Major Sporting Events Act 2009 will make the Kardinia Park trust land an event venue for the purposes of that act, which means that the crowd management provisions of that act will apply there without a major sporting event order having to be made. The definition of major sporting event will also be amended to include any Australian Football League matches and international or interstate cricket matches played at the stadium.

The bill recognises the importance of Kardinia Park Stadium to the people of Geelong, the region and to the state. It marks the beginning of a new era in the management and use of this great stadium.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Wednesday, 25 November.

TERRORISM (COMMUNITY PROTECTION) AMENDMENT BILL 2015

Second reading

Debate resumed from 10 November; motion of Mr PAKULA (Attorney-General).

Mr PESUTTO (Hawthorn) — When I concluded last night I was talking about preventative detention orders (PDOs) and the amendment in the bill which will enable police to seek a PDO in circumstances where all they may know about a potential detainee is an alias and not an actual or correct name of that person. I was about to make the point that Victoria has a very rigorous regime for the process by which police apply for and obtain preventative detention orders. It is not something that is done administratively; it is not effected by ministerial fiat. There is actually a very hard process to satisfy before a preventative detention order will ever be granted.

It starts with the Supreme Court. An application is made by a police officer of sufficient standing within Victoria Police. The application is made to the Supreme Court. Sufficient particulars have to be provided — the reasons why and the background. The second point to note is that the public interest monitor, who as I said in

my remarks last evening, is an independent officer, must be a party to those proceedings and must have an opportunity to participate in those proceedings.

It is also worthwhile to note that a potential detainee who is the subject of a PDO application has the right to participate in that process. They can appear, call witnesses, produce evidence and produce documentary material. The Supreme Court also has the power to order that Victoria Legal Aid provide legal assistance to a potential suspect in the midst of those proceedings, so members can appreciate that they are fairly demanding standards to meet. And in the case of a potential detainee who is less than 18 years of age but more than 16 years of age — noting that no-one under 16 can be the subject of a PDO — there are further requirements. In the case of someone who is less than 18, the Department of Health and Human Services must be a party to that proceeding and be notified of it. It is also important to note that with a preventative detention order there are severe constraints on the ability to interrogate. In fact for all purposes interrogation is not permissible other than to obtain very basic information that would in no way be incriminating.

The point of all this is to note that preventative detention orders are not used often, and that is a good thing. We do not want the circumstances and an environment in which police are required to be repeatedly approaching the Supreme Court for preventative detention orders, because they are, it has to be noted, a very serious imposition on the liberties of an individual. That cannot be lost sight of. But equally, as we would all appreciate, the hazards for which a preventative detention order is available to avert or to overcome are far greater than any of us hope ever to have to experience — and certainly not on the Australian mainland. In answer to those who are calling for the repeal or the abolition of PDOs from our counterterrorism regime I say that they are a very important part of the framework. Yes, use them sparingly, but they must be available, in our view — and I know the government shares this view — to assist police in what is the very difficult task of trying to take action against threats that are very difficult to define and the provenance of which is almost impossible to ascertain at any particular point in time. Understanding those difficulties is helpful in noting how important PDOs are to our counterterrorism regime.

Moving through the bill, it is also important to note that it makes a number of other, by comparison, less important changes. It clarifies that police can apply in the case of section 130 of the act for the preventative detention order to be revoked or varied. It also makes it very clear that a police officer who is detaining a person

and therefore has custody of a detainee must release that person from detention under the order or arrange for the person's release from detention under the order if that police officer is satisfied that the grounds on which the order was made no longer exist. That is perfectly sensible. If a member of Victoria Police has reason to understand that there is no longer a need to maintain that person in custody, then of course it goes without saying that there should be an obligation upon that police officer to take steps to effect the release of that detainee. There are a number of other changes which I will not go into other than to note, finally, in terms of the bill, that the sunset date has been extended by five years, which of course the coalition supports.

Overall, the coalition supports this bill. That is the position we are taking. We will reserve our position on potential amendments in the upper house, the reason being that there is a difference of approach between the coalition and the government on this. In October last year we indicated that we would adopt 12 of the 13 recommendations. This bill only implements six of those recommendations. I appreciate that the government's position is that it is working through those other matters and may bring further amendments before this house in response to the recommendations of the Jones review. We were of a mind late last year to adopt several further recommendations. In particular I want to note that recommendation 1 was one that we in the coalition were happy to adopt then, and we hope the government might reconsider that matter now or at some point in the very near future. Recommendation 1 is:

That the definition of 'terrorist act' in the Terrorism (Community Protection) Act 2003 be amended as recommended in recommendations 3, 4 and 5 of the COAG report.

We think that was a worthwhile recommendation that should have been a part of this bill. We also note that recommendation 6, being a recommendation that we were prepared to support when we were in government, has not been included in the present bill. That recommendation provides:

That the provisions in the Terrorism (Community Protection) Act 2003, relating to the requirement that a terrorist act be imminent and expected to occur, in any event, at some time in the next 14 days, be amended along the lines recommended by the INSLM —

the independent national security legislation monitor.

We think that that recommendation should form part of this bill, and if we are unable or do not move amendments to that effect when the bill passes through the other place, then I would urge the government to

give serious consideration to whether it might bring a bill back in the future to implement at least those two recommendations of the Jones review, which do not form part of this bill.

The final thing I want to talk about briefly is the matter of the language around these sorts of matters. The coalition and the government have been at odds in recent weeks over some statements by the Premier in relation to the place of violent extremism in Australian life, and I do not want to re-prosecute the argument. I just want to give some context as to why that is such an important matter.

We can enact all manner of laws, and we do, taking into account the best expert advice from law enforcement agencies at many points. The laws we enact are very important. The resources we equip our law enforcement authorities with are very important. It is also important to understand how significant the posture of the government of the day is on difficult matters like this — very complex and difficult matters like this — and how very important that is also. I do not for one minute impute anything into the Premier's comments about his commitment to Victorian values; I do not cavil with that. It is more about how important it is for the government of the day to adopt a posture which communicates our strong community resistance to the idea that violent extremism could ever be part of our way of life.

I think we would all agree that we live in a multicultural community, the success of which is envied the world over. We are a diverse community — and at the heart of that diversity is, if you like, a transcendent principle that we can live with religious, ethnic and racial differences peacefully; we can disagree civilly; and we can engage in civil and respectful disagreement. The idea that part of our life, and part of our way of life in Victoria and in this country, should consist of violent extremism I think is anathema, and I would imagine it is anathema to the Premier too.

I imagine that those comments were simply made off the cuff and not thought through in terms of how people would interpret those comments at the time. But I do think it appropriate to take this opportunity just to establish why that is a matter that we feel very strongly about in the coalition. The government — and when I say 'the government' I mean the government of the day — must, through its posture, communicate to everyone, domestically and internationally alike, that we are an exceedingly generous and compassionate country but we will never, ever accept as part of our way of life those, whatever their racial background, whatever their religious background, who are fixated on

acts of violence against other innocent people. It is something that we can simply never accept. I just wanted to put that on the record. My interest is not in getting into the finer points of the argument but in establishing why it is important to understand the messages that we communicate, in particular the messages that a government of the day communicates to the Victorian people and to the Australian people.

I hope I can say that in future the government and the coalition will — on this matter, certainly — have a very like mind in how we communicate that. I think we all understand that there are a number of dimensions to the way we tackle violent extremism and terrorism. On the one hand, as I said last evening, it is important to adopt — in fact, vital to adopt — strong measures, counterterrorism measures, using some of the instruments that are in the Terrorism (Community Protection) Act and various other things to tackle defiantly and resolutely the threat of physical violence. Equally though, it is important that we engage communities, particularly those, as I said last evening, that are at risk of alienation and risk of radicalisation. We need to do both, and we need to do both well.

With those comments, I am happy to advise that the coalition supports the bill. It will reserve its right in the upper house to look at further potential amendments that would pick up on some recommendations in the Jones review that are not part of this bill, but subject to that, I am happy to support the bill.

Mr CARROLL (Niddrie) — It is my pleasure to rise and make a contribution on the Terrorism (Community Protection) Amendment Bill 2015. In my contribution I want to highlight why this legislation is so important. Only recently, as the Parliamentary Secretary for Justice, I went and visited Parramatta and had a good look at the Parramatta community justice precinct and the head office of Sydney, New South Wales, police. I could not believe — that was late September — that only a week after I had left a Sydney civilian police accountant had been shot out the front. I had only been there a week before visiting this wonderful precinct where the New South Wales government has put in cutting-edge law enforcement facilities and intelligence. I also got to see Parramatta, the community that it is — a wonderful multicultural community, the heartbeat of and a massive community in western Sydney. To think that a politically motivated terrorism act would occur right on the steps and on the streets that I visited only a week prior really shook me up. It was gut-wrenching to see what had happened.

I think all sides of politics have responded to this issue that happens right across our great country. I know that

both the Prime Minister and the federal Leader of the Opposition and all Premiers have been very united in terms of tackling terrorism. What I thought was good from our political leaders was the National Day of Unity, the interfaith assembly that occurred very shortly after that attack in Parramatta.

The Andrews government is to be commended. We have this legislation, which is very important. Let us not forget too that it is about working with the community. Looking at some of the measures that the Premier, the Deputy Premier and the cabinet are putting in place to address social cohesion and resilience right across our community, they are commendable. We have seen the ministerial task force established, led by the Deputy Premier, including, from right across cabinet, the portfolios of education, youth, multicultural affairs and police, to look at how we can combat racism and bigotry. There has also been the announcement in relation to the Social Cohesion and Community Resilience Advisory Group, comprising representatives from across Victoria's multicultural community, with a focus on youth, to provide advice to the ministerial task force on current issues and potential risks.

The Victorian state budget also invested \$74 million into our multicultural affairs and social cohesion package, including \$21 million over four years to promote social cohesion and community harmony and more than \$13 million to enhance community capacity and participation for people from culturally and linguistically diverse backgrounds. We have also established a Social Cohesion and Multicultural Research Institute, with the provision of \$4 million to develop a research program to address issues facing Victoria, including those relating to multiculturalism, intercultural relations, youth affairs and extremism.

The legislation before us is very specific, fairly dry and very technical. It has come about from a range of measures, including the Victorian review of counterterrorism legislation initiated by the former government, and I want to take up some of the member for Hawthorn's comments in relation to the recommendations shortly. This legislation supports the Labor government's ongoing commitment to the safety of the Victorian community by ensuring that the powers against terrorism remain relevant and necessary. It is technical legislation, but it is legislation that has a lot of safeguards as well. It provides for the implementation of some of the recommendations that came out of the Victorian review of counterterrorism legislation.

These recommendations were necessary, and the legislation we are debating today is necessary. It is a necessary response by government to the evolving

threat of terrorism. When you are dealing with police — as I am, working with Victoria Police more and more these days — it is amazing what they will talk to you about and what is really occupying their minds at the senior leaders level. Obviously family violence involves an incredible amount of Victoria Police's work. The government has the royal commission, but Victoria Police today, in the 21st century, are dedicating an enormous amount of resources to terrorism. Who would have thought that Melbourne, the most livable city in the world, would face this threat? But it is a threat, and it is real, and this legislation will ensure that Victoria Police have the most up-to-date powers possible.

It is about getting the balance right as well. When the Terrorism (Community Protection) Act 2003 was first established it included a number of sunset provisions, including a statutory review to ensure that proper consideration was given to whether such legislation was required on an ongoing basis. There were several sunset provisions relating to preventative detention orders and prohibited contact orders. These sunset provisions are a safeguard that ensure that the practical operation of the act remains appropriate and balanced. We have had the Victorian review and we have had the report and its recommendations.

I have an article headed 'Daniel Andrews eases rules on terror detention orders' from the *Australian* of 21 October which was written by Rick Wallace. In that article the member for Hawthorn, who is described as the legal affairs spokesman for the opposition, is quoted as saying that the opposition will wait to see the bill. However, he said he was:

... very concerned about reports Daniel Andrews will adopt only 6 of the 13 recommendations of the review.

He went on to say:

In government, we committed to 12 of the 13 recommendations because we were satisfied that the changes would improve community safety in the face of terrorism-related threats in an increasingly complex security environment.

The government has inserted some of the recommendations of the report into this legislation. It is now doing further work with the commonwealth with regard to the other recommendations to be implemented. But I urge the member for Hawthorn to look at the Department of Justice and Regulation website, as I have. I downloaded the former government's response to the report, and it is clear from that that the coalition did not support all the recommendations. It hand-picked a couple of recommendations that it supported, and there were

some that it was going to seek further information and detail on.

The same is true of the current government. We need to work on counterterrorism with the other states and our counterparts across Australia, and also with the federal government. When you are passing laws dealing with our communications networks and carriage devices a lot of it comes under federal government law, and particularly the commonwealth Telecommunications (Interception and Access) Act 1979. Such legislation requires a lot of work across agencies and across not only the Attorney-General's and police portfolios but also the communications portfolio.

On 16 September 2014 the coalition tabled its response to the report. I commend the coalition because, just as we are doing, it took on board information on what needed to occur. However, if you go through the previous government's response, the facts speak for themselves. It was keen to support several of the recommendations, but there were some that it did not support at all.

This legislation is not something that can be rushed — we must take our time and ensure that we get it right. But strengthening powers to prevent, detect and enforce terrorism-related offences in Victoria is critical in the 21st century. The review conducted last year and its recommendations, many of which are consistent with what we are passing in this legislation today, are to be commended. I commend the vehicle that has seen this legislation come before the house, the Council of Australian Governments, and in particular the Victorian Attorney-General and other justice ministers, and also the Victorian Minister for Police who is also the Minister for Corrections. Counterterrorism legislation is part of a nationally agreed framework, and Victoria is continuing to work with all other jurisdictions to ensure changes to counterterrorism legislation complement all states' and territories' legislation as well as that of the commonwealth.

This legislation is powerful in terms of some of the intrusions that people may believe will occur, but it is important that our police have the best resources and the most up-to-date intelligence available to ensure that Victoria remains not only the best place to live and raise a family but also one of the most secure places. We are the envy of the world for our livability. Terrorism is an ongoing threat, and we must be vigilant towards it. I commend this legislation, and I commend the Attorney-General for the work he has done with the commonwealth and the other states and territories. I wish the bill a speedy passage.

Mr D. O'BRIEN (Gippsland South) — It gives me pleasure to rise and speak on the Terrorism (Community Protection) Amendment Bill 2015, although, as previous speakers have mentioned, it would be preferable if we did not have to speak on legislation such as this. But sadly we need to have this sort of legislation. Unfortunately these are the types of laws that we have been debating and bringing into Parliament, both at state and federal levels, for at least the last 15 years. Unfortunately this continues to be an area we need to focus on because there are serious threats to our communities. Such incidents go back to the early 2000s, with 9/11 and the Bali bombings, as well as various other incidents overseas.

More recently on the domestic level, which is where the legislation we are debating today goes to, there have been some awful events, including the Parramatta police headquarters shooting in which a completely innocent police worker, Curtis Cheng, was killed and his assailant was also shot dead. Last year there was the unfortunate incident at Endeavour Hills in which two police officers were stabbed and an 18-year-old man was shot dead. I will also throw in the Lindt cafe siege last year, although I suspect that while there was a terrorism element to that one, there were also other reasons behind it. There have been other incidents domestically. All of these events show the threat of terrorism on our own shores and prove that we need to ensure that our law enforcement agencies have as much information at their fingertips as possible to assist them in ensuring that these things do not happen.

I know there are people in the community who say that the threat of terrorism and its potential impact in terms of number of casualties are relatively minor compared to more general crime and what happens on our roads, but it is the nature of terrorism and its impact on completely innocent civilians that worries the community. It is appropriate that we move as best as possible to address domestic terrorism.

Both the member for Hawthorn and the member for Niddrie have spoken at length about the social side of things in terms of community harmony and in terms of ensuring that those who may be radicalised are identified early and diverted away from a path that would take them towards terrorist acts. They are also very important things for governments to do, but this sort of legislation is equally important in terms of making sure that our security agencies — the police and the various others that act to protect the community — have the means at their disposal to ensure as best as we possibly can that there are no further attacks on Victorian and Australian soil.

Briefly, as other speakers have mentioned, the bill extends the issuing of covert search warrants to the remote access of computers and like equipment, or rather it clarifies that police can get that power. This ensures that police can covertly monitor activities of suspected terrorists or people who are heading down that path so that they can be stopped before they do get to the point of actually committing an act. These are the sorts of matters in a technical sense that are far beyond many members of the Parliament, but the police and various agencies have some excellent techniques to get that sort of remote access.

The bill also relates to the operation of preventative detention orders and prohibitive contact orders, allowing police to rely on an alias when applying to the court for a preventative detention order. This is important because it is often not clear what a suspect's actual name is. Sometimes we are only able to come up with aliases, particularly where there are people who may have come from another country and whose identity documents are uncertain or unavailable to police. This is a relatively minor amendment but one that I am sure the police are seeking. There are also other elements, including clarifying the transfer of responsibility of detainees when they are moving from police to prison authorities, which is relatively straightforward.

These matters were recommendations of the Jones review, which was initiated by the coalition government. The review made 13 recommendations, and the coalition then supported 12 of them, and I think 2 or 3 or 4 in principle. This government, the Labor government, has chosen to support only 6 of them at this stage. I am not sure if the member for Niddrie mentioned this or not — I apologise if he did — but I would hope that some of the other recommendations of the Jones review will be coming to us in later legislation from the Attorney-General, because we need to make sure that we are addressing the areas the experts are highlighting we need to act in.

I know that people — civil liberties groups and members of the community — are concerned about the ever-tightening grip of some of our anti-terror legislation at both the state and the federal levels, but the member for Hawthorn outlined very clearly the safeguards that are in place with respect to that, in particular the oversight of the Supreme Court. Supreme Court judges — not that I am experienced in this, necessarily — are not ones to wantonly give out these sorts of warrants and powers to police on a whim.

Likewise there is the oversight of the public interest monitor, which I think — again the member for

Hawthorn will correct me if I am wrong — was established by the coalition government. The public interest monitor will also have oversight of the issuing of many of these warrants, so there are safeguards in place for people to be sure that these powers, which can be intrusive, are not being given out without due regard to personal rights. I think the simple thing is that, and I know it is the way I personally always look at these matters, if you are doing nothing wrong, then you have nothing to fear. I certainly think that we do have the right safeguards in place. As I said, the Labor government has only gone so far with the recommendations, and I hope that we address the other recommendations of the Jones review to ensure that we give our authorities the powers they need.

I know this is a difficult issue, and I think the debate has been good so far. The matter has been raised in this place of the Premier's recent comments to the effect that we have to accept that homegrown terrorism is with us. Perhaps unlike some of my colleagues, I do not believe these comments suggest that the Premier has given up, but I do think it was an unfortunate choice of words. Perhaps if he had had his time again he may well have chosen his words a bit more clearly, because the community should never accept that domestic terrorism is here with us and that we cannot do anything to try to address it. As I said, I give the Premier some credit — I do not expect that he was saying that there is nothing we can do about it — but he perhaps could have chosen his words more clearly.

As I said in starting my contribution, sadly this is legislation that we do need. It goes part of the way to addressing the recommendations of the Jones review. I look forward to further legislation from the government, and I commend the bill to the house.

Mr McGuire (Broadmeadows) — One of Australia's greatest gifts to the world is the opportunity for a life beyond the burden of history. This has been part of the making of this nation — that people from the four corners of the globe can come here, and if they have the imagination and the dream of a better future and the courage to cross the world to pursue it, they can start a new life. We open-heartedly welcome them. We do not have barriers around religion — your religion is your right or your privilege, whether you want to be a believer or not. We have been able to manage over a long period of time — over generations — how we deal with new waves of people coming from all around the world with different views and then how they become part of the Australian community.

It is part of my family's story. One of the reasons my family came here was that my father got fed up with the

coded question. If you grew up in Glasgow, the coded question was not, 'What is your religion?' but, 'Who do you barrack for?'. Was it Glasgow Celtic or Glasgow Rangers? I had this discussion last night with a former Glasgow Rangers player who is now the manager of Melbourne Victory.

The issues was this. When my father came to Australia between the late 1950s and the early 1960s that generation of postwar migrants ended up in Broadmeadows and formed a Broadmeadows Scottish society. It was only when I was old enough to understand what some of these connections meant that I realised my father's three closest friends — classically, the three Jimmys — were all Protestants. When I asked him about sectarianism, I said to him, 'Could you have been friends if you were back in Glasgow?', and he said no. They would never have spoken to each other, and if they saw each other coming, they would have crossed the road to move past each other so there was no confrontation. This was back in the days where there was segregation, even at the soccer grounds. People got knifed, and there were fatal stabbings. This was that era.

But when they came to Australia they started to realise what they had in common and what united them far more than what divided them, and this is one of the great attributes of Australia. People have come and, yes, they have formed communities — sometimes people call them enclaves — and that is a natural proposition when they first arrive, and then they move out into the broader community and take their place in Australian society.

What we are looking at now is a time when we have high anxiety about what is going on, what terrorism there is and what the level of threat is. There has been some commentary made by opposition speakers about the Premier's words. The Premier's position is clear, as is the government's: we do not accept terrorism or violence. The government is moving to address the terrorism threat and is trying to do so in a measured and considered way. The member for Hawthorn is correct — language is important — and I was glad to hear him qualify his views today and look to have bipartisanship on this issue.

We have to be realists. The adolescent described as Jihadi Jake was reportedly radicalised at the Meadow Heights Mosque in my electorate. This is the reality. This is in the communities we represent, and it is about how we address it. Yes, there needs to be a national security view on what to do. That is the law and order and criminal justice perspective on finding out what is going on, who is becoming radicalised or who is

potentially a threat so we can prevent things from escalating and happening. That is the proposition.

But we also have to analyse what the best method of doing this is. I wrote an article in the *Herald Sun* about nine months ago, saying that one of the best antiradicalisation strategies is a job to connect the disconnected, and connection to community is critical for national security. We had a different view in emphasis and nuance coming out of Canberra at that time. When the former Prime Minister went to the Australian Security Intelligence Organisation (ASIO) and maps were put out about terrorist recruitment hotspots, Craigieburn was identified by the media — the source being ASIO — as one of the potential recruitment hotspots. This is the proposition: it is the epicentre, and it is where Ford is and where we are going to lose all the jobs.

We have to have a broader perspective on how we deal with this — a coordinated approach, a paradigm shift — and make sure that we look at this not just from a position of fear. We have to be more sophisticated in the approach we take. We have to work directly with communities. I was pleased to hear the federal Assistant Minister for Multicultural Affairs, Concetta Fierravanti-Wells, say that the federal government is now moving to recognise connection with communities, and I am looking forward to seeing how this plays out and what the investment will be — for your community, Acting Speaker, the community of Thomastown, just as much as mine.

People have come to Australia and want to make their way, just as my family did in 1959. We arrived when Broadmeadows was a raw fringe at the end of the line and when the Ford Motor Company first started production in the area. It is the same proposition for people who are looking for a better future; they are looking for jobs.

The member for Niddrie aptly went through the detail of how this bill will strengthen powers to prevent, detect and enforce terrorism-related offences in Victoria and of the way the government is looking at it to find the best perspective from a criminal justice and national security point of view and also from a community engagement point of view. That is why I am saying that we need to move to jobs and growth as well, because it is the other part of connecting the disconnected and making people feel part of this community, not isolated and marginalised. I commend the bill and future recommendations to the house.

Mr HIBBINS (Prahran) — I rise to speak on the Terrorism (Community Protection) Amendment Bill

2015. This bill extends the sunset dates currently applying to the Terrorism (Community Protection) Act 2003 from March 2016 to December 2021. The bill then provides for a statutory review of this legislation to take place prior to that sunset date. This bill implements 6 of the 13 recommendations of the 2014 Victorian review of counterterrorism legislation by extending the use of covert search warrants to allow for remote entry of premises to access electronic equipment. It also provides that all annual reports need to include information on the number of occasions on which electronic equipment is operated by way of remote entry.

The bill makes changes to preventative detention orders to clarify that liability for the welfare of the person subject to an order transfers to the authority responsible for their custody; that police can use a person's alias when applying for a preventative detention order, which overcomes the problem where police do not know the true identity of a suspect; and that police must apply for a revocation or variation of the preventative detention order to the Supreme Court when they are satisfied that the circumstances underpinning the original application have changed. It also provides that, after the detaining officer becomes satisfied that the grounds on which the preventative detention order was made have ceased to exist, the detainee must be released without delay and that the Attorney-General, not the Premier, is to table the annual report. Six of the remaining recommendations of the Victorian review, we are told, are still under consideration.

Counterterrorism legislation exists in Australia as part of a nationally agreed framework comprised of commonwealth legislation, the referral of powers by the states and complementary state legislation. In Victoria there was a review of counterterrorism legislation, culminating in a report to the Parliament tabled last year. The various powers in Victoria's counterterrorism legislation include the use of covert search warrants; preventative detention orders and prohibited contact orders; police powers to detain and decontaminate; special police powers, such as search and seizure powers and cordoning off target areas; and the protection of counterterrorism information.

Preventative detention orders we believe require further scrutiny, as they allow for a person to be detained without charge for up to 14 days. These preventative detention orders, it will be noted, can only be issued by the Supreme Court on the application of police. They authorise a person to be taken into custody and detained for up to 14 days. The Supreme Court may grant such an order if it is satisfied on reasonable grounds that the person in relation to whom an order is sought will

engage in a terrorist act; possesses or has in his or her control a thing connected to the preparation for, or the engagement of, a person in a terrorist act; or has done an act in preparation or planning for a terrorist act.

The court must also be satisfied that making an order would substantially assist in preventing a terrorist act occurring and that detaining the person for the period for which the order is sought is reasonably necessary for that purpose. These powers have not been widely used in Victoria, but we are told the police successfully sought the first preventative detention order in April in relation to the alleged attacks during Anzac Day celebrations, and they have been used on several occasions in New South Wales.

The Greens have always been of the view that counterterrorism laws must be proved to be necessary, effective, reasonable and proportionate in response to the threat of terrorism whilst upholding human rights and having appropriate safeguards. Of course there is a continuing threat of terrorism in Victoria and Australia, and the approach that has been elucidated by members, which is centred on community cohesion and harmony, is absolutely critical to our response, but concerns have been raised about particular powers, particularly preventative detention orders.

The independent national security legislation monitor has stated that the use of existing arrest powers would be preferable to a preventative detention order (PDO) in virtually every circumstance. A recent article in the *University of New South Wales Law Journal* called 'Preventative detention orders in Australia' states:

No gap in the existing law has been identified as needing to be filled, nor has any explanation been provided as to why existing police powers and traditional criminal procedures are insufficient ...

Analysis of preventative detention legislation in other nations also fails to establish a rationale for PDOs ... No such precedent exists ... in the United Kingdom or in any comparable nation —

for preventative detention orders. The article continues:

In the absence of a clear justification, the PDO regime cannot be described as ... necessary and proportionate.

We raise these issues. We will not be opposing the bill in this house, but we believe there are certain areas that deserve further scrutiny, so we reserve our right to amend it or oppose it in parts in the other place.

Ms WILLIAMS (Dandenong) — Today I rise in support of the Terrorism (Community Protection) Amendment Bill 2015. This legislation is aimed at strengthening counterterrorism laws and where

necessary empowering Victoria Police and other law enforcement agencies with the appropriate means to assist in the ongoing fight against terrorism to ensure the safety of all Victorians.

It is important to note from the outset that, like all things in life, threats to security change. I am not referring to the perpetrators themselves or their places of origin; I am referring to the types of threats we see, the tactics that are employed, the casualty rate in overseas attacks, the frequency of threats or attempted attacks here in Australia and so on. As part of my studies at university I specialised for a time in terrorism and counterterrorism studies, and my area of focus was Northern Ireland. Even when I was studying in the early 2000s the violence that took place at the hands of various paramilitary groups in Northern Ireland was referred to as 'old terrorism' — that is, old in contrast to the sorts of tactics we saw from 9/11 onwards. In some ways those tactics have continued to change, and some activities that used to be considered unthinkable in Australia unfortunately do occasionally happen. As such, our laws need to keep pace with that changing threat.

This Labor government envisages an inclusive society where no-one, no individual or group, regardless of their race or creed, will ever fear persecution because of where they come from or where their parents come from or because of their religion or other similar characteristics. We are all different, and that is the beautiful thing about multicultural Australia and multicultural Victoria. As I have said many times in this place, diversity is what makes my electorate of Dandenong in particular so vibrant. I would also like to note that many of my constituents have come to Australia to flee violent extremism overseas. Many have been the target of that extremism themselves.

Sadly those same people sometimes feel that they are incorrectly under suspicion here in Australia, and that is very distressing for them. So it is important that we accurately identify perpetrators and ensure that we are not denigrating or casting suspicion upon whole communities. Unfortunately the actions of a very small minority make counterterrorism laws essential, and we therefore strive to make laws that protect us all and laws that are relevant to this changing context.

This legislation has adopted some recommendations of a review into counterterrorism legislation led by former County Court judge the Honourable David Jones, AM. Now, as we have heard, 6 of 13 recommendations from this review have been included in the legislation, and another 6 are under consideration. The latter six recommendations are the subject of discussion with

other jurisdictions in an effort to obtain consistency where achievable. We are also taking into account the fact that the commonwealth government is considering changes to counterterrorism legislation which may impact on other jurisdictions.

It was necessary to introduce this amending bill at this time, despite resolving some of those other recommendations, because of the sunset clause. The approaching sunset date of March 2016 means that Victoria Police would be unable to apply for preventative detention orders (PDOs) after that date, which is why the date needed to be amended and is amended to December 2021 under this legislation. Further, the recommendations that have been included in this bill will not be affected by any changes that may be made to commonwealth law.

Two of the six recommendations that have been included in this bill relate to covert search warrants. The recommendation was for provision to be made for Victoria Police to have remote entry or remote access to data on a particular computer. Technological advances now make this type of covert operation possible, and this amendment obviously allows for a safer environment for our police force to do what they need to do as well as being less intrusive to the subject. If an operation fails to reveal anything of concern, then the need for a physical search is eliminated.

To obtain a covert search warrant, police must apply to the Supreme Court. If the court determines that a terrorist attack is likely or has already occurred and further determines that such a warrant is helpful to police in the circumstances, then the court may issue such a warrant. It should be noted that covert warrants have rarely been used in the past but are a vital tool to have in a situation where it is feared there is a terrorist attack looming or in the event an attack has already occurred.

Recommendations in relation to preventative detention orders are included in the amendment. A PDO allows for a person to be detained for a period of up to 14 days. The measure is preventive in nature and allows for the investigation of persons suspected of supporting a terrorist act. It can also be helpful in ensuring that valuable evidence is not destroyed. We currently have a situation where it is necessary for a PDO to state the name of a person to which the order refers. In reality there have been occasions where a person may be known to police by an alias but police may not have their true identity. This amendment will enable police seeking an order to use the alias of the person rather than their name.

In conclusion I will mention the effort that this government has made to enhance social cohesion in our community. In my community in Dandenong we are benefiting from this commitment. The discussions and forums I have attended in Dandenong over the course of the last six months have been extremely well received by the community and have been really important in bringing our communities together, giving our youth opportunities and including them in community life, which, as we all know on this side of the chamber, is vital in preventing violent extremism into the future. These measures and the ones included in this bill are vital to us succeeding in our fight against terrorism. I commend the bill to the house.

Mr T. SMITH (Kew) — It is my pleasure to rise in support of the Terrorism (Community Protection) Amendment Bill 2015. My experience as an adult has been — —

Ms Thomas — Short!

Mr T. SMITH — Yes, thank you, member for Macedon. I'm much younger than you. You've observed that — well done!

My experience as an adult has been bookended by terrorism. I well remember the 9/11 attacks. It was the night before my final exam in my international studies subject in year 12. This world-changing incident has affected the way I see the world, the way my generation sees the world and, the way I understand it, the terrorism threat to our country and indeed to our civilisation. All levels of government in this country are committed to the fight against violent extremism in any way, shape or form. We have troops in the field currently in Iraq, and we have planes in the skies above Syria and Iraq fighting the Islamic State of Iraq and the Levant, which the former Prime Minister quite correctly described as a death cult. It is something I am proud that our forces are currently dealing with abroad and it is a threat that all agencies, both federal and state, are dealing with here at home.

I am advised that there are some 150 live Australian Security Intelligence Organisation investigations going on around the country looking into the activities of violent extremists who mean our country harm, who mean our values harm and who do not share the democratic values that we in this place from all sides of politics share and that we respected this morning at the 11th hour of the 11th day of the 11th month. This is an existential fight of freedom against tyranny, and I support all measures by government to safeguard our freedoms and our democracy. It is always a difficult act achieving a balance in curtailing certain rights and

certain freedoms of certain people to ensure that the majority of us can live in peace, freedom and happiness and go about our business in a way that our forebears have done over generations.

This bill has the coalition's support, as it always will have. We would have probably gone further in some of the recommendations of the Jones review, and recommendation 1 in particular, that the definition of a terrorist act be amended as per the Council of Australian Governments report — that is, psychological harm, hostage taking and a reference to the United Nations, the body of the United Nations or a specialised agency of the United Nations. We support the broadening, therefore, of a terrorism offence in Victoria.

Recommendation 6 is:

That the provisions in the Terrorism (Community Protection) Act 2003, relating to the requirement that a terrorist act be imminent and expected to occur, in any event, at some time in the next 14 days, be amended along the lines recommended by the INSLM.

INSLM is the independent national security legislation monitor. The form of words in recommendation 6 refers to a reasonable expectation of a terror event occurring in the foreseeable future, not with a specific time frame in mind. You cannot expect the police to know specifically when a terror event is going to occur, even though they think one is likely. We on this side of the house feel very strongly that recommendations 1 and 6 ought to be included in the suite of measures that is currently before the house. We think they should have been part of this bill, and that is what we would have done if we were still in government.

The Victorian government and indeed all state governments have an important role to play in counterterrorism, which goes through the whole remit of issues of social inclusion, dealing with multicultural groups and obviously the pointy end of law enforcement. I commend the government for what it is doing, particularly in multicultural groups, in ethnic communities and in religiously diverse communities. We share those views on this side of the house, and we think that is an important step to dealing with radicalised youth in ethnic communities, not only in Melbourne but around Australia.

I was genuinely shocked by what occurred recently in Sydney with the execution-style terror attack by a young jihadist on the steps of the New South Wales police headquarters. I was equally shocked by the knife attack in Endeavour Hills last year — again by an Islamic State of Iraq and Syria flag-waving jihadist on

two law enforcement officers. I was equally shocked by the Lindt Café siege by a man who was most probably deranged but whose activities at the same time were politically motivated.

I do not accept for a moment, as the Premier said, that we 'have to accept that violent extremism is part of a contemporary Australia'. I will never accept that. I am not sure whether the Premier's comments were taken out of context. I am not sure if that is what he meant, but that is what he said. I make the point quite bluntly, and I reiterate the words of the member for Hawthorn that governments can throw any amount of resources at law enforcement and at fostering harmonious relations amongst ethnically diverse communities but at the end of the day heads of government, both state and federal, have a moral obligation to all of us, particularly the mainstream, to say that this sort of activity will never, ever be a part of mainstream Australian life. To suggest otherwise smacks of a cultural relativism that I would not have expected from a Labor leader. It was an unacceptable comment from someone who, on these matters, I had regarded as a fellow traveller.

You do not ever concede a thing when you are dealing with the existential threat of terrorism. Words are important in these matters; they are very important. I cannot for the life of me understand why he would say such a thing. It does not send the right message at all. Our values are the values that have stood the test of time as a community — the values of freedom of association, freedom of speech, the fundamental dignity of all people to be respected equally under the law. To suggest that violence would become a mainstay of our life here in Australia is simply unacceptable.

Mr Dimopoulos — Look around you at the world, Tim. It exists!

Mr T. SMITH — That is the whole point. The member for Oakleigh makes my point for me. I do not want Australia to be like anywhere else in the world. I have just got back from Israel, and I can guarantee that I do not want to ever have to live in a society where you see armed kids — and that is what they are in the Israel Defense Forces and in their security forces; they are just out of school — having to carry assault rifles down the main street of Jerusalem to protect citizens from knife attacks from terrorists. I do not want to see that here. I do not think that we should ever accept language from a political leader that suggests otherwise.

I found my trip to Israel deeply moving: the only democracy in the Middle East defending itself every day from existential threats from countries that border it

that mean it harm. It is something that I will live with. I will take that experience with me for the rest of my life.

Political leaders in this country should steadfastly say, as leaders of a proud Western democracy, that we will never, ever accept violent extremism as a part of our life. We will never, ever accept that it is a mainstay of Australian life, and we will never, ever cede to people who say that it could be or should be or even can be.

Mr Dimopoulos — It is. Wake up to yourself.

Mr T. SMITH — It is not, and to say that it is waving the white flag. For the member for Oakleigh to say that it is terrifying: it is not. It is simply not, and we need to ensure that resources are there, the political will is there and the moral leadership is there to say that we will never, ever accept that violent extremism will form part of Australian life.

I hope that those comments are never uttered ever again by a Victorian Premier, and I know for us on this side of the house we were simply shocked by them. For the member for Oakleigh to even suggest that they are right is truly concerning. I thank the house.

Mr PEARSON (Essendon) — I will make a very brief contribution in relation to the Terrorism (Community Protection) Amendment Bill 2015. We are living in uncertain times and times which a short time ago would have seemed inconceivable. I remember growing up and listening to the Rolling Stones, and one of my favourite Rolling Stones songs was *Sympathy for the Devil*. There is that great line in there: ‘I watched with glee while your kings and queens fought for 10 decades of the Gothic age’. I may have got that slightly wrong, but members will understand the sense. I remember at the time thinking to myself: imagine fighting for something for 10 decades — for a century. It was inconceivable at the time that you could have a war that would go on for such a length of time; but sadly, when you think about it 14 years on from September 11, the war on terror continues and is showing no sign of abatement.

This issue is something that seems to go on forever. As a consequence it is important that legislation reflects the times that we live in. I think that really is the point that the Premier was trying to make — that this is a war and is something that just seems to go on and on, and it is not clear at what point in time it will end. It is not clear when victory will be declared, because it is quite a complicated issue.

A bill like this is really important because it makes sure that our police force has the capacity and the ability to tackle these issues as best it can, but it is also important

that this is seen in the context of being one important step in a broader suite of offerings in order to tackle terrorism. The reality is that idleness is the devil’s handmaiden. If you have young people who are not studying, who are not working and who are just left to their own devices, then trouble will ensue. It naturally follows that problems will occur. If it had been 30 years ago or 40 years ago, you might have, like my uncle, got done for stealing cars and selling parts and ended up getting locked up for a brief stint — he got out on appeal — or you might have engaged in petty vandalism.

The problem now is there is a risk that young people will engage in more violent actions and activities. That is why it is important that you have these pieces of legislation that come before the house but also that you look at making sure that culturally and linguistically diverse communities have the very best educational start to life and that they have good employment prospects as well, so we mitigate the risks associated with terrorism. It is an important piece of legislation, and I commend the bill to the house.

Mrs FYFFE (Evelyn) — The member for Essendon made a reference to the Hundred Years War and could not imagine living through 10 decades of war. I would like to inform him that it was because of the Hundred Years War that the parliament eventually became established, because the kings of the day needed to raise taxes. The parliament, as we know it now, began a century or so before but it was actually formulated much more as a result. Much as kings may have disbanded parliament, they needed it again for the raising of taxes. A 100-year war might seem an awfully long war, but it would appear that the war we are fighting now with terrorism could certainly go on for 100 years. What roles parliaments will play or what parliaments will change is unknown.

Australia is the envy of the world, with the ethnic, racial and religious diversity that we have in this country and the way that people live side by side, quite happy that other people have different beliefs, different faiths, different ethnic backgrounds. We have freedom, and this morning we were at all the services at 11 o’clock with all those young children, and most of us would have been talking about the sacrifices made so that we have freedom. We have freedom to mix, to associate and to debate, freedom to move around this great country that we live in, freedom to celebrate our history and our backgrounds and freedom to just practice a belief — to follow something that anybody else might think wacky but that we have the right and the freedom to follow.

We talked about that this morning, and we talked about the sacrifices that were made so we have those freedoms. That freedom gave people like myself the freedom to emigrate to Australia, and so many other people in this place have come from ethnic backgrounds. We should never assume that freedom will be there forever when we are going through these times. Tolerating what is happening now is not the way to go. Many of our members perhaps have not followed the history of wars, have not understood exactly what has happened, and it has taken people of great courage to stand up and say, 'No, enough is enough'.

Churchill said:

An appeaser is one who feeds a crocodile, hoping it will eat him last.

Appeasement is not the way to go. We have to stand up for what we believe in and what is right. Anyone who thinks terrorism is not on our shores, or not coming to our shores, is completely wrong. The Australian Security Intelligence Organisation has the terrorism threat as 'high', which means it is serious and there could be terrorist activity at any time. In my brief year as Speaker I took security very seriously, and we made a lot of changes, much to the annoyance of some longstanding members I know, but they were very necessary changes because we were seen as a soft target.

This brings me to something that I am rather sad to have to raise at this moment in this house, but it is important. Ten weeks ago a well-known and recognised terrorist in Syria, who apparently has 11 000 followers, issued a list of 1400 names, and on that list of 1400 there were 8 Australians. One of those Australians is a member of Parliament. I feel immensely disappointed and concerned, because anyone who knows me would know I care very much about the welfare of members of this place. It has been 10 weeks, and not all the security provisions, which I understand are supported under police recommendations and considered necessary, have been put in place for the protection of this member. Because of red tape, bureaucracy and a belief that it is not the right thing to do, they have not been implemented.

I do not think a departmental person should ever make a decision about that. We always have to respect those people who have the experience, the training and the background, and if the information that has been at hand is sufficient for a person who is trained in anti-terrorism — a person who is trained in security — to support that member's request, then the Department of Parliamentary Services should provide the security that is needed. It is with great disappointment that I

have raised this matter here, but 10 weeks is far too long.

We have had terrorism on our shores. In early October it was reported that a 15-year-old boy had become Britain's youngest convicted terrorist. This is the young boy who was sentenced for inciting a Melbourne man to behead police officers in the terror attack planned for Anzac Day. That boy exchanged thousands of phone messages. Fortunately that attack did not happen.

According to the Australian government's information on national security, Australian authorities have thwarted numerous terrorist attacks, and 23 people have been convicted of terrorism offences in the last four years. In 2003–04 an investigation of Faheem Lodhi found he was planning to bomb the national electricity grid or defence sites. He was convicted of terrorism offences.

In 2005 nine individuals were arrested in Sydney after sourcing chemicals and materials for use in the preparation of an explosive device, possession or attempted purchase of firearms and ammunition, and possession of large quantities of extremist material. All were convicted of terrorism offences. In 2005, 13 individuals were arrested in Melbourne and charged with plotting mass casualty attacks with the intention of coercing the Australian government to withdraw from Iraq. Nine individuals were convicted of terrorism offences. In 2009 five men were charged with conspiracy and preparation for an attack using firearms on Holsworthy Barracks in Sydney. Three were convicted. In 2014, in response to intelligence revealing an alleged plot to kill a random member of the public, entry-and-search operations were conducted on multiple locations in Sydney.

To go offshore and talk about other parliaments, we would all be very much aware of the attacks on the Parliament of Canada in Ottawa in 2014. At the Canadian National War Memorial a man fatally shot a corporal, a Canadian soldier, on sentry duty. He then entered the parliamentary building, where members of the Parliament of Canada were attending caucuses. The security measures at the Canadian Parliament then were very much as ours were before the works that were undertaken here last year. The man was shot and died at the scene. Following the shootings Ottawa was locked down, and the police searched for potential terrorists. As from June this year Canadian police have started openly carrying submachine guns on Parliament Hill. I am not recommending that that happen here — I do not want our police carrying machine guns around near us — but it explains the seriousness of the issue. We

increased security substantially last year, but there are still places to go and still things to happen.

With the enemy we have now, it is not a traditional war. In the Second World War people knew who they were fighting. In the Korean War your enemy was more identifiable. The Suez crisis, in which my brother served, was a short war, but the enemy was very clearly identified. The Vietnam War was the first war where the enemy was not easily identifiable; you could be working alongside them during the day, and they could shoot you at night. We have had the war in Afghanistan and the war in Iraq, where it has been hard to distinguish between friend and foe, and this is another war in which it is very hard to distinguish between friend and foe.

It is so against Australian history, Australian customs and the Australian way of living that people would try to impose their religion, their beliefs and their rules on other people. It is not something we should just accept; it is something we must fight with all our might to prevent and to not let any more of it come onto these shores. So I support this bill. There are more recommendations in the Jones report that I would have liked to have seen accepted. I understand some of the reasons for elements of the recommendations not coming in. There were three that I wish had been in this bill, but I am looking forward to the next bill coming in and including those. As I said, it is with sadness that I mention my concerns about security for members of Parliament in this house, but I have been waiting, and 10 weeks is far too long.

Ms SULEYMAN (St Albans) — I rise to speak in support of the Terrorism (Community Protection) Amendment Bill 2015. This bill is extremely important in tackling extremism by strengthening the powers of Victoria Police to prevent, detect and enforce terrorism-related offences in Victoria. Today we have heard many speakers in this house talk about the rise in global and domestic incidents, which has led to the need for a number of changes in the legislation in order to prevent and detect terrorism in our community. This bill supports the Andrews Labor government's commitment and approach to social cohesion and community resilience. The bill ensures that the powers in the Terrorism (Community Protection) Act 2003 remain and implements six recommendations from the *Victorian Review of Counter-Terrorism Legislation* report, which was released last year.

Two of those recommendations relate to covert search warrants to enable remote entry into computers, which is very important. There is a great need for Victoria Police to be able to gain access to computers and to

monitor online communications. Furthermore this bill will enable police to detain terror suspects, even when an alias is listed on a detention order. This means that police will be able to apply for a preventative detention order (PDO) using a suspect's alias, whereas in the past police have been unable to make applications for PDOs because they did not know a suspect's real name or details.

The bill also amends the sunset provision of the principal act, which provides that the act expires on 1 December 2016. This bill amends the date to 31 December 2021. This amendment recognises that the use of these powers will be continuously subject to monitoring by Parliament in future years.

We have heard a lot today about the vibrant and incredible multicultural community that Victoria is. Our state is the home of many religions, many faiths and many ethnic groups, and I think that is what makes Victoria a leader in multiculturalism in Australia. People from more than 140 nations call my electorate of St Albans home, and it is a great community. In my electorate everybody works together and engages with each other in a very harmonious way, therefore it is very important to ensure that all communities are not the subject of targeted racist attacks on their culture or the subject of fear campaigns. It is very important that communities can assist to tackle extremism and terrorism.

When dealing with extremism and potential terrorist threats, it is important that we engage with our communities, particularly young people. If given the opportunity, young people will participate in their communities. We have heard today about young people participating in their society through education and sport rather than feeling isolated. I think the problem begins when young people start to feel isolated and vulnerable.

Importantly the Andrews Labor government has committed to addressing cohesion and community resilience by implementing several measures to address these issues. We have already heard about the ministerial task force led by the Deputy Premier. The task force will include representatives from not only the education, youth and multicultural affairs portfolios but also the police portfolio. Obviously the task force will look at issues such as racism and bigotry, and will also look at how we can tackle some of the issues that are raised by our communities. The announcement has been made of the establishment of a social cohesion and community resilience advisory group comprising many members of a diverse section of the Victorian community to participate in the multicultural

community, with a particular focus on youth, and to provide advice and leadership on current and potential issues that we may face in the future.

In addition, \$74 million has been provided in this year's budget for multicultural affairs and for social cohesion, including \$21 million over four years to promote social and community harmony, and over \$13 million to enhance community capacity and participation of people from culturally and linguistically diverse backgrounds. It is very important to acknowledge that we all have a role to play in making sure that our ethnic communities are engaged, are participating and have the opportunity to be encouraged not only to participate in but assist in addressing some of the issues that we are facing in relation to terrorism.

There is no doubt that the amendments in this bill are about strengthening Victoria Police's counterterrorism laws and covert search powers to tackle extremism, but I think this goes hand in hand with strengthening multiculturalism and social cohesion. Victoria is a richly diverse and multicultural state. We are very proud of this, we are very united and we need to continue talking about our diversity and how unique the tapestry of Victoria is. I commend the bill to the house.

Mr THOMPSON (Sandringham) — I am pleased to join the debate on the Terrorism (Community Protection) Amendment Bill 2015. The object of the bill is to amend the Terrorism Community Protection Act 2003 to provide for the remote entry of premises to access electronic equipment for the purposes of covert search warrants, and to extend the operation of preventative detention orders (PDOs) and prohibited contact orders.

A number of years ago a member of the British Parliament visited this Parliament. He had served in the House of Commons, and at the time he visited this Parliament he was serving in the House of Lords. He gave a briefing to a number of members in this place in relation to terrorism issues. He had originally been appointed by the British government to review some of that government's anti-terrorism countermeasures that had been introduced. He was told that the job would not be an onerous undertaking. He was appointed on the eve of 11 September 2001, and the next day was advised that his job would be more onerous than it otherwise would have been. He told Victorian members of Parliament that he was of the view that there were significant issues that needed to be addressed and needed to be contended with to ensure that there would be ongoing safety for members of the international community. Australia was one of the countries which

he visited to speak to political leaders about his concerns regarding terrorist threats.

Clause 5 of the bill amends the covert search warrants provisions of the principal act to give police the power to remotely access target computers and like equipment without the need for physical entry. Clause 7 provides that police can rely on an alias when applying to the court for a PDO and the suspect's name is uncertain. Clause 10 transfers responsibility for the welfare of detainees from police to prison authorities at the time of transfer of custody.

The bill also implements a range of amendments recommended in the report *Victorian Review of Counter-Terrorism Legislation* of the inquiry which was conducted by former County Court judge, the Honourable David Jones, AM, including:

That the definition of "terrorist act" in the Terrorism (Community Protection) Act 2003 be amended as recommended in recommendations 3, 4 and 5 of the COAG Report.

and —

That the provisions in the Terrorism (Community Protection) Act 2003, relating to the requirement that a terrorist act be imminent and expected to occur, in any event, at some time in the next 14 days, be amended along the lines recommended by the INSLM.

The INSLM is the independent national security legislation monitor. To a degree, the ascertainment of an imminent act in the next 14 days is an arbitrary time frame and forms the basis in part of the recommendation for that clause to be amended.

The Law Institute of Victoria raised a number of concerns, and *Alert Digest* No. 14 of 2015 of the Scrutiny of Acts and Regulations Committee draws attention to a number of concerns about the legislation. On balance the legislation is supported by the coalition.

Debate adjourned on motion of Ms HUTCHINS (Minister for Local Government).

Debate adjourned until later this day.

**CHILD WELLBEING AND SAFETY
AMENDMENT (CHILD SAFE STANDARDS)
BILL 2015**

Second reading

Debate resumed from 21 October; motion of Mr FOLEY (Minister for Housing, Disability and Ageing).

Ms VICTORIA (Bayswater) — It gives me pleasure to rise to speak on the Child Wellbeing and Safety Amendment (Child Safe Standards) Bill 2015, and from the outset I state that the opposition will be supporting this bill. This is certainly something we take a lot of pride in as far as background goes, and I will explain that as I am going through.

This is an important piece of proposed legislation that seeks to protect Victoria's most innocent and vulnerable citizens — our children. The purpose of this bill is to amend the Child Wellbeing and Safety Act 2005 to enable the minister to make standards in relation to child safety with which certain entities must comply. It is to better protect our children from the risks of abuse, in a nutshell. The bill makes some amendments to the Commission for Children and Young People Act 2012 to improve its operation and also to the Education and Training Reform Act 2006 in relation to the definition of child abuse.

This is an important piece of proposed legislation that we are supporting. The amendments that are proposed in the paperwork before the house are a direct result of the recommendations that came out of something very familiar to this house — the Family and Community Development Committee inquiry into the handling of child abuse by religious and other non-government organisations, known commonly as the Betrayal of Trust inquiry, which was led by Georgie Crozier, a member for Southern Metropolitan Region in another place. All who worked on that committee did a phenomenal job, and I acknowledge them and congratulate them on the work they did. It must have been one of the toughest committees to sit on, sitting through those hearings day after day. Their work was long and arduous, but we are all the richer for their hard work.

Of course the response of the former coalition government, of which I was a proud member, needs to be acknowledged as well. I am very proud of what we did as a result of what came out of that inquiry. I acknowledge the hard work of the former Premier, his leadership and his reaction to the results of the inquiry. I also acknowledge the contribution of the then

Minister for Community Services, Mary Wooldridge, now a member for Eastern Metropolitan Region in the other place, and of the former Attorney-General, the member for Box Hill, in establishing the inquiry. It was incredibly important to make sure that the committee was fully resourced and that the work was done to provide an appropriate response to the inquiry.

I want to talk a little bit about the inquiry because it is what has led to the bill before the house. I firstly acknowledge and thank the very brave and courageous people who came before the inquiry. It cannot have been an easy thing to do, to bare their souls and relive the experiences they went through. They were brave and they were courageous. It is through that bravery and courage that we have all learnt. They shared their stories. Quite often they experienced abhorrent and disgusting behaviour directed against them specifically as children. Quite often they were placed in the hands of people who should have not only known better but also come out much earlier to stop what was happening.

Many of them have lived their entire lives with the burden of what they have been through sitting on their shoulders and have not had an opportunity to talk about it. For many it was a great relief, even though it was obviously a reopening of old wounds. They shared their stories, and I want to thank them very much because, no matter how painful it was for them, they provided us as parliamentarians and also the community with a much better understanding of the appalling abuse that was suffered by them and also of the consequences they have endured since their childhood experiences. The inquiry provided them with a voice, and I can assure them right here and now that their voices were heard. They were understood, and this allowed important measures to be put in place. Part of what we are doing here in the chamber today is making sure that this type of thing never happens again in Victoria. Hopefully other jurisdictions will learn from this as well.

The inquiry shed a light on some of the most horrible child abuse possible, some of which occurred over sustained periods of time. That is something we are hoping is now going to be eradicated. It further revealed the impact criminal child abuse can have on the lives of victims. Again, some of the measures being put forward today are as a direct result of that inquiry, which is why I wanted to make sure it was put in the spotlight.

The former coalition government implemented a number of the recommendations resulting from the inquiry. We put in place important new legislation while we were still in government to ensure that this type of abuse does not happen again. We introduced the Crimes Amendment (Grooming) Bill 2013, and I

remember very well the debate in the chamber. That legislation brought these types of laws up to date, if you like, and it basically prohibited any communication with a child or a child's family where the prime intention was to sexually abuse the child as a result of that contact.

We introduced the Crimes Amendment (Protection of Children) Bill 2014, which also came into operation under our government. That included a new offence for people who hold a position of responsibility and fail to protect a child when they know there is something untoward going on, especially sexual abuse. It created a new offence if people fail to report those sorts of incidents to the police. So the onus came straight back onto adults who should know better.

Both those pieces of legislation showed our commitment to protecting children. We certainly developed a number of important measures which helped to further protect children. In January 2011 we initiated the Protecting Victoria's Vulnerable Children inquiry, also known as the Cummins inquiry, to investigate systemic problems in Victoria's child protection system. The report of that inquiry was tabled in 2012, and within a couple of months we had already published *Victoria's Vulnerable Children — Our Shared Responsibility*, which was a directions paper. Along with publishing that directions paper, we also announced a lot of investment to make sure that reform could happen. In fact we invested more than \$900 million over four state budgets to make sure that we could better protect and support not just the children but also their families, which is also a vital part of the reform.

We established the Commission for Children and Young People as a result of that, and certainly that was groundbreaking work for us to do that. I want to thank the commissioner for the work that he has done. I am hoping that he has had some input into what we are seeing before the house today and that his input is ongoing with that. Again, this was a result of the Cummins inquiry. As I say, Bernie Geary has done a sterling job, and we certainly have made progress here in Victoria under his leadership.

We also appointed the first commissioner for Aboriginal children and young people in Andrew Jackomos. Again, I want to thank Mr Jackomos for the work he has done. I know from temporarily wearing the hat of shadow Minister for Aboriginal Affairs that there are so many circumstances where we know that Aboriginal children are far less advantaged. We certainly need to be closing the gap. It is something that we often talk about as governments and members of

Parliament, not necessarily knowing how to do that. Certainly some of the steps we took have aided in that closure for those vulnerable children.

Victoria's Vulnerable Children — Our Shared Responsibility was also released. It was a 10-year strategy to make sure not just that we had a short-term fix but also that we knew where we were heading as a state, and at that stage as a government, to improve outcomes for our vulnerable children and to make sure that we could not only help catch the crooks, if you like, but also put in place things that would actually help prevent abuse and neglect. We put in place steps for initiating early prevention and improving outcomes for children who were in out-of-home care as well.

In March 2014 we implemented another recommendation of the Cummins inquiry. We released *Out-of-home Care — A Five Year Plan*. That came along with \$128 million of investment to provide additional support for keeping children safe from sexual abuse and exploitation — by using disruptive policing, a method which has been very well received and certainly has been doing its job. There was also additional money for training child protection practitioners, for funding extra resources in police and service providers and also for making sure there was good training for residential care workers to be able to see the triggers and know what to do about them so that they could not only detect but also in a better circumstance actually prevent and deter people from committing offences in the first place.

We also strengthened police investigations of child abuse, including establishing Taskforce Australia, which was to tackle child exploitation on the internet. This of course is something that every parent is worried about. We know how lecherous these perpetrators are. They groom and deceive children of the ages of the children we have. We are forever worried about the sorts of people that our children might be talking to online. As much as they say, 'But I know everybody, and they're girls' — or boys — 'my own age', we know that all is not always as it seems to be.

I wish this task force did not have to exist, but unfortunately there are horrible people out there. It certainly gives me some comfort knowing that there are people out there watching out constantly for the safety of our children on social media and the internet. That is a team of very specialised detectives, and I certainly applaud them in their work. Some of their work I know is laborious and tedious. They need to go through things with a fine-tooth comb and obviously need to be 100 per cent sure of everything before they make any moves. The content that they sometimes see must be

stomach churning, but they are doing a marvellous job in helping to protect us as a society.

We also as a government expanded multidisciplinary centres across Victoria to help facilitate collaboration between child protection practitioners, specialist police investigators and sexual assault counsellors and those who advocate in that area. The idea of these centres is to help reduce the trauma of people who have gone through this type of experience and who have reported sexual abuse to police. We provided funding for three new centres, and that was applauded at the time. Those centres are in Dandenong, Bendigo and the Latrobe Valley.

We also partnered, very interestingly, with Education Queensland. There was a case that most people would know about. I think if anyone mentioned in here the name Daniel Morecombe, everybody would know exactly who I was talking about — that beautiful boy with the big blue eyes who was so tragically abducted and whose parents never ever gave up. For that, I commend them. They must have been the most horrific years of their lives. Education Queensland developed something called the Daniel Morcombe Child Safety Curriculum, which was about promoting safety for all students. That was something we jumped on board with. It is something that again we are very proud of — that there was not only something out there but that we embraced it.

Some of the things the former government set out to achieve were, as I say, implemented in a major way, with lots of funding attached. Some of the things we did not quite get around to are contained in this bill. I will go through the clauses in a moment. One of the things we set out to achieve and one of the new measures that we brought in was that all ministers of religion need to have a current working with children check if they have contact with children. Obviously after the inquiry that we have just been through we know that that is now absolutely essential, and it is part of the minimum child safety standards that we are debating today.

I want to go through a couple of the clauses that I think we probably need to highlight. Clause 5, in particular subclause (2), is important because it inserts new definitions into section 3 of the principal act. Some of those key definitions include the definitions of things like ‘applicable entity’ and ‘category 1 entity’ and ‘category 2 entity’. There is a new definition of ‘child abuse’ and also of ‘child safe standards’. ‘Applicable entity’ describes a class of bodies or individuals.

I want to talk about category 1 and 2 entities because we differentiate here. I need to stress that they are

different because of the different implementation of the legislation when this bill is passed. There is a year gap between the two different entities. There are those that will come into effect on 1 January 2016. I must say that of all the consultation that we did, this was probably the major thing that organisations came up with — that they were reluctant about accepting the 1 January 2016 commencement date for this. They believed that in some circumstances it may not be enough time to implement this set of rules, if you like. Probably the thing most noted was the very short time span.

Those involved as a category 1 entity under new section 19 inserted by clause 6 of the bill are going to be required to comply with the standards, as I said, a year earlier. So the distinction between the two categories concerns the extent to which the entity is funded by government and the extent to which the entity’s activities are regulated. Category 1 entities provide services or facilities to children and have an existing funding or regulatory arrangement with the Victorian state government. These could be entities like, for example, a registered school or a children’s service such as a kindergarten or a maternal and child health centre and those types of things.

The other entities that come in a year later — the category 2 entities — are still providing services or facilities to children but have limited or no regulatory or funding arrangements with the state government in Victoria. So, for example, they could be an organisation or a person providing things like tutoring; a play centre or a gym centre specifically targeted at children; a religious body; or like in my case, and I was not deliberately a children’s photographer, but if you are dealing with children on a constant basis, it could be a photography service specifically related perhaps to schoolchildren, and those types of things. They are category 2 entities.

If we go back to the definitions, child abuse is a concept which the child safe standards are to address, and that has been implemented through this bill. Child abuse is also defined to include ‘the infliction on a child of physical violence, serious emotional or psychological harm and the serious neglect of a child’, which I think is a very good addition. The definition is intended to be inclusive rather than exhaustive, and I think that is a good step forward. The definition in this bill covers a broad range of conduct and behaviours to be reflected within the child safety standards and to be reflective of the multidimensional characteristics of child abuse. As I have said, the world is changing, and unfortunately the definition needs to be so much broader these days.

Clause 6, specifically new section 17, provides that the minister may make the child safe standards. My question about this is: who is advising the minister on what those standards should look like? Is she in fact going back to the commissioner and the great work he has done? Is she consulting with him? Is she obliged to take the advice of whoever it is that she is consulting? Obviously they are all going to be experts, but is she obliged to take their advice? That is something I would certainly like to have clarified for my peace of mind. The standards are to ensure that the operation of applicable entities includes or promotes the safety of children to prevent child abuse and to have adequate and proper reporting of child abuse as part of what they specify. The commencement date is in the bill as well.

I have another couple of things to add. The bill is essentially implementing the coalition government's response to recommendation 12.1 of the Betrayal of Trust inquiry into the handling of child abuse by religious and other non-government organisations by the Family and Community Development Committee. The bill substantially implements recommendations 12.1, 13.1 and 13.2 of the committee's report. One of the other things I want to add is that the amount of money the former coalition government invested to progress positive outcomes in this space was unprecedented. Again, I want to thank my colleagues and those who are no longer in this place for the work they did but also members from all sides who were instrumental in the outcomes that were reached. I thank them very much for that. The former coalition government planned on working with the commission to implement what it is we are seeing here and, again I would like clarification. Perhaps when some of the speakers from the government stand, we can find out whether in fact the commissioner is involved in contributing to the standards that the minister will be bringing out. It is just a little bit vague for me at present. We are certainly heading in the right direction, but I would like further information if possible. Obviously we will not go into a consideration-in-detail stage on this, so if somebody has that information, I would be very grateful for it.

We certainly cannot tackle this as a one-size-fits-all approach. Organisations differ, and so we need to make sure that the standards are relevant to each different entity, especially when it comes to things like, for example, Aboriginal entities. There are differing standards there, bearing in mind where we have come from in that space. The child safe standards include requiring organisations to develop a code of conduct, and again that time frame is very short for those entity 1 organisations. The code of conduct needs to establish clear expectations for appropriate behaviour when

dealing with children, human resource practices that reduce the risk of child abuse by new and existing personnel, and also policies for reporting and responding to allegations of child abuse.

If we look at the Department of Health and Human Services website under the heading 'Proposed child safe standards', we see that it says:

In complying with the child safe standards an applicable entity to which the standards apply must include the following principles as part of each standard:

promoting the cultural safety of Aboriginal children;

promoting the cultural safety of children from culturally and/or linguistically diverse backgrounds;

promoting the safety of children with a disability.

To create and maintain a child safe organisation, an applicable entity to which the standards apply must have:

1. strategies to embed an organisational culture of child safety, including through effective leadership arrangements
2. a child safe policy or statement of commitment to child safety —

and jumping through some of the points —

5. processes for responding to and reporting suspected child abuse.

The child safe standards are said to drive cultural change in organisations so that protecting children from abuse is embedded within the everyday thinking and everyday practice of those organisations, and I certainly hope that is what happens. Organisations that will be subject to the standards are, as I said, very wide-ranging and very different. Certainly their guidelines will need to be tailored to their organisations, and I hope the ministerial directives assist them in that process. I hope that those entities that are in the category 1 do have sufficient time to bring this in by 1 January 2016. As I said, there is a year longer for category 2 entities to implement that, and it certainly might take some of them a little bit longer.

I do hope this is a positive step forward. I cannot see it being anything but a positive step forward. I certainly commend the government for continuing the good work of the former coalition government. We were very proud of what we did in this space, and it can only get better from here. I commend the bill to the house and wish it a speedy passage through both houses.

Ms THOMAS (Macedon) — I am very pleased to speak on this bill, as I always welcome the opportunity to participate in debates that seek to advance the best

interests of children. Children deserve special attention in this place, and they need strong advocates. This bill, the Child Wellbeing and Safety Amendment (Child Safe Standards) Bill 2015, is a key component of the government's response to the *Betrayal of Trust* inquiry report. I would like to commend you, Acting Speaker McGuire, as the deputy chair of the Family and Community Development Committee, for your groundbreaking work — and also all members of the committee — and I would also like to acknowledge in particular the member for Thomastown. You all did terrific and, as I said, groundbreaking and important work. It is my belief that your work and that of others here in Victoria led in no small part to the establishment of the Royal Commission into Institutional Responses to Child Sexual Abuse by the Gillard Labor government in January 2013.

The stories that continue to be uncovered of the abuse and betrayal of children at the hands of those charged with their education, their social and emotional development and their spiritual growth, are truly shocking. The stories here in Victoria in recent times — from St Patrick's and other Catholic schools in Ballarat, from the Yeshivah College, and from Geelong Grammar and Geelong College — are of the most despicable abuses, and they are despicable in particular because the perpetrators of abuse used the prestige of their institutions and their own authority in relation to the children to prey on these vulnerable children.

The UN Convention on the Rights of the Child, ratified by Australia in December 1990, charges us with a number of responsibilities in relation to children. Amongst those are that it is our role to keep children safe, no matter where they are, and it is our role to do what we can to provide help and protection to children. Indeed that is what this bill seeks to do. Briefly, the Child Wellbeing and Safety Amendment (Child Safe Standards) Bill 2015 will add a purpose to the act to provide for the determination of compulsory child safe standards for entities providing services to children; it will give the minister the power to determine the minimum child safe standards and publish them in the *Government Gazette*; and it will specify the classes or types of entities to which the child safe standards will apply. It will give the minister the power to prescribe entities or classes of entities to which the child safe standards will apply, allowing additional entities to be added as required and to prescribe those which are exempt from the child safe standards. It will also provide for a phased implementation of the child safe standards.

In picking up a few issues raised by the member for Bayswater, I might assure her that the standards that

have been developed have been done so in full consultation, including with 160 organisations with responsibility for children and their care and also with the Office of the Child Safety Commissioner. I understand that there will be continuing consultation with the Office of the Child Safety Commissioner in the rollout of the standards.

I want to briefly make a note on the standards. Due to the wide range of organisations in the scope, principles-based standards to be supported by capacity-building materials and activities have been developed, rather than prescriptive standards, to allow the diverse range of organisations in the scope some flexibility in how they meet the requirements. The standards aim to embed a culture of child safety in organisations to help them prevent child abuse and better respond to allegations of abuse in their organisations. I might also add that there are three principles embedded across the standards, and these are cultural safety for Aboriginal children, cultural safety for children from culturally and linguistically diverse backgrounds, and promoting the safety of children with a disability.

When it comes to keeping children safe, Labor is not interested in doing the things that make us look good right now, it is interested in doing what is right — and this bill does that. The minister has been working very hard to deliver this bill to the house, and I am very proud to speak on it. It is a very important step in ensuring that organisations across Victoria will be keeping our children safe, as is our responsibility. I commend the bill to the house.

Mr McCURDY (Ovens Valley) — I am delighted to rise to make a contribution to debate on the Child Wellbeing and Safety Amendment (Child Safe Standards) Bill 2015 and follow in the footsteps of the member for Bayswater, who spoke very passionately about this bill. The bill has three main portions to it. It amends the Child Wellbeing and Safety Act 2005 to provide for the minister to make standards in relation to child safety with which certain entities must comply. It also amends the Commission for Children and Young People Act 2012 to improve the operation of that act. Furthermore, it amends the Education and Training Reform Act 2006 in relation to the definition of 'child abuse', and I will go into that a bit more now.

The bill will enable the introduction of standards to improve child safety in all organisations that provide services for children — and I think it is absolutely imperative that we continue to support this legislation — and it will improve the manner in which these organisations can and do respond to allegations of

abuse in relation to children. At all times the interest of the child must come first.

Clause 5 provides definitions within the act, including for ‘applicable entity’, ‘child abuse’, ‘child safe standards’ and category 1 and 2 entities, and clause 4 inserts a new section to provide for the minister to make standards in relation to child safety with which certain entities must comply.

There are a few areas that I want to discuss briefly. Category 2 entities provide services or facilities to children and have limited or no regulatory or funding arrangements with the Victorian government — for example, sporting clubs, life-saving clubs, scouts, girl guides and nanny services — so there is a differential in there. Child abuse is any act committed against a child involving a sexual offence or the grooming offence in section 49B(2) of the Crimes Act 1958. In addition, ‘child abuse’ is defined to include infliction on a child of physical violence, psychological or even emotional harm and the serious neglect of a child.

Child safe standards for category 1 entities will come into effect on 1 January 2016 — and I have some concerns about that, which I will share in a moment — whilst child safe standards for category 2 entities will come into effect on 1 January 2017. Clause 6 deals with a new part inserted in the principal act regarding child safe standards and the power of the minister to make child safe standards apply. By way of a bit of background, we know that in 2012 following the Cummins inquiry the previous coalition government announced an inquiry into the handling of child abuse by religious and other non-government organisations which, as we know, handed down the report *Betrayal of Trust*.

Those of us who were part of the 57th Parliament will look back on that time and think that one of the most significant contributions we made was the *Betrayal of Trust* report, which was a significant step in the creation of the royal commission. I for one am very proud that we had the courage to do that, and it certainly changed the landscape on this issue. This bill is essentially a continuation of the work that we commenced, and it implements recommendation 12.1 of the *Betrayal of Trust* report.

From August to October 2014 government departments, together with the Commission for Children and Young People, ran consultation sessions with various bodies within government and other relevant organisations on the proposed child safe standards. Some concerns were raised by the Commission for Children and Young People and the

Centre for Excellence in Child and Family Welfare. They raised concerns that 1 January 2016 could be too early as a commencement date — that it would not allow enough time for category 1 organisations to have standards in place. That is the feedback that we have received. There are also concerns about who will undertake the monitoring to ensure that standards are in place. Standards should apply in organisations where cultural issues on these matters already exist.

As I say, feedback was sought from various stakeholders in the sector, including the Commission for Children and Young People, McKillop Family Services, Anglicare, Berry Street and various other bodies such as Scouts Australia and Life Saving Victoria. It is important that we have that consultation and receive that feedback as we move to this stage of the bill.

The member for Bayswater spoke very passionately about this bill, and I support her words. As I say, the coalition will be supporting this bill, and I commend the bill to the house.

Mr McGUIRE (Broadmeadows) — We turned our backs on our children. We walked away when they were most vulnerable. We accepted the word of men over the accounts of children and women. We let down the children who had no voice and no power. We placed our faith in people claiming to represent God, only to uncover that wilful blindness, codes of silence and cultures of concealment had protected paedophiles. Victorian governments failed in their duty with regard to orphanages and homes. Children suffered the triple betrayal of neglect and abandonment as infants, then on being taken into the community’s care they were grievously abused, physically, emotionally and sexually. Children bear the sense of guilt and shame like shadows plotting their lives, and there are horrendous consequences with perpetrators often remaining unrepentant while some victims do not survive. The fortitude of the innocents who testified before the *Betrayal of Trust* inquiry, established by the 57th Parliament, was inspiring. Their courage remains humbling.

Survivors are relying on the Parliament to become the institution that does not fail them and in fact protects them. This legislation introduces minimum standards to create and maintain a child safe environment. We are getting closer to implementing all of the recommendations of the *Betrayal of Trust* inquiry, which was conducted in a bipartisan way and supported by all members of the 57th Parliament and the 58th Parliament. We are also coming to the point when the Royal Commission into Institutional Responses to

Child Sexual Abuse will again return to Victoria. We still need further investigations and findings on what happened in paedophile clusters, because we are being asked to believe that such abuse was coincidental rather than based on conspiracies. This is a point that I have raised previously in the Parliament, and I think we still need due diligence on that proposition.

What we have to establish in law is scrutiny, accountability and compliance. This bill goes a long way to doing that. It will be a day that all feel relief when all of the recommendations are finally enacted. I look forward to further scrutiny by the royal commission. What we tried to do with the Betrayal of Trust inquiry was to look at these issues and provide a blueprint, which has now been taken up.

I commend the bill to house. I know other people want to speak, and I look forward to their contributions.

Mr HIBBINS (Prahran) — I rise to speak briefly on the Child Wellbeing and Safety Amendment (Child Safe Standards) Bill 2015. This bill deals with a very important matter — the duty of organisations and other entities to ensure the safety of children who are in their care or to those to whom they are providing a service. This bill gives power to the Minister for Families and Children to prescribe a set of child safe standards to which organisations, schools, health centres, service providers, clubs and all other entities that work with children would be bound. The Greens will be voting in favour of this bill. The standards envisaged by the department at this stage would seek to ensure that all entities that work with children have appropriate codes of conduct, appropriate screening, supervision and training for personnel, and appropriate processes for the responding to and reporting of suspected child abuse.

We know from the evidence that continues to pour out of the Royal Commission into Institutional Responses to Child Sexual Abuse that too many organisations have in the past had inadequate processes for responding to suspected child abuse. The Betrayal of Trust inquiry, which reported in 2013, found that as late as then too many entities that work with children did not have these processes in place. In August this year the commissioner for children and young people found that, among other factors, the absence of appropriate processes and standards was a contributing factor to the perpetration of child abuse.

It is appropriate that proper standards should apply to all entities and bodies that work with children and that the department should provide ongoing advice and assistance as part of its monitoring and compliance activities. The practical issue of course is how these

standards will be applied. There seems to be a significant overlap between the proposed child safe standards and the existing human service standards that are already applied to organisations that are funded by the department.

We are also curious about why the child safe standards do not include more specific prescriptions — for instance, they will not require that employees of funded organisations that work with vulnerable children in, say, residential care units, have minimum qualifications — and how in practice the child safe standards will apply to the department itself, which has responsibility for just above 40 per cent of children in out-of-home care in Victoria.

By themselves, standards will not ensure that the assault and abuse of children is prevented, but they certainly go a long way and are of critical importance. The concern about standards that are vague is that they are in danger of becoming just a mission statement on the wall rather than something that has been practically put into effect. As the commissioner for children and young people found in August, standards must be rigorous and compliance must be ensured by an agency that is independent of the department, which itself works directly with children in a number of different settings.

The Greens will be supporting this bill, and I am sure that when it goes to the other place Nina Springle, a member for Southern Metropolitan Region and the Greens families and children spokesperson, will have plenty of questions for the minister on this matter.

Mr PEARSON (Essendon) — I am delighted to make a brief contribution in relation to the Child Wellbeing and Safety Amendment (Child Safe Standards) Bill 2015. This bill is a fundamental piece of legislation because it ensures that children who are at risk can have the protection they require. In preparing for this debate I caught up with Jacquie O'Brien, who is the CEO of Tweddle.

In the UK they talk about the first 1000 days of a child's life being fundamentally important to their development. The case in point is that there have been academic studies which show that if a parent, for example, is suffering from depression and shows no expression on their face when they start engaging with the child, the child becomes distressed and starts to feel that there is a lack of attachment with their parent. When that happens the child's brain does not form as quickly and does not develop in the same way that the brain of a child in a functional household would develop. Why is this important? It is important because

by the time a child gets into kindergarten or into primary school there is what is called the achievement gap. The achievement gap is quite significant. It means that a child has no real capacity to catch up and overcome that gap. That is why you see children with lower levels of progression being more likely to drop out of school, more likely to commit antisocial behaviour and to not reach their potential as individuals.

A bill like this is really important because it is trying to put in a better standard. I think any legislation that comes to this place that focuses on the first 1000 days and examines very closely what we can do as a government and as legislators to ensure that children have the very best start in life, regardless of whether they come from a wealthy household or an impoverished household and regardless of whether they come from a functional family or a dysfunctional family, is really important in making sure that every child can achieve their potential. I commend the bill to the house.

Ms McLEISH (Eildon) — The bill before the house, the Child Wellbeing and Safety Amendment (Child Safe Standards) Bill 2015, is particularly significant because it builds on a lot of work that has already been done — and I am sure that there will be a lot more work done in this area. The overarching purpose of the legislation before us is to provide further protections to children from the risk of abuse. I think everybody is in agreement that all that can be done should be done in order to protect children from the risk of abuse, which can happen to any child in a whole range of different circumstances.

The bill before us amends three different acts: the Child Wellbeing and Safety Act 2005, the Commission for Children and Young People Act 2012 and the Education and Training Reform Act 2006. This bill specifically concentrates on the sectors that interact with children. There are many sectors that interact with children; some are very obvious and some are not so obvious. The very obvious ones, as members would be well aware, include schools, whether they be government, independent or Catholic schools; disability groups; church organisations; and sporting clubs — all are different organisations that interact with children.

There is quite a bit of background and context to this bill. The coalition under then Premier Ted Baillieu put children front and centre in many areas, and it led two particularly significant pieces of work which are cornerstones of the work we are doing now. The first was the 2012 Protecting Victoria's Vulnerable Children Inquiry, conducted by Judge Philip Cummins. That inquiry's report led to a number of reforms and

changes, some of which were legislative, and these changes are still being adopted.

The second piece of work was the inquiry into the handling of child abuse by religious and other non-government organisations, undertaken by the Family and Community Development Committee, which resulted in the *Betrayal of Trust* report. That was a very significant and lengthy piece of work spanning from April 2012 to November 2013, some 18 months. There were many recommendations made by the committee, and one of the spaces in which the report noted there is still work to be done is with organisations in a couple of areas. One was for organisations to improve the responses to child abuse when it arises, and another was to improve prevention elements. A lot of the recommendations were around capability building for organisations dealing with children on a daily basis. Some organisations, depending on the size, have greater resources and capability available to them in the first instance than others do, so it is very important that the bill before us and the work going forward address all the different bodies that interact with children so that they are all singing from the same song sheet.

The Family and Community Development Committee, as I said, made many recommendations, and this bill deals with three specifically: recommendations 12.1, 13.1 and 13.2. Recommendation 12.1 is that the government review its contractual and funding arrangements with education and community service organisations that work with children and young people to ensure that minimum standards exist for ensuring that children have a safe environment.

A number of principles have been adopted to help support that, and they are picked up through the legislation. The principles are about statements of zero tolerance. Child abuse is just not accepted. There are principles to guide decisions so that when people working in organisations are confronted by this and are not sure exactly what to do or how to make the right decisions, they have something to fall back on. There are also principles around the recruitment of staff, looking at the employment of new personnel, what it is they need to do and how they do that. A risk management approach also underlies the legislation, so there are some very important principles behind the recommendations that have been picked up.

Recommendation 13.1 is for the identification of an effective approach or model for supporting peak bodies to build preventive capacity in sectors that interact with children. This is something I picked up before. In the science of organisations, very small organisations may not have the capability, capacity, financial resources or

legs on the ground to easily do some of this work, so it is pertinent to have a look at ways to support peak bodies in assisting some of those smaller organisations and also at ways to encourage smaller organisations or activities affiliated with peak bodies to enable access to capacity-building opportunities.

Recommendation 13.2 is about ensuring that non-government organisations are equipped with high-quality information and advice about the prevention of criminal child abuse in organisations. The legislation before the house was put together with feedback from stakeholders, and in the Family and Community Development Committee there was an enormous amount of feedback. This is about putting children front and centre. The Child Wellbeing and Safety Act 2005 provides for the creation and maintenance of a child safe environment, but this bill has provisions for the minister to make standards in relation to child safety that certain entities must comply with.

The definitions in the bill recognise that there are different categories of entities. Category 1 entities will come into effect very soon — in fact almost too soon — on 1 January 2016. Category 1 entities provide services or facilities to children and they have existing regulatory or funding arrangements with the Victorian government — for example, independent schools, out-of-home care providers, early years services and disability services. The Commission for Children and Young People and the Centre for Excellence in Child and Family Welfare have raised concerns about the 1 January 2016 commencement date and do not believe it leaves an adequate amount of time for organisations to have the appropriate standards in place. It is a concern that needs to be front of mind about how this process will happen and how best to facilitate it and support category 1 entities.

Category 2 entities have a little bit more time. They will come into effect on 1 January 2017. They are for entities which have limited or no regulatory or funding arrangements with the Victorian government — for example, sporting clubs, Life Saving Victoria, scouts, girl guides and nanny services. These are quite broad within the community and very important, but they have lesser capacity and capability in the first instance, so giving them the additional year is something I applaud, but I very much worry about the category 1 entities.

The changes to the Commission for Children and Young People Act 2012 are about improving operations, and the Education and Training Reform Act 2006 is being amended in relation to the definition of

‘child abuse’. I have already mentioned my concerns about the timing for category 1 entities. I am also concerned about who will undertake monitoring to ensure that standards are in place; it is a large piece of work to be done. I also put on the table that cultural standards should apply within some organisations, where cultural issues apply. I am pleased to see that this bill is before the house, and I commend it.

Ms EDWARDS (Bendigo West) — I am pleased to make a contribution on the Child Wellbeing and Safety Amendment (Child Safe Standards) Bill 2015. The Andrews Labor government committed to implementing all the recommendations of the *Betrayal of Trust* report, and this bill in particular implements recommendations 13.1 and 13.2. It is clearly stated that the government should identify ways to support peak bodies to build preventive capacity in sectors that interact with children, identify ways to encourage smaller organisations or activities to be affiliated with peak bodies to enable access to capacity-building opportunities and ensure that non-government organisations are equipped with high-quality information and advice about the prevention of criminal child abuse in organisations.

Cultural change takes time, but we have to start somewhere, and the child safe standards will drive this cultural change, particularly in entities that provide services to children so that protecting children from abuse is embedded in everyday thinking and practice. The Family and Community Development Committee of the last Parliament tabled the *Betrayal of Trust* report in November 2013, and I thank the members of that committee for the significant work they did in some very traumatic and difficult times, especially the public hearings that were often emotionally challenging. I also thank them for their respect for the people who presented at those hearings and for their acknowledgement of people who were finally given a voice. Since that time there have been ongoing consultations by the government with over 160 stakeholders on the development of the child safe standards. The early implementation of these will need to commence from January 2016.

Many organisations have existing policies and procedures that aim to keep children safe, but the child safe standards will, as far as possible, leverage existing mechanisms to improve child safety in organisations and increase consistency across sectors. While the child safe standards will be mandatory, they are not prescriptive. They will provide a framework. They will require a code of conduct to establish clear expectations for appropriate behaviour with children, human resource practices that reduce the risk of child abuse by

new and existing personnel, and policies for reporting and responding to allegations of child abuse.

I do not want to speak for too long on this bill because I know there are many pieces of legislation to get through this week, but I will draw a parallel with the current Family and Community Development Committee inquiry into abuse in disability services, which I am the chair of. There are some parallels to be made, particularly in regard to the way governments respond to the needs of vulnerable people, and that of course includes children and people with disabilities. Governments are obliged to protect our most vulnerable citizens, be they children, elderly or disabled. My understanding of where we have come to right now with the Family and Community Development Committee inquiry is that the key to prevention is cultural change. This may take a long time, but it is imperative that we start now so that the abuse of children and other vulnerable people is no more.

Child protection is one of the areas we know the government is invested in, but we also know that child abuse still occurs. Entities can change, but it is in the context of family violence where much abuse continues to happen, and this is evident particularly in the child protection area. Until we see an end to the acceptance of abuse, particularly in the private homes of families, there is still much to do to end family violence and the abuse of children in the family home. I commend the bill to the house.

Debate adjourned on motion of Ms SPENCE (Yuroke).

Debate adjourned until later this day.

STATE TAXATION ACTS FURTHER AMENDMENT BILL 2015

Second reading

Debate resumed from 21 October; motion of Mr PALLAS (Treasurer).

Mr M. O'BRIEN (Malvern) — I rise to speak on the State Taxation Acts Further Amendment Bill 2015. This is generally a bit of a housekeeping taxation bill. It amends a number of acts in relation to taxation. Its purposes include to amend the Duties Act 2000 to update the definition of cattle to include bison — a very important issue, because the Livestock Disease Control Act 1994 has been amended previously to include bison within the definition of cattle, and it would be a travesty if the Duties Act 2000 was not similarly amended to reflect the appropriate role of bison as cattle.

Mr McGuire interjected.

Mr M. O'BRIEN — I hear the interjections from the member for Broadmeadows. I am glad he is treating this issue with the due decorum and seriousness that it deserves. It is important to make sure that our definitions are up to date. Taxation is an impost on Victorians, a necessary impost, to be sure — there is some Irish for the member for Broadmeadows: 'to be sure'.

It is important that the law reflects appropriate practice, is modernised and is consistent as far as possible across different taxation acts. I do not think there are going to be any disagreements or demurrals about updating the definition of cattle in the Duties Act 2000. As part of my duties as shadow Treasurer I undertook some consultation, but the fact that the consultation on this particular aspect did not trouble the scorer in terms of any response suggests to me that this is not an issue which has raised a lot of concern amongst relevant stakeholders.

Ms Ryan — Did you consult the VFF?

Mr M. O'BRIEN — I did consult the Victorian Farmers Federation as it happens. I think it is quite happy to let the bison issue go through to the keeper, if indeed a bison can go through to the keeper — it might be a little bit large.

The second aspect of this bill's purpose is to amend the Payroll Tax Act 2007 in relation to exemptions for apprentices and trainees. Again this is to some extent a definitional issue. It provides for amendments which have been made to other acts relating to registered group training organisations to be reflected in the Payroll Tax Act 2007 so that the relevant exemptions that apply to businesses that employ apprentices and trainees, and the payroll tax exemption that attaches to those, will apply.

We on this side of the house are supportive of measures to encourage employment. We are supportive of measures to reduce the payroll tax burden. That is why when we were in office we cut the rate of payroll tax by 5 basis points — a permanent tax cut, I should say. That stands in stark contrast to what this government has done. Even before its first budget it said it was introducing its Back to Work program, which it claimed would amount to a \$100 million payroll tax cut over two years which would generate — so the government claimed; so the government promised — 100 000 new full-time jobs over two years. The fact is the Back to Work scheme so far has been an absolute failure.

For the government to reach its target of generating 100 000 full-time jobs within two years, it would need to generate jobs at a rate of 12 500 per quarter. We now have the figures for the first quarter of operation of the Back to Work scheme. These figures were slipped out at 5 o'clock two weeks ago on the website of the State Revenue Office. You can be pretty sure that if a government which is as spin obsessed as the current Andrews Labor government is thought that the figures were telling a good story, if the figures were telling even a half-decent story, it would have released them with a flourish, with a press release, with fireworks and champagne bottles. Instead these figures were so bad, were so appalling, were such a testament to failure that they were slipped out at 5.00 p.m. on the last possible day. I feel sorry for the poor people at the State Revenue Office, who — I say without any shadow of a doubt — under instruction from the Treasurer's office were told to release these figures at the last possible minute, at the last possible hour on the last possible day.

Instead of creating 12 500 full-time jobs in its first three months of operation, all we know is that the Back to Work scheme — this flagship of the Andrews Labor government — helped to create a mere 164 jobs. I asked the Treasurer in question time earlier this week whether he regarded that as being a success rate of 1.3 per cent or maybe less charitably a failure rate of 98.7 per cent. Either way there are 12 300-plus people who should have been supported into full-time work in the last quarter who were not, because this government does not listen and this government does not work with business.

This government failed to heed the warnings from business organisations that told the government its Back to Work scheme was a dud — it was poorly designed. The idea that a business is going to take on a full-time employee, create a new full-time position, for \$1000 as a one-off was always nonsense. If any government members had actually run businesses, they would have known that. But they have not. They have never created a job in their lives — apart from the army of red shirt rorters.

Mr Richardson interjected.

Mr M. O'BRIEN — I am very happy to return to that theme if the member for Mordialloc would like that. I do get some latitude as lead speaker, and I am very happy to use it.

We have a government which, when it comes to payroll tax, came up with a flagship scheme which has turned out to be a complete and utter failure — 164 jobs, not

12 500; a failure rate of 98.7 per cent and a success rate of 1.3 per cent. What do we see the government do? In typical Labor fashion, the government panics. It panics and says, 'Oh, my goodness! No-one's really taking up this scheme. Let's throw more money at it'. What it has done is decide that instead of supporting 100 000 jobs with \$1000 each it will support jobs up to \$12 000 per job.

But — get this — it is not actually increasing the amount of money in the Back to Work scheme. It is not increasing that \$100 million pool. It is simply saying, 'We will subsidise fewer jobs with more money'. I am waiting for the government to announce its alternative to the east-west link, which will involve paying people to dig holes and then paying other people to fill the holes in. It will say, 'Look. We've created two jobs: someone's digging a hole, and someone's filling it in'. This is the Labor Party's version of job creation.

We see an embarrassed Treasurer trying to hide these figures, sweep them under the carpet, because we know that when it comes to payroll tax the government has it wrong. It has badly designed the scheme. It is a temporary, one-off payment rather than a permanent tax cut, which is what we in the coalition government delivered for business, because we do know about creating jobs. As much as members opposite may hate to hear it, the fact is that in its four years the last coalition government created more jobs in Victoria than any state in the country — more jobs in Victoria than any state in the country in the four years of the coalition. Ask the Australian Bureau of Statistics. More jobs than any other state in the country — those are the facts.

What does Labor do? Labor has taken full-time jobs backwards by 7800 — 7800 jobs lost under Labor. We go across the border to New South Wales, where Mike Baird is Premier — a good Liberal Premier and a good Liberal government — and they are up by 84 000 full-time jobs in New South Wales. But ever since Premier Andrews sat in the big chair we have lost 7800 full-time jobs in Victoria. The Labor Party should be absolutely ashamed of itself. Jobs are down, the budget has gone into deficit, debt has gone up and the east-west link costs have blown out. What are these people doing?

Honourable members interjecting.

Mr M. O'BRIEN — I am very pleased I have woken some of them up. I felt they would be a danger driving home, being half asleep. I have woken a few of them up. That is my contribution to road safety for today.

Mr Pakula interjected.

Mr M. O'BRIEN — Sometimes you've got to amuse yourself, don't you, Attorney-General? Sometimes you've got to amuse yourself.

Honourable members interjecting.

Mr M. O'BRIEN — I am very happy to talk about jobs, because while other members opposite might complain about the fact being put on the table, the fact is that under Labor 7800 full-time jobs have been lost — that is a fact. The fact is the coalition created more jobs in Victoria than any other state. These are facts. These are incontrovertible facts. As much as members opposite might like to catcall and yell, it does not stop it being the truth.

Business interrupted under sessional orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house now adjourns.

Drought assistance

Mr WALSH (Murray Plains) — My adjournment issue tonight is for the Premier. The action I seek from the Premier is to have him visit the drought-affected areas of Victoria in the southern Mallee and the Wimmera. In asking the Premier to come, I acknowledge that the Minister for Agriculture has visited twice and I acknowledge the fact that she has done that and met with a number of the farmers, but following on from my question without notice to the Premier last month about the drought issues, I would ask him to visit the area and look firsthand at what is impacting on that part of Victoria and particularly some of those more localised districts around Wycheproof, Birchip and Watchem, running down to Donald, where they effectively had a totally failed season last year and they have another totally failed season this year. I think it would be good for the Premier to see firsthand the issues being confronted by those farmers and by those communities.

Last week I travelled through that area when I went across to Warracknabeal. The federal Minister for Agriculture and Water Resources, Barnaby Joyce, was there with the local federal member for Mallee, Andrew Broad. The member for Lowan and the member for Mildura met in Mildura with Barnaby about the issues further north in his electorate. I think it would be good for the Premier to come along to do that. In the answer the Premier gave to my question without notice, he

talked about the fact that the Minister for Environment, Climate Change and Water, the Minister for Agriculture and the Treasurer were having discussions about what programs could be brought forward to assist those farmers and those communities. It would be good on that visit to the region, if the Premier chooses to come, for him to update the farmers and the community about where those discussions with the state government are up to about what support the state government could put in place in the future to assist those farmers.

Deputy Speaker, as you would probably well know, it costs a lot of money to put in a crop in those grain-growing areas, and you have people who have invested anywhere from \$300 000 and \$400 000 up to \$1 million for the larger producers in direct input costs into those crops that have failed, and they have now done that for two years in a row. They are under severe financial pressure, and that has a flow-through effect into the community. That money is not being cycled through the communities. Local jobs will be put at risk in the communities among the people who supply the inputs to those farmers who are in that situation. As I talked about in my question without notice to the Premier, in the last drought the then government had some programs around rate relief and around the fixed charge water rates relief. I know it is quite a big area serviced by the Wimmera–Mallee pipeline, but there is a particular area that is not serviced by the Wimmera–Mallee pipeline where I know money is being put into a business case. I would ask the Premier to also in his trip, if he goes, include Wedderburn so he can talk to the farmers there about the issues they have with the supply of water.

Banyule Nillumbik Local Learning and Employment Network

Ms WARD (Eltham) — My adjournment matter is for the Minister for Roads and Road Safety. The action I seek is that the minister come to see firsthand the wonderful work done by the Banyule Nillumbik Local Learning and Employment Network in implementing the L2P learner driver mentor program. The L2P program partners learning drivers who do not have regular access to a car or a supervising driver due to financial or other constraints with volunteer mentors who supervise their driving. Without this program some disadvantaged learner drivers would struggle to complete the 120 hours of supervised driving required to sit their probationary licence test.

In my electorate we are privileged to have wonderful volunteers who regularly give up their free time to help young people improve their driving and work towards

obtaining their licence. We are very lucky in the Banyule-Nillumbik area to have a dedicated team committed to empowering those less fortunate. We are also extremely lucky that this team is led by the Banyule Nillumbik Local Learning and Employment Network's absolutely fantastic executive officer, Nancye Harrison. In the last five years over 100 graduates of the L2P program have gone on to successfully obtain their drivers licence.

We must thank some of the longstanding L2P volunteers for their wonderful efforts. I thank Mel Boak, Allan Horsley, Graham Pascoe and Glen Busey for their continued support of this program. I applaud the minister for showing his continued support for this program in renewing funding for the L2P program, and I look forward to showing him firsthand the wonderful work done by the Banyule and Nillumbik Local Learning Employment Network in the future.

Mooroolbark ambulance station

Mr HODGETT (Croydon) — I raise a matter for the Minister for Health, and it is in relation to the fully funded \$1.4 million ambulance station in Mooroolbark that was promised by the former government. I ask the minister whether or not the government will fund this ambulance station in Mooroolbark.

On 19 March I brought this to the attention of the minister.

The DEPUTY SPEAKER — Order! You are asking the minister to fund the ambulance station?

Mr HODGETT — To provide an update on whether the minister is going to fund it; to provide an update on the construction.

The DEPUTY SPEAKER — Okay, thank you.

Mr HODGETT — On 19 March I brought this to the attention of the minister when I requested an update from her, and to date I have not received a response from either her or her department. Residents in Mooroolbark are tired of being an afterthought of the Andrews government and are after an honest, accurate and detailed update from the minister about whether or not she will be building this ambulance station or letting another important opportunity pass by, which seems to be a common theme for this government.

The pocket of land that has been identified is situated at the five-way roundabout on Lincoln Road, Mooroolbark, and was acquired in 2012 by the health department. A brand-new ambulance station was to be built to house the team of paramedics currently working

from their temporary base in Montrose. I again call on the minister to confirm whether or not the government will proceed with the construction of this ambulance station and, if so, to provide me and the residents of my electorate with a time line for when this is likely to occur.

The DEPUTY SPEAKER — Order! Because it is providing a time line it is an appropriate action, so thank you very much.

National disability insurance scheme

Ms KILKENNY (Carrum) — My adjournment matter is to the Minister for Housing, Disability and Ageing. This follows the recent historic agreement between the Labor state government and the commonwealth that has secured the rollout of the national disability insurance scheme (NDIS) across Victoria from July next year. The action I seek is that the minister attend a forum in my area and meet with stakeholders to talk about how we can best work together to prepare for the rollout of the NDIS in the Carrum area next year.

The NDIS will give people with a disability and their families more choice and control over the services they receive to help them achieve their goals and live full and active lives, and I look forward to welcoming the minister and hearing about how and when the rollout will start benefiting the lives of many of my constituents and their families.

Hastings electorate roads

Mr R. SMITH (Warrandyte) — My request is directed to the Minister for Roads and Road Safety, and it regards upgrades that are required at Golf Links Road and Grant Road in the Hastings electorate, as well as the roundabout at Baxter-Tooradin Road.

In 2010 the Inghams factory at Somerville was destroyed by fire. Inghams is a significant employer in the area, and as such the former Brumby government, along with Frankston City Council and Mornington Peninsula Shire Council, made a number of planning and infrastructure commitments to encourage Inghams to reinvest in the site. Inghams has subsequently invested \$120 million and local government has been particularly supportive in assisting with the relevant planning matters. The only thing left is for the state government to step up and begin the road upgrades that were promised over five years ago.

Inghams now employs 650 staff and is ready to expand its operations. An expansion would add 250 direct jobs to Inghams, as well as 800 indirect jobs from the

breeder, transport and feed supply sectors. The only barrier to this expansion is the lack of sufficient road infrastructure that would allow for the increased truck movements that would come as a result.

The Andrews government has made a commitment to Victorians that there would be an increase of 100 000 jobs in this state over two years. With one year already gone and Victorians facing a loss of over 7000 jobs, this road upgrade would seem a simple and material option for beginning to reverse the trend of job losses. The needed road upgrades are costed at around \$5 million. When compared to the monetary investment in jobs that the Andrews government has made to date, with arguably limited success, \$5 million to grow over 1000 ongoing jobs has to be a no-brainer. These jobs are on top of an anticipated \$25 million in commercial investment that Inghams would make in Victoria for the expansion of its plant.

In a letter from Regional Development Victoria to Inghams dated 11 February 2010 the chief executive of the agency stated that local government, as well as the then minister, the member for Bendigo East, was supportive of facilitating the required upgrades. I remind the Minister for Roads and Road Safety that his cabinet colleague was a key figure in raising the expectations of a major employer in the Hastings area with regard to these upgrades and in fact was the government member who led these proposals. Will the minister now commit to carrying out the directions set out by the member for Bendigo East and upgrade these roads?

The DEPUTY SPEAKER — Order! Before the member sits down, is the action that he is requesting that the roads be upgraded?

Mr R. SMITH — Indeed. At the beginning of my contribution I said my request regards upgrades to roads — Golf Links Road and so on.

The DEPUTY SPEAKER — Order! The action is that the roads be upgraded.

Mordialloc Creek

Mr RICHARDSON (Mordialloc) — I raise a matter for the Minister for Ports. The action I seek is that the minister investigate the replacement of wave baffles at the entrance of Mordialloc Creek to improve safety and protect assets as a high priority. The Mordialloc Creek has always been a significant natural resource and a vital part of Port Phillip Bay. It is a place of community and a multitude of activities, as well as a rich source of life going back to the Bunurong people,

the traditional owners of the land in the region. The suburb of Mordialloc is said to be a combination of a couple of Indigenous words which could be interpreted as ‘flat water’, ‘swampy water’ or perhaps ‘near the little sea’. This reference is directly related to the creek and its broader connection to the historic Carrum Carrum Swamp.

During the 1800s Mordialloc became a fishing village and would go on to become a renowned spot for picnics right along the Frankston train line through the 1880s. Despite the significant growth and development throughout Mordialloc, it is still renowned for its boating, sailing and fishing communities, forming part of a pleasant viewpoint on the horizon of the bay each and every summer. In recent weeks as we have come into the season I have had the opportunity to attend season openings days for Mordialloc Sailing Club and Mordialloc Motor Yacht Club, along with meeting with other local stakeholders in the creek community. It is yet another reminder of the variety of participants, supporters and advocates for the Mordialloc Creek and its enjoyment for our community.

When considering beneficiaries of the Mordialloc Creek, along with the regular activities within the Peter Scullin Reserve that sits adjacent to the creek, including the annual Mordialloc Food and Wine Festival, it is imperative that we do all we can to support this wonderful natural resource.

I should also acknowledge the investment of the former government in dredging works at the Mordialloc Creek. This was a significant and difficult task, and the last thing the creek community needs right now is for investment works that were undertaken to be undermined due to inadequate infrastructure at the mouth of the creek.

The immediate next stage in this process is the replacement of these wave baffles. Wave baffles are in place to reduce the wave energy coming in from Port Phillip Bay through the mouth of Mordialloc Creek. The current wave baffles have all but completely deteriorated, resulting in stronger currents and wave energy flowing through the creek. This increases the risk of damage to boats and yachts, as well as bringing more silt into the creek, undermining previous dredging works.

Finally, you cannot mention Mordialloc Creek without considering the contribution of Jack Pompei, or as he was affectionately known, Mr Mordialloc. Jack was a local boatbuilder, a strong advocate for the protection of the creek and a local hero who was said to have rescued and assisted hundreds of people who ran into trouble on

the bay. The ongoing maintenance and protection of the creek was a consistent feature during Jack's time and continues to this very day. Jack had a remarkable turn of phrase and said, 'If you took the creek out of Mordialloc, there would be nothing there'. I want to make sure that we protect Mordialloc Creek for the future and promote it for the betterment of local residents and visitors to our region. In conclusion, the action I seek is for the minister to investigate the replacement of wave baffles at the entrance of Mordialloc Creek.

Christian College Torquay early learning facility

Mr KATOS (South Barwon) — My adjournment matter this evening is for the Minister for Families and Children. The action I seek is for the minister to provide a favourable response to Christian College's funding application for its proposed new Torquay early learning facility. Christian College has applied for a children's facilities capital grant of \$650 000 for a new Torquay early learning facility. It has purchased land at Jan Juc for this facility, as well as for a new P-12 college. The previous Minister for Planning, the member for Bulleen, with the support of the Shire of Surf Coast, rezoned this land via an amendment approved under section 20(4) of the Planning and Environment Act 1987 to speed up the process to facilitate this early learning centre.

Torquay is experiencing rapid growth, with over 400 children born there every year, and with that figure rising each year. There is a definite shortage of early learning places in Torquay. This shortage is despite the fact that the coalition government provided \$500 000 to extend the Torquay kindergarten and \$300 000 to extend the Jan Juc kindergarten. It also provided the Surf Coast council with \$1.6 million to build the new Torquay North children's services hub, which has yet to be started. I strongly urge the Surf Coast council to get on with the job of building that hub.

The new Christian College Torquay early learning hub will provide 100 new four-year-old places and 220 new three-year-old places, with 10 sessions of 22 places for three-year-olds. Given the strong and continued demand for early learning places in Torquay, the Andrews government needs to fund this early learning hub as a priority. The Andrews Labor government has made no education funding commitments whatsoever in Torquay, and it needs to start paying attention to this growing community and stop taking it for granted. Christian College has a fine reputation, and it will deliver a fine early learning hub in Torquay. I strongly

urge the minister to provide a favourable outcome to this funding application.

Pascoe Vale electorate ministerial visit

Ms BLANDTHORN (Pascoe Vale) — My adjournment matter is for the attention of the Treasurer. The action I seek is that the Treasurer visit my electorate and meet with the local community. In particular I ask that the Treasurer discuss local education, employment and business opportunities for the constituents of Pascoe Vale, the reason for this visit being that for four long years the schools of the inner north were neglected by former Premier Baillieu, former Premier Napthine and the former Treasurers, the member for Rowville and the member for Malvern, and now as a consequence this government is faced with schools across the inner north that are literally falling down and bursting at the seams.

The member for Croydon just suggested that the government is not investing in suburbs such as Mooroolbark. My parents live in Mooroolbark, and I see the evidence of the investment by this government in Mooroolbark. What I do not see, however, in suburbs such as Pascoe Vale, Glenroy and Hadfield is evidence of the previous government having invested in our schools or in our businesses. Under the previous government urgent maintenance matters went unchecked, such as at Pascoe Vale Primary School, which now has nearly \$2 million worth of emergency maintenance that needs attention.

There are serious enrolment pressures at some of the schools in my electorate, such as at Coburg North Primary School, which has had enrolments increase by 147 percent since 2007, and there are schools that were only ever built to last a decade or two in the 1940s and 1950s which have never been improved, such as Pascoe Vale South Primary School and Glenroy West Primary School. The lack of investment in local education is massive, and whilst the Minister for Education has come to visit many of the schools in my electorate, it is important that the Treasurer also see for himself the scale of the problem.

We also know that young people and their families need more opportunities for local employment. Local youth unemployment is around 18 per cent. I would appreciate it if the Treasurer could meet with local businesses to discuss ways to improve our local economy. Our local kids deserve a good education in first-rate facilities, secure in the knowledge that they will have local employment opportunities in thriving local businesses.

Whitehorse planning scheme amendment

Mr WATT (Burwood) — My adjournment matter is for the Minister for Planning. The action I seek is for the minister to reject amendment C153 to the Whitehorse planning scheme and the proposed permit, in line with the most recent decision of the Whitehorse council on 16 March 2015. The amendment is for a rezoning of the land at the old St Leo's College site at 15–31 Hay Street, Box Hill South, from special use zone and public use zone to residential growth zone and general residential zone. This would give the green light to the development of 310 units on this site in what can only be described as zoning inconsistent with the surrounding residential area.

As the local member and someone who until recently had family only streets away, I am acutely aware of the area's local character. The streets closest to this site have been identified by council as bush suburban precinct 3. To quote the City of Whitehorse *Neighbourhood Character Study 2014*:

Properties abutting or situated close to Gardiners Creek, the Blackburn Creeklands and Wurundjeri Walk, or with interface to bush environment areas will contain substantial vegetation, and development will be sited so that the overall visibility of buildings is minimised when viewed from the open-space corridors.

It also says:

Buildings should not exceed two storeys (8 metres) in height.

It is hard to reconcile the above policy with any decision to approve the amendment. The Whitehorse council's opposition and the community's opposition to this amendment are quite clear. I have already launched a petition calling on the minister to reject amendment C153 to the Whitehorse planning scheme and will be tabling this tomorrow.

The previous Liberal-Nationals coalition government had a clear policy of returning planning powers to council and had done so via the introduction of new planning zones in 2013, and I thank the previous Minister for Planning, the member for Bulleen, for implementing these revolutionary changes to Victoria's planning laws. For years councils have complained about the previous Labor government's intervention in local planning, against the wishes of the responsible authority and local residents, and now we have an opportunity for the current Minister for Planning to make the right decision.

My personal view, given that the area's character is best described as bush suburban precinct 3, is that the proposed development at Hay Street, Box Hill South, is

an overdevelopment; however, I have always stated that while I may have an opinion, it is for the council to make the decision one way or the other. Now Whitehorse City Council has made the decision, but the decision has been overturned by the Victorian Civil and Administrative Tribunal on a technicality.

I call on the Minister for Planning to abandon amendment C153 of the Whitehorse planning scheme. I understand the current Minister for Planning has a bent for high-density high-rise in leafy green suburbs, such as those in the electorate of Burwood, in an attempt to destroy the legacy of the previous planning minister, but I again call on the minister to take a backward step from the precipice of inappropriate decision-making and make the right decision for my local residents.

The DEPUTY SPEAKER — Order! I can assure the house that that is an appropriate action.

Sunbury rail services

Mr J. BULL (Sunbury) — The matter I raise is for the Minister for Public Transport. The action I seek is that the minister direct Public Transport Victoria to provide additional train services to and from Sunbury and to review planned V/Line restrictions for the area. Members of the house would be well aware that I have raised this matter on a number of occasions this year. Last week I joined the minister in Sunbury for a local public transport forum hosted by Public Transport Victoria. The forum was extremely well attended, and the minister was able to hear firsthand the frustrations many commuters are facing.

At this forum, which I opened, I stated that in my view significant challenges confront us in public transport due to population demand and the lack of rail network space and rolling stock. It is great that more and more people want to use public transport, and it is also great that the Andrews Labor government is investing significantly in public transport and has committed to the single biggest rail project for Melbourne's train network in over 40 years, the Melbourne Metro rail project. However, due to its sheer size and scale, this project is still some years away, and Sunbury commuters are asking for more immediate action. I thank all of those who have expressed their views in a constructive and positive way, especially the Sunbury Train Association, members of which have met with the minister and me.

Earlier this year the government added two additional morning peak and two additional afternoon peak Metro services for Sunbury; however, this has not addressed

the concerns raised regarding pick-up and set-down rules planned for 1 January 2016.

At the forum many senior residents also raised issues about catching V/Line off-peak services at times when trains are running through Sunbury and times when these trains well and truly have capacity on them. This is a very important matter for my community, and I am determined to see action on it. Once again, the action I seek is for the minister to respond by adding additional services for the growing Sunbury community and to review currently planned V/Line restrictions.

Responses

Mr PAKULA (Attorney-General) — The member for Murray Plains raised a matter for the Premier calling on him to visit drought-affected areas in the Wimmera and the Mallee. I can indicate to the house that the Premier is absolutely and fully aware of the difficulties being faced by hardworking people in drought-affected communities, and he will have much more to say about that in the very near future. I will pass on the member's request.

The member for Eltham raised a matter for the Minister for Roads and Road Safety in regard to the L2P learner driver mentor program carried out by Banyule Nillumbik Local Learning and Employment Network.

The member for Croydon raised a matter for the Minister for Health calling for an update in regard to construction of an ambulance station at Mooroolbark.

The member for Carrum raised a matter for the Minister for Housing, Disability and Ageing asking that he attend a forum in her electorate about the national disability insurance scheme.

The member for Warrandyte raised a matter for the Minister for Roads and Road Safety in regard to a road upgrade of Golf Links Road and Grant Road in the Hastings electorate.

The member for Mordialloc raised a matter for the Minister for Ports seeking that the minister investigate the replacement of weight baffles at Mordialloc Creek.

Mr Richardson — Wave.

Mr PAKULA — Wave baffles at Mordialloc Creek — you can see I am not a yachtie.

The member for South Barwon raised a matter for the Minister for Families and Children seeking a favourable response to Christian College's funding application for an early learning facility at Torquay.

The member for Pascoe Vale raised a matter for the Treasurer seeking a meeting with the Pascoe Vale community.

The member for Burwood sought that the Minister for Planning reject amendment C153 to the Whitehorse planning scheme.

The member for Sunbury raised a matter for the Minister for Public Transport seeking that the minister direct Public Transport Victoria to provide additional trains on the Sunbury line and to deal with V/Line restrictions. I am sure that the Minister for Public Transport will take clear heed of the member's request. I will pass that matter and all other matters on.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 7.25 p.m.