PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Thursday, 5 May 2011

(Extract from book 6)

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By authority of the Victorian Government Printer

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Legislative Council standing committees

Economy and Infrastructure Legislation Committee — Mr Barber, Ms Broad, Mrs Coote, Mr Drum, Mr Finn, Ms Pulford, Mr Ramsay and Mr Somyurek.

Economy and Infrastructure References Committee — Mr Barber, Ms Broad, Mrs Coote, Mr Drum, Mr Finn, Ms Pulford, Mr Ramsay and Mr Somyurek.

Environment and Planning Legislation Committee — Mr Elsbury, Mrs Kronberg, Mr Ondarchie, Ms Pennicuik, Mrs Peulich, Mr Scheffer, Mr Tee and Ms Tierney.

Environment and Planning References Committee — Mr Elsbury, Mrs Kronberg, Mr Ondarchie, Ms Pennicuik, Mrs Peulich, Mr Scheffer, Mr Tee and Ms Tierney.

Legal and Social Issues Legislation Committee — Ms Crozier, Mr Elasmar, Ms Hartland, Ms Mikakos, Mr O'Brien, Mr O'Donohue, Mrs Petrovich and Mr Viney.

Legal and Social Issues References Committee — Ms Crozier, Mr Elasmar, Ms Hartland, Ms Mikakos, Mr O'Brien, Mr O'Donohue, Mrs Petrovich and Mr Viney.

Joint committees

Dispute Resolution Committee — (*Assembly*): Ms Allan, Mr Clark, Ms Hennessy, Mr Holding, Mr McIntosh, Dr Napthine and Mr Walsh.

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

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

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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Mr G. JENNINGS

Leader of The Nationals:
The Hon. P. R. HALL

Deputy Leader of The Nationals:
Mr D. DRUM

Member	Region	Party	Member	Region	Party
Atkinson, Hon. Bruce Norman	Eastern Metropolitan	LP	Leane, Mr Shaun Leo	Eastern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Lenders, Mr John	Southern Metropolitan	ALP
Broad, Ms Candy Celeste	Northern Victoria	ALP	Lovell, Hon. Wendy Ann	Northern Victoria	LP
Coote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	O'Brien, Mr David Roland Joseph	Western Victoria	Nats
Dalla-Riva, Hon. Richard Alex Gordon	Eastern Metropolitan	LP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Darveniza, Ms Kaye Mary	Northern Victoria	ALP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Davis, Hon. David McLean	Southern Metropolitan	LP	Pakula, Hon. Martin Philip	Western Metropolitan	ALP
Davis, Mr Philip Rivers	Eastern Victoria	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin	Northern Victoria	Nats	Petrovich, Mrs Donna-Lee	Northern Victoria	LP
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Pulford, Ms Jaala Lee	Western Victoria	ALP
Elsbury, Mr Andrew Warren	Western Metropolitan	LP	Ramsay, Mr Simon	Western Victoria	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Rich-Phillips, Hon. Gordon Kenneth	South Eastern Metropolitan	LP
Guy, Hon. Matthew Jason	Northern Metropolitan	LP	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Hall, Hon. Peter Ronald	Eastern Victoria	Nats	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Tarlamis, Mr Lee Reginald	South Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP

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THURSDAY, 5 MAY 2011

Thursday, 5 May 2011

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.33 a.m. and read the prayer.

RULINGS BY THE CHAIR

Privileges Committee: referral

The PRESIDENT — Order! I wish to make a statement in regard to some correspondence between the Leader of the Opposition and me, and I thank him for the courtesy of that correspondence and an opportunity to reflect on the matters that he raised in that correspondence. In terms of information for the house, I do not intend to table the specific correspondence, but I intend to discuss the substance of the matters that the Leader of the Opposition and I have canvassed as a matter of notice to the house. It is in respect of privilege matters raised by Mr Lenders as the Leader of the Opposition in this house.

I have received a letter from the Leader of the Opposition claiming that the Leader of the Government has breached the code of conduct in the Members of Parliament (Register of Interests) Act 1978 and indicating that the matter may be referred to the Privileges Committee for consideration by way of a motion by the opposition.

The Leader of the Opposition's letter alleges that the Leader of the Government has failed to fully meet his obligations under the code of conduct prescribed by the Members of Parliament (Register of Interests) Act 1978, section 9 of that act providing that any wilful contravention of any of the requirements of the act shall be a contempt of the Parliament and may be dealt with by the house of which the member is a member. It is therefore appropriate for the house to entertain a motion to refer such a matter to the Privileges Committee, and in his letter Mr Lenders has asked me to determine whether the matter merits precedence over other business of this house this day.

Under standing order 21.01, when a matter of privilege is raised with me by a member I am required to determine as soon as practicable whether the matter warrants precedence over other business. If I decide that the matter merits precedence, I am required to inform the Legislative Council of this decision, and the member who raised the matter may forthwith move a motion without notice in relation to that matter.

Standing order 21.01(5) provides that, if the President is of the view that the matter does not merit precedence, the member making the complaint will be advised in writing. The President may also advise the Council of such decision if he thinks it appropriate. It is not incumbent upon me to do so, but I felt it was important that I inform the house of the correspondence we have had.

The standing orders contain no criteria for determining whether or not to grant precedence. I have spent quite a bit of time, both personally and with the clerks, looking at matters of precedents with respect to these matters. There are also, I have come to the conclusion, very few precedents in this house which can guide me in this matter. In fact, members might be interested to know that there has never been a matter from this house referred to the Privileges Committee. I have therefore had regard to the position in the Australian Senate in respect of the decision I am making this day, and in his letter Mr Lenders has referred to precedents in the Senate that he suggested would argue in support of his position.

The Senate standing orders relating to the raising of matters of privilege have many similarities to those of this house. What is particularly relevant, however, is Senate privilege resolution 4, which sets out the criteria to be taken into account by the President in determining whether a motion arising from a matter of privilege should be given precedence over other business. The resolution provides:

> Notwithstanding anything contained in the standing orders, in determining whether a motion arising from a matter of privilege should have precedence of other business, the President shall have regard only to the following criteria:
>
> (a) the principle that the Senate's power to adjudge and deal with contempts should be used only where it is necessary to provide reasonable protection for the Senate and its committees and for senators against improper acts tending substantially to obstruct them in the performance of their functions, and should not be used in respect of matters which appear to be of a trivial nature or unworthy of the attention of the Senate; and
>
> (b) the existence of any remedy other than that power for any act which may be held to be a contempt.

In my opinion, the proposal of Mr Lenders that the matter be given precedence does not meet the tests in this resolution in respect of the Senate practice. I have also had regard to Senate privilege resolution 8, which provides that a motion to:

> (a) determine that a person has committed a contempt; or
>
> (b) impose a penalty upon a person for a contempt,
>
> shall not be moved unless notice of the motion has been given not less than seven days before the day for moving the motion.

The reasons for the requirement of notice are clear. An allegation that a member has committed a contempt is a serious matter, and a cooling-off period between the giving of notice of a motion and the consideration of the motion will enable members to fully inform themselves on the issue and consult with colleagues and others as required to assist them in coming to a decision on the question.

I regard the matter raised by Mr Lenders as serious; however, I am not convinced that the waiving of the cooling-off period is justified in this instance. The matter could be adequately dealt with in the next sitting week should Mr Lenders proceed to give notice to refer the matter to the Privileges Committee.

I therefore rule that under standing order 21.01 the matter submitted by Mr Lenders to me in his letter of yesterday regarding the Leader of the Government should not be afforded precedence over other business today.

I have duly advised Mr Lenders separately by letter and had a conversation with him to that effect, but it was also important that the house be fully informed on this matter.

PAPERS

Charter of Human Rights and Responsibilities Act 2006 — Report on the Operation of the Act 2010.

Gambling Regulation Act 2003 — Keno Licence and Related Agreement, May 2011.

PRODUCTION OF DOCUMENTS

The Clerk — I have received a letter dated 5 May 2011 from the Minister for Roads and Minister for Public Transport headed 'Order for documents — Metro Trains'.

Letter at page 1225

Ordered that letter and documents from Minister for Roads and Minister for Public Transport relating to Metro Trains Melbourne be considered next day on motion of Mr BARBER (Northern Metropolitan).

MEMBERS STATEMENTS

Budget: government performance

Ms MIKAKOS (Northern Metropolitan) — The Baillieu government's first budget has failed to provide a plan for how it will grow the economy, create jobs or ensure that Victorian families have access to the services and infrastructure they will need for the future.

Labor went to the last election with a 300 000 jobs target; the Baillieu government has no jobs target. Treasurer Wells did not mention jobs or employment once in his budget speech. The relocation of the Epping wholesale market, the single biggest job creation project in the north — it would ultimately create thousands of jobs — still remains under a cloud.

This budget is full of broken promises on teachers' pay and service delivery. When during the election campaign did Mr Baillieu, then Leader of the Opposition, tell Victorian families that he would means test the School Start bonus? A total of 96 000 families will now lose access to this assistance.

The government's commitment of only $208 million for school capital projects is the lowest it has been in eight years. Not only has the coalition broken its promise to rebuild 36 schools in this term, but many other schools in my electorate that are halfway through their redevelopment projects now have no hope of receiving capital funding in this term.

Schools that will miss out on capital funding include Doreen secondary college, which needs to be built; Brunswick Secondary College; Coburg high school, which needs to be built; Greensborough College; Northland Secondary College; Carlton Primary School; Montmorency Primary School, which was promised funding that has now been deferred; and the Charles La Trobe P–12 College. It is a disappointment to see so many schools overlooked in the Northern Metropolitan Region. The only school projects funded in my electorate were started by the previous Labor government. We have also seen the Northern Hospital academic and research precinct not funded, despite the growth in this area.

I call on my constituents to look at the 'Standing up for the north' Facebook page, which highlights the Baillieu government's failings.

Melbourne Taiwanese Hakka Association: photographic exhibition

Mrs KRONBERG (Eastern Metropolitan) — On Monday evening, 2 May, the Victorian Taiwanese

community was joined by local and interstate guests at the opening of a photography exhibition called 'Retracing our steps — a photo journey through 100 years of the Republic of China'. Host Mr James Chen, president of the Melbourne Taiwanese Hakka Association, was joined in celebration by Mr Calvin Yen, director-general of the Taipei Economic and Cultural Office, Venerable Yi Lai, Fo Guang Shan Abbess of Australia and New Zealand, and other venerables in the order.

In my capacity as co-chair of the Victoria-Taiwan Parliamentary Friendship Group, I was invited to view the exhibition, which displayed aspects of the history and life of Taiwan — politics, the economy, education and culture, agriculture, technology and the environment. Taiwan has been transformed and has both flourished and blossomed as a result of its diversity, creativity, tolerance and commitment to freedom and democracy.

I congratulate the people of the Republic of China on its centenary. May their celebrations through this year be embraced, supported and drawn upon as a fine model for the development and prosperity of a people.

Budget: manufacturing

Mr SOMYUREK (South Eastern Metropolitan) — Tuesday's budget highlights the lack of support given by the Baillieu government to Victorian jobs in our manufacturing industries.

Despite Victoria's status as the home of Australian manufacturing with its modern cutting-edge capabilities and as a major provider of Victorian jobs, the Baillieu government has ignored the sector and the very real challenges it faces arising from the rapid appreciation of the Australian dollar. With the value of the Australian dollar fast approaching $US 1.15, the Australian Industry Group-PricewaterhouseCoopers Australian performance of manufacturing index showing that manufacturing is in a state of contraction and a variety of Victorian-based manufacturers announcing job cuts with more to come, there is an urgent need for a serious government policy response.

This budget was the Baillieu government's opportunity to assist industry to meet these significant challenges and minimise job losses. But what did it do? It did absolutely nothing. The Baillieu government is bereft of a manufacturing policy; it simply does not understand modern manufacturing and how to help manufacturers to secure new global opportunities arising from the latest technologies. It does not understand that government has a responsibility to help industry build domestic and international competitiveness through the attraction of investment in research and development, innovation, technological transfer and workforce skills enhancement.

Budget: public transport

Mr BARBER (Northern Metropolitan) — There is one number in the budget papers that all members should be interested in as they return to their electorates later today, and that is the section that details public transport services as measured in service kilometres. The increase this year in tram services will be nil, for buses the increase will be nil, for V/Line trains and coaches the increase will be nil. For trains there will be some increase associated with the timetable changes of which we are already aware and which the government has been so busy trying to avoid scrutiny of.

What this means in very practical terms is that next year there will be no increase in frequency, evening services or late-night services. There will be no extensions of buses into new suburbs. Say what you like about Labor in the last 11 years, but it consistently increased the level of services, despite making a complete and utter mess of the way the system was both run and governed. But for us to have to look our electors in the eye and say that for one year there will be no improvement in the level of public transport services I believe is an unsustainable proposition at every level.

Mother's Day

Mrs PEULICH (South Eastern Metropolitan) — I am sure that most colleagues will remember that it is Mother's Day on Sunday. It is a very special day, and I would like to take the opportunity to extend my very best wishes to all of the mothers — —

Ms Mikakos — And the grandmothers.

Mrs PEULICH — The grandmothers in South Eastern Metropolitan Region in particular, including my mother. I would like to thank the mothers and grandmothers who have undertaken and those who are continuing to undertake the most important task in the world — that is, nurturing our families, raising our children and doing all of that unpaid work for our families, communities, state and nation.

I would especially like to thank my mother, who has not been in the best of health having lost a son in recent times. I am sure that Washington Irving must have had her in mind when he said, and I quote:

> A mother is the truest friend we have, when trials heavy and sudden fall upon us; when adversity takes the place of

> prosperity; when friends who rejoice with us in our sunshine desert us; when troubles thicken around us, still will she … endeavour by her kind precepts and counsels to dissipate the clouds of darkness, and cause peace to return to our hearts.

Not a truer word has been spoken, and I again thank all of the mothers in South Eastern Metropolitan Region for continuing to do the wonderful work they do in raising decent, respectful individuals who uphold the values and beliefs we treasure. I hope all their charges will become constructive participants in society.

Anzac Day: commemoration

Mrs PEULICH — I would also like to thank all our Anzacs for leaving us with the legacy from which we now benefit — that is, the freedom and liberty that we enjoy. Lest we forget.

Neighbourhood House Week

Mr TARLAMIS (South Eastern Metropolitan) — I rise to acknowledge Neighbourhood House Week, which will be celebrated throughout Victoria from 9 to l5 May. There are approximately 360 neighbourhood houses across Victoria and over 1000 neighbourhood and community houses throughout Australia. Within the local government areas of Greater Dandenong, Frankston, Casey, Kingston and Monash there are 43 neighbourhood houses offering a variety of social, educational and recreational activities to people from diverse social, cultural and economic backgrounds.

Neighbourhood houses respond to the needs of the local community by offering many and varied activities that are generally run at low or no cost to participants. They are constantly evolving to ensure that the needs of the community are always met. Neighbourhood houses and learning centres were first established in Victoria in the early 1970s. They are managed by volunteer committees and paid staff. They offer many opportunities for volunteer participation in all aspects of house activities and management.

Neighbourhood House Week gives us an opportunity to recognise and celebrate the contributions made by neighbourhood houses to their local communities, and I thank those neighbourhood house workers for the great work that they do.

City of Greater Dandenong: VicHealth award

Mr TARLAMIS — On another matter, I congratulate the City of Greater Dandenong on winning the 2010 VicHealth Award for Communications for its Face to Face — Unity in Diversity project which collected the stories and captured the history of people who live, work in and visit Springvale. The project was a collaboration between the City of Greater Dandenong, VicHealth and the Victorian Multicultural Commission. The award commended this project on building greater understanding, tolerance and acceptance of difference in the community by assisting people to tell their own stories and encouraging people from other parts of Melbourne to discover the rich cultural history and diversity of Springvale.

Budget: election commitments

Mr O'DONOHUE (Eastern Victoria) — I was very pleased to see in the budget that a number of commitments made before the last election by the then opposition, now government, will be delivered upon. These include election commitments such as the Koo Wee Rup bypass, sealing of the Omeo Highway and overtaking lanes on the Strzelecki and Highland highways. Projects such as the new Officer special school, the rebuilding of Leongatha Secondary College, the transforming of Emerald police station to a 24-hour station, a new police station for Sale and commencement of the construction of a new police station for Somerville are very exciting for constituents of the Eastern Victoria Region. I look forward to the opportunity to speak about these projects in a more fulsome manner next week.

I am pleased that as part of the government's commitment to be more transparent and open the budget papers have increased disclosure and transparency through a change to the presentation of output performance measure information which improves the transparency of the reasons for variance. I am also pleased that, as is anticipated these days, the online data will provide greater transparency for budget and financial information as well as more user-friendly information.

I congratulate the government on not only delivering on its commitments but also making the information underlying those commitments more open and transparent for the public.

North West Municipalities Association: floods exhibition

Ms TIERNEY (Western Victoria) — I rise to thank the Gannawarra, Northern Grampians, Buloke, Yarriambiack and Hindmarsh shire councils, along with the West Wimmera and Loddon shires and the Swan Hill, Mildura and Horsham rural city councils, all of which form part of the North West Municipalities Association, for their floods exhibition currently being displayed in Queen's Hall. The exhibition has created enormous interest, particularly amongst those

politicians who do not have those local government areas in their electorates. It has brought home the point that flood recovery is not a simple and straightforward matter but takes time and an enormous amount of resources.

I take this opportunity to again thank those who have been involved in the recovery. They have done an enormous amount of work, but there is still an enormous amount of work to be done. It was particularly thoughtful of those municipalities to make sure that the issue continues to be at the forefront of the minds of politicians to remind them that there is a lot more to be done.

Friends of the Melton Botanic Garden

Ms TIERNEY — On another matter, I draw attention to the work being done by the Friends of the Melton Botanic Garden, in particular by Jill Bentley and Alan Benson, a retired Toyota shop steward in the vehicle division of the Australian Manufacturing Workers Union. Jill and Alan work hard to make sure that Melton has a botanic garden. They showed me over the area. They have a team of more than 80 volunteers who are working tirelessly — —

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

Eaglehawk Primary School: future

Mr DRUM (Northern Victoria) — My members statement today centres around the Eaglehawk Primary School. Before the last election the coalition made a commitment to the Eaglehawk community to spend $2 million to bring the older buildings at the Eaglehawk Primary School up to a standard that would ensure that the school stayed open in its own right, with its own school principal and its own council.

Everyone in Eaglehawk and Bendigo knows that the local member, Jacinta Allan, the member for Bendigo East in the other place, wants the school at Eaglehawk to close and, in Labor-speak, 'merge' with two other schools. Over the last couple of months I have been working with school stakeholders to ensure that the independent consultant, Scaffidi Hugh-Jones, has an opportunity to consult with the local community to arrive at the best way to spend the $2 million on offer from the government.

I was therefore surprised when the shadow Minister for Education, Rob Hulls, came out last week in support of Jacinta Allan's call for the school to close. Mr Hulls is reported as saying that the school council voted a couple of weeks ago to merge and close in its own right. When I questioned the school principal about the supposed vote the shadow minister was referring to I was told in no uncertain terms that it was absolute rubbish, that there was no vote in the last couple of weeks and there has not been a vote at all this year on what should happen to the school. Mr Hulls must retract this untrue statement and do as Eaglehawk leaders are telling him to do — that is, butt out.

The school is staying open in its own right. It will have its own school principal and council and everyone must work in a positive way to give teachers and parents the security they need to ensure that enrolments at the school increase into the future.

Rosamond Special School: rebuilding

Mr ELSBURY (Western Metropolitan) — I am pleased to be able to inform the house that this morning I joined my respected colleague Bernie Finn, Premier Ted Baillieu and Minister for Education Martin Dixon at Rosamond Special School to announce a $9.5 million rebuild of the school as part of a $208 million school capital funding package announced in this week's budget.

For many years the Rosamond Special School has been in need of major work to ensure that students with special needs are provided with every opportunity to reach their full educational potential. This $9.5 million investment will see the school rebuilt at the former Sunshine Harvester Primary School site in Braybrook.

The frustrations of members of the school community caused by the lack of action and empty promises made by the former Labor government were expressed to me in the lead-up to this fantastic announcement. The former government neglected the Rosamond Special School, which gave up its opportunity for funding under the Building the Education Revolution program in return for empty promises for a new school that never materialised. I am pleased as a Liberal representing my community in the western suburbs that this government is delivering to students who are in such need.

Budget: breakfast briefing

Mr P. DAVIS (Eastern Victoria) — I rise to congratulate the Treasurer, Kim Wells, on bringing down his first budget on Tuesday, 3 May. In budget week there are a number of important occasions, not least of all the joint Department of Treasury and Finance and Public Accounts and Estimates Committee (PAEC) budget briefing breakfast, which is a tradition of some years standing. Until this year it has been held

externally — that is, in a significant venue around the city of Melbourne. This year the committee resolved to save the Parliament and the department costs by hosting the breakfast internally at the parliamentary annex at 55 St Andrews Place.

I would like to acknowledge the contribution of the secretary to the department, Grant Hehir, and deputy secretary, Dean Yates, but I especially thank the executive officer and staff of PAEC for the exemplary job they did in preparing breakfast and convening, organising and hosting the event, which was informative for all members.

EDUCATION AND TRAINING REFORM AMENDMENT (SCHOOL SAFETY) BILL 2010

Committed.

Committee

Clause 1

Ms MIKAKOS (Northern Metropolitan) — I have a number of questions on clause 1. I thank the minister for his comments in his summing up of the bill. If I could sum up what he said, essentially it was that the bill codifies existing practice. I ask the minister: what gaps, if any, does the bill address in the existing practice?

Hon. P. R. HALL (Minister for Higher Education and Skills) — In terms of the gap that the bill addresses, as I explained, it provides statutory certainty around the actions of teachers or principals seeking to make declarations about, search for or seize prohibited weapons and other items that are listed in the bill and have been referred to during the course of the debate. The bill provides legal certainty around what has been the practice under the general common-law responsibility to exercise a duty of care.

Ms MIKAKOS (Northern Metropolitan) — The minister also referred in his summing-up to the proposed legislation providing legal protection to teachers. Can the minister elaborate further on that, given there does not appear to be a clause in the bill that, as far as I can see, provides any indemnity for teachers or principals in the operation of the bill?

Hon. P. R. HALL (Minister for Higher Education and Skills) — As I said, teachers currently have a common-law responsibility to exercise a duty of care. That responsibility is subject to interpretation. For instance, there may be circumstances in which a parent may believe that a teacher or principal has gone beyond a reasonable duty of care by undertaking an activity of the kind described in this bill, such as a search, seizure or confiscation. The bill makes it abundantly clear that it is appropriate for a teacher or principal of the school, in exercising that duty of care, to undertake such action. It makes it clear that it is appropriate for them to declare the inappropriateness of bringing certain items onto schoolgrounds or premises or to places where school activities are taking place. It also makes it clear that it is appropriate for a teacher or principal, where they have a reasonable suspicion or a reason to undertake a search or seizure. The bill provides some clarity for the interpretation of what is the responsibility involved in the duty of care.

Ms MIKAKOS (Northern Metropolitan) — Just to be clear on this, is the minister saying that under the legislation there is not any specific indemnity for teachers and principals?

Hon. P. R. HALL (Minister for Higher Education and Skills) — The legislation itself provides a level of indemnity by making it abundantly clear that as part of exercising that duty of care it is appropriate in some circumstances to undertake the activities the legislation describes.

Ms MIKAKOS (Northern Metropolitan) — I thank the minister. Could the minister say whether any specific appropriation or funding will be provided to schools for training in the operation of this new legislation?

Hon. P. R. HALL (Minister for Higher Education and Skills) — There will be. I will just check on the precise component. There will be some training where training is required and requested. In the budget brought down this week, $2 million has been made available for professional development for teachers in the effective management of students. Where needed, that component can be used to provide some professional development to assist teachers to understand and implement the provisions of the bill.

Ms MIKAKOS (Northern Metropolitan) — The final issue I wish to raise in respect of clause 1 is one I raised during my second-reading contribution and that is why this bill will apply to only government schools.

Hon. P. R. HALL (Minister for Higher Education and Skills) — It is true that some funding is applied from state revenue to the operation of non-government schools. In return for that funding there is an expectation that certain matters will be adhered to, particularly curriculum matters — that is, the provision

of what we believe are core education needs will be applied in non-government schools. What is not applied in return for some revenue provided to non-government schools is administration or detailed instructions about how that school should operate. We believe it is inappropriate to tell non-government schools that this is going to be the law that applies in all of those schools. In non-government schools, like in all schools, the school council sets appropriate discipline and administrative procedures for that school.

As we have said in terms of this legislation, we believe it will provide statutory protection for teachers in public schools, and I would have thought that if the non-government sector wanted to come to us as the government and say it would like this to apply to that sector as well, we would certainly listen to that argument. Philosophically we have got nothing against it applying, but we do not wish to impose something on the independent school system in terms of the relationship that exists between the government and the non-government school sector. We believe it is inappropriate unless the non-government sector specifically asks for that to occur.

Ms PENNICUIK (Southern Metropolitan) — I thank the minister. I begin with clause 1 and refer to the minister's summing up, which he kindly did at the end of the second-reading debate on the bill the day before yesterday. He implied that members who had spoken on the bill had said that they did not support the bill because it codifies what is already happening. I indicated we were supporting the bill because it was actually doing that and not introducing any new practices. In our consultations with the Victorian Principals Association and the union there was broad support for the bill, except for a couple of the provisions in it. I want to go today to clarifying that point.

The other issue that I want to follow up is in relation to what the minister was just talking about with regard to independent schools. What is concerning me about applying this bill just to government schools and not to independent schools is that the rationale for the government is that the legislation is codifying a practice that occurs in schools. That practice occurs in independent schools as well — that is, teachers confiscate items from students. I cannot understand how there is a difference between a parent in an independent school challenging that right under common law and a parent in a government school doing so.

There are two parts to my question. Firstly, to the minister's knowledge has a parent ever challenged that right at law — that is, challenged a school over the confiscation of an item or the searching of a student's bag, either in a government or non-government school?

Hon. P. R. HALL (Minister for Higher Education and Skills) — My advice on this matter is that there is no known circumstance in Victoria at this point in time where we can recall that it has been applied, but a challenge by a parent apparently occurred in the United Kingdom. There have been a number of instances in the United Kingdom, and that was part of the reason this bill was introduced.

Ms PENNICUIK (Southern Metropolitan) — Just in pursuing that a bit further, I ask the minister to explain to me what the difference is between the government insisting that non-government schools or independent schools are required to teach the state curriculum and the government not applying this aspect of the legislation to them in terms of protecting teachers. If the rationale of this bill is to protect teachers, why is it leaving a section of teachers unprotected? Instead of asking people in the independent sector whether they want it or not, why is it just not being applied to them anyway?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I think we need to understand that non-government schools are non-government. That means we do not strictly impose an administration regime upon them. We do not tell them they must have the same school council structure or governance arrangements. By virtue of the independence of non-government schools, they have a degree of flexibility to implement those administrative, those governance procedures, and we do not wish to impose a government will upon those, otherwise we may as well call them government schools. They have that degree of independence.

Nevertheless, as we said, there is still a requirement for children to be educated in this state, and we need to make sure of the standard of that education — whether students are schooled at home or whether they receive schooling in a non-government school or a government school. The funding that is provided for non-government schools is in recognition of the need for standards to be maintained, and the state wants to have a say in those matters. But in respect of governance and administrative arrangements, as I said, we do not exercise that same will upon non-government schools.

Ms Pennicuik's basic question was: does that not leave non-government teachers more vulnerable to legal action by a parent? Maybe it does, but if the

independent school sector wants to come and talk to government about having this legislation extended across all non-government schools, then we are happy to have that conversation.

Ms MIKAKOS (Northern Metropolitan) — I thank Ms Pennicuik for her indulgence. I was not planning on raising this issue now but I think it follows on logically from the series of questions we have just had from Ms Pennicuik. I raised in my second-reading debate contribution an example of where the fact that you have a bill that covers the state government sector and not the independent school sector might present a practical problem. The example I gave is where you have joint school socials where students from both of those sectors come together. If there were, for example, a reasonable suspicion that weapons were present at that school social, effectively this legislation would mean that staff would only be able to proceed to take action in relation to one set of students. Is that correct?

Hon. P. R. HALL (Minister for Higher Education and Skills) — These particular powers for search and confiscation would apply to all individuals on a school premises or at a venue where the school was undertaking a supervised school activity. In the example that Ms Mikakos is talking about, where you might have non-government school students attending a school social that is being run under the authority of a government school, then the search and confiscation powers would apply to all students attending that school-based activity, both those enrolled in the government school and in the non-government school.

Ms PENNICUIK (Southern Metropolitan) — I want to follow up on Ms Mikakos's questions about training. Yesterday I attended the Auditor-General's briefing on his report on school safety. I think you would have to say that the finding was basically that school students feel fairly safe at school and that, except for some high-level incidents which have increased over the last couple of years, the trend for incidents is going down. I think that is it in a nutshell — —

Mrs Peulich interjected.

Ms PENNICUIK — Thank you, Mrs Peulich.

The other finding in the Auditor-General's report was that principals felt they needed more support. Ms Mikakos talked about training and the minister mentioned training for teachers et cetera, but given that this bill is going to give principals a clearer power to declare items and so on, is there going to be specific training for government school principals in how to implement the provisions of this bill? I think in some ways it is going to come down particularly to the principals and how they declare items, conduct things and delegate powers to other teachers.

Mrs PEULICH (South Eastern Metropolitan) — I was also present at the Auditor-General's briefing, and the concern specifically raised by the Auditor-General's report about principals needing greater support was specifically an innovation in regard to cyberbullying; I just place that into context. Obviously that is not to negate the need that the minister responded to earlier.

Hon. P. R. HALL (Minister for Higher Education and Skills) — The answer to Ms Pennicuik's question is yes. If the principals federation or individual principals have expressed a wish to receive particular professional development or training in the exercise of the functions under this bill, as I said before, $2 million has been made available in the budget. Certainly if we as a Parliament are giving these powers to certain individuals and they need additional training to be able to exercise those powers effectively, then the answer to the question is yes. They will be provided with the necessary training.

Clause agreed to; clause 2 agreed to.

Clause 3

The DEPUTY PRESIDENT — Order! I ask Ms Pennicuik if she would like to move her amendments now or make a contribution first.

Ms PENNICUIK (Southern Metropolitan) — I would like to ask some questions before moving my first amendment. Ms Mikakos may also have some questions on clause 3 that are not related to my amendment.

The DEPUTY PRESIDENT — Order! We will deal with any questions or comments first and then we will come to Ms Pennicuik's amendments.

Ms MIKAKOS (Northern Metropolitan) — Clause 3 is the most substantive clause in the bill. It is quite a lengthy one. It seeks to insert a lot of new sections. I suggest that we go through those consecutively; that might be a more logical way to proceed. I do not have any questions in relation to proposed section 5.8A.1, which is the definitions clause. I suggest to members that if they have any questions about that, we deal with those first and then move on to proposed sections 5.8A.2 and 5.8A.3 and so on, and that way we will get logically to Ms Pennicuik's foreshadowed amendments when we

get to proposed section 5.8A.3. As I said, I have nothing on the definitions clause.

The DEPUTY PRESIDENT — Order! I ask Ms Mikakos if she has questions on clause 3?

Ms MIKAKOS — I do. I am just giving other members the opportunity to ask questions.

The DEPUTY PRESIDENT — Order! We will deal with any questions or contributions that people want to make to clause 3 first and then I will allow Ms Pennicuik to propose her amendments.

Ms MIKAKOS — I am just trying to be helpful and deal with these proposed sections in sequence. I do have questions. My first question relates to proposed section 5.8A.2, which concerns a declaration of harmful items, and specifically subsection (2), which enables a principal to make a declaration. My question is: what assistance or guidance will there be from the department to school principals about what types of items should be included in such a declaration?

Hon. P. R. HALL (Minister for Higher Education and Skills) — As members have commented in their second-reading debate contributions, part of the implementation will be guided by regulations which are to be made under this act, as well as guidelines issued to principals. With respect to the very direct question I was asked, which was about the sorts of assistance that will be available and if there will be guidelines published to assist principals in this particular matter, the answer is yes.

Ms MIKAKOS (Northern Metropolitan) — I note that unlike other new sections to be inserted by this bill, particularly 5.8A.3, 5.8A.4 and 5.8A.5, which specifically refer to those sections being exercised in accordance with regulations, this new section does not make a reference to regulations. I want to get some clarification on that.

Hon. P. R. HALL (Minister for Higher Education and Skills) — In relation to any act of Parliament the Subordinate Legislation Act 1994 provides a general power to make regulations for matters contained in legislation, and if this particular issue cannot be accommodated in general guidelines, then provisions under the Subordinate Legislation Act 1994 will enable the production of regulations to do so. I gather that this particular issue, and Ms Mikakos's particular query on this, could be overcome by the issuing of some guidelines, which do not require a specific regulation-making power. However, as I said, if regulations under the Subordinate Legislation Act 1994 are required, that could be done.

Ms MIKAKOS (Northern Metropolitan) — On another issue, new section 5.8A.2(3) refers to a declaration being published and made available to students, parents of students, staff and other members of the school community by letter, notice or document. In schools such as the many in my electorate that have an ethnically diverse student population, is the department proposing to publish those declarations in various languages?

Hon. P. R. HALL (Minister for Higher Education and Skills) — Communications to the parent body are undertaken on a regular basis in schools, whether that be by newsletter, formal letters sent out individually or the circulation of documents of some sort to parents. This would not be done any differently. If it were deemed that an effective communication method was the printing of a school newsletter in several languages, then the same practice would apply in giving parents information about the particular provision, just as it would in a whole range of other areas where a school needs to communicate to its parent body.

Ms MIKAKOS (Northern Metropolitan) — On a different issue, what liability would the department or a school have if a principal failed to declare an item and there was a subsequent incident?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I suppose there are always going to be things that could potentially be used as dangerous objects. It is probably beyond the means of any of us to fully prescribe exactly anything and everything that might be used dangerously in some form or another. In those respects there would be a common-law defence in terms of whether all reasonable steps had been taken to foresee what might be a dangerous item in this particular regard. I think people are exercising their duty of care if they do that responsibly, and that would provide immunity to them.

Ms MIKAKOS (Northern Metropolitan) — I will now move on to new section 5.8A.3. As I said, I am trying to deal with them in sequential order to assist everybody. I did not make any initial comments, as Ms Pennicuik did, during the debate about clause 1 on the comments made by the minister in his summing up, but I want to make it crystal clear that whilst the Labor opposition has indicated it will not oppose the bill, it does have concerns about it. As the minister has said, this bill essentially codifies existing practices. We do not have any difficulty with that; we want to ensure that our schools are safe environments for students. However, one significant concern relates to the proposed search and seizure powers of vehicles, particularly the vehicles of parents. I come to that issue

now. Could the minister explain to the house exactly why it was thought necessary to provide for such powers?

Hon. P. R. HALL (Minister for Higher Education and Skills) — We see this as entirely appropriate because it is not uncommon for a private vehicle belonging to a parent of a student enrolled at a school to also convey other students. Whether that be to a school function or a sporting event, it is probably very common practice. In regard to the overall safety of students, for completeness the government thinks it is appropriate that these particular search powers apply to vehicles used to transport students as well. There are occasions when private vehicles transport students, and we believe it is appropriate that this be included.

Ms PENNICUIK (Southern Metropolitan) — We have canvassed the codification of existing powers, which certainly the Greens and the opposition have said they are prepared to support, and this is not an existing power. The minister and I have both been teachers; there has never been an occasion where I would have dreamt of searching a vehicle belonging to a parent or searching any private vehicle owned by someone other than the school or the department of education. As a teacher there was no way that would ever have crossed my mind, and I have never heard of a principal suggesting that such a thing should occur. That is one point — that in this respect it is not codifying an existing power under common law.

We also talked about duty of care, and although there is a duty of care given to principals there is no authority given to teachers under the act or under common law to invade the private space of other people who are not students. That concerns me, and I think it puts teachers into an invidious position.

My first question is: does the term 'any harmful item' in the new part 58A.3(1) include any harmful item that has been formally declared by the principal, or is it any item the principal seems to think is harmful? Does this paragraph refer to provisions in new part 58A.2 headed 'Declaration of harmful items'?

Hon. P. R. HALL (Minister for Higher Education and Skills) — There needs to be a deal of common sense used in the exercise of powers given under legislation. I ask those who are participating in this committee debate what they would do if, for example, a student reported that there was a dangerous weapon such as a knife or rifle of some sort on or under the back seat of a vehicle being used to transport students? If one believed the owner or driver posed a risk, intentional or inadvertent, due to a dangerous weapon being in the vehicle, would one not think it appropriate for some discretion to be exercised by a person in charge to ask the owner about it? If the person persisted in denying knowledge of it and one was still concerned about it, then I would have thought, given that the safety of students is of paramount importance, one may wish to investigate further.

For example, I would suggest if that was the circumstance that the vast majority of teachers or educators would involve Victoria Police in the activity, but the duty to protect students is absolutely paramount, and we say that in exercising common sense there needs to be an ability to undertake such a search.

The DEPUTY PRESIDENT — Order! There is some interest in this question. I will allow Ms Pennicuik to continue, but Mr Leane and Ms Mikakos want to pursue matters on the same issue.

Ms PENNICUIK (Southern Metropolitan) — In answering my question the minister asked me what I would do. Firstly, I would ask the person to whom the car belongs to remove the item, but that is not what it says in this clause. The next thing I would do, if that did not happen, would be to call the police. I would remove the students from the car and call the police if that was the case.

There is a problem with thinking that at some stage the teacher would search the car when there are so many other things you could do before doing that. The biggest concern for me is putting the teacher in the position of coming into conflict with the parent in that regard. The parent may not have a dangerous weapon but may object to having their car searched by a teacher. What would happen if the parent refused to give a teacher access to the car?

The DEPUTY PRESIDENT — Order! I note that a number of members want to comment in relation to this point. I suggest we allow that to happen rather than having the minister respond individually and then the minister can consider and respond.

Mr LEANE (Eastern Metropolitan) — My question is in line with Ms Pennicuik's last comment about potential conflict in the situation of a car being searched. I ask: will there be conflict resolution training provided for teachers so they can deal with situations involving adults compared to the usual situations in dealing with young people. Will there be training, and will there be funding for that training?

Ms MIKAKOS (Northern Metropolitan) — The minister, in his earlier question posed to us, referred to the issue of common sense, and that is really why we

object to this clause — because it fails the common sense test. All teachers would be averse to getting themselves into a conflict situation. This is the concern also raised by Mr Leane. The Labor opposition has serious concerns about allowing for teachers to be put into confronting situations presenting personal risk to themselves and perhaps to school students as well. I ask the minister in what circumstances he foresees that one would not involve the police first before even thinking about going down the path of using the powers provided for in this clause.

Ms PENNICUIK (Southern Metropolitan) — Following on from what I have said and what Mr Leane said about teachers having training in how to deal with students, teachers also have authority over students but do not have authority over parents. Teachers do not have any common-law or other authority to issue an order to a parent or to invade a parent's private car. We are talking about parents, but we could be talking about another individual such as an aunty, uncle, friend or someone who is using a vehicle for school purposes. Under what authority would a teacher exercise the power to search?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I will try to recall and answer all of those questions. At the outset let me say that the answer to the previous question was that one needs to exercise any law with a deal of common sense. I specifically said that if there was a reasonable belief that a dangerous weapon was in a vehicle being used for the purposes of a teacher-supervised student activity, then the first thing a teacher would do would be to ask the driver or owner of the vehicle — a charter bus, for example — whether there was a dangerous weapon in the vehicle.

A teacher would have to have a reason for asking — a reasonable belief — and the most reasonable belief may be an occupant of the vehicle having reported seeing the dangerous weapon in the vehicle or some other information being conveyed to the person who is supervising the activity. A teacher would have to have a reasonable belief. However, if a teacher had a reasonable belief that there was a dangerous weapon in the vehicle, the first thing the teacher would do would be to exercise common sense and ask the operator of that vehicle whether that was a fact.

If the driver of the vehicle categorically said that there was no dangerous weapon in the vehicle, then at least the teacher had asked the question and exercised some responsibility and duty of care. If the teacher still had a reasonable belief that there was an item that posed a danger to students for whom the teacher had responsibility, then the teacher would ask the driver of the vehicle, 'Do you mind if I have a look?'. If the person refuses and the teacher still believes there is a dangerous weapon or dangerous item in the vehicle, then of course the teacher would involve Victoria Police. I said that quite categorically.

Finally, if there was a confrontation and the adult in charge of the vehicle refused the teacher access to the vehicle to look for the dangerous weapon or item, then of course the teacher would not stand up and have a stoush with the adult in charge of the vehicle. The teacher would not have the power to arrest an individual or anything like that, but at least the teacher would have asked the question. At least the teacher would have shown responsibility in exercising their duty of care. This is what this is all about.

The most appropriate way this would be implemented would be if some very clear guidance were provided to, for example, parents who are conveying other students in their privately owned vehicle to sporting or school events or to any other teacher-supervised student activity. We would make it very clear what the expectations and responsibilities are for the owners of that vehicle. This is all part of using common sense.

At the end of the day if a situation arose — for example, at a school camp at Licola or somewhere where the police were 3 hours away — and a teacher had a reasonable belief there was a dangerous weapon or item in a vehicle, then this legislation would provide a last-measure provision. I would have thought any parent of a child would like teachers to have the authority to undertake or attempt to undertake that activity, and that is why this provision is in this legislation.

We can all think of the worst circumstances, but at the end of the day this is a provision of last resort. Of course a teacher would exercise responsibility and duty of care. Anyone would show common sense. A teacher would try to resolve the matter without having to resort to asking to search a vehicle, but at the end of the day if my son or daughter were travelling in a vehicle and a student had seen a particularly dangerous weapon in that vehicle and there was a reasonable suspicion that it might be going to be used in an inappropriate way, I would want the person who has the responsibility of care for my son or daughter to at least have been given the ability to do everything possible to protect my son or daughter from harm.

Ms MIKAKOS (Northern Metropolitan) — I thank the minister for his elaboration. He has said that his personal preference is that this power would be used as a last resort. Given that regulations are yet to be

developed around the operation of this legislation, is the minister able to give an undertaking to the house that these regulations or the guidelines that will be issued to schools will make it explicitly clear that they are to use this power as a last resort and that teachers will seek to involve the police wherever possible first and exercise this power as a last resort?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I give the undertaking that the regulations produced will make it perfectly clear that common sense needs to be exercised in using this particular provision. I give the undertaking that the regulations will suggest steps that should be taken to resolve any such matters prior to this particular measure being used, which I can see would put teachers in a very difficult circumstance of searching a vehicle that is not their own.

Ms PENNICUIK (Southern Metropolitan) — I asked about harmful items earlier. The minister referred to exercising common sense. I do not say this in a frivolous way, but I would suggest that most vehicles have items in them which could be considered harmful or could be used in a harmful way, as the minister has said. We cannot cover all of them.

Ms Mikakos — Cigarettes.

Mrs Peulich — Perhaps a bottle of whisky.

Ms PENNICUIK — Or tools, for example. I defy anyone to think of a car driver who drives around without tools to change a flat tyre or a screwdriver or a shifter or something like that. They are potentially harmful items. That is what this clause refers to — harmful items. It does not say dangerous weapons, which is what the minister was saying earlier.

The minister has been using that term in answering the questions, but the clause actually says 'harmful item'. I am not sure whether it is a declared harmful item or it is any harmful item. It could be any harmful item. Subjective judgement is required. If somebody were to ring up and say, 'There is a shifter under the seat', what happens then? Will a teacher be required to remove the item? Will that be in the regulations as well?

The step that has been missed in all this is whether the teacher should ask the parent or owner of the car to search their own car before anybody else is involved in searching it because, as the minister said, the item may have been placed in the car inadvertently. There is that question regarding any item that could be used in a harmful way.

My other question is if a teacher exercises this power and finds some other illegal item, for example, in the car which is not harmful and is not going to be used by a student in a harmful way, what would a teacher do then?

Hon. P. R. HALL (Minister for Higher Education and Skills) — The answer to both of those questions is to exercise common sense. If a student were to say to me as the teacher in charge, 'Mr Hall, there is a screwdriver in the back of that car', I would think that a screwdriver in the back of the car is a pretty common implement, as Ms Pennicuik suggested. Yes, a screwdriver could be used for all sorts of nefarious purposes, but the fact of the matter is that if there is a screwdriver in a car — or a shifter or other tool — then I would think there is not a motive to use that particular implement in any sort of a dangerous way. I would exercise common sense and suggest that I do not need to take the matter any further. What was the second question?

Ms PENNICUIK (Southern Metropolitan) — I am concerned about a teacher who in exercising this nebulous power finds another illegal item in a car, an item they were not searching for. What would be the legal position of a teacher in that circumstance?

Hon. P. R. HALL (Minister for Higher Education and Skills) — Again common sense tells me that if an illegal item is in a car and the teacher believes the item does not pose any safety risk to the students, then the teacher would not touch the item. It may be that at a later point in time the teacher might inform Victoria Police or some other authority that they have come across an illegal item. My common sense would tell me that if an illegal item was in a car and did not pose a risk to the students, then I do not have any authority under this legislation to take the matter any further.

Ms MIKAKOS (Northern Metropolitan) — The expression 'teacher-supervised student activity' is used quite extensively in this clause. It is not a defined term in the bill. Can the minister elaborate further the types of situations this provision is envisaged to cover — for example, does it cover travel to and from a school excursion?

Hon. P. R. HALL (Minister for Higher Education and Skills) — If those travel arrangements have been made by the school itself or with the agreement of the school, it becomes a teacher-supervised student activity. If a parent picks up some other children to take them to school or to meet the school bus, which will then take them on an excursion, then that is a private arrangement — it is not a teacher-supervised student

activity. It is a teacher-supervised student activity if the school has come to an arrangement about what constitutes such an activity.

Ms PENNICUIK (Southern Metropolitan) — In the scenarios we have been investigating, if a teacher has been requested or required by a principal to search a car because the principal is not there, two questions arise. Firstly, what will happen if a parent says, 'You are not searching my car'? Secondly, what if a teacher says, 'I am not going to search that parent's car'?

Hon. P. R. HALL (Minister for Higher Education and Skills) — If a teacher says they are not prepared to search a parent's car and there are ramifications, that teacher's actions will be judged by a common-law process to determine whether they have responsibly exercised their duty of care. These are all possible scenarios, but I cannot specifically answer them because they are value judgements which the law makes in respect of the appropriateness of a particular responsibility given to an individual in these circumstances. In answer to the specific question of what will happen to them, it will depend on the outcome of the action and whether somebody judges that action to be an appropriate exercise of their duty of care.

Ms PENNICUIK (Southern Metropolitan) — The first part of the question was what happens if the parent refuses to allow the search of the car.

Hon. P. R. HALL (Minister for Higher Education and Skills) — Again, my common sense would tell me that if I held a reasonable belief that there were things in the car that posed a safety risk to students and a parent refused permission for it to be searched, I would not use that vehicle — it is as simple as that. I would make a value judgement in acting responsibly in accordance with my duty of care and say, 'Let's just stop. Let's use a taxi, because I as a supervising teacher am not satisfied that there is no safety risk to the students in my care'.

Ms PENNICUIK (Southern Metropolitan) — I know the minister is saying we cannot cover every possibility, but given that the clause does not codify an existing power or activity, we should explore what it actually means on the ground — the possible impacts, scenarios and implications of such a clause. I still feel uncomfortable with the position this will put teachers in, particularly because it is not an existing power that they have.

Ms MIKAKOS (Northern Metropolitan) — I refer the minister to proposed section 5.8A.3(2), which includes the expression 'reasonably suspects'. That is a legal term, and I ask the minister to further elaborate on what will constitute reasonable suspicion for the purposes of this clause.

Hon. P. R. HALL (Minister for Higher Education and Skills) — There was an article in the *Geelong Advertiser* of 7 April titled 'School swoops on knife'. That referred to an incident in which a student reported seeing a knife in the possession of another student. That is an example of where reasonable belief was appropriately applied. How do you demonstrate reasonable belief?

If an honours student has reported such an incident, that might give you grounds for a reasonable belief. You might have seen something yourself that gave you reasonable belief that a harmful object might be in the possession of a student. How else could you arrive at a reasonable belief? Apart from that — unless you have sighted it yourself or heard verified evidence from someone else — I struggle to understand what other circumstances might give you reasonable belief that a dangerous item was present.

Ms MIKAKOS (Northern Metropolitan) — Moving on to proposed section 5.8A.3(1)(b), there is a reference to any part of a premises that is being occupied by students as somewhere a search may be undertaken. Does this mean that school staff will not be able to conduct a search in an empty classroom — for example, a search of a schoolbag that was left in an empty classroom?

Hon. P. R. HALL (Minister for Higher Education and Skills) — The answer to that question is covered by proposed section 5.8A.3(1)(a) and the reference to 'any part of the school premises'. For example, an occupied classroom would fall within that category. Beyond that proposed section 5.8A.3(1)(d) states 'any bag or other article used by a student for storage that has been brought by the student onto the school premises or that is being used by the student while the student is engaged in a teacher-supervised student activity'. But in principle Ms Mikakos's question was about an unoccupied classroom. That would be covered by proposed section 5.8A.3(1)(a).

Ms MIKAKOS (Northern Metropolitan) — The way I read proposed sections 5.8A.3(1)(a) and 5.8A.3(1)(b) suggests that the minister is right that an unoccupied classroom on the school premises would be covered, but say it was a school camp — that is a teacher-supervised student activity — and students have all left their schoolbags behind in a room at the school camp premises and the room is not being

occupied by students at that time. The bill would not allow a search to be conducted of those schoolbags.

Hon. P. R. HALL (Minister for Higher Education and Skills) — If we read proposed section 5.8A.3(1)(d), it says 'any bag'. If we go on to read the latter part of the paragraph, it states 'that is being used by the student while the student is engaged in a teacher-supervised student activity'. The way I interpret that is if, for example, a school bag is in a dormitory at a school camp or in a room at a school camp, students are involved in a teacher-supervised activity and therefore this particular provision would allow bags to be searched.

Ms MIKAKOS (Northern Metropolitan) — I would now like to refer the minister to proposed section 5.8A.3 (3)(a) which grants additional powers enabling a search to be conducted of 'any room, cupboard, locker or other space'. It also requires a student to open their bag or any other article and to turn out their pockets. What would occur if a student refuses such a search?

Hon. P. R. HALL (Minister for Higher Education and Skills) — Again we are not giving teachers or principals powers of arrest with this particular piece of legislation. All we are doing is saying, 'These are the parameters between which you can demonstrate that you are exercising duty of care'. If a student refuses to cooperate in any way in terms of a search, the only resource available is to call Victoria Police to pursue that course of action.

Ms MIKAKOS (Northern Metropolitan) — I note that the explanatory memorandum states that this legislation does not provide the power to physically touch a student. However, I just wanted to seek the minister's reassurance on this issue because I think it would be an issue of great concern to parents.

Hon. P. R. HALL (Minister for Higher Education and Skills) — I can give Ms Mikakos that reassurance.

Ms MIKAKOS (Northern Metropolitan) — On a related issue, is a student allowed to request a parent, guardian or third party to be present for such a search?

Hon. P. R. HALL (Minister for Higher Education and Skills) — In those circumstances if a student requests a parent to be there while they turn out their pockets, that is certainly a request that they are able to make. If it is practical to do so, then the guidelines to be issued in respect of these powers will facilitate that. Obviously if it means asking the student to wait while a parent travels to the school, that would happen. If the parents are not contactable and it is deemed to be an urgent situation, then Victoria Police could be asked to do that if the student still refuses to cooperate. But where it is practical and where a request has been made that will be done.

Ms PENNICUIK (Southern Metropolitan) — I ask the minister what he plans to put in the guidelines regarding general searches of student property, lockers, bags and the turning out of pockets. I think it is desirable and recommended that if teachers are going to search any of those items there be at least another teacher and if possible the student there with the teacher unless there is a particular reason they do not want to do that. I think it would be good practice in terms of any ramifications that might ensue down the track. Will that be included in the guidelines?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I think it is a very admirable suggestion, and we will certainly take that on board. I think it is appropriate that in all these sorts of activities you have witnesses to the way you exercise that duty of care.

Ms MIKAKOS (Northern Metropolitan) — Unless Ms Pennicuik has anything further on proposed section 5.8A.3 I will move on to proposed section 5.8A.4. This provision replicates the previous search powers. It relates to the seizure of items. I would like to come back to the seizing of items from parents' vehicles. I ask the minister what possible situation could there be where a teacher or a principal would be required to seize an item from a parent's vehicle rather than calling Victoria Police first?

Hon. P. R. HALL (Minister for Higher Education and Skills) — The only circumstance I can envisage is where Victoria Police are not at hand. As I mentioned before, it may be in a more remote location where a vehicle has been used to transport students to a camp. In exercising a responsibility of care, if one had to wait for a matter of hours for police to arrive, then common sense would tell you that if you are able to seize an item efficiently and effectively without conflict, then it would be appropriate for the person in charge to seize that particular item. However, I agree that it would be preferable for Victoria Police to make the particular seizure. I am sure this would only be the case where common sense tells you it is practical to do so.

Ms MIKAKOS (Northern Metropolitan) — Is the minister then prepared to give an undertaking, similar to the one he gave for the previous search power, in relation to the seizure power in the regulations that have yet to be developed that it would be made clear that the power to seize items from a parent's vehicle would only be exercised as a last resort and that all possible

endeavours would be made to get Victoria Police involved before that power is exercised?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I am prepared to give the same undertaking. I think directions should provide some helpful advice to teachers who are undertaking these tasks. It is appropriate that the guidelines would say that, if it is at all practical, the seizure of harmful items should be undertaken by Victoria Police.

I suppose it also depends on common sense being exercised in relation to the degree of harm represented by the item. Generally speaking I certainly give the commitment that in relation to dangerous items the first preference is that Victoria Police undertake any seizure activity.

Ms PENNICUIK (Southern Metropolitan) — Following on from the minister's comments, under the definitions a harmful item can be a prohibited item. We know that prohibited items are firearms, controlled weapons or prohibited weapons, so under this clause a principal, assistant principal or authorised teacher may seize any of those items. Obviously we would not want teachers to be seizing firearms or other prohibited weapons; however, they are given the authority to do so under this legislation, even though I do not think it is a good authority. What happens if a firearm is found in a vehicle? What is a teacher to do? And if they seize the item, what are they going to with it if they are at camp Licola?

Hon. P. R. HALL (Minister for Higher Education and Skills) — As I said, common sense has to prevail. I think if I was in that circumstance and observed a shotgun or something like that in the back seat of a motor vehicle, I would not like to take possession of it, so common sense would tell me to try to involve Victoria Police, but if there was an emergency situation and I deemed that the item had to be seized quickly, I would do it. That would be something you would have to do in exercising your duty of care.

People would make a personal judgement, but in relation to judgements others will adjudicate whether or not one responsibly exercised their duty of care. I am not saying everybody would follow the same course of action; they would not be required to do that. Common sense prevails. Of course in those sorts of circumstances you would try to, if at all practical, use Victoria Police to confiscate and seize a controlled weapon, as Ms Pennicuik says.

Ms PENNICUIK (Southern Metropolitan) — New section 5.8A.4(3) inserted by clause 3 says:

> A person must not seize an item under this section if the person in whose possession the item is found has an exemption or lawful excuse under the Control of Weapons Act 1990 or the Firearms Act 1996 …

This is just a query, and it may also have to be addressed in the regulations. If we are going to have people seizing items, which we all agree is not a great idea, particularly if they are prohibited weapons, it may be that after the seizure it is found that the person has an exemption. I am trying to work through that. This subsection is saying that a person must not seize an item, but they might seize it before they know an exemption exists. How does that work in practice?

Hon. P. R. HALL (Minister for Higher Education and Skills) — In exercising common sense, which we have talked about a lot, if you ask a person, 'What is in that locked box in the back of your car?', and they say, 'It contains my firearm; I am legally allowed to carry it', this provision in the bill says you cannot confiscate that firearm, because if that person has an exemption or lawful excuse under either of those two acts, they are allowed to carry it. However, common sense also tells me you would say, 'We don't think it is appropriate if you are going to be transporting students that you also have a controlled weapon in the back of your car, despite the fact that you are allowed to have it, so we suggest that you take it home before taking the kids off to camp', or something like that. That is exercising common sense.

Very clearly this provision in the bill provides for people having a lawful reason for carrying a knife or firearm. They are two of the most commonly suggested controlled weapons I can think of. Obviously a common-sense exercise applies again, but clearly you are not allowed to confiscate items when a lawful reason for their possession exists.

Ms MIKAKOS (Northern Metropolitan) — I now refer you to new section 5.8A.5(1), which says that principals may retain the item if it has not been surrendered to a member of the police force. Given that subsection deals with items such as firearms I am wondering what possible reason a principal would have for wanting to hold onto a firearm rather than surrender it to a police officer.

Hon. P. R. HALL (Minister for Higher Education and Skills) — I seek some clarification. Was Ms Mikakos referring to proposed section 5.8A.5(1) or (2)?

Ms MIKAKOS (Northern Metropolitan) — Section 5.8A.5(1).

Hon. P. R. HALL (Minister for Higher Education and Skills) — I will refer to a situation in which I can envisage this may apply. Take the example of a person who has a lawful reason for having a firearm under lock and key in a motor vehicle, but to whom it has been suggested that it is inappropriate for this particular vehicle to be engaged in a teacher-supervised student activity while that exists. The principal might say, 'Why don't you bring in your firearm and we will put it in the school safe until you come back?'. In that case it is probably for convenience more than anything. That firearm might be held in the school's safe until such time as the activity is completed and then returned to the owner. That is the sort of example where I can envisage this might apply.

I am advised further that the particular subparagraph will only apply if the principal of the school has actually called Victoria Police and has been told, 'You just hang on to it. You have told us about it'. Under the circumstances I have described, the school hangs on to it and returns it at a later point. In all cases this ties in with the Control of Weapons Act 1990 and the Firearms Act 1996, and it will only relate to those exceptional circumstances where Victoria Police, after being contacted, says, 'Hold this in a secure spot and return it rather than having us come to pick it up'.

Ms MIKAKOS (Northern Metropolitan) — Clearly, as the minister has been explaining it, I see a whole range of issues that are going to need to be set out in some considerable detail in the regulations and guidelines that will be provided to schools. Again, I will be looking for some assurance that schools will be encouraged to hand over such dangerous items to the police, given they may not have safe storage facilities on school premises. Is the minister able to give us an assurance that whatever guidelines or regulations are forthcoming, it will be made clear that these items are to be retained on school premises as a last resort?

Hon. P. R. HALL (Minister for Higher Education and Skills) — Yes, I can give that assurance.

Ms MIKAKOS (Northern Metropolitan) — I note this subparagraph also sets out the way in which items are to be returned to a parent or guardian or in fact to the owner of the item when clearly there is no existing danger to the school community. Will there be any complaints process available for students or parents who feel they have been unfairly targeted by a principal or teacher?

Hon. P. R. HALL (Minister for Higher Education and Skills) — In exercising the powers of any provisions in the Education and Training Reform Amendment (School Safety) Bill 2010, if a parent believes they have been unfairly treated or victimised in any way, they can make a complaint. At the outset those complaints will be investigated at a school level, at a regional level or at a departmental level. Complaints can be dealt with in respect of these matters under the provisions of the Education and Training Reform Act 2006; these complaints will be dealt with in the same way.

Ms MIKAKOS (Northern Metropolitan) — Will the department keep a central list of all harmful items, or what I regard as harmful items, and will these be publicised to other schools so they can derive the benefit of those declarations?

Mrs PEULICH (South Eastern Metropolitan) — As a teacher with 15 years experience I have seen lots of very innocent items potentially used in a harmful way. To list all items that could be used in a harmful way could comprise several telephone books. It can include things like a sharpened pencil. If we are going to ask schools and the department to list every item that could be used in a harmful way, then the list would be endless. This is where the professionalism of teachers and the good guidelines that exist in schools are critical. Under common law it is part of the duty of care that teachers exercise the reasonable care of a parent to make those determinations. There is generally not a manual for parents to make those decisions, but we rest on the experience of teachers to make those decisions in the context.

Ms MIKAKOS (Northern Metropolitan) — I point out to Mrs Peulich that I am not talking about things like sharpened pencils. New things are invented and put on the market every day. They could be a new type of flick knife that looks like a pen; it could be anything that is in a student's pencil case that may well become popular with students. Obviously these declarations will evolve as time goes on because of the fact that new products come onto the market all the time. I just wonder if the department will be circulating a list so schools can be aware when new items become popular?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I interpreted Ms Mikakos's first question in a quite different way, but I will come to that interpretation. With respect to circulating details of those particular objects which might be declared and perceived to be harmful, I think there need to be some general guidelines, information and advice to schools. I can give the member some assurance, if that is what she seeks, that part of the guidelines and the regulations which are issued under this bill will provide some guidance to principals when they are making that

declaration. Again I say they are guidelines. Depending on a school's environment there may be different things that could be harmful.

I thought Ms Mikakos's question was more about the reporting of incidences of seizure of harmful items and whether there would be a central register and public reporting. I cannot give her a definitive answer because some consultation is still being undertaken with a number of bodies, including the privacy commissioner, about the appropriateness of that particular activity. Of course, if a school chooses to do it, or if something is reported in a newspaper like the instance I gave before, then of course that will happen. Whether there is going to be a published central register of the number of times on which these provisions have been exercised and the nature of those provisions is something which still needs to be thought through a little bit further.

Ms MIKAKOS (Northern Metropolitan) — I was going to come to that issue, and the minister anticipated my question. I will move on to proposed section 5.8A.6, which is the delegation power. It talks about a principal or assistant principal authorising a teacher to carry out a search or seizure under the bill, and it specifically goes on to require this to occur where a principal or assistant principal is not or will not be present to carry out the search or seizure themselves. My question is: does this mean that in a normal instance it would be the expectation of the department that a school principal or assistant principal would conduct the vast majority of searches? Where that is not the case, will it mean that the reason it could not be conducted by the principal or assistant principal is that they were not present at the school that day or just that they did not happen to be available at that particular time?

Hon. P. R. HALL (Minister for Higher Education and Skills) — The advice I have received is that in all circumstances where a principal or assistant principal is available, they would be the persons to undertake a search and seizure. The only circumstances in which somebody else is delegated to do that is when the people filling either of those positions are not available to undertake that activity.

I also make the suggestion, because it is relevant to the debate, that in respect of authorising other teachers to undertake this activity there is no obligation for any other teacher to accept that this is a mandated part of their functions. Again, common sense will prevail. If you were sending a group of students on a school excursion, then at least one of those persons would be the nominated person who has ultimate responsibility for the duty of care and you would want to make sure that that nominated person was accepting of that responsibility to undertake this activity in the absence of the principal or assistant principal.

Ms MIKAKOS (Northern Metropolitan) — In the normal course of most days not involving a school excursion I wonder how the principal or assistant principal would authorise a teacher to undertake this activity. Would just a verbal communication be adequate?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I am advised that the answer to that question is yes.

Ms MIKAKOS (Northern Metropolitan) — In urgent circumstances — for example, where the principal or assistant principal is delegating the teacher to conduct a search or seizure — is a telephone call sufficient? Or can they convey this through a third party if, for example, they are in a classroom environment and unable to physically leave the classroom to have a conversation with the teacher they are seeking to delegate this power to?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I am advised that the answer to that question is also yes.

Ms MIKAKOS (Northern Metropolitan) — I now refer the minister to proposed section 5.8A.7, which is the section that provides that the powers in this bill are in addition to and not in derogation of any other powers. It comes back to the issue Ms Pennicuik and I raised in relation to the purposes clause around the codification of existing powers. I note that the explanatory memorandum gives examples of additional powers that are not being derogated such as the power to expel or suspend students. Are there any other powers which this is intended to cover other than the power to expel or suspend? Essentially my question is: is this bill exhaustive in terms of codifying existing powers that schools have had for many years other than the power to expel or suspend, or are there other things that have not been put into this bill?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I am advised that this is not intended to be exhaustive. The two examples the member gave are not exhaustive, but the intention is to make it very clear that this does not override any of the existing powers which a teacher or a principal has in the exercise of their functions on all matters within a school environment.

Ms PENNICUIK (Southern Metropolitan) — I move:

1. Clause 3, page 5, line 16, after "vehicle" (where first occurring) insert "that is owned or operated by the school or the Department,".

The purpose of the amendment is to change the wording of clause 3 such that where clause 3 refers to the power to search for harmful items in 'any vehicle' this would be qualified and would read 'any vehicle that is owned or operated by the school or the department'. I do not wish to prosecute the investigation we have been having into this issue for the last hour and a half in committee. Suffice it to say that the reason I am moving this amendment is that I do not believe this is an existing power, and the overall rationale that the government has put forward for this bill is that it is codifying existing powers. I do not believe it is an existing power of principals, assistant principals or authorised teachers to search private vehicles. It is my understanding, and I have spoken to a lot of teachers about this, that it is not an existing power. I have even spoken to the minister about this, and he admits that he cannot remember a circumstance where it has ever occurred. That is notwithstanding that we have been talking over the last hour and a half about possible potential dangerous situations. However, it is not an existing power so I do not believe it falls within the rationale for the bill.

While I mentioned before that there was broad support for this bill, for example, amongst the Australian Education Union and the two principals associations, all those organisations raised concerns about this clause. This aspect of the bill was the one which every one of those organisations raised concerns about in terms of the position it would put teachers in. I will paraphrase some of the things that were said to me, such as it is putting teachers on shaky legal ground.

I could be persuaded at the end of the day if there was more consultation with those groups about this clause and more legal advice about the situation of teachers in regard to this. But that might not be something that we need to look at. I have not been persuaded by anything I have seen today that this new power is one we should be forging ahead with. I suggest to the government that perhaps it needs to go back to those groups which have expressed concern about this aspect of the bill. While broadly supportive of the rest of the bill, they all raised concerns about this aspect — and these are the people who will be asked to implement it. If they have concerns about it, I have concerns about it. We should be looking to consult further on this particular aspect of the bill.

I have had the amendment drawn up in this way because proposed section 5.8A.3 nominates a lot of items that can searched, such as bags, lockers, pockets turned out et cetera. In terms of mentioning a vehicle, that is fine. It is like a locker in a way; it is a place where something can be put. Restricting searches to vehicles which are owned and operated by the school or the department means that the teacher can go into those and search for items but not into a vehicle owned by a private individual.

Ms MIKAKOS (Northern Metropolitan) — I indicate to the house that the Labor opposition remains concerned about the operation of the search and seizure power as it relates to parents' vehicles. I am appreciative of the fact that the minister has given some undertakings in respect of how these powers will operate in practice. I think it is clear that the minister is someone who has worked in and has a great deal of experience of the teaching profession and probably shares the concerns that other people have raised in this debate about how this would operate in practice, particularly the danger that it would present to teachers, principals and assistant principals in a confronting environment where a parent does not seek to cooperate.

It is for this reason that the Labor opposition will be supporting the amendment moved by Ms Pennicuik. We think it is a sensible compromise position that would enable searches to continue to be conducted on vehicles owned or operated by the school or the Department of Education and Early Childhood Development but would effectively excise parents' vehicles from being searched or items being seized from parents' vehicles. The Labor opposition believes that where school safety is being potentially compromised in a situation that involves a parent's vehicle Victoria Police should be involved, and teaching staff should be protected.

Hon. P. R. HALL (Minister for Higher Education and Skills) — We have had a good debate on these points, and I can understand the very sincere views that have been expressed by Ms Pennicuik and by the opposition with respect to this matter. Having listened to all of those views, I indicate to the committee that the government will not accept this amendment and will vote against it.

I will make a couple of points in response to the arguments put by members of the committee. We have talked about this power not being an existing one. The whole point of this legislation was to provide some authority, because at the moment we do not have any powers; we have only practices. To date teachers have searched bags, lockers and so on only as a general practice exercised within a duty of care. It has not been a power but a practice. This legislation gives statutory

authority to teachers and principals engaging in those practices. It is codifying the practices and not codifying existing powers. That is the first point.

The second point is, as I have said before — and I have given commitments about this — there will be instruction that the relevant power be used as a measure of last resort. Indeed it is designed as such. It is to be exercised with the students' safety paramount in the minds of those exercising that responsibility of care, but potentially there could be circumstances in which there is a need to search a motor vehicle, whether privately owned or chartered, being used for a school excursion. As I think Mr Ondarchie pointed out in his contribution, this amendment would exclude not only privately owned vehicles but also charter vehicles being used by schools.

As I have pointed out before, in some cases a dangerous item may be inadvertently rather than intentionally in a vehicle or area. This bill provides a last-resort measure enabling a teacher exercising a duty of care to request to search a vehicle and, if the request is agreed to, to have that search undertaken for the safety of the students concerned.

Ms MIKAKOS (Northern Metropolitan) — I believe Ms Pennicuik's amendment, which uses the word 'operated', would cover a vehicle chartered by the school directly or by the department. I cannot see why that amendment would not cover that type of situation.

I would also like to reiterate Ms Pennicuik's comment on the issue of consultation. I addressed that issue in my substantive contribution to the second-reading debate, and I will not go over all those issues again, but I would encourage the department to consult extensively with stakeholders, who have expressed a lot of concerns about this particular power in terms of the development of the proposed regulations. Again I would be seeking your assurance that that will be occurring.

Hon. P. R. HALL (Minister for Higher Education and Skills) — I can give an assurance that principals, as a group and individually, will be invited to comment on proposed regulations. I would be the first to agree that this will best work if there is that level of consultation and cooperation and a sensible set of guidelines and regulations giving effect to the provisions in this bill.

Ms PENNICUIK (Southern Metropolitan) — I am sure Mr Hall meant to include the Australian Education Union as well in his consultation!

In the minister's response to my concern, in which he said the bill was about codifying existing practices, he referred to the existing practices of searching bags and so on, but he did not mention vehicles. There is no existing power for or practice of teachers searching parents' vehicles — and that is the whole point.

The DEPUTY PRESIDENT — Order! Ms Pennicuik has moved her amendment 1, which relates to clause 3 and proposes the insertion of words in the bill's proposed section 5.8A.3. Her amendment 2 proposes the insertion of identical words into the bill's proposed section 5.8A.4. There may be an argument that I should regard amendment 1 as a test of amendment 2, and I will seek Mr Pennicuik's guidance on that. However, before I do, in making this determination I am concerned that the insertion of words in proposed section 5.8A.3, which deals with the power to search for harmful items, would be different to their insertion in proposed section 5.8A.4, which deals with the powers to seize harmful items. It is not my role to anticipate how the committee may vote on these amendments. The committee may determine to support one of the amendments but not the other. Unless Ms Pennicuik wants amendment 2 to be tested by amendment 1, I propose to put them separately.

Ms PENNICUIK (Southern Metropolitan) — I think you make a good point, Deputy President. Given the amendments relate to the same clause and to proposed sections that follow each other we could probably put them separately and have two divisions. The amendments are slightly different, and the government may wish to look at them that way and perhaps support one while not supporting the other. We could probably just have a 3-minute and 1-minute type arrangement.

The DEPUTY PRESIDENT — Order! Does the member want the amendments to be tested separately?

Ms PENNICUIK — Yes.

The DEPUTY PRESIDENT — Order! To allow for the efficient running of the committee stage I ask whether the member wishes to make any comments about her proposed amendment 2, and then I will put them sequentially.

Ms PENNICUIK — I think we have made all comments we need to make about these particular amendments.

Ms MIKAKOS (Northern Metropolitan) — I wish to briefly indicate that the Labor opposition will be supporting both of Ms Pennicuik's amendments for the reasons I have extensively canvassed.

Committee divided on amendment:

Ayes, 17

Barber, Mr	Pennicuik, Ms
Broad, Ms	Pulford, Ms
Eideh, Mr (*Teller*)	Scheffer, Mr
Elasmar, Mr (*Teller*)	Somyurek, Mr
Jennings, Mr	Tarlamis, Mr
Leane, Mr	Tee, Mr
Lenders, Mr	Tierney, Ms
Mikakos, Ms	Viney, Mr
Pakula, Mr	

Noes, 19

Coote, Mrs	Kronberg, Mrs
Crozier, Ms	Lovell, Ms
Davis, Mr D.	O'Brien, Mr
Davis, Mr P.	O'Donohue, Mr
Drum, Mr	Ondarchie, Mr
Elsbury, Mr	Petrovich, Mrs
Finn, Mr	Peulich, Mrs
Guy, Mr (*Teller*)	Ramsay, Mr
Hall, Mr	Rich-Phillips, Mr
Koch, Mr (*Teller*)	

Pairs

Darveniza, Ms	Dalla-Riva, Mr
Hartland, Ms	Atkinson, Mr

Amendment negatived.

Ms PENNICUIK (Southern Metropolitan) — I move:

2. Clause 3, page 6, line 22, after "vehicle" (where first occurring) insert "that is owned or operated by the school or the Department,".

Committee divided on amendment:

Ayes, 17

Barber, Mr	Pennicuik, Ms
Broad, Ms	Pulford, Ms
Eideh, Mr	Scheffer, Mr
Elasmar, Mr	Somyurek, Mr
Jennings, Mr	Tarlamis, Mr (*Teller*)
Leane, Mr	Tee, Mr (*Teller*)
Lenders, Mr	Tierney, Ms
Mikakos, Ms	Viney, Mr
Pakula, Mr	

Noes, 19

Coote, Mrs	Kronberg, Mrs
Crozier, Ms	Lovell, Ms
Davis, Mr D.	O'Brien, Mr (*Teller*)
Davis, Mr P.	O'Donohue, Mr
Drum, Mr	Ondarchie, Mr
Elsbury, Mr (*Teller*)	Petrovich, Mrs
Finn, Mr	Peulich, Mrs
Guy, Mr	Ramsay, Mr
Hall, Mr	Rich-Phillips, Mr
Koch, Mr	

Pairs

Darveniza, Ms	Dalla-Riva, Mr
Hartland, Ms	Atkinson, Mr

Amendment negatived.

Clause agreed to; clauses 4 to 8 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Hon. P. R. HALL (Minister for Higher Education and Skills) — I move:

That the bill be now read a third time.

In doing so I thank members for their contributions to this debate and the Chair for his patience in the committee stage of the debate as well.

Motion agreed to.

Read third time.

COUNTRY FIRE AUTHORITY AMENDMENT (VOLUNTEER CHARTER) BILL 2011

Second reading

Debate resumed from 24 March; motion of Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations).

Ms BROAD (Northern Victoria) — I rise to support the Country Fire Authority Amendment (Volunteer Charter) Bill 2011. Labor is supporting this bill because it enshrines in legislation the volunteer charter first introduced by Labor in 2001 and re-signed in 2008. In 2001 the charter was signed by then Premier Bracks, and in 2008 it was re-signed by then Premier Brumby. I would like to take this opportunity to welcome the new government's decision to match Labor's commitment to supporting CFA (Country Fire Authority) volunteers by recently re-signing the charter, in February.

In Victoria the fundamental strength of the Country Fire Authority is that it is an integrated firefighting service — that is, a partnership between career firefighters and support staff together with volunteer firefighters and the wider community. This integrated CFA model of firefighting is one that is recognised worldwide. I would like to place on record my acknowledgement of the enormous contributions made by both career and volunteer firefighters. Volunteers are

drawn from many walks of life — from local government, from business, from the public service and even from the ranks of members of this Parliament.

In particular I would like to acknowledge the career and volunteer firefighters in northern Victoria, the region that I represent in the upper house of the Parliament. The fact is that the brunt of the February 2009 bushfires was borne by communities in northern Victoria, and the tremendous response, particularly by volunteer firefighters in northern Victoria — sometimes at great personal cost in terms of their decision to volunteer to protect the wider community rather than staying at home to protect their own homes and local communities — is something we need to continually remind ourselves of and be thankful for.

Of course the volunteers who make up the CFA do not stop at firefighting. In the recent massive flooding events, which again northern Victoria has borne the brunt of, we saw CFA volunteers again coming to the fore in terms of the tremendous contribution they made in assisting communities across northern Victoria in particular.

As well as recognising the volunteer charter, this bill amends the Country Fire Authority Act 1958 to recognise the CFA as a volunteer-based organisation. It requires the CFA to have regard to the volunteer charter and makes other amendments in relation to the CFA's responsibilities to volunteers. This bill will enshrine in legislation that integrated approach to service delivery that I have referred to, in which volunteers and career firefighters and support staff work together to achieve the best outcomes for our community. In accordance with the provisions in this bill there will be a clear obligation placed on the CFA to undertake its decision making in a manner that encourages, maintains and strengthens the capacity of volunteers.

There are almost 60 000 volunteers at present, which is an outstanding number. However, members of this house will be acutely aware that the pressures of life on members of the community mean that these numbers can certainly not be taken for granted. Many volunteer organisations in the community are struggling to maintain and attract new members. Their members are ageing, as indeed we all are. Therefore it is vital that the decision-making powers of the CFA be enshrined in legislation in a manner that encourages, maintains and strengthens the capacity of volunteers. The strength of a membership of almost 60 000 volunteers needs to be maintained into the future for the protection of the wider community.

Career firefighters and staff are crucial to volunteer emergency work, and they also provide valuable support and training to volunteers within the CFA. Career firefighters and volunteer firefighters respond to incidents and fight fires side by side in both urban integrated brigades in regional Victoria and in Melbourne's outer suburbs, which are continuing to expand into regional Victoria. Northern Victoria Region covers almost half of Victoria, so I can certainly attest to those arrangements.

The CFA's volunteer base must continue to be strengthened without in any way devaluing the important contribution that our career firefighters and support staff make.

Business interrupted pursuant to standing orders.

RULINGS BY THE CHAIR

Questions without notice: admissibility

The PRESIDENT — Order! Before I call for the first question without notice, which in today's proceedings will be from Mr Somyurek, I wish to make a statement about questions without notice to clarify some proceedings of the house. This a follow-up to the remarks I made yesterday.

Members will recall that during question time yesterday I expressed some concern at a question that I believed may have been outside government administration. At that time, I undertook to make some further comment to the house in an attempt to provide clarity in regard to questions which may be asked in future. Standing order 8.01 provides that:

> (1) Questions may be put to —
>
> (a) ministers of the Crown relating to public affairs for which the minister is directly connected, or has responsibility when representing a minister from the Assembly, or to any matter of administration for which the minister is responsible …

A minister can therefore only be questioned on matters for which he or she is responsible or officially connected. Such matters must concern public affairs, administration or proceedings pending in the house. The underlying principle is that ministers are required to answer questions only on matters for which they are responsible to the house, and in my view, for which they are competent.

The standing orders provide no further guidance on whether or not a question is within the ambit of government administration or the individual minister's

responsibility. In attempting to clarify whether or not a question is in order, I have been guided to some extent by *House of Representatives Practice*, fifth edition. It is a useful guide that has recently been published. Members might take some interest in that guide to assist in their work in this house.

In the House of Representatives, Speakers have ruled out of order questions or parts of questions to ministers on a number of grounds, which are detailed on pages 538 and 539 of that guide. I believe many of these grounds provide a useful basis for us to proceed in this house.

The following grounds upon which I believe a question will be or may be ruled out of order in this house as being outside government administration are therefore: statements, activities, actions or decisions of the minister's own party or of its conferences, officials, representatives or candidates, or of those of other parties including non-government parties; issues that arise in party rooms or in party committees; party leadership issues where there is no connection with a matter in respect of which the minister is responsible to the house; statements by people outside the house, including other members, notably non-government members; statements in the house by other members; the attitude, behaviour or actions of a member or the staff of members; matters of a private nature not related to the public duties of a minister; arrangements between parties — for example, coalition agreements on ministerial appointments; policies of previous governments; actions taken by the minister when they were a parliamentary secretary; and matters in other parliaments, excepting matters where there is a connection between commonwealth and Victorian government policy.

I point out that I used the words 'will be or may be ruled out' on the basis that sometimes the adjudication of the Chair comes down to the structure of a question. However, what I am saying in this ruling is that the chairs will have regard to those matters that I have just outlined in reaching an adjudication on questions.

I also take this opportunity to reiterate that it is not in order to reflect on or be critical of the character, conduct or private affairs of a minister or a member for that matter. A minister's or a member's conduct may only be challenged by way of substantive motion. I also refer members to the provisions of standing order 8.02, which sets out the entire set of rules relating to questions; they should be read in conjunction with this ruling I give today. It also has been ruled previously in this house that if a minister has elected to answer a question on a particular matter, he or she is obliged to answer subsequent questions on the same matter providing they comply with the rules and practices of this house. I intend to continue to adhere to that principle.

Yesterday Mrs Peulich actually raised by way of a point of order another issue concerning the ambit of questions which may be asked of ministers representing ministers in the Assembly. I wish to deal with that final issue raised by Mrs Peulich yesterday. The issue was especially pertinent in the last Parliament when the Treasurer, as a member of this house, was asked and answered questions on a broad range of policy areas across government administration by virtue of the link of his position as Treasurer. As a rule I believe ministers should only be asked questions strictly within their policy area. If a minister answers a question on a policy matter not entirely within his or her portfolio, I believe that it is then reasonable as an expectation of the house for ministers to continue to answer questions in that area.

However, I do not want ministers to be in a position where they are expected to have command of an entire portfolio area because they have answered a question about a fairly specific matter within that portfolio area. In this respect, where ministers choose to answer questions that are outside their portfolio area, I suggest that they should be mindful of this issue when they approach that question in the first place.

I trust that this statement will provide some clarity and assist members in framing questions and also ministers in answering them in the future.

Mr Lenders — On a point of order, President, I genuinely seek some clarification of the ruling about ministers answering on behalf of ministers in the other chamber. My recollection — and I should have the standing orders in front of me — is that the last Parliament specifically amended the sessional orders and then the standing orders to make that a requirement, which it had not been in this house before. The ruling seemed to narrow what the sessional orders of the last Parliament, and the standing orders that were adopted, applied by way of obligations of a minister to answer for a minister in the other house. I ask the President to take that on notice for reflection.

The PRESIDENT — Order! I will take that on notice. I will consider that further, because in reaching this position today I am trying to clarify this matter so that we do not get into the sorts of difficulties that have been experienced elsewhere. I also want to ensure that the house is well informed and that ministers provide competent answers to questions. However, I am

mindful of the fact that ministers ought not be held to account for matters that are clearly outside their jurisdiction and outside any competence they might have to provide an effective answer to the chamber.

Ministers who represent ministers in another place in respect of some portfolio matters may at times have an opportunity to contribute worthwhile and constructive answers for the benefit of this house, but I am mindful of the fact that those ministers in that role of representing ministers in another place are usually discharging that responsibility in terms of husbanding legislation through this place and providing support to this house in terms of legislation, particularly in the committee stage, with interpretations of what parts of the legislation mean. I see the primary responsibility of representing ministers in another place as substantially being about prosecuting legislation in this place rather than being about the minister providing an account in answer to questions without notice.

Nonetheless, I understand the point Mr Lenders makes. I will consider that further and ensure that there is not an inconsistency between the standing and sessional orders as they have promulgated and what I am seeking to do here in providing clarity.

Mr Viney — On a point of order, President, I appreciate the guidance the President has given to the house about questions without notice. Having been an observer in the Assembly during question time yesterday, I appreciate the importance of what you are doing. The issue I wish to raise is an area where the house could be assisted by further clarification. Standing order 8.01 'Questions to ministers or other members', says:

> (1) Questions may be put to —
>
> (a) ministers of the Crown relating to public affairs for which the minister is directly connected … or to any matter of administration for which the minister is responsible …

I completely understand the guidance the President gave to the house on questions without notice that need to relate to a minister's ministerial and administrative responsibilities. The area on which the President might give further consideration and further advice to the house is where there is a matter of public affairs to which a minister has a direct connection. Can that be accommodated in questions without notice? It would seem to me that that is an important principle in terms of accountability of governments and holding the executive to account. I am interested in whether the President might give further consideration to that aspect.

The PRESIDENT — Order! I would be more inclined to give an assurance to the house that the standing order Mr Viney has quoted has substance in this matter and would be the guide for the Chair. In making the ruling, I have to an extent relied on the practices of the House of Representatives. It is interesting to note that most parliaments have not really sought to try to clarify these matters, so it was of some value to me that the House of Representatives has worked in this area.

What I have tried to establish in this ruling is that presiding officers ought not to be in the position of having to adjudicate on questions that are clearly related to matters that are outside public administration by any reasonable and objective test. That would certainly apply to the matters I raised that related to some of the activities of parties, which might well add some colour for members of the house, the media and perhaps even the general public — although I think the public would probably show less interest than the other stakeholders; however, they are not matters that are relevant to public administration. However, if there are some matters of public importance, then standing order 8.01 applies and is what the Chair would rely on to adjudicate on matters.

I have also used in the ruling the words 'questions will or may be ruled out' because, as I have indicated to the house, two questions could obviously be quite different in structure where one might be acceptable and the other not. It is impossible to be prescriptive ahead of time and say, 'This will apply and this will not apply'. What I am trying to do is give a framework in which we can operate effectively going forward, but it will still come down to a degree of discretion being exercised by presiding officers on the occasion that questions are presented. It might well be that the judgement is made more on the 'may' than the definitive 'will'.

Mr P. Davis — On a point of order, President, I do not want to extend the debate, but I rise to speak specifically on standing order 8.01 and the issue of public affairs. If possible it would be better at this point to clarify — or this could at least be taken on notice — that 'public affairs' does not necessarily intimate that a minister in the discharge of both their ministerial and their private responsibilities is caught by this provision — that is, public affairs means: in connection with the minister. If there is a matter of public interest therefore, the individual holding office is associated with it because they are associated with it as a matter of fact but not because they are a minister. That surely cannot be a matter for the interest of this house by way of a question without notice, because a matter which is

a public affair may be something that a person is engaged in or has been engaged in before or outside their ministerial duties. I seek your iteration of that point.

The PRESIDENT — Order! Thank you, Mr Davis. These are important points, and I thank the house for the manner in which this discussion is being taken into account. The point of order from Mr Davis is a very valid one. It is my view that a public affair would need to be a matter that impacts upon the role, responsibility and performance of the minister. It would not be a matter of general interest. As such, it must be a matter that impinges on the minister's responsibilities to this house and this Parliament. At times that would be a matter of adjudication by presiding officers, but Mr Davis is right in suggesting that the definition needs to meet that sort of test from the Chair.

QUESTIONS WITHOUT NOTICE

Rail: tender process

Mr SOMYUREK (South Eastern Metropolitan) — My question is to the Minister for Manufacturing, Exports and Trade. On Tuesday the budget committed funding for the purchase of seven trains for the Metro Trains Melbourne system. The government's election commitment was that there would be a new tender process for the new trains and that they would be largely manufactured in Victoria. Does the government stand by its commitment to Victorian manufacturers that there will be a fresh competitive tender for the building of these new trains?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — I thank the member for his question. I was also pleased to offer the member a briefing from my department about the new Department of Business and Innovation, and I am sure he found that worthwhile and got some understanding of our objectives as a new government for the new department.

We are focused on the issue of procurement, and procurement has been an important issue. The response from the former government under the Victorian industry participation policy was one of failure. We have identified that, and our election commitment was to understand the importance of that. In the terms of reference for the Victorian Competition and Efficiency Commission manufacturing review we explicitly required it to report back on the impact of the Victorian government's procurement policy on the development of the manufacturing sector and the extent to which local content requirements can stimulate growth and innovation.

We have committed to making strategic use of the government procurement policy to give local industry more opportunities. We have outlined those, and they are in the budget paper for all members to read.

Supplementary question

Mr SOMYUREK (South Eastern Metropolitan) — There was no answer to that question, but as a supplementary question I ask the minister: will there be a fresh competitive tender process for the balance of the government's new train commitments — that is, 33 further trains — and if so, what local content requirement will the government insist on?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — I thank the member for the question. Obviously his ears are painted on, because we made a commitment to make strategic use of government procurement policy in a range of areas including trains. I will put it into some context for Mr Somyurek. The previous government imported trains that then lay there for month after month — —

Mr Somyurek — On a point of order, President, I asked a specific question about tendering for the seven new trains. The minister is now debating the question.

Honourable members interjecting.

The PRESIDENT — Order! I thank the members who are interjecting for their assistance on relevance! It may be relevant, but it is also debating. I uphold the point of order that the minister's answer was debating the question.

Hon. M. P. Pakula — Try answering it.

Hon. R. A. DALLA-RIVA — I thank Mr Pakula for the inane interjection. The realities are that after a decade of neglect by the former government in the area of manufacturing — —

Mr Lenders — On a point of order, President, in accordance with your ruling of just 15 minutes ago on ministerial accountability, in which you quoted *House of Representatives Practice* as saying that it was inappropriate for a minister to refer to the policy of previous governments, Mr Dalla-Riva has just crossed your line on that.

The PRESIDENT — Order! It will be helpful when members see the ruling in writing and each have a copy of it. The ruling referred more to questions about

previous government administration, and the reason is I do not believe that a minister in a current government can have sufficient competence to answer for a previous government. The ruling related more to whether a question was viable than to a minister's response, in the context of which Mr Dalla-Riva is delivering a response now.

Hon. R. A. DALLA-RIVA — In contrast to the former incompetent Labor government, we will be working towards reviving and revitalising the manufacturing sector, which will include train manufacturing here in Victoria, unlike the other mob that sent it overseas.

The PRESIDENT — Order! Terms like 'the other mob' are just not on. I will not seek a withdrawal on this occasion because the minister has completed his answer, but the point is well made if I indicate that that sort of phrase is just not on. I do not expect it from any members.

Crime: identity theft

Mrs PETROVICH (Northern Victoria) — My question is to the Leader of the Government, Mr David Davis, in his capacity of representing the Premier. Can the minister inform the house of any breaches of standards of conduct by members of Parliament or their staff, including possible breaches of the Crimes Act 1958?

Honourable members interjecting.

The PRESIDENT — Order! Can I hear the question again?

Mrs PETROVICH — The question is: can the minister inform the house of any breaches of standards of conduct by members of Parliament or their staff, including possible breaches of the Crimes Act 1958?

The PRESIDENT — Order! Which minister?

Mrs PETROVICH — The question is to the Leader of the Government in his capacity of representing the Premier.

The PRESIDENT — Order! I have some real concerns about this question, and I have concerns about a number of aspects of it. First of all I am concerned about whether or not it is entertaining comment on matters that, if they exist, ought to be considered by substantive motion rather than by an answer to a question. I am concerned about whether or not they are matters that are appropriate for the minister to answer. In terms of raising issues such as the Crimes Act 1958 and so forth, which is fairly serious stuff, I am very concerned about where this goes and whether or not it actually meets the tests of the ruling that I have just given. The problem and dilemma that I have with the question is — and it is a fairly open-ended question — that I do not know what the question is going to be and what the question is alluding to. It makes it fairly difficult for me to be absolutely certain in terms of my ruling.

For the benefit of the house I will allow Mr Davis to answer the question at this stage. I assure the house that I will be listening intently to the answer to this question. If I believe that is moving into territory that contradicts the ruling I have given this day, then I will stop the answer.

Mr Lenders — On a narrow point of order, President, the administrative arrangements in this place are that the issues the Attorney-General addresses, which include the Crimes Act 1958, are represented for the government in this place by Mr Dalla-Riva and not by Mr Davis. I ask you to rule on whether a question on the Crimes Act 1958 should be referred to Mr Dalla-Riva.

The PRESIDENT — Order! I thank Mr Lenders for his point of order. I must say that that was another aspect that troubled me in the question, as to whether or not the minister who has been asked for an answer was the appropriate minister to discuss any matters related to the Crimes Act 1958. That certainly was an issue that crossed my mind as well and was why I sought to have the question asked a second time. I think I will defer this question at this moment so that I can give it some thought in the course of question time, and I will decide whether or not to allow the question to proceed. I will call on Mr Finn while I give some consideration to this matter.

Crime: identity theft

Mr FINN (Western Metropolitan) — My question without notice is directed to Mr Dalla-Riva as the minister in this place who represents the Attorney-General. Can the minister inform the house of ways the government is fighting identity theft? Is he aware of any recent examples of identity theft?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I thank the member for his question, because I know he has an interest in the issue of identity theft. Identity theft is a very serious crime. It has caused significant distress to many thousands of people across Australia, and indeed

right here in Victoria. It has been described by some as the most insidious of crimes.

I understand that the Leader of the Government in this house has been the subject of identity theft. On budget day the Leader of the Government was busy focusing, like other ministers, on securing a better economic future for this state. An unidentified male purporting to be Mr David Davis — somebody fraudulently and criminally impersonating Mr Davis — phoned a solicitor's office in Adelaide, quoted a PIN number and sought confidential information on an account balance in the name of Mr Davis. We on this side of the chamber consider this a very serious offence at law and an unacceptable intrusion on every individual's right to privacy and their rights to preserve and protect their own identity under law.

There was a time when those opposite would have agreed with that proposition, but apparently they do not this week — and they do not today, I am sad to say. I will remind members of the words of the former Attorney-General, who was then Acting Premier. On 16 September 2008 he was as reported as stating, 'The state government is cracking down on identity crime'. I might refresh Labor's memory by reminding members opposite that Mr Hulls told reporters:

> Identity fraud strikes at the heart of the way we operate in a contemporary Western society …

I agree wholeheartedly. I was pleased to see the then Acting Premier and Attorney-General introduce legislation to impose a maximum period of imprisonment of up to five years jail for identity theft — five years if you steal somebody's identity. That was brought in by the former government. I mentioned earlier the insidious nature of identity theft, and those were comments made by Mr Hulls. But where does Mr Hulls stand today? More importantly, does his leader, Mr Andrews, stand by his statement today?

When the Crimes Amendment (Identity Crime) Act was brought in by Labor the then Attorney-General in the second-reading speech said:

> People who have had their identity stolen commonly experience financial impacts … as well as considerable emotional distress. Such victims often have to spend time and money to restore transaction records, credit history and reputation.

I have said it before and I will say it again: same old Labor, same old dirt unit. But even by the poor ethical standards of the modern Labor Party in Victoria, never have the standards of the opposition leader sunk so low as to knowingly sanction or permit identity theft to occur. Opposition members knew it occurred. They have done it on the other side, and they are now using the proceeds of that crime to mount a political attack in this Parliament. The time for this new Leader of the Opposition to exercise some honesty and decency in his leadership is long overdue. At least he should explain to the house and to the people of Victoria who he sought to wrongly and fraudulently impersonate Mr David Davis. Was it Mr Andrews? Was it someone else in his office? He must come clean.

Budget: hospitals

Mr JENNINGS (South Eastern Metropolitan) — My question is to the Minister for Health. The day after the budget was released the Premier made the extraordinary announcement that regardless of what was in the budget, he would find $60 million to complete one-quarter of the promise for the Monash children's centre. I refer the minister to page 16 of the budget overview, which includes a number of projects that the government says contribute to its 800 new beds, including projects at Box Hill, Bendigo, Frankston, Maroondah and Northern hospitals, the Olivia Newton-John Cancer and Wellness Centre, Geelong Hospital, Monash children's centre, Echuca Regional Health and Mildura Base Hospital.

I ask the minister: of those projects on the list which the government says contribute to its objective, is it not true that the only projects announced, commenced and completed within this term of government will be the Echuca and Mildura projects? They are the only two projects that will be owned by this government?

Hon. D. M. DAVIS (Minister for Health) — I make the strong point to the shadow minister that in fact we will meet our commitment for 100 beds this year, we will meet our commitment for 800 beds and, if re-elected, we will meet the commitment for a further 800 beds. We have laid out each of the priorities as we have gone forward and each and every project that will be built.

The member mentioned Monash children's, which, as I outlined to the house yesterday, is a very important project. I will make it equally clear today that we see that project as a high priority. We have moved more swiftly on this project than we indicated we would before the election by purchasing land — three properties — and we have made the commitment to get that project built. It is needed for the south-eastern suburbs, and we will be working towards that.

In answer to a question from Mrs Peulich yesterday, I made it clear that this is a priority for the government. I

make it equally clear that we will deliver on all our other commitments as well, one by one. We have made significant steps in the budget towards delivering on those commitments.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — I am sure you will have noticed, President, that the minister did not refute my proposition that the only projects listed at page 16 of the budget overview that will be announced, commenced and completed by this government in its first four years in office will be the Echuca redevelopment, a $40 million commitment, and a commitment of $5 million to Mildura Base Hospital, notwithstanding the fact that the coalition promised a $9 million refurbishment. Can the minister, in answer to the supplementary question, confirm that the only two projects he is associated with are the two smallest projects on the list?

Honourable members interjecting.

Hon. D. M. DAVIS (Minister for Health) — It does seem to be the same question, but let me be very clear with the former minister. We will be delivering on all the commitments he outlined, but on others as well. We will make sure that there is sufficient capacity in the system. Mr Jennings only half-funded the Olivia Newton-John centre — he only funded the skeleton, the shell. He was the Minister for Innovation who failed to fund the Ludwig centre, the research component of the Olivia Newton-John centre. He funded the skeleton, but he did not fund the fit-out for the research at the centre. He was the Minister for Innovation, who was responsible for that part of the project, but he refused to do it.

We will be following up on those commitments. We will make sure that our commitments to Maroondah, Frankston, the Olivia Newton-John centre and our other election commitments are delivered on time and on budget.

Planning: Avondale Heights development

Mr ELSBURY (Western Metropolitan) — My question is to the Minister for Planning, the Honourable Matthew Guy, and I ask: can the minister inform the house how the coalition's new metropolitan planning policy will protect areas like Avondale Heights in my electorate, and is he aware of any other policies on this and other areas that may be viewed as hypocritical?

Mr Lenders — On a point of order, President, Mr Elsbury just invited the Minister for Planning to comment on other policies in the area, which we all know is code for the policies of the opposition or previous government. He flouted your ruling — —

Honourable members interjecting.

Mr Lenders — President, the point of order I raised concerns the very clear ruling you made at the start of question time and then subsequently about a question not being able to be asked inviting a minister to speak on opposition or previous government policy. I submit it to you, President, that that is exactly what Mr Elsbury just did.

The PRESIDENT — Order! I thank Mr Lenders. I certainly have concerns about questions that invite ministers to comment on other parties. That was a source of contention in the previous Parliament as well. The former Presiding Officer was quite firm in the view that there ought not be comment on opposition policies, and I share that view. To the extent that Mr Guy was invited to comment specifically about other party positions, I recommend that he be more generic in his response. It would be fair enough for him to say that he was doing something in government but that there were alternative options for land development or suchlike. In a generic sense that is fine and would be most acceptable and informative to the house, but if the minister took the opportunity simply to disparage opposition policies, then Mr Lenders is right: it runs against my ruling. I am sure the minister is competent to stay within the framework.

Hon. M. J. GUY (Minister for Planning) — I would like to thank Mr Elsbury for his very useful question on Avondale Heights, which as we know is in his electorate of Western Metropolitan Region and the lower house seat of Niddrie. It would be worthwhile for me to comment on some issues in relation to the Avondale Heights development.

As I have informed this house in the past, the coalition went to the election with a very clear mandate to ensure that any development in that area was reduced in size from the 68 dwelling-per-hectare development being proposed by Labor — 270 dwellings were proposed before the election — to the far more manageable one this government put in place with around 130 dwellings across the whole site.

Mr Finn and Mr Elsbury have been exceedingly vocal about that issue. However, they are not the only members of this Parliament who have been vocal on this issue. As you would expect, the local member, Mr Hulls, the member for Niddrie in the other place, has also been very vocal about the issue. Indeed he made some contributions before the election in relation

to his influence, shall we say — indeed some would argue improper influence — over VicUrban — —

The PRESIDENT — Order! There is no way the minister can imply that a member in the other place has used improper influence. This is a direct flouting of the ruling I gave earlier today. The minister knows that can only be done by way of substantive motion. I am serious about these issues. I ask the minister to withdraw.

Hon. M. J. GUY — I withdraw.

The PRESIDENT — Order! Thank you. The minister to continue.

Hon. M. J. GUY — Let me put it another way. The member for Niddrie is now claiming that the reduction in dwelling numbers is something that he advocated, that this government's policy is something that he advocated. What I would say to this chamber in response to that policy initiative, which was a direct response to this government's policy initiative, is that that seems to be thievery of our policy. One might say policy identity theft. Of course that kind of policy identity theft is something that the Labor Party seems to have form with.

Hon. M. P. Pakula — What about the theft of people's diaries? What about the theft of people's notebooks?

Hon. M. J. GUY — Allow me to take up the interjection and talk about the references to thieving and theft of diaries. It is worth noting in talking about identity theft that the previous government put in place measures to combat it. I particularly remember back in 2002 when the then Attorney-General, Mr Hulls, made reference to the possibility of a staff member representing a WorkCover employee and how grave he found this circumstance. He said it was deception — —

Mr Leane — On a point of order, President, I understood the question was around a planning project at Avondale Heights.

Hon. M. J. GUY — I took up an interjection.

Mr Leane — Unless Essendon is trying to take over the identity of Avondale Heights, I am not too sure what the minister is talking about when he says 'identity theft'.

The PRESIDENT — Order! I uphold the point of order on the question of relevance, but I understand, as the minister rightly said, that there were interjections and interjections do invite ministers to stray. It is difficult for the Chair to bring a minister back if the member has been encouraged by way of interjection, particularly if they are incessant interjections, to make comment on other matters or to respond to other matters. I accept that that was the cause of the minister straying into territory which I do not regard as relevant to the question asked. I would ask the minister when continuing his answer to be mindful of the relevance of the answer to this question.

Hon. M. J. GUY — Policy theft and identity theft are issues that I would think are quite serious, whether in relation to Avondale Heights and the policy theft that occurred in that instance or, as I was saying in my previous response, an issue of an identity theft which the previous Attorney-General stated was a criminal offence and should be investigated.

Mr Viney — On a point of order, President, I would contend that the minister is making allegations against a member in the other place by way of innuendo and the use in particular of the word 'theft' in two contexts. I think that is inappropriate language, and it is certainly inappropriate for a minister to be making reference to a member in the other place in that way.

The PRESIDENT — Order! I thank Mr Viney for the point of order. I listened and formed the view that the comments regarding a member from another place mentioned in Mr Guy's speech — except for the part where I sought a withdrawal — were essentially related to a position on a public issue that the then Attorney-General, an ongoing member of Parliament, had taken. The minister was also commenting on the extent to which that member had expressed opinions on legislation relating to identity theft.

I do not believe those remarks were made in such a way that they directly implied that the member named, the member for Niddrie in another place, was in any way responsible for behaviour that would represent the need for a substantive motion, or that there was any implication of impropriety by that member. As I understood it, the position was at worst that the member had different points of view at different points in time. That was the only position I took from that answer.

Nonetheless, Mr Viney is right. In the robust debates conducted in this place it is possible for people to take up implications that were necessarily intended.

Hon. M. J. GUY — As the President correctly stated, I did not refer to the member for Niddrie in the manner Mr Viney said I did. I simply stated that the member for Niddrie correctly made some comments in the past about identity theft by a staff member. Those

comments by the member for Niddrie are still relevant today in relation to what may have been done to Mr Davis by someone possibly linked to the opposition.

Budget: hospitals

Mr JENNINGS (South Eastern Metropolitan) — My question is to the Minister for Health. I am happy to keep on reminding the minister of his core responsibilities. As is demonstrated on page 191 of budget paper 3, which deals with the output measures for the largest single program in the health portfolio, which is hospital separations through the admitted services program, in the last full year hospital separations increased by 51 000, which is the equivalent of a 3.5 per cent increase on the year before. Can the minister honestly tell the Parliament and the people of Victoria that he expects that growth rate to halve to 1.7 per cent this year and that the budget allocation associated with that program will be sufficient to cover whatever increase occurs?

Hon. D. M. DAVIS (Minister for Health) — The member will understand that there is an increase of roughly 6.8 per cent in spending in the acute health output group. That covers hospital separations and a range of other acute health services. There will be a solid increase in activity this year. But I make the point that the government would have liked to do much more. As the house will understand, we had a rejigging of the commonwealth GST component forced on us — $2.5 billion was taken out of the forward estimates by the relativities between the states on the GST. That significantly reduced, in a sense, what we could do in the way of growth.

Equally, on coming to government we faced a number of black holes that we inherited from the previous government. Let us start with one of the key black holes which was left by Mr Jennings himself. Mr Jennings, as the former Minister for Innovation, and the Leader of the Opposition in the Assembly, who was the Minister for Health at the time, were responsible for the half-baked start to the Olivia Newton-John Cancer and Wellness Centre, which is an important centre.

Honourable members interjecting.

Hon. D. M. DAVIS — The Labor government did not fund the full fit-out, and Mr Jennings knows he is responsible for that. When he was Minister for Innovation he failed to do that, and he has to accept joint responsibility with the then Minister for Health for the failure to fund the fit-out of that additional capacity. The member has to accept responsibility. It was his failure to fully cost the project that put the project — —

Honourable members interjecting.

Hon. D. M. DAVIS — Indeed, we have paid for it. We have made sure that that important centre will be funded. I have to say that in the circumstances we have significantly increased activity across the health portfolio, significantly increased the acute health output growth and achieved a significant outcome for the health sector. A number of key groups have welcomed this. Groups like the Australian Medical Association have welcomed the increase in activity and the fact that we are keeping our promises about beds. Unlike the history of Labor in government and its failure to fully fund projects, we fully fund them. Groups like Palliative Care Victoria have made it very clear that additional capacity for palliative care has been welcomed by the sector. This funding will deliver outcomes in the community, increased palliative care separations and greater support for families at points of need.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — On that matter there was a response to palliative care, which is good; and I congratulate the minister on the palliative care subcomponent of this. Given that the minister did not refute what is in the budget paper, that the increase will halve this year from what it was in the last full reporting year — it will halve to 1.7 per cent — and the budget allocation has been made accordingly on the assumption that the rate of growth is going to halve, if that is insufficient, does the minister have any plans in place to either cap the level of separations or to increase his budget to cover what the real growth will be?

Hon. D. M. DAVIS (Minister for Health) — We have had a very convoluted explanation from the former Minister for Innovation. Let us face it, the black holes we have inherited have meant that we cannot get growth at the greater level we would like. We have a solid growth level across the health portfolio; 6.8 per cent in the acute health output and significant growth in subsections of that as well. I make the point that we would like to grow the health portfolio even more, and we would have done so if we could have fiscally achieved that in a responsible way and if we had had additional money from the commonwealth. The rejigging of the commonwealth GST has made it more difficult to grow at a greater rate.

Equally. I make the point that the black holes left by the Brumby government, including the Minister for Innovation in the last government, and its failure to fully fund projects, has left us with the ability to grow a

little less than we would seek to grow. But we have done very well in the circumstances. As I said, the acute health output is growing by 6.8 per cent.

The PRESIDENT — Order! I have reached a conclusion on Mrs Petrovich's first question of the day, and that is that I will not accept the question being put. I understand Mrs Petrovich has worked on an alternative question, and in the spirit of a cooperative house I am prepared to allow her to put that separate question.

Crime: identity theft

Mrs PETROVICH (Northern Victoria) — Thank you for the opportunity, President. The question I have is to the Leader of the Government in his capacity of representing the Premier. Will the minister inform the house of concerns on identity fraud?

The PRESIDENT — Order! I am prepared to allow the minister to answer. However, I caution him insofar as I have obviously listened to two other answers today, which were probably as confusing for some other members as they were for me, particularly at the outset. Clearly, an issue has arisen from the government's perspective, and particularly from the perspective of the Leader of the Government.

The problem I have is that I actually do not believe that the way to address what is an apparent issue is by way of these questions. I think it is a matter that comes under the area of personal explanation, or it is from the point of view of this house. If it is not in that realm, then I think it is not constructive from the point of view of the house to have a range of accusations being prosecuted in this place where they are really about government business.

From my point of view it would seem that in regard to the incident that has been referred to — and I only have an oblique understanding of this, because I am in the same boat as every other member of this place in that I have only heard answers to the questions that have been posed, one of which I have ruled out — I am relying substantially on Mr Dalla-Riva's answer to this house, which went to the nub of what I understand to be the issue.

My concern is that the alleged identity theft was not a matter of somebody impersonating the Minister for Health; it was a matter of some sort of personal representation or suggestion that they were representing Mr Davis as an individual. To that extent I find that the link with government and government administration is tenuous. Therefore, Mr Davis needs to keep all that in mind in terms of my position when he is answering this question, which is markedly different from the one I ruled out. I thank Mrs Petrovich for revising her question and for coming to the issue in what was also a more straightforward way, which I think is helpful for the house. Mr Davis, in response to the question.

Mr Lenders — On a point of order, President, this point is very similar to my narrow point of order on the original question. The identity fraud legislation is under the purview of the Attorney-General under the general order, and the minister representing the Attorney-General in this house is Mr Dalla-Riva. I submit to you, President, that the appropriate person to answer the resubmitted question is the minister representing the Attorney-General and not the Minister for Health.

Hon. G. K. Rich-Phillips — On Mr Lenders's point of order, President, it has been the practice in the other place for the Premier to receive questions in respect of all matters of government administration. I put it to you, President, that in representing the Premier, the Leader of the Government also has the opportunity to respond on matters covering the suite of government administration. If Mr Lenders is seeking to narrow the scope of matters answered by the Leader of the Government in this place, I seek an understanding as to whether the opposition will also seek to limit the matters that can be addressed by the Premier in question time.

The PRESIDENT — Order! In regard to the point of order, I think it is a fair point to put, particularly in the context of the ruling I have made today. Notwithstanding that I have indicated that ministers should be speaking within their competence and basically within their portfolio position, I accept that the Leader of the Government, and in the former government the Treasurer in this house, has to an extent a somewhat wider purview because of the nature of his position — in the case of the Leader of the Government as a leader and as part of the leadership team. I also understand the representation of the Premier as a link to this house. That communication is important, albeit that I am keen not to have ministers being asked questions on areas that are clearly outside their jurisdiction.

In this sense any reference to the Crimes Act 1958 and to the criminal nature of the activity has been diluted substantially to the extent that I am not sure that I would insist, on the grounds of the narrow point of order, that it would need to be directed specifically to Mr Dalla-Riva, because the question has been modified. Certainly I think the last question, the one I ruled out, was relevant in terms of the member's point of order.

I struggle with whether or not to let Mr Davis answer, and I know he is keen to answer. However, again I am in this position where I am trying to take into account the broader context and the function of this house in an ongoing sense and not simply what happens on a single day. I will allow Mr Davis to answer. I provided a caution, or some constraints, before, and I will certainly be listening intently to the answer. Does Mrs Petrovich wish to help me?

Mrs Petrovich — I am hoping to assist if I can. Would it make your ruling any easier, President, if I inserted the word 'government' identity fraud?

The PRESIDENT — Order! No, thank you all the same.

Ms Broad — On a further point of order, President, I submit to you for your consideration that if any member believes they are in possession of information about any breach of the law, be it the Crimes Act 1958 or any other act of this Parliament, then that member is absolutely obligated to bring that matter, particularly where it concerns another member or staff, to the attention of the presiding officers, in which case you would be aware of the matter, and to the attention of Victoria Police. If that has not been done, then I submit that it should be taken into consideration.

The PRESIDENT — Order! I think there is some validity in the point Ms Broad has made, and I thank her for that. From what I have gleaned in this debate, there is not an accusation against any individual. I am not to know whether other processes have been activated at this point. I would hope that if there were allegations against particularly a member or suchlike, a courtesy would be extended to the presiding officers. If somebody has done the wrong thing, I would encourage the following of proper process. I accept what Ms Broad is saying in that sense. The minister, to tread cautiously.

Hon. D. M. DAVIS (Minister for Health) — President, thank you for your ruling and your assistance as we have moved forward.

As has been gleaned from the debates and discussion today, the government is very concerned about identity fraud. That is a concern that is shared in the Parliament and across the community. It is something that would concern many in the community. Reference has been made to recent bills that have strengthened legislation and have made the Parliament's view about identity fraud very clear.

However, there is still an issue, and we know that more may need to be done. I understand the significance of this, and perhaps the government's focus on this matter has sharpened insofar as I have been a victim of identity fraud in the last week. This is a significant matter which sharpens the concerns that governments and the community have about these issues of identity fraud.

Honourable members interjecting.

Hon. D. M. DAVIS — I am making a general point, Mr Lenders. I am making the point that this experience sharpens the matter. On 3 May, budget day, somebody rang a legal firm — —

Ms Broad — You're not Robinson Crusoe.

Hon. D. M. DAVIS — No, I am not Robinson Crusoe, and I accept your point that this is an issue across the community.

Honourable members interjecting.

Hon. D. M. DAVIS — Let me be clear. On 3 May somebody rang a legal firm, Piper Alderman, impersonating me. A person who claimed to be David Davis rang Piper Alderman's accounts department.

Honourable members interjecting.

Hon. D. M. DAVIS — No, this is the information that was provided to me. People in this house might remember what happened on the 3rd: it was budget day, and we were very busy. I can tell members that it was not me who rang Piper Alderman's accounts department that day. It was someone else, somebody who claimed to be me and who asked for an outstanding balance and information — —

Mr Lenders — On a point of order, President, I have listened very — —

Hon. M. J. Guy interjected.

The PRESIDENT — Order! Minister Guy is not helping proceedings with his constant interjections, particularly given the nature of his more recent interjections.

Mr Lenders — President, I have listened very carefully to Mr Davis and also in particular to your earlier comments about issues of government administration. What we have here is not something that falls within the administrative arrangements of the Premier or those of the Minister for Health. It is something the details of which fall under the purview of the minister representing the portfolios of both the Attorney-General and the Minister for Police and Emergency Services. If the ruling is that ministers can go so far beyond administrative arrangements, it will

open up a whole new range of issues that can be asked about. I ask you to rule that Mr David Davis is not speaking on any of the portfolios he claims to be; he is absolutely in Mr Dalla-Riva's portfolio space.

Hon. D. M. DAVIS — On the point of order, President, this is clearly a matter of broad public interest, and it is also a matter on which the Premier would answer in the other place and on which I am prepared to answer in this place. I make the point, picking up precisely Ms Broad's interjection, that this is a broad community concern. I am elucidating that concern with an example involving me. It is perfectly in order for me to elucidate a general issue and the government's response to it through the example of which I am aware. Further on the point of order, President, this issue also relates to matters that were raised in this house and which I answered questions on yesterday.

The PRESIDENT — Order! I do not accept Mr Davis's contention. From Mr Davis's perspective this is a matter relevant to the matters raised yesterday, but from my perspective it is a different matter. It might have an association by way of somebody having done some research that was designed to inform yesterday's position, but from my perspective it is nonetheless a different matter in terms of the way in which it has been raised in this house.

I must say that the content of Mr Davis's answer, certainly its latter stages, bore the hallmarks of what ought to have been a personal explanation rather than an answer to a question. I accept that it is possible to allude to some personal experience as part of an answer, and I accept that in the first instance. Notwithstanding Mr Lenders's relevant point of order about whose jurisdiction this might be, Mr Davis has been making some comment on behalf of the whole of the government.

I hope that in this context we will now move towards the government's response to this dreadful issue of identity theft rather than to the minister's personal circumstances, which have certainly been informative to the house, but I do not want the minister to dwell on those.

Mrs Peulich — On a point of order, President, further to your ruling, I think we are all trying to get our minds around the rulings on difficult issues. It seems to me from the proceedings of question time yesterday, the opposition's strategy as well as the proceedings today — and I ask that you, President, take that on board when ruling — that intelligence derived through an illegal act may have been used to inform the question strategy of the opposition. In that instance would you, President, rule the exposition of such matters out of order?

The PRESIDENT — Order! That is inviting me to speculate on a matter on which I am not competent to speculate. Apart from anything else, as the Presiding Officer I have no idea whether material has been properly obtained or improperly obtained. Without having knowledge or specific evidence of that material and its relevance to the proceedings, I am not in a position to rule on that matter. There are other channels which ought to be exploited if information has been obtained improperly. If it were shown to the Presiding Officer that a member relied on information that had been dishonestly obtained or was grossly inaccurate or unfair or unrepresentative of a reasonable position in terms of an objective view of an issue, the Presiding Officer might well make a determination as to whether or not that information would be allowed to be relied on in this place. In this circumstance I do not believe I am in any position to make such an adjudication.

Hon. D. M. DAVIS — Thank you, President, for your guidance again. This is a significant matter. On the matter of identity fraud, as Ms Broad pointed out, I am not Robinson Crusoe in this situation; there are many others who have suffered from this type of fraud. It needs a strong response across government. To complete the example I gave to make sure the house understands precisely the broad point I am making, in this case the individual who claimed to be me when they rang the legal firm quoted my PIN number, sought information — —

Hon. M. P. Pakula — How would anyone know your PIN number?

Hon. D. M. DAVIS — That is the point exactly — how did they know the PIN number? It could be because somebody had an invoice. It could have been someone from the Leader of the Opposition's office. It could have been one of his staff. It could have even been him; I do not know. He needs to come clean and tell us whether it was he who accessed it or whether he sent his staff to do it. That is the point. Did Daniel Andrews or his staff use that invoice improperly in impersonating me? This is an identity fraud issue, and it is outrageous.

Mr Viney — On a point of order, President, the Leader of the Government is alleging by way of innuendo that people have acted improperly. This has been done without presenting any evidence to the house in response to a broad question about identity fraud that was not in any way specific to any particular member

of this Parliament. It is completely pushing the boundaries of the question asked as a method of sledging. That sledging has been continued by interjection from people like Mr Guy when alleging that people on this side may have committed certain offences. If we are going to have any order in this place, that should desist.

Hon. M. J. Guy — As opposed to what you said about Richard Dalla-Riva; you hypocrite!

The PRESIDENT — Order! In the first instance, I ask Mr Guy to withdraw the word 'hypocrite'.

Hon. M. J. Guy — I withdraw.

The PRESIDENT — Mr Viney's point of order is established to the point that in the latter remarks from the Leader of the Government a question was put to the house as to whether or not an illegal action had been committed. It was one of those rhetorical questions, but it became by its structure and the way it was put an accusation in this house. That accusation was that the Leader of the Opposition in another place or a member of his staff — and the implication was that the Leader of the Opposition would have had the carriage of or responsibility for any such action — may well have committed an illegal action. From my point of view that is not acceptable as a proposition to be put in an answer to a question, and any such accusation would fall into the grounds of needing a substantive motion.

Hon. D. M. Davis interjected.

The PRESIDENT — Order! We all know that interjections are disorderly and we are not supposed to respond to them, so that is not a great defence. I suggest that unless we can move on to what the government's response is to identity fraud, then it might be best to move to the next question.

Hon. D. M. DAVIS — I understand the sensitivity of these matters, and I respect your decisions, President, on them. This is a significant matter for the government. The government does not accept that using identity fraud is a satisfactory way for things to proceed. We think that standards need to be upheld by members of Parliament and community leaders. I would look to see that in this example there is some response from the Leader of the Opposition.

Minister for Health: code of conduct

Mr LENDERS (Southern Metropolitan) — My question is addressed to the Minister the Health. I note the minister's obligations under section 3(e) of the Members of Parliament (Register of Interests) Act and his answers to the house yesterday, in particular his answer to the last question about the high standard expected of ministers. I refer to an email received yesterday on behalf of the Premier from Sharon Kent of the Premier's private office. In the email there was a reference to a third party paying moneys due to the legal firm Piper Alderman. The spokesperson whom the Premier's media office referred to, Brian Mantach, said they were settled prior to this issue being raised in the Parliament today. I ask the minister when exactly were those moneys paid on his behalf, and were they paid in one instalment or in several instalments?

The PRESIDENT — Order! The question is in respect of the Members of Parliament (Register of Interests) Act, and that is an act of Parliament. That is a matter of government business. As a Presiding Officer I believe that if a member had, for the sake of argument, a debt or obligation that a third party met on their behalf, then that is a matter where there would need to be an understanding that there were no obligations associated with that settlement.

To the extent that it involves the register of interests, I might point out also that at this point in time new members who have joined this house have obviously been required to fill out a register of pecuniary interests form to establish what their existing interests are. Continuing members of this house would have already lodged documentation, and they are not technically required to update that register until 1 July. There is the opportunity for members to update the register progressively, and in fact members are encouraged to do so if there are significant changes in their circumstances. However, they are not required under the act to do so until they are provided with a form and an update is sought, which is effectively a retrospective analysis of their interests.

There is no problem here in terms of the register of interests not reflecting a circumstance which may or may not exist. I am not in a position to determine what the obligations of a member ought to be. I think the advice that all members have been given in regard to the pecuniary interest register is that if they are in doubt about something, they should include it to make sure that it is covered. That is relevant in terms of government business, because it is an act of Parliament and the question goes to that matter.

Mrs Peulich — On a point of order, President, I know that we have all been elected with the support of a political party. In my register of interests entry I am not sure whether — —

An honourable member interjected.

Mrs Peulich — No, I am just asking to be guided.

The PRESIDENT — Order! I need a point of order from Mrs Peulich, not a debate.

Mrs Peulich — I am asking for your ruling, President. In my register of interests entry I nominate that I am a member of the Liberal Party. This is a matter of precedence. I do not wish to pre-empt Mr Davis's response or the hypothetical nature of that, but does that nomination cover the mutually beneficial relationship that invariably exists between those who choose to be members of organisations such as political parties and those bodies and the mutuality that underpins such memberships?

The PRESIDENT — Order! My answer on this is simple.

An honourable member interjected.

The PRESIDENT — Order! I thank the member for their help. My answer is simple: it may or it may not, because it very much depends on the arrangement, it very much depends on the circumstance. It depends on any obligation that is associated with the matter, so it is impossible to rule that it does or does not without understanding a specific circumstance.

Hon. D. M. DAVIS (Minister for Health) — I have nothing further to add on this matter to what I said yesterday. I am sure that I comply with each and every requirement. I make the point that these questions from the opposition are outrageous. This is an opposition that appears to condone identity fraud, an opposition that appears to be running a dirt unit. This is the same Leader of the Opposition who when he was Leader of the Government had staff involved in running a dirt unit, staff involved in carrying on and — —

Honourable members interjecting.

Hon. D. M. DAVIS — I have got to say — —

Honourable members interjecting.

The PRESIDENT — Order! I am sorry I am spending so much time on my feet.

Mr Drum — So are we.

The PRESIDENT — Order! Thanks, Mr Drum. I have trouble with the allegation that the Leader of the Opposition was associated with a dirt unit. I do not know that he has ever accepted that previously but, irrespective of whether he has or has not, I will not. I take the view that if that is an allegation, then it needs to be made by way of substantive motion. I ask Mr Davis to withdraw the comments in respect of the Leader of the Opposition's association with a dirt unit on this occasion.

Hon. D. M. DAVIS — I withdraw.

I make the point that Chris Reilly worked for this individual, and I understand he is now doing more of this dirt stuff over in the office of the Leader of the Opposition. I have got to say that this is what goes on with Labor. Labor has got a lot to answer for here. It got thrown out because of this failure.

Supplementary question

Mr LENDERS (Southern Metropolitan) — My supplementary question to the Minister for Health is specific. Can the minister provide the house with an absolute assurance that his register of interests entry is correct and up to date and has at all times been correct and up to date?

Hon. D. M. DAVIS (Minister for Health) — I have complied with the act and will continue to do so.

Budget: employment

Mrs PEULICH (South Eastern Metropolitan) — My question without notice is directed to the Minister for Higher Education and Skills, who is also the Minister responsible for the Teaching Profession, the Honourable Peter Hall, and I ask: can the minister outline how, as outlined in Tuesday's budget, the Baillieu government is preparing people to take advantage of job opportunities in the south-east of Melbourne?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I thank Mrs Peulich for the opportunity to answer a question on what I think is a very important issue for her electorate and also mine. It concerns employment opportunities in the south-eastern area of Melbourne, and in the eastern region as well, I might add. I think we all know that the south-eastern region of Melbourne has one of the highest levels of construction activity and growth in the state. Indeed, the commonwealth Department of Education, Employment and Workplace Relations regards this area as a priority employment area.

Cardinia Shire Council, which is just outside Mrs Peulich's electorate but within mine, reports that in terms of population growth there are five families per day moving into that municipality. Obviously with that sort of population growth going on there is a great need for construction activity and skills in the construction

industry, and of course population growth also points to a need for increased retail and personal services.

It was therefore my great delight on Tuesday to announce as part of the budget a $22 million commitment by the government to provide Chisholm Institute of TAFE with a trades career centre to be constructed at Berwick. This will complement the existing technical education centre that Chisholm Institute of TAFE currently operates. Chisholm is one of the state's premier providers of vocational training in this state. It has major campuses at Dandenong, Frankston, Berwick and Cranbourne, and it also has operations along the Mornington Peninsula and Bass Coast as well. They provide enrolments for more than 43 000 students.

This new trades career centre will provide some excellent first-class training arrangements in the area for carpentry, plumbing and electrical wiring. There will also be an opportunity to extend the technical education centre there to include an expansion in bricklaying as another construction skill, providing certificate III apprenticeship training in that area. It will also provide training in hairdressing, beauty salons and spas, and again certificates III and IV and diploma-level training in those particular vocational areas.

This is a desperate need. This announcement has been welcomed by Chisholm and the local people. The centre will cost of the order of $26 million. Chisholm will put in $4 million and the state will put in $22 million. It is the people, particularly the young people, from the south-eastern metropolitan area and eastern Victoria who will get great benefits from this new facility.

Minister for Health: code of conduct

Mr LENDERS (Southern Metropolitan) — My question is to the Leader of the Government in his capacity as the minister representing the Premier. I refer again to the email circulated last evening from Sharon Kent on the Premier's email address in which a statement by Mr Mantach is quoted that said the Piper Alderman account, which named as a contact person the Premier's chief of staff, had been incorrectly addressed to the 500 Club and seemed to suggest that the account had been paid by the Liberal Party rather than the 500 Club. I ask the minister: as this account was to settle his legal bills, is it the case that the account should have been addressed to the Liberal Party? What role did the Premier's chief of staff have in settling the account, and why was his name on the invoice?

Hon. D. M. DAVIS (Minister for Health) — I do not believe that is a matter of government administration, but the Liberal Party is responsible for supporting its parliamentarians. It should come as no surprise that the Liberal Party would support one of its parliamentarians, as political parties across the spectrum support the legitimate activities of their parliamentarians. I know that the Labor Party, the Greens political party, the Liberal Party and The Nationals — all parties — work to support their MPs or the parliamentarians that represent them and the community in the Parliament.

Supplementary question

Mr LENDERS (Southern Metropolitan) — My supplementary question is, again, relevant because this was dealing with an account incurred by the minister. Is it the case that the account was paid entirely by the Liberal Party, or was some of it paid by the 500 Club?

Hon. D. M. DAVIS (Minister for Health) — The point here is that political parties support their MPs. They do that in a legitimate way. I have got to say that in this case the Liberal Party has supported me, and I am sure it will continue to do so.

Budget: early childhood services

Mr O'DONOHUE (Eastern Victoria) — My question is to the Minister for Housing, who is also the Minister for Children and Early Childhood Development. I ask: can the minister advise the house of the government's allocation of capital funding for the upcoming financial year and the impact of this allocation for the provision of early childhood development services throughout Victoria?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — I thank the member for his question and for his ongoing interest in early childhood infrastructure. He has often spoken to me about the need for early childhood infrastructure in his electorate.

I am proud to say that this week the Baillieu government has announced a $26 million capital funding grant round for early childhood infrastructure, the largest single investment in early childhood infrastructure in the history of this state. I am very proud of that investment, which is made up of the $15 million we promised at last year's election, plus additional funds from within the early childhood development budget and topped up with federal government funding through the national partnership

funding that is given to Victoria to spend in ways that support early childhood services.

I am even more excited about the $101 million that was dedicated for early childhood services in this week's budget. Some of that money goes to fund some really important programs that were due to sunset this year, where funding had not been provided going forward and where the Labor Party had not made commitments at the election to continue those programs — programs that were going to remain unfunded.

Some of those programs include important things like the kindergarten fee subsidy. During the 2006 election campaign it was a Liberal Party policy to increase that from about $300 to $730. The Labor Party picked up our election commitment but only funded that for four years. That funding was due to expire this year. Instead of the $872 fee subsidy that families will receive from the Baillieu government, they would have received $500 less under Labor. That would have been a real impost on Victorian families. We have picked up that program and funded it, providing a funding commitment of $41.5 million to continue that kindergarten fee subsidy.

Another program that lapsed under the former government was the increase in funding to cluster management. That would have dropped back in funding had we not picked up the bill for it. That was a further $14.2 million.

Honourable members interjecting.

Hon. D. M. Davis — On a point of order, President, I have just become aware that Mr Pakula made the point that Minister Lovell was impersonating a minister. In the circumstances where identity fraud has been committed that is an entirely insensitive statement, and he ought to withdraw that.

The PRESIDENT — Order! In some circumstances that remark might have been part of the theatre of the Parliament, but in the circumstances that prevail today I ask Mr Pakula to withdraw that remark.

Hon. M. P. Pakula — I withdraw.

Hon. W. A. LOVELL — Another program for which funding would not have continued under the former government was the important maternal and child health telephone line and its capacity to answer the more than 100 000 calls that it gets per year from mothers of young babies. We have picked up that $3.7 million and refunded the maternal and child health telephone line.

I am proud to say that we have committed $6 million in funding to assist rural and regional kindergartens with enrolments of 14 children or less, with operational grants of up to $20 000 to allow them to continue to be viable and to provide quality early childhood services throughout Victoria.

I am also proud of the $18.2 million that we put in to assist children with special needs in kindergartens; $10 million of that will go into kindergarten inclusion support funding to allow an additional 246 vulnerable children to access support services in kindergartens. These are children with disabilities who need this support and who were starved of these resources under the former government.

We also picked up funding that was to lapse on early childhood intervention services. These are vital services in this state, and I am proud that the Victorian government is investing in early childhood services in Victoria.

QUESTIONS ON NOTICE

Answers

Hon. M. P. PAKULA (Western Metropolitan) — In the last sitting week I raised a number of outstanding questions from 1 March: 108, 109, 112, 114, 115 and 116. At the time, the Leader of the Government gave me an undertaking that they were on the way, and I am still waiting for them.

Hon. D. M. DAVIS (Minister for Health) — As the member knows, we are endeavouring to comply with all the requirements for answering questions on notice, and we have actually done pretty well. Mr Barber and I had a discussion about it yesterday. We have not done perfectly, but I will follow those questions up again assiduously. I make the point that from 27 May 2007 to 31 August 2010 is the previous government's record in relation to questions on notice.

Sitting suspended 1.40 p.m. until 2.33 p.m.

COUNTRY FIRE AUTHORITY AMENDMENT (VOLUNTEER CHARTER) BILL 2011

Second reading

Debate resumed.

Ms BROAD (Northern Victoria) — In speaking to this bill before question time I was saying that the

volunteer base of the Country Fire Authority (CFA) must continue to be strengthened at the same time as we value our career firefighters. Any attempts by members in this place, wherever they may come from, to drive a wedge between volunteer firefighters and career firefighters and support staff in an attempt to play politics will diminish the contribution of all firefighters. Firefighters and members of Parliament especially should not be involved in doing that. It is my view that every endeavour should be made to value all contributions.

This bill refers to the obligations the CFA has in relation to its responsibilities to volunteer officers and members and makes amendments in relation to those responsibilities. Those responsibilities also go to the matter of resourcing firefighters, both career and volunteer firefighters. It is extremely disappointing that the Liberal-Nationals government has failed to match Labor's promise to build or rebuild 250 fire stations across Victoria. Recent announcements from the government have been about upgrading or rebuilding some 60 CFA and State Emergency Service stations. This means a whole range of fire stations that would have been upgraded under the former government's commitment to continue its very strong investment in facilities, equipment and support to firefighters will not be upgraded.

I draw attention to just a few of those, particularly those in my electorate of Northern Victoria Region, which has placed so many demands on both career and volunteer firefighters. They include fire stations like those at Dinner Plain, Glenrowan, Myrrhee, Berringama, Bethanga, Eskdale and Glen Alvie. It also means that fire stations at Buxton, Glenburn, Reedy Creek, Toolangi and Wandong, again in northern Victoria, will not be upgraded as they would have been under the policies of the former government. A view has been expressed that these stations may be upgraded at some future date by the new government; however, there is no funding in the forward estimates to indicate anything to back up that suggestion. This is indeed regrettable from the point of view of the fire stations I have named.

There are many more besides, and I would like to draw attention to one further fire station at Charlton. Many members will be aware that our firefighters do a good deal in addition to fighting fires. In the recent major flooding events across Victoria, especially in northern Victoria, volunteer members of the CFA as well as career firefighters were of enormous assistance in responding and assisting communities. Charlton is a community that was particularly hard hit in the region I represent, and it would have been of great assistance to the Charlton community to see that station on the list of fire stations to be upgraded, because it was on the list under the former government. It would have provided an enormous boost to morale, and I take this opportunity to urge the government to reconsider its priorities particularly in relation to that station.

On the matter of funding to support fire stations throughout Victoria, we also need to draw attention to the matter of the fire services levy. As members will be aware, this very important source of revenue for firefighting was to be replaced by the former government. It has been a decision of the new Baillieu-Ryan government not to proceed with that replacement, despite the former government going through what was not an easy process. The process involved a lot of consultation on a very challenging set of issues to which there are no easy answers, but they are the sorts of issues that governments are elected to face up to and to deal with.

Regrettably the new government has missed the deadline required by the insurance industry for the phasing out of the fire services levy by 1 July, and in the budget is an increase in the levy of some 16 per cent. That increase will add to cost of living pressures on a whole range of families and go nowhere in resolving the issues that most members of this place will be familiar with, particularly in country and regional Victoria but also in metropolitan areas because of the way in which the levy is raised. Volunteer firefighters have had an expectation that the former government and the Baillieu-Ryan government would move to replace the fire services levy. This is not happening, and it is important that the government move to address this issue.

At this point I put on record the very strong commitment by the former government to Victoria's firefighters to help keep fire-affected communities safe. This was backed up by more than tripling the combined annual budgets of our fire and emergency services agencies, and an increase of more than 250 per cent in the budget of the CFA alone in 2010–11.

Labor introduced changes to the CFA act to acknowledge Volunteer Fire Brigades Victoria as the organisation that represents both rural and urban volunteers following the coming together of the rural and urban volunteer organisations, and Labor introduced a grants program in 2000 to enable a huge increase in resources, including firefighting appliances, to local brigades in partnership with local communities.

Resources have been provided by the new government to the grants program, which allow for brigades in

partnership with a whole range of community, business, philanthropic and other organisations to raise funds and be able to put those funds together with grants program funds from the government in order to replace equipment that needs replacing or to purchase new equipment. Regrettably the brigades' capacity to do that has been affected by the diminution in funding being available through grants. That means that that kind of support will not be provided to brigades in future.

Labor has a proud record of huge improvements in the supply of personal protective equipment, including boots, and a huge expansion in nationally accredited training so that volunteers can come home safely to their families. It stands to reason when you have volunteer firefighters working alongside career firefighters that ensuring that volunteers have gone through accredited training so that they are able to work safely alongside career firefighters is absolutely vital. It is also vital that the Baillieu-Ryan government continue this support over its term. In addition to supporting this legislation Labor will continue to raise issues with the government in relation to providing more funding support to Victoria's firefighters and fire services.

I return to the matter of the community safety emergency services program. That program has been reduced to an amount of $200 000 per annum. Anyone who has had anything to do with the rollout of tankers, pumpers and other equipment to CFA brigades under the term of the former government would know that that amount of money will not go anywhere to supporting the fundraising efforts of brigades. In fact it is not enough for even the purchase of one tanker per year if that level of funding is maintained.

Those are the main issues I sought to raise in relation to the opposition's support for the bill. In commending the bill to the house I again want to record my thanks for the enormous contribution that is made by career and volunteer firefighters and staff across the state but especially those in Northern Victoria Region, the region I represent with other members of this place.

Mr DRUM (Northern Victoria) — I am delighted to rise to talk to the Country Fire Authority Amendment (Volunteer Charter) Bill 2011. I thank Ms Broad for her contribution, even though she got off the track a bit and missed a few facts towards the end. She indicated that the opposition will support the bill, which we welcome.

The Country Fire Authority is one of the most respected organisations in Victoria and Australia, with over 58 000 volunteers contributing to the protection of the health and wellbeing of other Victorians, generally at a time of crisis or emergency. As Ms Broad highlighted, the CFA is called on to assist not only in times of fire — bushfire, wildfire and some urban fires — but also in times of flood, when many strike teams, groups of over 20, are called in to assist communities. Although they do not need their fire trucks, they work en masse to assist with the clean-up and recovery of flood-affected areas, and they are very welcome. It just goes to show the full strength of the CFA and the types of work CFA members do to help other Victorians. In times of emergency, in the face of a threatening disaster, Victorians can rely on the CFA to help defend both life and material assets.

The volunteer charter was first signed in 2001, and the government is recommitting to it with this bill. It is a statement of commitment and principles that apply to the relationship between the government, the CFA and the CFA volunteers. The state government recommitted to the charter in February this year. The bill acknowledges the importance of the contribution of CFA volunteers by inserting the volunteer charter into the Country Fire Authority Act 1958. The charter requires that the government and CFA administrators consult with Volunteer Fire Brigades Victoria to ensure that the interests of volunteers are considered prior to making any decision that is reasonably expected to affect volunteers. The charter is very clear on this — that the individual and collective needs of volunteers must always be considered and protected if they are to deliver the CFA services in a safe and effective manner.

The charter also acknowledges the responsibility of the CFA to develop volunteers within the organisation — to develop their skills, nurture them and improve their capabilities so that they can best perform their duties. The volunteers will be given training opportunities so that they can continue to contribute to the CFA in the best way possible, whether that be as front-line firefighters, in policy development or in incident management. Volunteers must be given the opportunity to gain the appropriate skills so that these roles can be filled from the ranks of CFA volunteers, and I hope the charter will assist with that.

As I said earlier, there are more than 58 000 volunteers in the CFA across the state. That is 97.5 per cent of all those involved in the CFA, which shows what an amazing organisation it is. The CFA is completely committed to the prevention of and preparation for fires and to the response and recovery stages of emergency situations. It works to suppress fires that break out around Victoria and to minimise their impact. In 2009–10 the CFA brigades responded to nearly 35 000 incidents. If you were to put a commercial value on that, it would be nearly $1 billion a year. The CFA is a huge organisation that

does an extremely valuable job for all Victorians, whether it is saving lives or saving property.

The bill has the full support of the CFA volunteers, Volunteer Fire Brigades Victoria and the CFA itself. It delivers on yet another of this government's key election commitments. I hope everybody gets on board with the charter and the bill.

I refer to some of the points raised by Ms Broad in her contribution. She made an issue of the fact that we have only committed to 60 new stations this financial year. We will build those 60 stations this year, and we will build another 190 for a collective total of 250 stations in our first term of government. The funding will be made available to do so.

We differ from the Labor Party in that we will not determine whether those stations are built; CFA command will make those decisions. We will make the resources available to the CFA. The CFA command, in consultation with volunteers, will tell us where the stations are to be built. Gone are the days of Spring Street telling local communities what we will do for them; welcome to the era when we talk to communities and work in conjunction and consultation with them to find out what is best for all Victoria. The CFA command will advise this government as to the highest priority areas for new stations. We have 60 ready to roll out this year, and we have a further 190 ready to roll out over the course of this term. It is a bit of a change from Labor working out which marginal seat is the best place to cut a ribbon, but this government has a different modus operandi. We are very proud of the way we will address this issue.

In relation to the fire services levy, when the previous government realised it could no longer turn a blind eye to the issue of the fire services levy being collected by the insurance industry, it put in place an inquiry on the issue. This review could have been wound up in 3, 4, 5 or 6 months, but it took well over 12 months. In fact the former Labor government pushed the end date back beyond the election so it would not have to make a decision before it went to the people of Victoria. That is just a matter of fact. The former Treasurer, John Lenders, is on record as saying that he believed an insurance-based collection method for the fire services levy was probably the best the government had at that moment and that it would review it and if it could come up with something better, then so be it. Mr Lenders is on record as saying at the time of the review that a fire levy collected by the insurance sector was probably the best available solution at the time.

We disagreed in opposition, and we still disagree in government. We remain committed to implementing the royal commission's recommendations. One of those recommendations goes exactly to this point. We are still considering a number of issues around the design and timing of a new fire services levy. We will come up with a different model. We will take this issue away from the insurance companies. We are committed to a different model for capturing the money that we need so we can run our fire services in this state effectively, unlike the previous government which continued year after year to turn a blind eye.

The previous government kept loading this impost on insurance companies and the insurance sector even though it knew it was an inefficient way of collecting the money, even though it knew it was an impost and a disincentive to people to insure. This led to a situation highlighted after Black Saturday where a certain area experienced extreme damage and losses and an inordinate amount of houses affected were not insured or were severely underinsured. The royal commission highlighted the system and the model of collection of the fire services levy as a huge reason so many houses were underinsured or not insured at all.

This government will take the action it has said it will. The review is still under way. We will change this system. When we do that hopefully Labor members will acknowledge, as they have today, that what we are doing is in the best interests of Victoria and will get behind it. With that, I commend the bill to the house and wish it a speedy passage.

Mr TARLAMIS (South Eastern Metropolitan) — I rise to support the Country Fire Authority Amendment (Volunteer Charter) Bill 2011. I am sure it will come as no surprise that I am supporting this bill given that the volunteer charter was the creation of the Bracks government back in 2001. This support continued under the Brumby government.

The bill before the house will amend the Country Fire Authority Act 1958 to recognise the Country Fire Authority (CFA) as a volunteer-based organisation, recognise the volunteer charter, require the CFA to have regard to the volunteer charter and make other amendments in relation to the Country Fire Authority's responsibility to volunteers.

The bill enshrines in legislation an integrated approach to fire service delivery where volunteers and staff work together to achieve the best outcomes for our community. A clear obligation will be placed on the Country Fire Authority to undertake its decision

making in a manner which encourages, maintains and strengthens the capacity of volunteers.

It enshrines in legislation the volunteer charter that we on the Labor side have been committed to for over 10 years. The charter was first introduced by the Bracks Labor government in partnership with the then volunteer associations. The first volunteer charter was signed in 2001. It was re-signed in 2008 and again this year, this time by the coalition government.

The CFA is an integrated firefighting service that is envied across Australia and around the world. Living as we do in a fire-prone state we are fortunate to have volunteer fire services whose members manage to attend to their daily routines such as work, education and family and also attend events in the outer suburbs of Melbourne, in regional towns, across my South Eastern Metropolitan Region electorate and the many small rural communities across Victoria.

The CFA volunteers are assisted by dedicated support staff and career firefighters who are crucial to volunteer emergency work. The volunteers would not be able to do what they do 24 hours a day, 7 days a week, 365 days a year, without the valuable support of their colleagues, the career firefighters, as well as the other staff who provide support and training to CFA volunteers.

Members of this house understand the importance of the Country Fire Authority. Indeed every member of the Victorian community became more aware of the importance of the CFA after the devastating Black Saturday fires and the assistance it provided during the recent floods. It was probably not well known before that event, particularly in some of the outer suburban areas in electorates such as mine, but the Country Fire Authority is the principal firefighting force across large swathes of Victoria and in a number of metropolitan suburbs.

Country Fire Authority district 8 is the responsible firefighting force for the majority of suburbs in South Eastern Metropolitan Region such as Noble Park, Springvale, Dandenong, Keysborough, Dingley Village, Edithvale and Aspendale and outer metropolitan suburbs such as Cranbourne, Narre Warren South, Seaford, Chelsea, Carrum and Frankston.

In the suburb of Bangholme, also in my electorate, the Country Fire Authority last year opened its world-class training facility, the primary role of which is to facilitate the training of Country Fire Authority career and volunteer firefighters together with other emergency service professionals. During the previous decade and up to the current financial year the Country Fire Authority's budget increased by 251 per cent to $399 million in 2010–11.

It is worth remembering that until 1998 the CFA volunteers had to purchase their own boots. It took a Labor government to ensure that the CFA had adequate funding and to deliver enormous improvements in personal protective equipment and CFA appliance fleets — the tankers and pumpers that volunteers and career firefighters use. There have been enormous improvements in firefighter safety and crew safety.

Victoria's emergency services volunteers display dedication and an unwavering commitment during critical times. I would like to take this opportunity to thank career firefighters, volunteers and CFA staff on behalf of a grateful community for their commitment, selflessness, professionalism, bravery and tenacity.

The CFA provides a vital service to the community and deserves the best facilities that money can buy. That is why, following consultation with the CFA and with regard to operational needs, Labor committed to upgrade or build 250 CFA stations. In contrast, the Baillieu-Ryan government has only promised to upgrade or build 60 stations and State Emergency Service units statewide. This means that hundreds of CFA stations will not receive the upgrades and improvements they need. Recently the government announced some additional funding for stations and equipment. However, it has not provided any money in the forward estimates for this.

I call on the government to show the same level of commitment to the CFA that the previous Labor government demonstrated. I can only hope that any promises made recently are kept and are not added to the list of backflips and broken promises that this government is fast accumulating.

Mr RAMSAY (Western Victoria) — It gives me great pleasure to rise to support the Country Fire Authority Amendment (Volunteer Charter) Bill 2011. I could speak for hours about the good work the Country Fire Authority does, particularly in rural and regional areas, but out of respect for the Government Whip and members in the chamber I am going to be brief. However, I would like to say that I am a very proud and long-serving CFA volunteer with the Birregurra rural fire brigade, although time restrictions have limited my involvement over the last few years. I also have a fully maintained private fire truck on my family property which has been used on many occasions in responding to fires in my region.

I have also been active as a crew member with the rural fire brigade and been involved in fire fronts, vehicle accidents, training, burn-offs and the ever-important fundraising activities that rural fire brigades need to undertake to pay for the necessary equipment to provide protection for assets. I have been active in different roles in responding to many of the major fires across Victoria and more recently to the floods, as has been mentioned. In both instances the structure and community ownership by the volunteers was vital to the response to these crises.

I say all of this on the basis that I understand personally the willing sacrifice volunteers make in order to play an important role in the community and be part of an organisation that is world recognised and one of the biggest and most respected volunteer organisations in the world. It is a brand, I suggest, that has global integrity.

The local CFA branch is an important component of the local community and relies on the goodwill of not only the volunteers but also the employers who allow their staff to take time out to protect community assets as CFA volunteers. I remember Ash Wednesday well, as I spent my honeymoon in a firefighting truck fighting a fire in Deans Marsh, which had its own challenges, far beyond the capabilities of the volunteer charter.

The tragic Linton fires changed the way the CFA trains and treats its volunteers. The introduction of minimum skills requirements and the way they are delivered demonstrates the value of a charter that requires the government and CFA to consult with its volunteers on all matters that affect them. The tragic loss of life at Linton was brought home to me when I attended the CFA memorial service at Fiskville last Sunday for 66 volunteers who died in the service of the CFA and our state. It was an important reminder of the danger of being a CFA volunteer.

Victoria receives over $1 billion of valued service each year from the CFA and its volunteers, and it is pleasing to see in this budget an increase in funding to the CFA by the coalition government, together with a strong commitment and genuine support. I would also like to take this opportunity to acknowledge the important contribution the support staff make to the success of the CFA and its brand.

The importance of this bill is that for the first time the charter will be recognised under the Country Fire Authority Act 1958. The commitment and the principles that apply to the relationship between the government of Victoria and CFA volunteers, represented by Volunteer Fire Brigades Victoria, which requires consultation prior to any decision being made that might reasonably be expected to affect them, provides the inclusiveness and ownership that was missing in prior arrangements.

I commend the coalition government's commitment to the charter, whereas Labor only paid it lip-service and volunteers across the state were rightly fed up with the failure of the Brumby government to consult them. The Brumby government's total disregard for the concerns raised by Volunteer Fire Brigades Victoria about the ramifications of an enterprise bargaining agreement for volunteers beggars belief.

I congratulate the Baillieu government on having the courage to reform the fire services levy, implement the recommendations of the bushfires royal commission and provide independent oversight of their implementation, and implement a charter that protects the integrity and safety of CFA volunteers. I commend the bill to the house.

Mr EIDEH (Western Metropolitan) — The bill before us is largely ceremonial since there is almost nothing different in this bill to what former Labor governments produced in years past. When Labor first came to power under Premier Bracks the Country Fire Authority (CFA) was a largely underfunded and unsupported body of volunteers struggling to perform the great work they did on behalf of the people of Victoria time after time.

The two Labor governments of the previous decade paid greater attention to the CFA and to other emergency services than had ever been the case in previous years. The reason is simple: we regard them as heroes, and we respect and honour our heroes. We support, equip and empower them as relevant and necessary.

When those disastrous bushfires struck our state and caused so much destruction, so many deaths and so much pain it was the brave men and women of the CFA who were first on the scene. While other emergency services were also critical to the response, with respect to them the volunteers in bodies such as the State Emergency Service and CFA were outstanding. Had it not been for them, the toll of death and destruction would have been far more serious and deadly. These brave heroes gave up their holidays and stayed in difficult conditions for weeks on end until the danger had passed.

Once the recovery effort had well and truly begun, the CFA, alongside other emergency services, again worked tirelessly with communities ravaged by the

fires. Some volunteers even lost their own homes and possessions whilst they were out saving those belonging to others. This is a clear example of their great sense of community above self. But we should never assume that because they are volunteers, they are amateurs. CFA volunteers are all highly trained, well skilled and well prepared, as are SES volunteers, police, ambulance and fire brigade personnel. Whilst each and every volunteer deserves a medal for their outstanding work during this difficult time, the CFA deserves far more our ongoing support and commitment to funding to ensure its members can continue to undertake the key duties for which they so bravely volunteer.

This bill will amend the Country Fire Authority Act 1958 to recognise the CFA as a volunteer-based organisation. The bill recognises the volunteer charter that Labor committed to twice. Almost 60 000 people across our state belong to the CFA. They are ready and able to attack any disaster with a level of professionalism that has rightly earnt them the respect of all members of this house. But that respect must be matched with government funds and support. The most senseless thing that could be done would be to cut its funding, to reduce CFA units or to delay commitment because there is no visible danger. To paraphrase the Chinese philosopher Sun Tsu, in times of tranquillity train and prepare for possible disaster, and in times of disaster do what is necessary to return to tranquillity.

The opposition will scrutinise how the new Liberal government shows its commitment to the amazing men and women who are the CFA, and if that commitment is less than it should be, then we will let our voice be heard amongst the millions who will display their anger.

Ms HARTLAND (Western Metropolitan) — Listening to all the other contributions has been pleasing, because I think we are all on the same page in terms of the amazing work that Country Fire Authority (CFA) volunteers do. Volunteers in general make an enormous and invaluable contribution to our society and to our environment. Every day across Victoria there are volunteers at soup kitchens feeding those who are hungry, on the end of a telephone line at Lifeline, at women's shelters supporting victims of family violence, out in creeks planting native vegetation and removing weeds, rescuing and rehabilitating wildlife, teaching English to refugee children, and the list goes on. When government recognises volunteers it enables the community to also acknowledge the incredible work they do.

The Country Fire Authority and the State Emergency Service (SES) undertake the outstanding work of ensuring community safety and the protection of property throughout Victoria. These organisations integrate volunteers, career firefighters, officers and paid staff to deliver this critical service to the community. I commend the extraordinary response work done by all volunteers and staff with the CFA in Victoria's recent disasters, including Black Saturday and the January floods.

I have mentioned the SES and I think it would be appropriate if the government were to look at a similar volunteer charter for it, considering the amazing work it does in times of disaster.

In the community and here in Parliament we must support the CFA to undertake its critical role. We must endeavour to foster strong working relationships with volunteer and career firefighters as, when out in the field, a strong and trusting team is integral to their performance and personal safety in the face of danger and emergencies. That is a partnership that we should absolutely be fostering.

I am concerned that an unintended consequence of this bill is to emphasise the difference between volunteers and staff and divide the CFA, and I think that would be detrimental to the team spirit that is required in an emergency situation. It is for those reasons that I would like to see this legislation referred to the Standing Committee on Legal and Social Issues for inquiry. My reasons are straightforward and simple. There are some unintended consequences which need short, sharp investigation. I do not want to see this legislation delayed greatly, but I think if we get all of the concerned parties in on this and there is a discussion, we can sort out these points and the bill can then be brought back to Parliament as quickly as possible. I, along with everybody else, understand how important this charter is, but we want to get it absolutely right. We want to make sure that what we are asking for is absolutely right and gives the volunteers all the recognition they deserve.

Mrs PETROVICH (Northern Victoria) — I rise to speak in support of the Country Fire Authority Amendment (Volunteer Charter) Bill 2011. It is a piece of legislation which I feel quite committed to for a whole range of reasons. My family's background has been with the Country Fire Authority (CFA). My father, my grandfather, my great-grandfather, my mother, my grandmother, my sister and my brother have been or are members of the Golden Square Fire Brigade. I understand what it is to have pride in volunteerism, and how important that is to those who give up their time so freely for the benefit of the community of which they are a part.

The 2009 Victorian Bushfires Royal Commission report highlights the shortcomings and some of the organisational structures and reporting that greatly impacted on CFA members and those responsible on Black Saturday. It also serves to highlight that when a difficult day arrives, such as it did on 7 February 2009, that structure and support for those who give their time so generously and put their lives on the line for their community should be acknowledged, and now it is.

The purpose of the bill is to recognise the authority as a volunteer-based organisation; to recognise the volunteer charter as agreed by the government and Volunteer Fire Brigades Victoria on 27 February when this government reaffirmed its commitment to volunteers; and to require the authority to have regard to the volunteer charter and other amendments in relation to the authority's responsibility to volunteer officers and members.

On behalf of the coalition government and Victorians, I would like to convey our sincere appreciation for the ongoing work of volunteers in the Country Fire Authority and for their role in the prevention and suppression of fires in outer suburban and country areas of Victoria. This has been vitally important; 3 million hectares have been burnt in the last four fire seasons. I also acknowledge the CFA as one of the world's largest volunteer-based emergency and community services organisations, with volunteers making up 97.5 per cent of its over 58 000 members.

As an opposition member during the previous government's term I participated in the Environment and Natural Resources Committee's inquiries and sat through hundreds of hours of hearings into public land management and heard evidence about inadequate public land management by the former government. We clearly heard from CFA members that there was inadequate communication between agencies.

I am a former shadow parliamentary secretary for bushfire response and a representative of Northern Victoria Region, which suffered terribly during previous fire seasons; it was probably most impacted by Black Saturday. Visiting those communities directly affected by the terrible fires of 2003, 2006 and 2009 and my relationship with them since has demonstrated to me the need for this bill.

There are ongoing issues for those who fought big fires such as those on Black Saturday and during Ash Wednesday, and I think it needs to be acknowledged that CFA members are part of the community and are not paid. I know it sounds like I am stating the obvious, but there is a lack of understanding that these people give up their time voluntarily. That includes their training and their fundraising for other activities. It is not just during the fire season; they miss work, and they have to have a lot of understanding from their employers, and that is something for which those employers should be commended.

As a proud Victorian I acknowledge the professionalism, bravery, commitment, selflessness and tenacity of the volunteers. I am pleased to say that I count several CFA members among my family and friends, and for that I am proud. All I can say to them is thank you. This bill is designed to enshrine and encapsulate the work they do and the time they provide so generously.

The Country Fire Authority Amendment (Volunteer Charter) Bill 2011 requires that there be consultation prior to the making of decisions on any matters that might reasonably be expected to affect volunteers, and it provides the framework for a three-way relationship between the Victorian government, the CFA and Volunteer Fire Brigades Victoria acting on behalf of CFA volunteers. It is very important that we do that consultation as we should never take our volunteers for granted; they need to have a voice in this. I congratulate those in government, the CFA and VFBV who have worked together on this provision as it is at the very core of the charter, and the mutual respect and goodwill provided throughout the process is paramount to its success.

I am pleased that our government is today recognising the longstanding need for this charter. Its application will serve to strengthen the CFA's service provision to the Victorian community. The interests and needs of volunteers must always be considered and protected in order for them to deliver CFA services effectively. In opposition I stood up in this place many times and beseeched the previous Minister for Police and Emergency Services to properly acknowledge what these people require in order to do their jobs.

The bill recognises CFA volunteers as core partners of CFA paid staff. This is very important because in many cases CFA volunteers have felt like the poor relations. It recognises that CFA volunteers serve at all levels of the CFA. Policy and organisational arrangements must ensure that the capacity of volunteers is encouraged, strengthened and maintained so that they continue to deliver at all levels and are provided with access to opportunities for training, which all volunteers participate in on their own time and sometimes at their own cost.

The charter also recognises the importance of the CFA providing administrative, operational and infrastructure support to enable volunteers to perform their roles safely with available resources. I am very proud to stand here today and say that the Baillieu government is enshrining this in legislation, that we are cognisant of volunteers' requirements and that at last the CFA will be given the recognition it so well deserves. We should never overlook the fact that these volunteers must be supported with training and must have equipment that keeps them safe on the days they leave their families and homes to protect ours. What a great privilege it is for us to have the services of those people who give their time so freely! On that basis I commend the bill to members.

Motion agreed to.

Read second time.

Referral to committee

Ms HARTLAND (Western Metropolitan) — I move:

> That the Country Fire Authority Amendment (Volunteer Charter) Bill 2011 be referred to the Standing Committee on Legal and Social Issues Legislation Committee for inquiry, consideration and report.

My reason for moving this motion has been encapsulated by all the contributions we have had on this bill today showing how important the CFA (Country Fire Authority) volunteers are and how important it is to get this bill absolutely right. My plan would be for a short inquiry that would enable us to bring the bill back as soon as possible. I have not put a date in this motion, because I think we should come to an agreement about the date.

I would like to see this inquiry happen very quickly so that the bill could come back by the last sitting week in June. We could all then understand fully what the consequences of the bill would be, including how it would affect volunteers and how it would affect career officers, in order to get it absolutely right.
Mrs Petrovich has summed up the importance of CFA volunteers, and for me this motion is about the importance of getting this bill exactly right.

Hon. M. P. PAKULA (Western Metropolitan) — As I have indicated on numerous occasions in this session, the opposition's default position will be to support motions referring bills to the upper house legislation committees. I will say for the benefit of Ms Hartland, as I said for the benefit of Ms Pennicuik, we would prefer that these motions have report-back dates in them. I indicated that yesterday; perhaps we will have a different kind of motion in the next sitting week. I understand that in her contribution Ms Hartland put forward a reason for not including a date in her motion.

We believe the purpose of the legislation committees that have been created by this chamber is to examine bills in the way that is being proposed by Ms Hartland in relation to this bill. We think there is no problem with this bill and numerous other bills being exposed to further examination and scrutiny, notwithstanding the Hall doctrine put forward yesterday about when the government will support motions such as this one. The opposition will be supporting the motion.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The government understands that Ms Hartland has made a reasonable point. However, an election commitment was made in relation to this. The announcement by Peter Ryan, then and now Leader of The Nationals and now Deputy Premier, in a press release entitled 'Coalition announces $136 million CFA volunteers funding package', says:

> Support includes:
>
> > unprecedented legislation to enshrine the terms of the CFA volunteer charter and protect the rights of volunteers.

That press release explains the reasons behind it and was put out prior to the election. It was debated fully and wholesomely during that period. Whilst I understand the arguments put by Ms Hartland, the reality is that this was an election commitment. We will be supporting the Country Fire Authority volunteer charter by enshrining it in legislation, as we committed to during the election campaign.

Ms HARTLAND (Western Metropolitan) — I take up Mr Dalla-Riva's point that this was an election promise. I do not think that should stop legislation being scrutinised and going to a committee for further inquiry — just on the basis that it was an election promise. To be able to get legislation absolutely right — and this is such an important piece of legislation — we should take this opportunity to take it one step further and to make sure that it is the best piece of legislation we can give volunteers.

House divided on motion:

Ayes, 18

Barber, Mr (*Teller*)	Pakula, Mr
Broad, Ms	Pennicuik, Ms
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Scheffer, Mr

Hartland, Ms	Somyurek, Mr
Jennings, Mr	Tarlamis, Mr
Leane, Mr	Tee, Mr (*Teller*)
Lenders, Mr	Tierney, Ms
Mikakos, Ms	Viney, Mr

Noes, 20

Atkinson, Mr	Hall, Mr (*Teller*)
Coote, Mrs	Koch, Mr
Crozier, Ms	Kronberg, Mrs
Dalla-Riva, Mr	Lovell, Ms
Davis, Mr D.	O'Brien, Mr
Davis, Mr P.	O'Donohue, Mr
Drum, Mr	Petrovich, Mrs
Elsbury, Mr (*Teller*)	Peulich, Mrs
Finn, Mr	Ramsay, Mr
Guy, Mr	Rich-Phillips, Mr

Pair

Darveniza, Ms	Ondarchie, Mr

Motion negatived.

Third reading

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — By leave, I move:

That the bill be now read a third time.

Motion agreed to.

Read third time.

Sitting suspended 3.36 p.m. until 3.44 p.m.

LIQUOR CONTROL REFORM AMENDMENT BILL 2011

Second reading

Debate resumed from 3 May; motion of Hon. M. J. GUY (Minister for Planning).

Hon. M. P. PAKULA (Western Metropolitan) — I am glad to have the opportunity to speak on the Liquor Control Reform Amendment Bill 2011 and to indicate that the opposition will not be opposing the bill, although we do have some concerns with some aspects of it. I will do my best to elucidate those later in my contribution.

The opposition recognises that alcohol consumption is a very large social issue facing young people. We recognise that alcohol consumption is not healthy for the developing body, as many of us would know from bitter experience. I am sure there are some in the chamber who might have had a tipple before the age of 18. Mr Guy?

Mr Finn — An outrageous suggestion!

Hon. M. P. PAKULA — I know. I am asking, Mr Finn. I will concede that even I might have let it pass my lips before I was 18, but it is not healthy for developing bodies. Adults have to play a very important role in educating young people about the harm associated with excessive alcohol consumption. We are certainly committed to ensuring that alcohol is consumed responsibly, especially amongst young people. I think most of us would accept that consumed responsibly alcohol is a normal and indeed enjoyable part of adult life, but abuse of alcohol is another thing entirely. It can ruin lives, damage communities and disrupt families very badly, so it is important that young people are taught and learn about the appropriate consumption of alcohol while those patterns in their life are emerging and that they learn what it takes to be an adult who is responsible with liquor.

We are, I think it is fair to say, seeing a significant increase in levels of alcohol abuse, where people are drinking to the point of being very drunk. That particularly seems to be the case amongst people aged around 14 to 30 — —

Mr Barber interjected.

Hon. M. P. PAKULA — To take up Mr Barber's interjection, I think Weddings Parties Anything fans are more likely to be in my and his age demographic than those of the 14 to 30-year-olds.

They are drinking to the point of being paralytic, and not just paralytic but punchy and paralytic. This is a problem that governments around the country and the world are finding quite hard to contend with. We have to educate young people about drinking alcohol responsibly, not just for their sake but for the sake of the whole community. It is reasonable to point out that, in my opinion at least, there has sometimes been a pretty immature attitude towards alcohol in our community and a glorification not just of alcohol generally but of particular alcohol brands. It is almost a badge of honour to get as drunk and as stupid as you can not just in Victoria but in Australia more generally. I know that is not the case for the majority of people, but it is something that I have noted, and I am sure other members have noted it from time to time.

I am sure all of us would agree that the level of alcohol-related harm in the community is not acceptable and that we have to act to change the culture of alcohol consumption to keep the community safe and to keep young people healthy. At the moment the Liquor Control Reform Act 1998 does not regulate how

people provide alcohol to family members and friends in their own homes. There is no specific ban in this state on providing alcohol to minors inside a private home even if the minor is not the child of the supplier of the alcohol.

The purpose of this bill is to amend the act to impose further restrictions on the supply of liquor to minors. These are the secondary supply laws which this bill will bring into force once it is enacted. Under these secondary supply laws an adult must not supply alcohol to a young person on private premises unless the adult is a parent or guardian of that young person or has the specific permission of their parent or guardian. I could go into greater detail about the changes to the act but in effect that is what the act does. I am grateful to Ms D'Ambrosio, the member for Mill Park in the Assembly, who made a significant and substantial contribution to the debate on this bill in the other place. She went through the bill in some detail, as did the minister at the table, the Minister for Planning, in his second-reading speech.

It is worth noting that New South Wales, Queensland and Tasmania already have forms of secondary supply legislation. The Queensland legislation goes a bit further than this bill because it introduces a second offence of irresponsible supply, and that occurs when an adult who otherwise legally supplies a minor with alcohol does so in a manner which is not responsible. This bill does not do that, but I note that point.

The government has said that this legislation is going to be accompanied by a substantial information and education campaign. The opposition believes that that is a good thing. It is important that members of the community, particularly parents and young people, are aware of their responsibilities, and when you are talking about young people or minors accessing alcohol it is still the case that the main avenue by which they access alcohol is through adults, whether they be family members or friends who are over the age of 18. Generally when a young person gets alcohol it is because someone over the age of 18, very often someone in their family, has given it to them or has bought it for them.

We believe that generally parents will welcome these new laws. We think this will provide them with another opportunity to say no to a request from a child to consume alcohol, particularly if they refuse consent for them to consume alcohol somewhere else. Parents will be given a legal basis for and more ability to refuse the request of a child or a minor to have their friends come round to drink alcohol.

I said at the outset that we have some concerns. They are general in their nature but worthy of some exposition in the chamber. Good legislation is legislation that is capable of enforcement; that is one of the tenets of good legislation. The opposition would appreciate a government speaker on this bill providing some indication of how the government would see the enforcement of this bill occurring. It does appear to us to be a piece of legislation that will be exceedingly difficult to enforce. Just to flesh out that concern a bit, it is currently not an offence for children to drink alcohol in a private residence, and nothing in this bill will make it so.

The offence that will be created by the bill will be for an adult to supply a minor in a residence without the consent of a parent or guardian et cetera. It occurs to me that if, for instance, a minor were to remove alcohol from their parents' house, it would not be an offence under this bill because the parent would not have supplied the alcohol. Again, it would be useful for a government speaker to confirm that rather than us having to take the bill to a committee stage. It does appear to us that if a minor removes alcohol from the house of the parent without the parent supplying it, that is not an offence under this bill. It also appears to us that if a minor arrives at somebody else's residence with alcohol in tow, that is again not an offence under this bill. That would appear to us to be the case. As we understand it, the adult at the residence in those circumstances would not need to seek the permission of that child's parents for that child to consume the alcohol, because that adult has not been the one to supply it.

Just to put that in a nutshell, if you are at home with your kids and one of your kids' friends turns up with a sixpack, as the parent in those circumstances you do not need to receive permission from that child's parent for that child to consume that alcohol, because you have not supplied it. That appears to us to be the import of the bill, but it would be good to have that confirmed on the record.

This potentially creates a situation where a minor in a household — for example, a 17-year-old — throws a party at home, 50 of his friends turn up and they have all got grog, and we do not believe this bill has anything to say about that. Even if everyone at the party is a minor, provided all of those minors have brought their own alcohol around there is no obligation on the parent at the home to regulate that or seek the approval of the parents of those children.

Obviously, going back to my initial point about enforceability, if the police were to arrive at that party, I

wonder how they would know whether the alcohol that it is being consumed by the minors in the residence was alcohol that they had brought themselves or alcohol that had been given to them by the parent who owned that house. I have got to say that it appears to the opposition that it would be almost impossible for any law enforcement officer to establish in any way whether that alcohol was supplied by the adult at the home or whether it was brought around by the young people, unless of course the young people were to accuse the adult at the house of having provided them with the alcohol.

We do not believe this bill addresses the concern that many parents have about children obtaining alcohol by their own means and turning up at a party under-age and consuming that alcohol. We think as a consequence of that that this piece of legislation does run into some significant enforcement problems, but having said all that, we believe this is a step in the right direction. As the opposition we will be interested and keen to hear from government speakers about some of the concerns I have raised in my contribution to the second-reading debate to either confirm some of our suspicions or indeed to rebut them, but the opposition will not be opposing the bill, and we wish it a speedy passage.

Ms HARTLAND (Western Metropolitan) — The questions Mr Pakula has raised are similar to the questions we have, and I have some additional questions.

As Carol Bennett, the former executive officer of the Victorian Alcohol and Drug Association has stated:

> Most drug problems in our community are caused by the drugs we all accept and embrace, not the illicit drugs that are so often the focus of media and community concern.

Alcohol is a perfect example of a legal drug that is commonly used and causes great harm and great cost to our community. Australians' consumption of alcohol is high by world standards. One in five Australians drink at high-risk levels. Alcohol is the second largest cause of drug-related deaths and hospitalisations in Australia, only after tobacco. One in four hospitalisations of people aged between 15 and 24 happen because of alcohol. In an average week four Australians under 25 die due to alcohol-related injuries.

Only a matter of months ago the Auditor-General released a report entitled *Managing Drug and Alcohol Prevention and Treatment Services*. It outlined the immense scale of the harmful alcohol and drug problem in this state. It is a major social issue with an estimated annual cost to the community of $14 billion. In the year 2010–11 only 19 per cent of the $135.7 million for alcohol and other drug programs went to prevention activities, being typically one-off projects such as media campaigns. The Auditor-General's report clearly states, 'A real commitment to implement long overdue reforms is required'. The no. 1 recommendation in the Auditor-General's report is to create 'a whole-of-government alcohol and other drug prevention strategy'.

This bill will contribute to a much-needed statewide prevention strategy. It will deliver prevention measures and target a very important group. It seeks to strengthen regulation on private property and in private residences and prohibits the supply of alcohol to a minor without the prior approval of a parent or responsible adult guardian. We are pleased to see that it does not, however, intrude upon parents or guardians who choose to educate their children in responsible drinking through supervised and extremely limited consumption within the family environment. Recent research published in *Australian and New Zealand Journal of Public Health* found that when adolescents obtained alcohol from sources other than their parents they were twice as likely to indulge in risky drinking and display alcohol-related problem behaviour. In contrast, parental supply is associated with moderate drinking and less drinking-related problems.

The Australian Drug Foundation has demonstrated that drinking alcohol at a young age may increase the likelihood of negative physical and mental health conditions, social problems and alcohol dependence. Regular drinking in adolescents increases the risk of developing dependent or risky patterns of use. Furthermore, drinking contributes to three leading causes of death amongst adolescents: unintentional injuries, homicide and suicide. Drinking contributes to risk-taking behaviour, unsafe sex choices and the incidence of sexual assault. A great concern to me is that the alcohol problem among young people is getting worse. For example, a study of young people's attendance at hospital emergency rooms over the past decade suggests more adolescents are engaging in higher levels of harmful drinking. What a great contribution this bill would be to a statewide prevention strategy, one that addresses the problem as a whole, as recommended by the Auditor-General.

An important part of the problem is the modelling behaviour of adults. Harmful alcohol use behaviour is observed by children and young people. As I have said many times, I believe the Parliament should be an alcohol-free workplace. If we are going to set an example to young people, we should not have alcohol in this workplace, yet we have a bar in the dining room.

Does that send a good message to young people? I do not think so.

We cannot address the whole problem without also targeting the demographic. We can go to great lengths to prevent under-age drinking, but while the adults around young people are themselves displaying harmful alcohol use, our good work will be counteracted.

Furthermore, research shows that young people are regularly exposed to alcohol advertising. The Victorian Alcohol and Drug Association, which does fantastic work, says there is growing evidence that for young people, the cumulative influence of alcohol marketing instils a pro-drinking attitude and plays a significant role in their decision to drink as well as how they drink and what they drink. This is compounded by rapidly evolving and prolific use of emerging media and technology as avenues for promotion.

The Victorian Alcohol and Drug Association says that the current regulatory system fails to effectively restrict exposure and minimise or eliminate the appeal of the advertising content. Bans on alcohol advertising have been shown to be both effective and a cost-effective public policy measure to reduce alcohol consumption. The Greens believe that limiting alcohol advertising exposure would make a great contribution to a comprehensive prevention strategy.

I have a number of questions, and I will echo the questions that Mr Pakula asked before as well. What evaluation and monitoring will be undertaken to identify the effectiveness of this legislation? Can the minister provide further information on the public education campaign that is to accompany the bill and how this will be the most effective use of taxpayers money to reduce alcohol-related harm? Considering the role of model behaviour by adults in contributing to this problem, what work will be undertaken to address harmful alcohol use in adults? Considering the role of alcohol marketing in contributing to this problem, what work will be undertaken to restrict the exposure of alcohol marketing on young people? Information from the government speaker will be greatly appreciated, or it may need to be discussed in committee.

We support the Australian Drug Foundation's view that the enforcement of the legislation is likely to reduce drinking amongst youths and the incidence of subsequent alcohol problems and harm. However, we would like to see it form part of a statewide prevention strategy as recommended by the Auditor-General, a strategy which tackles the problem at the scale needed to make a meaningful difference to the worsening drug and alcohol problems in Victoria.

We note that a great deal more needs to be done with young people — and with adults — on the issue of alcohol in our community. As Australians we absolutely need to move away from the concept that getting blind drunk on a Saturday night is a perfectly acceptable way to live. While we note that more needs to be done, we certainly welcome this bill as a good beginning.

Mr ELSBURY (Western Metropolitan) — I am pleased to speak on the Liquor Control Reform Amendment Bill 2011, as this legislation will further strengthen the ability of parents and guardians in determining the manner in which their children are exposed to alcohol. While a quiet drink is something I enjoy and many others across the state partake in as part of celebrations all year round, I believe it is paramount to the education of young people in how to deal with alcohol that parental control is maintained. A result of this bill is to further strengthen their control.

I was raised in a household where alcohol was an infrequent part of our lives. Dad was not a drinker, and Mum would only have the occasional drink at Christmas. When I did have a drink the quantity and the type of alcohol that I was exposed to was at my parents' discretion. My parents approached my exposure to alcohol in a controlled environment, and parental discretion was exercised each step of the way.

It is in the formative years of a person, when they are in their teens, that peer pressure and exposure to alcohol can occur and develop into a life-long issue. Not only can alcohol impact upon the developing teenage mind but incidents which can occur as a result of intoxication can shatter dreams. The need for the guiding hand of a parent is vital.

This legislation brings Victoria into line with New South Wales, Queensland and Tasmania in regulating the secondary supply of alcohol. The bill also brings into line the laws about the responsible serving of alcohol. A person under 18 years cannot buy a beer from a pub or a six-pack of Jim Beam and cola from a bottle shop. However, an adult can buy a beer and give it without sanction to someone who is under-age and at their residence. To me it is a loophole which must be closed, and parental control must be reinstated.

On the 'Generation next' website, www.generationnext.com.au, a site supported by beyondblue, headspace, the national binge drinking campaign and Kids Helpline, a blog post dated

2 November 2010 quotes Dr Michael Carr-Gregg as saying:

> I have clients who, for example, are absolutely outraged that their children at 13, 14, 15, have gone to a party and the adults there are quite happy to serve them alcohol.

The blog post also summarises part of an address by Dr Carr-Gregg:

> 'Secondary supply' generally refers to the sale or supply of alcohol to people under the age of 18 years (minors) by adults or other minors. It is illegal under licensing law in all jurisdictions for licensed premises in Victoria to serve minors and for adults to purchase alcohol on behalf of minors.
>
> However, the situation in private homes and at private functions is less clear. Currently in Victoria it is not illegal for adults to provide alcohol to minors in a private residence, even if the minors are not their own children.

The same blog post says that Dr Carr-Gregg called on the former Premier, John Brumby, to take action on the issue of secondary supply of alcohol.

The debate by those in the other place who are affiliated with those opposite consisted of a lot of chest thumping and highlighting of initiatives introduced by the previous government to educate Victorians about alcohol and encourage young people to keep an eye on each other when drinking. However, the fact remains that they did not introduce this legislation. They did not provide parents with the legal rights this legislation brings with it and the rights which enable parents to regulate the manner in which their children are exposed to alcohol.

According to this bill the consent of a parent for their child to consume alcohol can be verbal or written. It is the responsibility of those seeking consent to ensure that consent has been given. An on-the-spot fine of $716.70 is available as a way of penalising those who breach this law. This means that no record is placed against a person's name but the sting is still felt for not being a responsible adult in charge of children at a party or in their home. For more serious cases or where a person decides to fight the infringement, a court can inflict a maximum penalty of 60 penalty units or, in common terms, $7167. The same penalty is applicable for a licensee who sells alcohol to a person under 18 years of age.

While a parent will need to provide consent for their child to consume alcohol, this does not provide an abdication of responsibility by the person supplying the beverages. As a government we will continue to educate people about the responsibilities they have when supplying alcohol to a minor who is under their care and whose parent or guardian has expressed permission for their son or daughter to have a drink. Responsible supply of alcohol is what this bill seeks to achieve by developing the mechanisms for a parent to say no and for that decision to be supported by a responsible adult.

While this legislation will not cover every possible calculation and permutation that those opposite, like Mr Pakula, might choose to throw at it, we are also not seeking to expunge all other initiatives to reduce problem drinking. The bill will reduce the methods of supply of alcohol to young people and force those who take on the responsibility of supplying alcohol to minors to be truly responsible. This bill is part of developing a new strategy in responding to issues associated with under-age drinking. By giving consent a parent is saying to another adult that while their child is in their residence and drinking they trust that adult to use common sense. Permission is not intended to allow kids to get blotto, but it will enforce that an adult is in control of supply and can say, 'No more, you have had enough'.

An information campaign will be initiated by the government in the lead-up to the law's implementation to inform members of the community of their responsibilities when serving alcohol in their home. Information on secondary supply can already be accessed at www.justice.vic.gov.au/alcohol or www.health.vic.gov.au/alcoholunderl8. On its home page the latter of these sites says:

> Under-age drinking is a fairly common occurrence in Victoria and influenced by a range of factors. Parents can play an important role in introducing children to alcohol and also in discouraging early or excessive use. In Australia parents are the main source of alcohol for young people.
>
> Alcohol use is particularly risky for young people. The longer children delay the initiation of alcohol use, the less likely they are to develop any problems associated with it. That is why it is important that parents encourage their children to avoid or limit the use of alcohol.

The Australian Drug Foundation chief executive, John Rogerson, has also expressed his support for this bill to help reduce under-age drinking. In the Bendigo *Advertiser* of 22 March a news article headed 'Booze laws beefed up' stated:

> Sergeant Tony Kekich said the new laws would help Bendigo police tackle alcohol-fuelled violence, public drunkenness and street offences.

I am quite sure that this sentiment would be echoed by police across the state. This quote shows that those who deal with the mess caused by uncontrolled under-age drinking are supportive of the legislation.

The Liquor Control Reform Amendment Bill 2011 will be yet another weapon in the arsenal of measures making a difference to under-age drinking. It will further restrict the methods of supply teenagers will be able to use to obtain access to alcohol without their parents' knowledge. I am glad to hear that those opposite will assist the government in taking action without delay to ensure that the proposed measures can be implemented.

I will restate that access to alcohol by a child should be limited by parents. We all understand the need at times for parents to enforce restrictions which are not popular with their child. This is not a bill of prohibition; it is one of restriction of access to alcohol through secondary supply to minors. It is in every respect a responsible thing to do as we re-establish the ground rules on who can supply alcohol to a child. Rightly this decision is that of a parent and no-one else. I support this bill.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Ms HARTLAND (Western Metropolitan) — Obviously this is an important piece of legislation, and whenever we have dealt with these bills, what has always concerned me is how to evaluate and monitor the operation of the legislation and then how to review it to make sure we are absolutely on the right track so that we can see what other measures may need to be brought in.

Hon. M. J. GUY (Minister for Planning) — There is no formal review process, although obviously the government evaluates its legislation informally and will continue to do so with this one.

Ms HARTLAND (Western Metropolitan) — That is a pity, because this legislation is important and we want to know how and why it works and what we can do to make things better. Can the government tell us about what kind of information and public education campaign will accompany the bill? Some very good ads have been running — for example, the advertisement with two parents and a 16-year-old who wants a drink. Will those kinds of advertisements be the sort of advertising used? I think a lot of adults, especially the irresponsible ones, are not aware that they are not allowed to supply alcohol to children. What kind of campaign will there be to make sure people know that doing so is illegal?

Hon. M. J. GUY (Minister for Planning) — I am advised that while the final details of the communications campaign are still being worked through between government and non-government stakeholders, obviously there will be an online campaign through, as Mr Elsbury mentioned, the www.justice.vic.gov.au site and the www.health.vic.gov.au site. The specifics of the campaign that will follow it are still being worked through at this point in time.

Ms HARTLAND (Western Metropolitan) — How long will it be before we can expect such a campaign to be finalised?

Hon. M. J. GUY (Minister for Planning) — I am informed that that will occur prior to the commencement of the regulations.

Ms HARTLAND (Western Metropolitan) — So there will be a plan, but that will not occur until the bill is enacted. Is that right? Is that what the minister is saying?

Hon. M. J. GUY (Minister for Planning) — That is correct.

Ms HARTLAND (Western Metropolitan) — Is there a sense of how much money is going to be spent on the education campaign?

Hon. M. J. GUY (Minister for Planning) — A final figure has not been worked through at this point in time. I am advised that it will be a considerable campaign, but in terms of ongoing consultation with government and non-government stakeholders, a final figure has not been arrived at. Obviously it is likely to be of the order of a number of hundreds of thousands of dollars, so it will be a considerable campaign.

Ms HARTLAND (Western Metropolitan) — Hundreds of thousands of dollars on an education campaign is not a great deal of money when we are talking about a campaign that may need television, radio and newspaper advertising and an online presence, so could the minister add to that? I am quite concerned that we have this good piece of legislation but may not have any means of getting the message out to the community.

Hon. M. J. GUY (Minister for Planning) — I am advised that it would be in the high hundreds of thousands of dollars at least but that the final figure will obviously be determined in the consultation phase we

are in with government and non-government stakeholders. As Ms Hartland has correctly stated, there will be some expense, and that is being factored in at this point in time.

Ms HARTLAND (Western Metropolitan) — Considering the role of modelling behaviour, the attitudes of children to alcohol are learnt from the adults around them. What work is going to be done to address the behaviour of adults, especially binge drinking?

Hon. M. J. GUY (Minister for Planning) — The key messages articulated by the Minister for Mental Health focused on the supply of alcohol to younger people being risky and the broader health problems that binge drinking and consuming large amounts of alcohol can and will cause. Obviously a campaign will target a number of age groups, but the key messages will be aimed at the supply of alcohol to younger people.

Ms HARTLAND (Western Metropolitan) — It is quite clear that the role of alcohol marketing contributes to this problem, and we all know the effect that advertising has on young people. What work will the government undertake to restrict the exposure of alcohol marketing?

Hon. M. J. GUY (Minister for Planning) — The director of liquor licensing currently has the power to ban a campaign which the director feels is targeted inappropriately at minors. We believe that will be very useful in our messaging in relation to the supply of alcohol to minors.

Ms HARTLAND (Western Metropolitan) — It has been brought to my attention — I do not have the photograph with me — that a school in Sunshine is across the road from a packaged liquor outlet and there is very large signage on that liquor outlet, about 40 metres from the school building. The photograph, which I am happy to pass on, was supplied to me by the Australian Drug Foundation. How will the government work to remove that kind of advertising that is so exposed to young people?

Hon. M. J. GUY (Minister for Planning) — Some of that campaign may involve local planning schemes. As part of my planning portfolio, I am working with some councils in terms of specific issues, including the one Ms Hartland has mentioned, which is a very good example. We will have that conversation between a number of departments to ensure that specific local issues are addressed, such as where there may need to be some provisions in relation to signage opposite schools. I believe that will be done on a site-by-site basis.

Mr LEANE (Eastern Metropolitan) — When people go into a packaged liquor outlet they see a notice that alcohol cannot be sold to people under the age of 18 years. Is it envisaged that a similar message will be displayed informing people that they cannot supply or onsell alcohol to persons under the age of 18 years?

Hon. M. J. GUY (Minister for Planning) — That is a good point. It is currently illegal to onsell to minors, and there will be messaging in relation to the penalties for doing so not just in licensed premises but also in other premises.

Ms HARTLAND (Western Metropolitan) — I will take up part of Mr Pakula's contribution and ask about how this will be enforced. How will the police be able to enforce this? Will they be visiting parties in halls and people's homes? How exactly will it be enforced?

Hon. M. J. GUY (Minister for Planning) — The intention of the government is not to have the police roll up to parties and throw parents in jail. It is not about making a proactive attack on the issue as such but more about giving Victoria Police officers a tool should they be called to parties or in other relevant circumstances. It is not about Victoria Police using its resources to raid 16th birthday parties. As I said, it is more a tool for the police to use should they be called to an event.

Ms HARTLAND (Western Metropolitan) — I have one last question, again on enforcement. I am concerned that while police and the director of liquor licensing have the power on licensed premises — and under-age people drinking in licensed premises is seen as a serious issue — this will be happening in the home. While there is this legislation and there are issues around secondary supply, it feels as if there will not be the enforcement that would occur in licensed premises. I take the minister's point, and I understand how difficult it is, but I wonder how, along with those messages to adults, we can make sure it is reinforced. I hope the police will not just use this tool in the case of out-of-hand, incredibly rowdy parties.

Hon. M. J. GUY (Minister for Planning) — I understand Ms Hartland's concerns, but I reiterate that it is not intended to be a proactive campaign whereby police officers visit events such as family gatherings, barbecues or a grandmother's birthday celebration. While there are concerns about the provision of liquor to minors, and we have said our campaign will involve signage in licensed venues and other places and the government's laws will be communicated, the key point is that we intend this to be a tool for the police. For example, if there were a disturbance or a noise

complaint — maybe hoons doing burnouts — and police were called to a party, they could then ask how the alcohol was purchased or obtained. I know that probably does not address the key point Ms Hartland raised, and I understand her point, but that is the intention of the government, the legislation and the communications message.

Clause agreed to; clauses 2 to 4 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

WYNDHAM PLANNING SCHEME: AMENDMENT

Hon. M. J. GUY (Minister for Planning) — I move:

> That pursuant to section 46AH of the Planning and Environment Act 1987, Wyndham planning scheme amendment C93 be ratified.

This is a very brief motion being considered by the house today to ratify amendment C93 to the Wyndham planning scheme. I do not intend to speak for a long time; I have no doubt that Mr Barber will manage that for me.

The amendment incorporates the Werribee South Green Wedge Management Plan October 2010 into the Wyndham planning scheme. I think everyone in the house would be aware of the green wedge legislation and the premise behind Melbourne's current green wedge legislation. The amendment will reduce land fragmentation in the Werribee South green wedge. It will recognise the existing dwellings in the intensive agricultural precinct. It will maintain and support the viable farming land and recognise other land uses such as housing. Tourism and infrastructure will be vital to the continued economic prosperity of that area of Werribee South.

The amendment will require land use and development in the green wedge to have regard to the specific environmental context of each site as well as off-site impacts, particularly those on agricultural land and waterways. It will provide a greater level of certainty for the Werribee South community by providing greater flexibility. It will provide increased protection and certainty to the multimillion-dollar agriculture industry located in the Werribee South intensive agriculture precinct, which is obviously very important.

Advice has been obtained by an independent panel. Therefore I approved the amendment we have before us for ratification. I wish to acknowledge the work of Wyndham City Council. The council has been supportive of and a participant in the development of the management plan for the Werribee South green wedge. This is an example of how state and local governments can work together, even over a change of government period, to ensure that the economic prosperity and the environmental values of the area of Werribee South are protected both in current times and into the future.

I hope that all parties will support this ratification and move it through quickly. It has been a long process, authorised as it was on 8 March 2007. As Minister for Planning I approved the amendment on 21 March 2011, so it has been four years in the making. I believe this would be a good time to ratify the amendment and bring it into the local planning scheme. With that, I will conclude my remarks.

Mr TEE (Eastern Metropolitan) — I welcome the opportunity to make a few remarks on this motion. This management plan is being brought in under the Planning and Environment (Metropolitan Green Wedge Protection) Act 2003. It is an important framework set up by the act in order to protect our green wedges.

There are some 12 green wedges in existence. This is the fourth management plan that has been completed or is nearing completion. It is really about making sure that we accommodate population growth but that we do so in a way that does not trample on the green wedges.

This one protects the area around Werribee where there are particular population pressures both now and anticipated into the future. The management plan seeks to stop inappropriate encroachment, particularly as the Werribee South area, as Mr Guy has mentioned, contains some intensive agriculture, market gardens and the western plains, which is the drier farming land. That land provides a buffer from encroaching urban development. But this green wedge goes much further because it includes the Werribee Open Range Zoo, the marina precinct and the Werribee coastal reserve. The dry land, the intensive market gardening and the reserves are all protected by this.

The reason this is before the Parliament is the plan will provide for some 50 lots to be expanded into 109 lots. This expansion is limited to where there are two or more houses on each lot. Of those 50 lots, some 11 lots

are not currently able to be subdivided. That is why the legislation requires a management plan to come before both houses of Parliament where there is an expansion of the capacity to subdivide. Those 11 lots will now have a right which they previously did not have, but there is an overall reduction in the capacity to subdivide.

Labor is very supportive of the protection of the green wedge. We are also very concerned about any expansion of the fragmentation of the green wedge. We are concerned that this, the first plan to be signed off by this minister, increases green wedge fragmentation. Lots that will be provided for will be somewhere between 4000 and 5000 square metres, so they are not farms. The 4000-square-metre figure is the minimum area required to have a septic tank on each of those blocks, because there is no sewerage connection out there, nor is there any public transport. In fact the nearest train station is some 10 kilometres away from some of those lots.

We will be watching this plan closely to ensure that it does not set a precedent for the other eight green wedge management plans which are still being developed. We want to make sure that it does not become the benchmark or a precedent for the expansion of the rights to subdivide green wedge land.

Mr BARBER (Northern Metropolitan) — Green wedges are one of the things that make Melbourne great, and our last two speakers have come into this place with the demeanour of a couple of pallbearers and delivered their contributions to the debate on this motion in a few scant minutes. You would think we were allocating people to committees or something.

This motion is historic in that from my research this is the first time that a green wedge — and we supposedly allocate 11 separate green wedge designations — is getting its own specific management plan, as envisaged by the concept of green wedges first brought into the act some years ago; and it is worth talking about what it is we are aiming to protect here.

When Hume and Hovell first crossed overland from Sydney down to Melbourne they veered slightly off course, heading for Port Phillip Bay. They came around to the west and first encountered the waters of the bay in the area we are talking about. Their description of what they saw in front of them, which I read some years ago, was something akin to a southern Kakadu: just wetlands and birds as far as the eye could see. What we are aiming to preserve here is just the tiny remnant of that magnificent ecosystem, but with it is the human history that predated Hume and Hovell and that has come since — and it is quite significant. Every green wedge has its story, but this one is unique. The Wyndham City Council, the guardian of all that valuable heritage, is to be commended for the work it has done to get us this far.

The green wedge policy and management plan which we are incorporating into the planning scheme revises the existing Werribee South policy to address a number of shortcomings and ambiguities that have become apparent during the application of the policy over the last five years. This is according to the council when it took the matter to the Victorian Civil and Administrative Tribunal panel. That included issues such as discretionary uses, the narrow interpretation of agriculture which might limit diversification, the clear articulation of the right to farm, which I know Mr Guy is quite passionate about as is, for that matter, Mr Ramsay — in fact the right to farm was incorporated into their policy suite at the last election — and the general strategic direction for those tourism and peripheral uses.

An emerging trend in all of our green wedges is to ask, 'Where does tourism fit in'? The wedges themselves are scenic and have tourist value. Tourist use is often the most expanding type of use, but it does not necessarily fit well into our conception of how a green wedge works in the scheme.

Mr Elsbury interjected.

Mr BARBER — Mr Elsbury should settle in because he is going to get a long exposition on my personal connection to this area. I am not quite sure what has got Mr Elsbury so toey at 5 o'clock on a Thursday afternoon; it is normally members of The Nationals who are trying to get out early to go home and help with the milking.

Just to define the area and locate it for those who are perhaps not aware of it — that is, the definition of the Werribee South green wedge — we have an urban growth boundary to the north-east; we have the freeway and the railway line running down to the north-west; and then we have the coastline. Most people probably know this area only from driving along the Princes Highway. If you just took that trip, as many do, you would be struck by the amount of development that is going on alongside that corridor, and you would miss a lot of the values that we are attempting to preserve here. You need to leave the highway at one of the off-ramps and go and explore. You can do it on foot, you can do it by boat, you can do it by bike and to a certain extent you can do it by car, but some areas are off-limits, and I will talk about them in a minute.

To expand a little on Mr Guy's exposition about what is valuable in this area, there are the agricultural areas and there are the recognised tourist attractions of Werribee Park and Werribee zoo. I went to Werribee zoo, I think, about four or five years ago; I have been to Werribee Park Mansion once, but I think it was more like 10 or 15 years ago. They are both quite beautiful. Werribee Park Mansion is state heritage listed, so it is an asset of particular value to everybody across Victoria and not merely of local interest; I will talk a bit about its origins in a minute. There is the parkland and reserves, including Point Cook Coastal Park, Cheetham Wetlands and the Point Cook marine sanctuary.

Point Cook is one of my favourite parks. It is very peaceful down there on the western side of the bay. It is a killer for birdwatching; I have ticked off a number of species there. It was an old salt works on what was previously a salt marsh, which now that it is not operating has returned to being a salt marsh. There are a number of bird species that I have seen there and that I have ticked off on my personal life list. There are some issues associated with that bit of parkland because the new suburbs are encroaching right up to it and people now like to treat it as a recreational park.

Just for Mr Elsbury I am now going to go into an even longer exposition. I am going to wax lyrical about the matters that a minute ago he claimed I had absolutely zero personal knowledge of. The result of his intervention is that I will probably do about another 20 minutes just on birdwatching.

People like to walk their dogs there now. Point Cook Coastal Park, which used to be very isolated because very few people knew about it, is now butting up against the suburbs and people think it is a good place to walk their dogs. It is also a Ramsar-listed wetland. For the benefit of Mr Elsbury, that is a migratory bird treaty, and I will be talking a bit more about the birds in a minute. But it is for birds that fly literally from one end of the planet to the other every year to feed and then back again to breed.

Now we have this emerging conflict in relation to people who moved to the area for the purpose of being close to such a magnificent place. Perhaps they are not aware of the global environmental significance of that land and they want to walk their dogs in a corridor through there. Parks Victoria has had to do some work to strike the right balance. Just recently we have also seen some quite notable coastal erosion down there. Ms Hartland was personally involved in this issue and in seeking some assurances from Parks Victoria that it had the issue under control. Coasts are a dynamic process but at certain times when you see quite extreme erosion you wonder whether there is something else that has tipped the balance, so the Greens have been quite interested to follow that one.

Obviously in the middle of all of that there are some major gateways, including roads, railway lines and air and sea networks. For those who have been around in the west for a long time, and I know Mr Elsbury has and certainly Ms Hartland has, there was a long-running issue going back to the time of the Kennett government about the location of a toxic dump or some other facility. It was seen to be isolated — —

Mr Elsbury interjected.

Mr BARBER — This was when Mr Kennett first suggested that the orange-bellied parrot — —

Mr Elsbury interjected.

Mr BARBER — I do not know how long I have known Mr Elsbury. He might also have been with me down at the Williamstown rifle range when we were trying to protect that area. In fact as a young zoology student I was involved in some of the survey work for some rare reptiles, which is my personal interest within zoology. I am sure that if Mr Elsbury had campaigned down in that area, he would know that it is now a magnificent estate where the — —

Mr Elsbury interjected.

Mr BARBER — I have noticed that the Greens vote is a bit higher in that particular booth than it is in some other areas, and that is because the Greens value a beautiful living environment, and what has been done at the Williamstown rifle range, which is just slightly out of the area we are dealing with here, is a good exemplar of the sort of balance that is likely to be struck in this green wedge over time. You have the mangroves, which are some of the southernmost existing mangroves in the world. You have the Old Rifle Butts, and there were toxic issues associated with the rifle butts. There are some indigenous plant species there, and there are some created wetlands and all that sort of thing. And so it is further down the road at Point Cook, which I was talking about.

There are recreational and tourism opportunities as well as boat access. I do not own a boat in Melbourne, but boaties like to get to and from the various ramps down there. As I said, it is a peaceful side of the bay being on the leeward side of the coast. There are existing townships on the other side of the highway and new suburbs and a vibrant farming community. I am not sure about the statistics for production from the green wedge itself, but the Melbourne fringe is in fact our

second biggest agriculture producing region in Victoria, and that is due to the agricultural and horticultural industries that cluster all the way around Melbourne and in the green wedges in particular.

If you go to Vancouver, you will see a very similar set of planning rules in place. It also has what we have in our planning scheme; it has an activity centre approach. It has a target for increasing public transport and it has green wedges. But Vancouver set up monitoring to assess the health of those green wedges from the day the green wedges were created. It looks at the biodiversity within the green wedges, and it also looks at the farm gate agricultural production in the green wedges. While there is some information available to us here, I am not sure that the state government is taking on its responsibility to be the steward of our green wedges and particularly to ensure that the right to farm is more than just a right, that it is actually something that is economically viable. This is a key issue that is going to come up as we go further into this discussion.

As I said, we have the internationally recognised Port Phillip Bay and the western shoreline itself is a Ramsar site. A lot of that is associated with the western treatment plant. A lot of people like to make jokes about sewerage farms but for birds, and therefore for birdwatchers like me, this is one of the best-known birdwatching sites around the world so close to a major city.

You cannot access all parts of the Werribee treatment plant, although by special arrangement you can get the gate keys. But there are a number of roads where you can get in and out without any special permission. I have been over most of those roads in my spare time just doing a bit of birdwatching. You have to get used to the smell and to the flies, but once you do that you will see birds there that you will not see anywhere else around Victoria.

There are blankets of birds across the artificial wetlands that have been created for the purposes of a sewerage treatment plant. There are migratory birds, a lot of wetland birds and a lot of birds of prey coming in and a number of other species that are typically coastal such as the orange-bellied parrot. When you mix all that together with the Werribee River and all the rest of it, you get a startling environmental asset, but it is only a remnant of what would have existed on that whole western shoreline back at the time of European settlement, and that is why I have laboured the point.

I do not know much about Mr Elsbury's background, but I have provided a little seminar on the ecology of that part of his electorate. He could find reference to it in the document produced by Wyndham City Council. Mr Elsbury's further reading — his homework assignment — is to go away and read the entire document — —

Mr Elsbury interjected.

Mr BARBER — Not a pop quiz. Next time he will be able to come back and ace me despite my zoological training. We will have a number of exchanges on the biology of Melbourne, which I describe as a southern Kakadu. That is literally what it was at the time of white settlement due both to the productivity and to the diversity of the different ecosystems that went around Melbourne from the grasslands to the west, the box ironbark plants to the north, the wet forests of the east and Port Phillip Bay itself. It was like a pizza with about five different toppings, and that is where we set up a major city. It is the remnants of those ecosystems that we are now trying to hang on to protect, particularly in our green wedges.

Right in the middle of that there is some major and important infrastructure, a couple of airfields and the flight paths that go with them and a sewerage treatment plant that keeps us all going.

The vision put forward by the council for the green wedge is that:

> The Werribee South green wedge will be an environmentally, socially and economically sustainable precinct where opportunities for agricultural innovation and diversification, biodiversity conservation and investment in tourism, recreation and the community are realised.

The matters we go on to prescribe in these planning rules are meant to achieve that vision in perpetuity. I would argue that is the important consideration.

I will not go on in great detail about the area's background. I think at the prompting of Mr Elsbury I have already said a bunch of things about aspects which most of us who have been there would value. As members can tell, I have explored many aspects of this area perhaps more than most.

The area has a range of species: the growling grass frog, little tern, orange-bellied parrot, southern giant petrel, striped legless lizard and the white-bellied sea eagle, a magnificent bird to see in flight. Leaving aside individual species, there are whole sites of biological significance, many of which I mentioned. I may have skipped over the Point Cook Marine Sanctuary — that is the underwater park. I know the coalition and the Labor Party are both keen on marine parks. This one was created back in the 1980s. It may have been one of

the first acts of the Cain government. There are also rivers.

That is the background to why we are here. I will move on to some of the challenges, which have created the necessity for this matter. But first, I should also have mentioned, of course, the indigenous cultural heritage. Indigenous people lived in Victoria for hundreds of thousands of years, and there were a great many of them. If you think about that, you can see that in their time they had a real impact on the landscape and left behind a lot of cultural heritage. There are few parts of Victoria where you will not find some sign of the people who made this site their home for hundreds of thousands of years — and that is a span of civilisation few other parts of the world can match.

The Werribee River was in fact a tribal boundary between the traditional lands of the Wurundjeri, the more coastal Bunurong clans to the east and the Wathawurung people to the west, their interest heading down towards the Geelong area. What would have been seen would have been groups of 100 or 200 people intermittently coming together in maybe groups of 400 or 500 people in the vicinity of the Werribee River. People were often meeting on river banks or river confluences. Burial sites have been uncovered in this area that are over 7000 years old, which in itself is quite staggering and takes us right back to prior to the pyramids.

Fifty heritage sites across the Werribee area have been identified in a range of studies. Many of them are artefact scatters. There are also a small number of scar trees and middens. In fact the buffer along the Werribee River is there to protect the archaeological sensitivity of those riverbanks.

Among the agricultural values of the area are cool climate grapes; the brassicas — that is, the broccoli group; olives; pears and apples; turf grass, which is a high value production; eucalypts; barley; and native grass, which is collected for seed and used to restore native grasses in other areas.

There are also some challenges from pest plants and animals. If all those other development pressures were not enough, you would be quite aware if you had driven slowly through the area that rabbits and foxes, in particular, can create serious erosion, which then starts to put all the other natural values at risk. Melbourne Water and Parks Victoria and local governments are often coordinating their efforts to get rid of these pest animals in order to protect those values.

I thought it was important to put on the record what we are trying to protect and why. As I said, the sorts of pressures that are coming to the area include further rural subdivision, which it is hoped this plan will for the most part preclude; house lot excisions, the area I will spend most time on; and the siting of any new residences, where already permitted, and how they conflict with agricultural industries, the so-called right to farm which Mr Guy, with his planning policy and the agricultural policy his government brought forward, is so keen on.

We certainly want to protect agricultural land, but there is more to it than that. Agriculture itself needs to be able to evolve. The range of agricultural uses needs to expand and change. Agricultural uses need obviously to be separated from residential and commercial uses. My party took a policy to the election that a change to the planning scheme should occur to allow farmers to sell their produce at the farm gate as of right. At the moment there is some uncertainty in planning laws as to when and how farmers can do that.

Much of this comes down to the real reason we are here — the question of small lot subdivision or excision. In fact the reason this amendment is before the Parliament is that there is a trigger in the Planning and Environment Act 1987 that says, more or less, if the schedule to a green wedge-related zone is being altered so as to allow further subdivision, that must be approved by Parliament. That is the trigger that requires this; it is the best protection we have. The fact it requires parliamentary approval protects our green wedges. If you are looking for the protection of green wedges, you will see it is in that section of the Planning and Environment Act. This motion cannot simply be laid before both houses as a planning scheme amendment; it requires the positive vote of both houses in order to be approved.

There is an existing pattern of lot sizes in the region. There are 145 lots in the lot size range of 0 to 0.39 hectares, making up 30 per cent of the land area. In the next lot size range of up to about 5 hectares there are another 81 lots; there are 183 lots of between 5 hectares and just below 10 hectares — and so forth. We are therefore talking about an area which, while it has agricultural value, has lot sizes that are quite small. Uses on those lots or the creation of any more lots therefore becomes a key issue.

That was a key issue at the panel. The ever vigilant Green Wedges Coalition made a submission addressing this issue of excision. The panel noted that that is the difference of opinion now being expressed on the matter of what are the appropriate subdivision controls

for small lot excisions. This would typically take place where there is a farming property with a house on it and someone makes the argument that we should excise the house as a single lot so as to make it a bit easier for the farmer to sell or trade in farmland versus putting it to a residential use. If we do not excise the house, we might just end up with an empty house because the farmer does not want to rent it out and deal with that stuff. But if we do excise the house into a new lot, we will then probably end up with a separate land-holder living there and possible conflicts with the farmer. It is a balancing act in a way. I do not have a fixed view on it. It is a balancing act between ensuring that land — residential and farming — is put to its best use versus not wanting to introduce any more conflict where conflict already exists. In a way conflict will exist if that house is ever to be occupied.

The issue got a bit of aeration at the panel stage. It was argued that no lot in the intensive agriculture precinct is more than 30 hectares, so under the current and proposed schedule for the green wedge zone none can be subdivided into the minimum subdivision size of 15-hectare lots. The remaining potential for lot excision is therefore in relation to the number of dwellings, and there are 52 lots in the intensive agriculture precinct which contain two or more existing dwellings. Therefore the panel had to spend quite a bit of time examining the question — in relation to which way it went with this set of controls — whether it would lead to more subdivision. At the other end of the equation it might have led to less subdivision, depending on which control we chose.

The panel also argued that these rules were already in-built, so there might not be the ability to excise dwellings as small lots. While we might not think this is the best way to design a green wedge control, those rules were pre-existing, and the question was not so much what we should do but where we should take it from the historic arrangement, and the panel considered that in detail. In fact the report contained about 20 pages on it. The Green Wedge Protection Group said:

> We submit that the extensive strategic considerations applicable to this proposal, arising from Melbourne 2030, together with demonstration of the state government's clear intent to adequately ensure that excisions be prohibited, provide guidance that Wyndham's proposal to continue to retain excision provisions is inappropriate.

If anybody wants to go back to the panel report on C93, they can read a lot more on that subject. Certainly it was an issue of compliance with that section of the Planning and Environment Act 1987. As I said, that created the trigger that brought us to this particular point.

Mr Brendan Sydes of the Environment Defenders Office (EDO) also tabled a letter stating that:

> Our conclusion is that, although there is some scope for interpretation, it seems reasonably clear the policy commitment noted above —

that is, the previous quote —

> has not been adequately implemented in the legislative framework.
>
> The existing green wedge zone schedules in Wyndham planning scheme and that proposed in C93 support this conclusion. In this case, neither green wedge zone provisions nor the green wedge provisions in clause 57 provide the clear and effective lower limit on lot sizes and in the green wedge zone that would be necessary for small lot excisions to be prevented.

So there we are. It is certainly my view in general policy that we should limit subdivision ability within green wedge zones. On the other hand, here we are. We have a historic pattern of land use, we have some historic controls in place and it will not change very much, depending on what we do.

As I noted, this is a planning scheme amendment that has been through a panel process. In the last Parliament, in my same role and with Mr Guy in a different role, we dealt with a massive planning scheme amendment relating to the green wedges that had never been through a panel. It had barely seen the light of day. In fact the papers office of the Parliament was one of the few places where you could locate a copy, and after one version of it lapsed a completely new version was brought in. It involved a proposition — this is from the former government — of putting a massive great freeway through the middle of the other Wyndham green wedge, the one to the north. It involved bowling over some incredibly valuable native grasslands and then using that as a way to create credits to protect and purchase other bits of grassland.

As I said at the time, in order to save the grassland we had to destroy the grassland. Unfortunately that planning scheme amendment ultimately came into force despite my best efforts. At that time I tried to have the whole matter involving tens of thousands of hectares and multiple new bits of infrastructure — the whole lot — brought to a Parliamentary committee. I certainly received at various points some support from the then opposition for that. That would have been an extremely valuable exercise, especially as most of it was dreamt up by a small number of public servants up in the ivory — I mean, Nauru House.

Mr Elsbury — Nicholson Street.

Mr BARBER — They have moved to Nicholson Street now. Hopefully there are certain things they left behind as they moved. You can get a good view from up there, for sure. But planning involves a bit more than just consulting *Melway* and Google Earth, as Mr Elsbury would now attest. It is better to see it once than get told about it a hundred times. In this case I have the advantage of knowing the lay of the land, so concepts such as this that are discussed leap out at me because I have a real and personal understanding. The next time we deal with one of these amendments we could be looking at one of the other green wedges. It might involve other members, not from the Western Metropolitan area, but from the Eastern Victoria area or the Eastern Metropolitan area — certainly not the Southern Metropolitan Region, to the disappointment of the Acting President! Most members might find themselves in this place speaking in the way Mr Elsbury did about their own personal area. Hopefully we will see more green wedge management plans forthcoming over the next four years, and if they involve subdivision controls, then Parliament will have a chance to adopt them.

We know this matter is going to pass this afternoon because the government has the numbers. The issues have been thoroughly ventilated. Most community groups — I am sure even the Green Wedges Coalition and the EDO — would argue they have had a good chance to influence the panel view on this. I can also have confidence that the Minister for Planning extensively briefed himself on this particular amendment, read the panel report and looked at the maps and documentation. In a way we have all had a fair chance to influence the outcome. I will not be moving a motion to send it to a committee.

In conclusion, the Greens will support this motion. The minister would now understand that whenever matters of green wedges come before the Parliament, the Greens will be vigilant. We have laid out today some strong views on what we believe is essential for those green wedges, which all parties in this Parliament value, to continue to be vibrant and to protect the values we all want them to protect.

Motion agreed to.

PARLIAMENTARY COMMITTEES

Membership

Hon. D. M. DAVIS (Minister for Health) — I move:

(1) That Mrs Peulich be a member of the Economic Development and Infrastructure Committee.

(2) That Mr Koch be a member of the Environment and Natural Resources Committee.

(3) That Mrs Petrovich be a member of the Law Reform Committee.

(4) That Mr Elsbury be a member of the Road Safety Committee.

(5) That Mr Drum be a member of the Rural and Regional Committee.

These are important joint parliamentary committees. The bill to reform the arrangements of joint parliamentary committees went through this chamber in the last sitting week and this motion will enable those committees to be constituted. They have got references, they have got work to do, and it is important that they get on with the task of serving the people of Victoria through that process. I understand the opposition had a different view at the time the bill was debated, but leaving aside the differences that we had on that point, I think it is important that these committees get on with their tasks. They have got important work to do, as I said, and the sooner the better.

Mr LEANE (Eastern Metropolitan) — The opposition supports the motion before the Parliament today and agrees that the committees should get on with their important work.

Motion agreed to.

BUSINESS OF THE HOUSE

Adjournment

Hon. D. M. DAVIS (Minister for Health) — I move:

That the Council, at its rising, adjourn until Tuesday, 24 May.

Motion agreed to.

Mr Viney — On a point of order, President, we have had discussions for the last couple of hours about dealing with government notice of motion 79. I have been sitting here during the previous debate waiting to make a contribution on notice of motion 79. I indicated

to the government that my contribution would be about 5 minutes, and it appears now that the government is not bringing it on. I am just wondering what sort of shambles we are running in this place. We had an understanding that that was what we were doing. I have been sitting here for more than half an hour waiting to make a contribution, and suddenly we are told without any courtesy that it is not coming on. There has been no advice coming back to this side that it was not coming on. We just simply have not been told, and it appears now that we are not doing it.

The PRESIDENT — Order! That is not really a point of order. That is my problem.

Hon. D. M. Davis — On the point of order, President, the government advised the opposition that the two important things that needed to be dealt with, aside from the second readings, were motion 55 and motion 80, and we have dealt with those.

CRIMES AMENDMENT (BULLYING) BILL 2011

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations).

Statement of compatibility

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) 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, I make this statement of compatibility with respect to the Crimes Amendment (Bullying) Bill 2011.

In my opinion, the Crimes Amendment (Bullying) Bill 2011, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

Human rights issues

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

The bill positively engages and fulfils the right to liberty and security of the person (section 21, charter act), freedom of movement (section 12, charter act) and the right to protection from cruel, inhuman or degrading treatment (section 10, charter act).

Serious bullying conduct involves repeated, socially aggressive behaviour aimed at causing another person physical or mental harm. In this way, serious bullying can cause the victim to fear for their safety, thereby infringing on their sense of physical security. Further, the impact of this fear can affect the victim to the point where his or her decisions and movements are impacted, thereby limiting their freedom of movement and their liberty.

Serious bullying can affect the victim's physical or mental wellbeing in a manner that may cause them serious physical or mental pain or suffering, humiliation and/or debasement. This is a serious breach of a victim's right to protection from cruel, inhuman or degrading treatment. It is not necessary for the harm to be intentionally inflicted in order for this right to be violated. That right is violated by serious bullying conduct that diminishes a person's dignity and causes feelings of fear, anguish or inferiority capable of breaking a person's moral and physical resistance.

By ensuring that serious bullying conduct is recognised as an indictable offence, the amendments in the bill will protect these rights. The bill aims to deter such conduct in the community by providing that where such conduct occurs, it will be charged and punished under the criminal law.

2. Freedom of speech

The bill prevents abusive or offensive words or acts in the presence of a victim where that conduct is intended to cause harm (or the accused knew or ought to have understood that the conduct would have that effect).

Explicit in the section 15 right to freedom of expression is the statement that '[s]pecial duties and responsibilities are attached to the right of freedom of expression and the right may be subject to lawful restrictions reasonably necessary to respect the rights and reputation of other persons …'.

Whilst the amendment may engage the section 15 right, it is a lawful restriction to freedom of speech consistent with section 15(3), necessary to protect the rights of victims.

The purpose of the restriction is necessary to ensure the respect and protection of a victim's rights to liberty and security, movement and protection from cruel, inhuman or degrading treatment.

The bill limits only offensive words or acts which are intended to (or which the person ought to have understood would be likely to) cause physical or mental harm in the victim, or arouse fear or apprehension in the victim for their safety or that of another person.

In this very limited situation, the rights of all members of the community to liberty and security, movement and protection from cruel, inhuman or degrading treatment should prevail over the right of the accused to free expression.

Conclusion

In my opinion, the Crimes Amendment (Bullying) Bill 2011, as introduced to the Legislative Council, is compatible with the human rights protected by the charter act.

Richard Dalla-Riva, MLC
Minister for Employment and Industrial Relations
Minister for Manufacturing, Export and Trade

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations).

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The government is committed to addressing serious bullying in the community. The bill honours this commitment by strengthening the law of stalking to cover the full range of serious bullying.

Bullying is a term widely used to refer to conduct involving repeated verbal, physical, social or psychological attacks upon a person that causes the victim distress at the time and into the future because of fear of further occurrences.

Bullying can be committed by people of different ages, in a variety of ways and in a variety of situations, including workplaces, schools, sports clubs and shopping centres. This wide range of potential bullying situations demands that a wide range of responses is available.

These responses sit in a hierarchy. Bullying conduct in the workplace is normally prosecuted and punished under the Occupational Health and Safety Act 2004. If, however, the conduct and consequences of the bullying behaviour are extremely serious, the bill provides another response — that of prosecution under the Crimes Act for the offence of stalking.

In September 2006, a 19-year-old woman named Brodie Panlock tragically ended her life after enduring a persistent campaign of appalling bullying by three of her coworkers at Cafe Vamp. Her death was a tragic reminder of the serious consequences that bullying can have on victims, their families and the community.

This tragedy was compounded by the fact that none of those responsible for the bullying was charged with a serious criminal offence under the Crimes Act. Instead, each offender was convicted and fined under provisions of the Occupational Health and Safety Act. While that act has its place in addressing significant workplace issues, the Cafe Vamp case demonstrates that the worst cases of serious bullying demand redress through the criminal law.

The government has therefore resolved to swiftly and effectively act to address this issue.

As part of its commitment to community safety, the government will strengthen the criminal law to ensure that bullying, be it in the workplace or elsewhere in the community, is treated with the seriousness it deserves. The bill offers protection to people who have been bullied and provides serious consequences for those who engage in serious bullying conduct where they intend to cause harm or fear, or should have known that their actions would be likely to have that result.

The current stalking provisions in the Crimes Act provide that a person stalks another if he or she engages in any course of conduct with the intention of causing physical or mental harm to another, or the intention of arousing apprehension or fear in the victim.

In order to ensure that serious bullying behaviour is clearly dealt with by the Crimes Act, the bill amends the current stalking provisions in four key ways.

First, the bill makes clear that threats and abusive and offensive words or acts may form part of the course of bullying conduct.

Second, the bill broadens the description of a 'course of conduct' to include any conduct that could reasonably be expected to cause the victim to physically harm themselves. While it is clear that the current provision will apply to conduct causing a victim to fear harm at the hands of the perpetrator, it is not clear whether it extends to conduct which causes a person to harm themselves. This amendment is necessary to make clear that the offence extends to conduct which causes a victim to engage in self-harm.

Third, the bill provides that the fault element includes the intention to cause the victim to physically harm themselves. Under the existing provisions, it is unclear whether the intention to cause harm extends to cover an intention to cause the victim to harm themselves. The bill will resolve this uncertainty and make clear that the requisite intention for stalking includes the intention to cause a person to harm themselves.

Fourth, the bill expressly provides that, for the purposes of this offence, mental harm includes psychological harm and causing a victim to engage in suicidal thoughts. Currently, the term 'mental harm' is not defined. Bullying is behaviour that is calculated to cause mental harm to others. The behaviour often results in a victim suffering from a sense of powerlessness and despair. In some cases, the distress bullying causes its victims is so severe that it causes the victim to engage in suicidal thoughts. The bill therefore makes clear that mental harm includes psychological harm and causing a victim to have suicidal thoughts.

In addition to enabling prosecution under the Crimes Act 1958 for serious bullying that has already occurred, the bill allows steps to be taken to prevent serious bullying through the use of intervention orders. If satisfied that an applicant is being seriously bullied and that it is likely to continue, the Magistrates Court can issue an intervention order under the Stalking Intervention Orders Act 2008 to quickly address the ongoing conduct and prevent it from continuing. Breach of the intervention order can be charged as a separate criminal offence.

Everyone has the right to feel safe in our community. No-one should be forced to endure the fear and degradation of persistent bullying. No family should be forced to grieve the loss of a child resulting from the cowardly acts of bullies.

This bill sends the strong signal to would-be offenders that the government will not tolerate bullying behaviour. Where serious bullying behaviour occurs it will be charged and punished with the full force and stigma of the criminal law. Serious bullying conduct is now clearly punishable by up to 10 years imprisonment. By strengthening the Crimes Act 1958 in this way, the bill affirms the government's

commitment to promoting community safety and reducing crime.

I commend the bill to the house.

Debate adjourned for Hon. M. P. PAKULA (Western Metropolitan) on motion of Mr Leane.

Debate adjourned until Thursday, 12 May.

DENTAL HOSPITAL LAND BILL 2011

Introduction and first reading

Received from Assembly.

Read first time for Hon. D. M. DAVIS (Minister for Health) on motion of Hon. P. R. Hall.

Statement of compatibility

For Hon. D. M. DAVIS (Minister for Health), Hon. P. R. Hall 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, I make this statement of compatibility with respect to the Dental Hospital Land Bill 2011 (the bill).

In my opinion, the bill, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purpose of the bill is to facilitate construction of the new Victorian Comprehensive Cancer Centre at 711 Elizabeth Street, Parkville, by revoking the current permanent reservation of the site as a dental hospital and dental school.

Human rights issues

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

Property rights

Section 20 of the charter protects against deprivation of property other than according to law. This bill does not engage section 20 because no property rights are affected by the bill. The only property right in existence at the Parkville site is a lease, which is expressly preserved by clause 5 of the bill.

Conclusion

I consider that this bill is compatible with the Charter of Human Rights and Responsibilities.

David Davis, MLC
Minister for Health
Minister for Ageing

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. P. R. HALL (Minister for Higher Education and Skills).

Hon. P. R. HALL (Minister for Higher Education and Skills) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The purpose of this bill is to facilitate construction of the new Victorian Comprehensive Cancer Centre on the former site of the Royal Dental Hospital in Parkville.

Cancer is the greatest cause of mortality in Victoria and its impacts on the community are significant. The care of cancer patients represents a significant proportion of all health care delivered in Victoria. This government is committed to funding and supporting cancer services for the benefit of Victorians.

The Victorian Comprehensive Cancer Centre will provide a world-class centre of excellence for the research and treatment of cancer. It will bring together recognised leaders in cancer research, clinical services, education and training — including the Peter MacCallum Cancer Centre, Melbourne Health (which includes the Royal Melbourne Hospital), the University of Melbourne, the Parkville branch of the Ludwig Institute for Cancer Research Melbourne, the Walter and Eliza Hall Institute of Medical Research, the Royal Women's Hospital and the Royal Children's Hospital.

The fundamental objective of the Victorian Comprehensive Cancer Centre is to reduce the burden of cancer. This will be achieved through the collaboration of recognised leaders in the delivery of clinical services to cancer patients, through an increased investment in biomedical research and through the translation of innovative research discoveries into clinical practice and care. This collaborative approach will facilitate the continued education and training of current and future cancer clinicians and researchers, ensuring that Victoria retains a strong specialist cancer workforce.

The Victorian Comprehensive Cancer Centre will benefit all Victorians, providing services and treatment to patients from rural and regional parts of Victoria. In addition, the procurement, design, construction and operation phases of the project will result in significant industry participation, employment and skills development.

Both the Victorian and commonwealth governments have committed substantial funding to the development of the Victorian Comprehensive Cancer Centre, along with contributions from other sources. Projected funding for the project is estimated at $1 billion. This represents a significant investment in the health and wellbeing of Victorians.

The Parkville site on which the Victorian Comprehensive Cancer Centre will be developed is permanently reserved for use as a dental hospital and dental school. This bill will remove the current permanent reservation over the site in order to facilitate use of the site for more general health purposes, enabling construction of the Victorian

Comprehensive Cancer Centre to commence. The bill also makes consequential amendments to the Royal Melbourne Hospital Act 1935 to remove spent provisions associated with the site.

This bill will enable the development of a world-class comprehensive centre for the research and treatment of cancer, facilitating a collaborative approach to fighting cancer and reducing its impact on the community.

I commend the bill to the house.

Debate adjourned for Mr JENNINGS (South Eastern Metropolitan) on motion of Mr Leane.

Debate adjourned until Thursday, 12 May.

FAMILY VIOLENCE PROTECTION AMENDMENT (SAFETY NOTICES) BILL 2011

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations).

Statement of compatibility

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) 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, I make this statement of compatibility with respect to the Family Violence Protection Amendment (Safety Notices) Bill 2011.

In my opinion, the Family Violence Protection Amendment (Safety Notices) Bill 2011, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill repeals the sunset provision for family violence safety notices (FVSNs). It also clarifies the power of the Magistrates Court in relation to adjournment of intervention order applications brought by way of FVSN and the power of the Magistrates Court to make intervention orders where the protected person does not consent to the making of the application by police and/or the order by the court.

Family violence safety notices were introduced in 2008 and allow police to impose short-term protective conditions after hours for victims of family violence, pending further hearing by a court. These police-issued FVSNs have a maximum length of 72 hours, and must be returned to a court within that time. The provisions were designed to sunset so that FVSNs could be trialled and evaluated.

Human rights issues

There are a number of human rights engaged by the bill. Prior to analysing the rights in detail I wish to make the following general comment.

The key purpose of the bill is to ensure that victims of family violence, mostly women and children, are afforded effective protection both within and outside the family home. I believe the bill achieves this through embedding FVSNs as an option available to police when responding to incidents of family violence, and clarifying the powers of the Magistrates Court in relation to adjournment of and consent to applications for family violence intervention orders.

Clauses 3 and 4

Clauses 3 and 4 clarify the courts' power to adjourn applications for family violence intervention orders commenced by way of a FVSN.

In clarifying the courts' power to adjourn applications commenced in this way a number of rights may be limited including the protection of families and children (section 17) and the right to liberty and security of the person (section 21). These rights may be limited as affected family members may be placed in a position where they are without protection between the end of the FVSN and the court's final determination of the intervention order application, thereby potentially exposing them to the family violence the FVSN was issued to limit.

This limitation is considered reasonable as the adjournment of the family violence intervention order application may be due to the court requiring clarification or further evidence on which to make a final determination, or the failure of the parties to attend the hearing. In addition without clarification of the power to adjourn, the court, faced with insufficient evidence at the first hearing, may strike out the application without any further consideration of the protective needs of the affected family members, thereby leaving them completely exposed to a recurrence of family violence. This limitation is also balanced by the respondent's right to a fair hearing (section 24) because if they are unable to attend the first hearing, an intervention order may be made against them without being given the opportunity to present their case.

As such the limitations are considered reasonable taking into account the reasons of magistrates for adjourning hearings and the rights of the respondent.

Clause 5

Clause 5 of the bill repeals section 41 of the Family Violence Protection Act 2008 (the act), thereby embedding FVSNs as one of the suite of options available to police when responding to incidents of family violence.

Preservation of the FVSN regime assists in ensuring that affected family members receive effective protection from family violence after hours, on weekends and during public holidays. This protection afforded by FVSNs enhances a number of rights including the right to life (section 9), freedom from inhumane or degrading treatment (section 10), the protection of families and children (section 17) and the right to liberty and security of the person (section 21). Family violence safety notices enhance the protection of these rights through, for example, offering affected family members immediate protection from family violence thereby allowing

them a greater opportunity to live a life free from family violence and the threat or fear of family violence.

Preservation of FVSNs will continue to place limitations on some rights of the respondent including the right to privacy (section 13) and property rights (section 20), for example, through imposing a condition excluding the respondent from the family home for a period of up to 72 hours. Whilst the respondent's rights may be limited through the imposition of conditions on the FVSN, these limitations are considered reasonable taking into account the seriousness of family violence, the real risk of irreparable harm or threat to life of affected family members and the limited duration of FVSNs.

Clauses 6, 7, 8 and 9

Clauses 6 through 9 of the bill clarify the courts' power to make or amend a limited intervention order where the application brought by police and/or the courts' order is not consented to by the protected person. The clause also clarifies that if a child(ren) is also on the application with an adult who is not consenting to the application and/or the order, the court can still make a limited order. The courts' power to make or amend an order engages the right to liberty and security of the person (section 21). This right is engaged as an intervention order may be made where the affected family member does not consent to the making of the order. The right is limited because the court is placing conditions on the way the affected family member lives their life that have not been consented to. Any limitation which may be placed on this right is, however, balanced by the right to protection of families and children (section 17) as the limitation is designed to protect children from the effects of family violence whilst recognising the importance of minimising disruption to the child(ren)'s relationship with the respondent parent and maintaining contact between parents and their children where possible.

If the court is concerned that a child will not be appropriately protected by the limited order, then the court can make an intervention order to protect the child on its own initiative under section 77 of the act.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities Act because, to the extent that some provisions may limit human rights, those limitations are reasonable and demonstrably justified in a free and democratic society.

Richard Dalla-Riva, MLC
Minister for Employment and Industrial Relations
Minister for Manufacturing, Export and Trade

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations).

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

Reports of family violence in our community are continuing to increase. During 2009–10, police responded to over 35 000 incidents of family violence, a 5.4 per cent increase on the previous year. Women and children suffer the most from the effects of family violence. Women are over three times more likely to be victims of family violence than men and around one in four children has witnessed family violence. As a society we have a responsibility to ensure that women and children are able to live a life free from violence, both within and outside the family home.

In November 2003 the opposition released a policy to give greater protection to women and children who were the victims of family violence. The policy provided for on-the-spot interim intervention orders for up to 72 hours in circumstances where victims required immediate protection from the perpetrator of family violence.

It was not until the introduction of the Family Violence Protection Act 2008 that the then government accepted the merits of the opposition's position on the need for immediate protection measures for victims of family violence when they introduced similar provisions called family violence safety notices. The opposition parties supported the introduction of family violence safety notices, but were disappointed that they were only introduced as a trial, pending the outcome of an evaluation.

The family violence safety notice provisions introduced in 2008:

provide immediate safety for victims and their children;

can include a condition to exclude a violent party from the home;

act as an application to the Magistrates Court of Victoria for a family violence intervention order;

act as a summons to attend court; and

must be returned to court for review within 72 hours.

The evaluation has now occurred and has clearly demonstrated the contribution of family violence safety notices to protecting victims of family violence. The evaluation found that family violence safety notices:

contributed to an improved after-hours response to incidents of family violence;

led to an increase in civil actions taken against perpetrators of family violence;

improved victim safety by removing the burden of decision making from the affected family member to the police; and

increased perpetrator accountability by providing a clear and immediate message that family violence is unacceptable.

Through the introduction of this bill the government is ensuring that family violence safety notices are embedded as one of a suite of options available to police when responding to incidents of family violence to ensure that women and

children are afforded a greater level of protection from family violence.

In addition to embedding the family violence safety notice regime, the bill clarifies the Magistrates Court powers in relation to two provisions.

First, magistrates have the power to adjourn applications for intervention orders commenced by way of family violence safety notice where no interim or final intervention order is made on the first hearing date. This confirms that where the court is faced with insufficient evidence at the first hearing, the court has the ability to adjourn the application to a later hearing date, allowing the parties time to gather the required evidence and attend court. The ability to adjourn hearings in this way ensures that applications are not struck out without further consideration of the requirement for additional protection from family violence for the affected family members.

Second, under current law, police can make an application for a family violence intervention order to protect a victim of family violence even if that person does not consent to the police taking that action. The amendment simply confirms that when police bring these applications, with or without the consent of the affected family member, if the affected family member does not consent to the court making the order, the court can still make a limited order that protects the affected family member but does not necessarily affect the living arrangements of the parties.

Where there is a police application for making or amending a single intervention order that protects an adult and a child(ren), the amendment confirms that the court may still make a limited order in circumstances where the adult does not consent to the making or amending of the order.

The amendments to section 75 of the act maintain the existing balance between providing protection and respecting the wishes of the affected family members throughout the intervention order process, from application to the making of a final order. This balance is of particular importance as very often the affected family member, whilst recognising they may require protection, will not seek an intervention order for fear of retribution from the perpetrator. The complex nature and dynamics of family violence are such that often even where the affected family member does have the courage to initiate a family violence intervention order, or to support the police to apply on their behalf, they may be pressured by the perpetrator into withdrawing or opposing the application. The amendments confirm that police and the courts have the power to take protective action for those who may not have the capacity to act in their own interests and afford affected family members protection under the Family Violence Protection Act 2008.

Finally, the bill amends sections of the Personal Safety Intervention Orders Act 2010. The Personal Safety Intervention Orders Act 2010 provides courts the power to make intervention orders in circumstances that do not involve family violence. To ensure consistency and clarity for the police and courts, provisions relating to intervention orders in both the Family Violence Protection Act 2008 and the Personal Safety Intervention Orders Act 2010 are procedurally identical. Amendments will be made to the Personal Safety Intervention Orders Act 2010 for intervention orders where the affected person does not consent to an application brought by police or the court making or amending the order. This will ensure continued consistency between the two acts.

I commend the bill to the house.

Debate adjourned for Hon. M. P. PAKULA (Western Metropolitan) on motion of Mr Leane.

Debate adjourned until Thursday, 12 May.

ADJOURNMENT

Hon. P. R. HALL (Minister for Higher Education and Skills) — I move:

That the house do now adjourn.

Schools: Doreen

Ms MIKAKOS (Northern Metropolitan) — My matter is for the Minister for Education. The former state government's $1.9 billion Victorian schools plan was a commitment to fund every Victorian government school to be rebuilt, renovated or extended by 2016. Part of this plan included providing more than $450 million to build up to 20 new schools in growth areas. Most importantly, Labor made a pre-election promise to build a secondary college for Doreen, one of the fastest growing suburbs in my electorate, the Northern Metropolitan Region.

This plan was made under independent advice and assessment provided by the department of education, and during the last election the then opposition leader, now Premier Baillieu, gave a commitment that the coalition would complete Labor's pledge to rebuild or modernise every public school in Victoria under this plan. However, thus far the Baillieu government has only committed to land acquisition for a high school in Doreen. No funds have been provided in this year's state budget for the actual construction of a school. Land acquisition with no funding for the construction of a school building will not provide an education for the children of Doreen. Given the Baillieu government's lack of commitment to any schools across my electorate, families in Doreen must now face the grim prospect of not having a local high school to which they can send their children.

The reason this project and many others will not proceed or will be stalled at the planning stage is that the Victorian Department of Education and Early Childhood Development is facing massive budget cuts over the next four years. In the state budget announced two days ago we saw that only $208 million will be provided for school capital funding, and 36 schools that had been promised funding by the Baillieu government

have not received funding in this year's budget at all. Other schools that were promised funding for projects will now only receive funding for planning.

The Baillieu government is failing thousands of Victorian government schoolchildren, especially those in the northern suburbs; it is eroding their opportunity to have a good education. I call on the Minister for Education to urgently commit funding to the actual construction of a secondary college in Doreen.

Budget: sport and recreation

Mr O'BRIEN (Western Victoria) — My adjournment matter is for the Minister for Sport and Recreation, the member for Lowan, the Honourable Hugh Delahunty. I raise an important matter regarding participation in local sport and recreational activities. In doing so I congratulate Mr Delahunty and the coalition government for the significant budgetary announcements in relation to his portfolio areas, including $2 million over four years to help maximise elite athlete sport performance and support sporting codes and schools in their efforts to eliminate drugs in sport; $530 000 over four years to support the Stawell Gift; $1.6 million over four years for the Vicswim Summer Kidz learn-to-swim holiday program; $1.8 million over four years to attract, retain and build the capacity of volunteers to provide supplementary coaching and training across Victoria; $25 million over two years to support the Skilled Stadium stage 3 redevelopment at Kardinia Park in Geelong; and $13 million over four years to increase sporting participation in targeted locations or for targeted groups in the community and provide sporting uniform grants of up to $1000 to grassroots sports and recreational clubs.

All of this is designed to deliver upon the coalition's election commitments and more in relation to participation in sport. It recognises that Victorians value participation in sport and sporting achievement, and that increasing participation in sport will be a priority that has important benefits for other members of the community. The government is addressing lifestyle-related diseases that are becoming more prevalent. A recent VicHealth study showed that cutting physical inactivity by just 5 per cent would save 1000 lives annually and result in 3000 fewer cases of illness each year.

I should say that I am a member of a sporting club in the Western Victoria Region. I would not benefit in a pecuniary way from any of these programs, but I take an active interest in them and support the continued support for local participation in sport. One of the issues and programs I am particularly interested in supporting is the country action grant scheme, which recognises the vital role that local sporting groups and associations play in strengthening communities across country Victoria.

The PRESIDENT — Order! I ask Mr O'Brien to wind up.

Mr O'BRIEN — I ask the minister: what programs are to be administered in this area, particularly in relation to the Dunkeld Tennis Club; the Lara Giants Basketball Club; the Victalent travelling program, which will assist with travelling allowances in rural communities; the Casterton Swimming Club; the Coleraine Golf Club; and the Lara Sporting Club, particularly with respect to netball as part of the club's association with the Geelong netball and football league? Furthermore, how will these programs enable families and people to participate in sport and deal with travelling costs across my electorate?

Floods: Bunyip River

Mr SCHEFFER (Eastern Victoria) — I raise a matter for the Minister for the Environment and Climate Change, the Honourable Ryan Smith, regarding the condition of sections of the Bunyip River that are in urgent need of reinstatement.

The minister will remember that the February floods that affected the towns of Koo Wee Rup, Iona, Cora Lynn and Bayles, as well as the surrounding areas, threatened the safety of hundreds of people and caused severe damage to property and infrastructure. The extraordinary thing was that the Bunyip River broke its banks, peaking at a level not seen since the 1971 floods.

The floodwaters from the Bunyip River caused widespread and considerable damage, but I wish to draw the minister's particular attention to the Bunyip River, which suffered severe undercutting during the flood. The damage to the bank and the bordering Bunyip River Road — a Cardinia shire responsibility — has meant the closure of one lane between the Bunyip-Modella and Corcoran roads.

Budget paper 4 shows that Melbourne Water has allocated $7.5 million to the Bunyip main drain at Pakenham, even though the river does not go actually through Pakenham. I ask the minister to advise me when the riverbank reinstatement will be commenced and when it will be completed, and I also ask him to advise me of the details of the funding allocations for these works. The shire is obviously unable to repair the

road until the works relating to the riverbank have been completed.

I have visited the affected area and met with a number of local residents whose properties were threatened by the river bursting its banks. While the road closures are an inconvenience for local people, the major issue is the amount of erosion on the north and south sides of the Bunyip River. Only the south side of the river is currently open to local traffic.

In addition to the damaged roads and eroded riverbanks, there is still, some four months after the flood, a great amount of timber in the river due to trees being fractured during the flood. With the riverbanks being heavily eroded and unstable, the potential for further undermining exists during heavy flows and significant rain events. Local people have told me that this will lead to additional erosion of the roads on the north and south sides of the river, perhaps leading to a total closure of the roads. Residents have put up with this situation for nearly four months and they, and I understand the shire as well, have no idea when the urgently needed works will be undertaken. I seek the minister's urgent advice and attention on this matter.

Trams: W-class

Mr DRUM (Northern Victoria) — My adjournment matter is for the Minister for Public Transport, Terry Mulder. It has to do with the announcement in the budget on Tuesday that the government will commit to spending $8 billion in its first term to restore and trial a limited return to operation of the historic W-class trams. Under the proposal up to four W-class trams from the storage area could be restored to operating condition and a trial will be conducted to determine the feasibility of returning a number of W-class trams currently in storage to limited operation on new tourist routes.

The route options to be considered for the operation of additional W-class trams include the Melbourne CBD, St Kilda, South Melbourne, Chapel Street, South Yarra, Prahran, Armadale, Fitzroy, Brunswick and Coburg.

Hon. P. R. Hall — What about Bendigo?

Mr DRUM — It is interesting you should ask about Bendigo, Mr Hall, because I was delighted to hear this announcement. I was hoping that some, if not all, of this restoration work could in fact be done in Bendigo. The Bendigo Tramways workshop, which works under the auspices of the Bendigo Trust, has the capacity to do this work. It has the capacity as a specialist workshop and the specific capacity to restore these W-class trams. The project has the potential to be a significant project for the Bendigo Tramways workshop and the Bendigo Trust, as well as Bendigo itself.

Obviously I understand that a portion of this $8 million will be needed for the operation of the restored trams around Melbourne. However, there remains a significant amount of money that will flow to the facility that wins the contract to restore and maintain these trams. My understanding is that Bendigo Tramways is well positioned in this area. I think it has often been referred to as the only specialist tramways workshop that has the ability to do this work. I therefore ask the minister if he is able to inform me and the Bendigo Trust as to where this restoration and maintenance work is likely to be contracted. It would be a real shot in the arm for the Bendigo Tramways workshop if it were to win this contract. I look forward hopefully to hearing a favourable response from the minister and the Department of Transport.

East Gippsland: health forum

Mr LENDERS (Southern Metropolitan) — My adjournment matter is for the Minister for Health, who, despite 11 years of rhetoric, I notice is not in the house tonight. However, as a Gippslander I am pleased that Mr Hall is here tonight.

I was in Bairnsdale last Friday attending the East Gippsland field days, and while there I met with members of the East Gippsland Newspapers group. They informed me that on 1 April, some five weeks ago, their group wrote to the Minister for Health inviting him to an East Gippsland health forum in Bairnsdale. It was an invitation not just for the minister to attend but also for the minister to set a date and time that best suited him — Gippslanders are courteous.

Five weeks later the minister has failed to respond. As a result the forum is still without a date and is in limbo. Organisers anticipate the attendance of members of the Bairnsdale Regional Health Service board, members and the chief executive officer of the Orbost Regional Health board, members and the chief executive officer of Omeo District Health, board members and the chief executive officer of Gippsland Lakes Community Health, local and visiting health professionals and local community members. It is a big turnout from Gippsland.

The last time East Gippsland Newspapers organised a community forum in the region more than 2000 people attended. This is a significant local gathering. The action I seek is for the Minister for Health to have the courtesy to respond to the East Gippsland Newspapers

group so as to give the organisers some certainty and allow them to organise a function which up to 2000 people may attend, and in particular I urge the minister to attend the function himself.

Ballarat base hospital: helipad

Mr KOCH (Western Victoria) — I raise a matter for the attention of the Minister for Health, the Honourable David Davis. As members in the house would know, I have long advocated for the establishment of a helipad at the Ballarat hospital. In 2004 I moved a motion in this house calling for the establishment of this important helipad, a motion which was voted down by the Labor Party. This development is extremely important because for 11 years the Labor government did nothing to build this helipad and in fact voted against it when it had the opportunity to support it. At the last minute Labor attempted to curry favour by backflipping, but the fact remains that it had 11 years and did nothing.

I was pleased this week to see our election commitment recognised for the first time in the budget papers. I am also proud to chair the Ballarat helipad implementation working group on this election commitment — a group which will include members of Ambulance Victoria; the Ballarat Health Service; my colleague Simon Ramsay, a fellow member for Western Victoria Region; community representatives; and members of the Ballarat helipad group. I will be meeting with the group next week to further advance the implementation of this election commitment. We will be looking to make sure that the clinical needs of Ambulance Victoria and the health service are met and to ensure that the best clinical outcomes are achieved for the Ballarat community.

My request for action by the minister is for him to provide information on the demand for ambulance flight services as they relate to Ballarat at his earliest convenience. Like members of the Ballarat community, I look forward to seeing the development of this important and well-supported election commitment.

Racing: jumps events

Ms PENNICUIK (Southern Metropolitan) — On Tuesday of this week I made a statement in Parliament regarding the commencement of the Warrnambool jumps racing carnival on 3 May. I expressed the hope that no more horses would be killed at that event, as five had been killed in the previous three years. As members may recall, a horse was killed virtually as I was speaking last Tuesday.

I have raised the issue of jumps racing many times in Parliament. On 6 May 2009 I raised an adjournment matter for the attention of the then Minister for Racing, Mr Hulls, and I pointed out the statistics relating to jumps racing at that point in time. At that time 1 in 24 competing jumps horses were killed on the racetrack and an estimated 1 in 4 horses sustained injuries and have not raced since and are presumed dead. I also raised the point that there were reviews in 1991, 1994, 1998, 2002 and 2005, with promises to fix the problem, but jumps racing horses continue to be killed.

I made another members statement about this issue on 30 July 2009 when I mentioned that I had been outside the Moonee Valley racecourse the previous weekend when a horse had been killed and another one had fallen hard and that horse was not seen again. On 2 September 2010 I again made a statement regarding the Warrnambool jumps racing event of 2010 at which a horse was killed.

So far this year five horses have been killed in races and trials across South Australia and Victoria, which totals the number of horses killed during the entire year in 2010. The reason I choose to raise this again at this point in time is because of what has happened at the Grand Annual Steeplechase event in Warrnambool today. In that race of eight starters only two finished the race, six horses were riderless at the end of the race and one horse left the track and jumped the fence into the spectators. As a result one elderly woman has been taken to hospital and paramedics treated several other people who were injured at the scene.

A Senate inquiry in 1991 found that jumps racing was inherently unsafe and recommended it be phased out across Australia, which it has been. It is now illegal in every other state. It is against the law in New South Wales due to non-compliance with the Prevention of Cruelty to Animals Act 1979.

Mr Koch — Every other state?

Ms PENNICUIK — It is only allowed in Victoria and South Australia. I call on the Minister for Racing, despite the fact that Warrnambool is in his electorate, to do the right thing and end jumps racing before anybody else or any more horses are killed or injured. This activity should be banned once and for all.

Very Special Kids: ministerial visit

Ms CROZIER (Southern Metropolitan) — My adjournment matter is for the attention of the Minister for Health. Recently I met with Andrea Murphy, executive manager, and a number of dedicated staff at

Very Special Kids. Very Special Kids is a truly remarkable organisation that provides vital counselling and support for families who are caring for a child with a life-threatening illness. Its facilities and surrounds provide a special environment for both children and their families. Respite, activities, and end-of-life care are all very important aspects of the service provided by Very Special Kids.

The team of volunteers who support Very Special Kids do various tasks such as tend the garden surrounds and provide various activities for the children and their families, as well as the never-ending necessity of fundraising. A large proportion of the running costs are derived from fund raising initiatives and the generosity of Victorians. However, like many organisations, Very Special Kids is experiencing an increase in its overall operational costs and raising money is becoming increasingly difficult. I was pleased therefore to see that in the budget this week the Baillieu government recognised the needs and challenges of palliative care services by providing a significant investment of $34.4 million over the next four years to the sector. I was particularly pleased to learn of the resources allocated to Very Special Kids to fund an extra 69 out-of-home respite care packages.

I ask the minister if he could visit Very Special Kids and meet with the executives to see firsthand the programs and services it provides for so many Victorian families.

Bushfires: powerlines

Ms PULFORD (Western Victoria) — History will recall 7 February 2009 as the day this country suffered its worst natural disaster. On that day 173 people lost their lives in fires that raged through 430 000 hectares of Victoria. There were 2000 properties and 60 businesses lost and many community assets were destroyed. I will focus on one particular fire in my electorate of Western Victoria Region to put my adjournment matter into context. My matter is for the attention of the Deputy Premier — —

Mr Lenders — The co-Premier?

Ms PULFORD — Yes, Mr Lenders, it is for Mr Ryan, who is the Deputy Premier and the Minister for Bushfire Response.

Associate Professor Trevor Blackburn, an electrical engineering expert, told the 2009 Victorian Bushfires Royal Commission that the clashing of powerlines near the Princes Highway in western Victoria would have ignited the fire which destroyed 1300 hectares in the Horsham region. It is worth noting that powerlines have been blamed for starting five of the largest fires on Black Saturday, including the Kilmore East blaze that killed 119 people.

On 9 February 2009 the then Premier, John Brumby, announced a royal commission. The commission had the broadest possible terms of reference and capacity to inquire into every aspect of the fires. When the royal commission's final report was handed down it contained 67 recommendations. In a media release issued on 2 August 2010 the then Liberal-Nationals opposition said:

> The Victorian Liberal Nationals coalition supports in principle and will implement in government each and every recommendation made by the royal commission.

Recommendations 27 to 34 made by the royal commission deal with fire caused by electricity. These recommendations call for increased inspections, upgraded infrastructure or the replacement of overhead powerlines with underground options.

This week I read in the *Weekly Times* that the Victorian Powerline Bushfire Safety Taskforce found it would cost $41.5 billion to bury rural Victoria's 78 000 kilometres of powerlines, which would nearly double the average annual household electricity bill from $1260 to $2440. The government's budget website declares that the government has committed only $50 million in this year's budget to fund safer electricity assets in line with the recommendations of the royal commission.

I seek clarification from the Deputy Premier as to whether the Liberal-Nationals coalition government remains committed to implementing all 67 recommendations of the bushfires royal commission, whether the government still supports the undergrounding of powerlines in Victoria, and if so, how it expects to meet the cost of undergrounding these powerlines. Does the government have a plan for undergrounding Victoria's powerlines, and if so, what are the time lines for undergrounding powerlines in regional Victoria? Finally, can Victorians expect to see their power bills rising under the Liberal-Nationals coalition government to cover the cost of undergrounding power?

The PRESIDENT — Order! I make the observation that we have made some changes to the nature of the matters that members can raise in the adjournment debate. I suggest that multiple-choice questions are not necessarily part of the way going forward. Ms Pulford had a series of questions, albeit all related to the same subject, but I think she has made too much of an effort

to get across more than one aspect. I am sure the minister will deal with her matter appropriately, and I have no doubt the related nature of some of those matters might well be taken into account in the answer provided to Ms Pulford. However, as I said, members adjournment matters have to be one matter.

Ms PULFORD — Thank you for that clarification, President. The matters I referred to relate to the way in which a specific recommendation of the bushfires royal commission will be implemented. I appreciate your guidance on this occasion, but these matters are a tight subset of matters that interrelate.

Responses

Hon. P. R. HALL (Minister for Higher Education and Skills) — Before I respond to the nine matters that have been raised with me this evening, I have written responses to matters raised by Mr Koch on 9 February, Ms Pennicuik on 2 March, Mrs Peulich on 2 March, Mr Lenders on 22 March, Ms Broad on 23 March, Ms Hartland on 5 April and Mrs Peulich on 7 April.

Tonight's first matter was raised by Ms Mikakos and was for the attention of the Minister for Education. She sought a commitment for funding for the Doreen secondary college. I might add that she made some passing comments on election commitments. If Ms Mikakos read the budget papers carefully, while not all of those education commitments are in this year's budget there is certainly a listing of those that will be completed within the term of the government. There was certainly specification as to how each of those commitments would be delivered. I am not sure whether the Doreen secondary college was one of those. I will certainly raise the matter with the Minister for Education and pass on the genuine wishes of the member.

Mr O'Brien raised a matter for the Minister for Sport and Recreation, Mr Delahunty. Mr O'Brien sought some information on grants to assist quite a number of sporting clubs in his electorate, specifically matters relating to travel costs and coaching in schools. His is a very reasonable request, and I will pass it on to my colleague Mr Delahunty.

Mr Scheffer raised a matter for the Minister for Environment and Climate Change concerning the Bunyip River and the importance of reinstatement work for the riverbank on a section of the river. The fact that that is not reinstated at this point in time has caused some ongoing road closure, and I can understand the serious nature of this particular matter. Mr Scheffer asked when this reinstatement work would be completed, and I will pass that request on to Minister Smith.

Mr Drum raised a matter for the Minister for Public Transport about a very important budget announcement, being $8 million of funding for restoration work on a trial basis for some of Victoria's W-class trams. Specifically Mr Drum is seeking some advice as to whether some of that restoration work could be undertaken in Bendigo specifically at the tramway workshops in Bendigo. I think this is also a very reasonable request and something that would certainly help his community, and I am sure the Minister for Public Transport will give it serious consideration when I pass the request on to him.

Three matters were raised this evening for the attention of the Minister for Health. Mr Lenders raised the first matter requesting that the minister reply to an invitation from East Gippsland Newspapers to set a date for when the minister might be able to attend an East Gippsland health forum. I was pleased that Mr Lenders mentioned some of the very fine health service providers in the Gippsland East electorate — Omeo District Health, Orbost Regional Health, Gippsland Lakes Community Health and Bairnsdale Regional Health Service. I can assure members that each of those services plays a valuable role in those local communities and the coming together of their expertise in a forum would be useful for that part of East Gippsland. I will pass that request on to the Minister for Health.

The second matter for the Minister for Health was raised by Mr Koch. The matter concerns a very important election commitment: the establishment of a helipad at Ballarat hospital. Mr Koch is seeking some advice from the minister on the progress of meeting that election commitment. I will pass on that request to the minister.

Ms Crozier raised the third matter for the Minister for Health. Her matter concerns a very fine organisation called Very Special Kids and a request that the minister visit that organisation, acquaint himself with it and see where and how the good dollars that are coming from the budget are being spent. I will pass that request on to the Minister for Health.

Ms Pennicuik raised a matter for the Minister for Racing concerning jumps racing and repeated a call she has made on a number of occasions in this house in a variety of forums to end jumps racing. That is a view which she has consistently held for a long period of time. I will make sure the Minister for Racing is well aware of that view and gives it consideration.

Finally, Ms Pulford raised a matter for the Deputy Premier in his capacity as Minister for Bushfire Response. Ms Pulford is particularly interested in the 67 recommendations made by the 2009 Victorian Bushfires Royal Commission and in particular recommendations 27 to 34 regarding the undergrounding of powerlines in bushfire-prone zones. In terms of responding to this question I am sure the Deputy Premier will have regard to both the question and the comments when he comments on those. I am sure the Deputy Premier will do his best to address those specific questions in a way which encompasses the views that were expressed by the President in his commentary on that adjournment item.

They are the nine matters that have been raised this evening, and each will be passed on to the relevant ministers.

The PRESIDENT — Order! The points of order exhausted, the house stands adjourned.

House adjourned 5.59 p.m. until Tuesday, 24 May.

Minister for Roads
Minister for Public Transport

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Mr Wayne Tunnecliffe
Clerk of the Legislative Council
Parliament House
EAST MELBOURNE VIC 3002

Dear Mr Tunnecliffe,

ORDER FOR DOCUMENTS – METRO TRAINS

I refer to the Legislative Council's order of 23 March 2011 seeking the production of:

- *all documents held by the Department of Transport and created by the Franchisee for the purposes of section 7.4 of the Metropolitan Train Franchise Agreement relating to proposed changes to the metropolitan train timetable proposed to commence on 8 May 2011.*

These documents relate to the introduction of a new or 'Greenfields' timetable. The obligation to produce a Greenfields timetable forms part of the Franchise Agreement entered into with Metro by the former Labor Government in 2009. The Director of Public Transport has approved the timetable in accordance with the relevant provisions of the Franchise Agreement.

Metro has made commitments to implement timetable changes as part of its undertaking to improve train performance. Furthermore, failure to implement the new timetable would expose the State to commercial issues with Metro.

Yours sincerely,

Terry Mulder MP
Minister for Roads
Minister for Public Transport

5 / 5 / 2011