PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Tuesday, 11 September 2012

(Extract from book 15)

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By authority of the Victorian Government Printer

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Procedure Committee — The President, Mr Dalla-Riva, Mr D. Davis, Mr Hall, Mr Lenders, Ms Pennicuik and Mr Viney

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Economy and Infrastructure References Committee — Mr Barber, Ms Broad, Mrs Coote, #Ms Crozier, Mr Drum, Mr Finn, #Mr Leane, #Mr Lenders, #Mr Ondarchie, Ms Pulford, Mr Ramsay and Mr Somyurek.

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

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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Deputy Leader of The Nationals:
Mr D. DRUM

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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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TUESDAY, 11 SEPTEMBER 2012

Tuesday, 11 September 2012

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 2.03 p.m. and read the prayer.

The PRESIDENT — Order! Members have been advised that the Legislative Council elevator is currently being refurbished. As a result I have had discussions with a number of members. On the ringing of the bells for divisions et cetera, it is my intention to instruct that the bells be rung for 4 minutes to allow members ample time to get to the chamber given that the lift will not be operating.

QUESTIONS WITHOUT NOTICE

TAFE sector: transition plans

Mr LENDERS (Southern Metropolitan) — My question without notice is to the Minister for Higher Education and Skills, Mr Hall. The deadline for the 18 TAFE institutes to submit their transition plans was last week. Has the minister been briefed on those plans?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I am pleased to advise the house that those transition plans from all TAFEs have been forwarded to the TAFE reform panel as per its requirement. While I have some knowledge of what some of those plans contain because of my direct contact with TAFE organisations — I have said before that I work with them and have been meeting with them consistently — I do not have copies; nor have I perused those documents at this point in time. I expect they will be provided to government in due course after analysis by the TAFE reform panel.

Supplementary question

Mr LENDERS (Southern Metropolitan) — I thank the minister for his answer. I am somewhat perplexed by the relaxed nature of his reply. I would have thought with deadlines approaching for enrolments — 1 January next year — and with the public debate on this that he would have had a bit more curiosity and urgency about this. I ask: will the minister make these plans public?

Hon. P. R. HALL (Minister for Higher Education and Skills) — One of the aspects of those TAFE reform plans is to look at a financial analysis of each of the TAFE institutes under the new refocusing and funding arrangements for them. As such I expect — and as I said I have not yet looked at those plans personally — that they will contain a degree of material which is in financial confidence. At this stage I am therefore not prepared to say those plans will be made publicly available until such time as both cabinet and I have given consideration to those plans and have understood their content to see whether they are suitable for release under the normal practices adopted by all governments.

Industrial relations: federal legislation

Mr DRUM (Northern Victoria) — My question is to the Minister for Employment and Industrial Relations, Richard Dalla-Riva. Can the minister advise the house of any recent High Court rulings that will contribute to more balanced workplace relations in Victoria?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I thank the member for his question and his ongoing interest in the issue of productivity and competitiveness in Victoria's industries. As you would appreciate, President, the Victorian coalition government is committed to strengthening the state's industrial relations reputation to encourage investment and sustained economic growth. We have made it very clear we advocate a balanced and common-sense approach to workplace relations that will serve the interests of all Victorians. To achieve these outcomes we need an industrial relations framework that is fair in practice and not just in name.

Last Friday the High Court of Australia delivered a victory for common sense in the very important decision in *Board of Bendigo Regional Institute of Technical and Further Education v. Barclay and Anor*. This decision supports the principle that union officials will not enjoy blanket immunity when it comes to complying with acceptable standards of behaviour at work.

The Victorian coalition provided active support to Bendigo Regional Institute of TAFE, because it believed this was a crucial test of the adverse action principles under Labor's so-called Fair Work Act 2009. The Fair Work Act's adverse action provisions have been a cause of concern for many employers because of their impact on the right to take reasonable disciplinary action against employees who engage in misconduct. The decision of last Friday is yet another reminder to the commonwealth that Labor's workplace laws have tilted the balance too strongly in favour of an adversarial system focusing on union officials above employers and employees.

Honourable members interjecting.

Hon. R. A. DALLA-RIVA — I have to note the interjections of those opposite, given the talk about favouring union officials. For the *Hansard* record, they are yelling in support of union officials over employers and indeed other employees.

It is unfortunate, I might say, that the commonwealth chose to oppose this appeal in support of the Australian Education Union and the union official involved. It is not just us making this assessment; the chief executive of the Australian Chamber of Commerce and Industry, Peter Anderson, called the commonwealth's intervention 'a regrettable error of judgement'. From our side of the Parliament we believe he is right. We know that only last month the commonwealth's hand-picked Fair Work Act Review Panel recommended changes to the adverse action laws that were in support of the Victorian government's position. I must say that the commonwealth government should be embarrassed that it opposed Bendigo TAFE's appeal.

But this is not the only court case that has raised serious questions about the current framework of industrial relations laws. Just last week this government sought leave to join contempt proceedings in the Supreme Court against the Construction, Forestry, Mining and Energy Union for its wilful disregard for the rule of law in relation to its illegal picketing. Why did we do that? Because the commonwealth government abolished the Office of the Australian Building and Construction Commissioner; it left it to us to intervene.

We successfully intervened in the Australian National Retailers Association case in the Federal Court to argue for a variation of the general retail industry award to provide greater flexibility. The Shop Distributive and Allied Employees Association opposed that — all the way up. We wanted some flexibility in minimum shifts for secondary school students. And we successfully argued for the termination of the industrial action at Qantas, which was subsequently reinforced by the Federal Court determining that we were correct, that this was crippling the Victorian tourism and aviation industries.

Not only is it about time that the commonwealth government started to listen to the concerns of employers and employees, but it is also about time that the Leader of the Opposition in the Assembly, Daniel Andrews, and those opposite started to understand the impact these concerns are having on Victoria.

TAFE sector: transition plans

Mr LENDERS (Southern Metropolitan) — My question is to the Minister for Higher Education and Skills, Mr Hall. I note the minister's earlier answer about not making the transition plans available. I also note that through the TAFE reform panel the government has written to every local council seeking advice on the vocational education needs of their area, including the community service obligation of local TAFE institutes. To make these responses meaningful, will the minister make the transition plans available to those local councils?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I thank Mr Lenders for his question. I am also pleased that local government has a huge interest in the TAFE reform process. I made myself available to the Municipal Association of Victoria recently, and I addressed some 80 delegates and gave them an overview of the Refocusing Vocational Training initiatives, and I welcomed their interest and input. It was because of that level of interest that the TAFE reform panel deemed it appropriate to invite submissions from local governments across Victoria, and I am pleased that the invitation has been issued by the reform panel. The indications are that many of those local governments will respond, and that is entirely appropriate.

Supplementary question

Mr LENDERS (Southern Metropolitan) — I thank the minister for his answer. I note that 30 of Victoria's 79 councils have already condemned the government for its TAFE funding cuts. My supplementary question to the minister is: how are the remaining 49 councils meant to make any meaningful input, with 1 January coming along rapidly, if the minister is withholding information from them? Is this invitation merely spin, or is he actually wanting a response from councils based on information?

Hon. P. R. HALL (Minister for Higher Education and Skills) — As I said, at the briefing of the Municipal Association of Victoria I made available full information on all the Refocusing Vocational Training reform initiatives, and that has been publicly available since the budget of 1 May. In addition, municipal association members have a keen interest in their local TAFE organisations, and I would expect that many would be constantly liaising with those TAFEs, talking to them and understanding the services they provide to their local communities. I reject the scenario Mr Lenders put forward that without access to transition plans local government would be ignorant of the needs of their local communities. They are well versed in what their local community needs and well positioned to make meaningful input into the process the government has adopted.

Learn Local: awards

Mrs COOTE (Southern Metropolitan) — My question without notice is to my colleague Mr Hall, the excellent Minister for Higher Education and Skills. Can the minister inform the house of any recent events which have recognised and rewarded achievements in Victoria's adult education sector?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I thank Mrs Coote for her question. It is a very relevant question given that last week was Adult Learners Week. I know many members would have been aware of that through their input into and their contact with many of their Learn Local organisations. Something I have always encouraged members to do is to maintain contact with their Learn Local organisations. These organisations are present in every suburb and almost every township in Victoria. There are some 310 Learn Local organisations which provide education and training for somewhere of the order of 95 000 people each year. One hundred and thirty-three of those Learn Local organisations are registered training organisations which deliver accredited training to people who attend their premises.

It is important to note that in celebrating Adult Learners Week the Learn Local awards give us an opportunity to highlight some of the areas where Learn Local organisations make a particular impact. They are in the areas where people are particularly disadvantaged. I note from the Learn Local sector that during 2011 the number of enrolments for people from a culturally and linguistically diverse background was up 8.4 per cent. Enrolments for learners with a disability increased by 6.5 per cent; for disengaged youth they were up 11.8 per cent; for learners identified as Indigenous they were up 10.4 per cent; and for vulnerable workers they were up 3.6 per cent.

I always have been and continue to be, as is the Baillieu government, a very strong supporter of our Learn Local organisations. They provide an opportunity for many people who would not otherwise have an opportunity to re-engage in learning. The statistics on the levels of participation of people who come from a disadvantaged background in Learn Local programs are commendable.

Finally, I would like to congratulate the six individuals or organisations that were recipients of the Learn Local awards presented last Friday. They were St Kilda Youth Services, which won an award for outstanding organisation. Mrs Coote would be very interested in that award. The award for outstanding learner went to a young man, Tha-Hser Bleh Dah, from Nhill Neighbourhood House Learning Centre. This young man has an amazing story. After 23 years in a Thai refugee camp he is now an education assistant at Nhill neighbourhood house, so he has undertaken a very impressive and commendable pathway to get to where he is now.

The award for outstanding practitioner went to Angie Zerella from Living and Learning Nillumbik. The outstanding pre-accredited program award was received by Jesuit Community College for a program it delivered at St Albans. The outstanding Koori achievement award was won by Wimmera Hub. The innovation in learning award was won by the Brotherhood of St Laurence for its tools of the trade program, which is a community partnership program which helps disadvantaged young people to try a trade, with many then going on to an apprenticeship or pre-apprenticeship programs.

It is always a delight to join Learn Local organisations in celebrating their success and their achievements. Last Friday's event was just recognition and reward for those 310 Learn Local organisations that do a fantastic job in providing learning opportunities for people who otherwise may not have those opportunities.

Bendigo TAFE: funding

Mr LENDERS (Southern Metropolitan) — My question is to the Minister for Higher Education and Skills, Mr Hall. I noticed that when Mr Hall answered my first question he said he was not prepared to make the transition plans available because they were cabinet documents, but he said he had spoken to a number of TAFE institutes and understood their issues. I note that an article in the *Bendigo Advertiser* says Mr Hall met with the management of Bendigo TAFE last week. My question to the minister regarding that is: can he outline the assets and campuses that are at risk and the quantum of operating losses for 2012–13 at Bendigo TAFE due to his government's savage funding cuts?

Hon. P. R. HALL (Minister for Higher Education and Skills) — While this house was sitting in Bendigo I took the opportunity to meet with the management at Bendigo TAFE at its request. Mind you, I did not have any requests for other meetings in Bendigo, but when that request was made I was certainly prepared to do that.

At that particular meeting there was not a discussion about assets or implications for the changes in relation to the Refocusing Vocational Training measures. There was not discussion on that topic. In terms of what Mr Lenders is claiming, by way of his question, I guess

that will be information which will be contained in Bendigo TAFE's transition plan. As I said, when government is giving consideration to that, I will be in a better position to answer his question.

Supplementary question

Mr LENDERS (Southern Metropolitan) — Perhaps I could be more explicit. From Mr Hall's knowledge of Bendigo TAFE, will he specifically rule out further asset sales or course closures due to his government's savage budget cuts?

Hon. P. R. HALL (Minister for Higher Education and Skills) — Mr Lenders implies that I am the manager of every TAFE institute in Victoria, including Bendigo TAFE. They are self-governing organisations which have appointed and coopted councils that make management decisions on issues, including the sorts of facilities they operate out of and the sorts of courses they operate. They will continue to make those decisions without my interference.

Health: vocational education and training subsidies

Mr O'DONOHUE (Eastern Victoria) — My question is to the Minister for Health, Mr Davis. I ask the minister to inform the house about any recent workforce developments in the health sector.

Hon. D. M. DAVIS (Minister for Health) — I thank the member for his question. Members of the house will be aware that the work of my department includes not just supporting our public hospitals and other areas of the health system but working with training providers across the state to support and encourage adequate training through our system.

I note that doctors, nurses, allied health staff and other support staff in our hospitals and health services require ongoing training and upgrading of their skills. In that context I am particularly pleased to inform the house that I am aware of the support through TAFE courses for key sections in the health sector. Vocational education and training course subsidies underpin that support in the health sector, both in non-TAFE and TAFE courses.

I note that, importantly, key certificates like certificate III in home and community care have had significant increases this year — from $6.16 per student contact hour for non-TAFE suppliers and $7.19 for TAFE suppliers to $8.50 per provider. I note that certificate IV in aged care has been lifted to $10 per student contact hour as a support for all providers — that is up from last year for both TAFE and non-TAFE providers; certificate IV in mental health, which is an important support, has lifted from $6.16 and $7.19 in 2011 to $8.50; certificate IV in allied health assistance has also increased; certificate IV in nursing, enrolled/division 2 nursing, which is critical for strengthening the division 2 support, has lifted from $8.47 and $9.89 to $10; and diploma of nursing, enrolled/division 2 nursing, has lifted to $8 in the current period, which is a lift in both TAFE and non-TAFE support.

I want to compliment my colleague the Minister for Higher Education and Skills for the support his sector is providing to the health sector. I indicate that we will be working with TAFE and non-TAFE institutes to ensure that there is strong support for health training for those nurses, allied health staff and support staff who need additional training and support. It is a key part of ongoing training, and I look forward to working in partnership with the training sector. The workforce section of my department will be encouraging providers to take up all the opportunities that are offered through the increased funding for nurse training, particularly the increased support for division 2 nurse training, and the key support that is provided by the TAFE sector to the health sector.

GippsTAFE: funding

Mr LENDERS (Southern Metropolitan) — My question is to the Minister for Higher Education and Skills, Mr Hall. I refer to his response to my first question, in which he said he has not read the transition plans but he is familiar with some of the institutes. I draw his attention to GippsTAFE, which I would assume he is very familiar with because it is in his own electorate. Can the minister outline which assets and campuses of GippsTAFE are at risk because of his savage budget cuts?

Hon. P. R. HALL (Minister for Higher Education and Skills) — The question is about assets at GippsTAFE. I can tell Mr Lenders and the house that despite the rumours that were circulating about possible campus closures — in particular, Waratah Training Restaurant in Morwell and the Leongatha campus in Leongatha — GippsTAFE has once again come out loud and strong in the media and said very clearly that it has no intention of closing those two campuses. That is information that is publicly on the record. They are the only campus assets that GippsTAFE has canvassed publicly, and that is the situation. I am sure that had Mr Lenders been reading Gippsland newspapers he would have been aware of that.

Supplementary question

Mr LENDERS (Southern Metropolitan) — I would certainly hope I could base my information on something more substantial than a newspaper, such as a transition plan.

Hon. M. P. Pakula — Or a minister's answer!

Mr LENDERS — Or a minister's answer; that is right. My supplementary question is specific: will the minister categorically rule out any further campus closures at GippsTAFE or cutting of courses due to his savage budget cuts?

The PRESIDENT — Order! I will allow the minister to answer the question, but I must say I have some concern about the supplementary question in the sense that the minister is not directly responsible for the management decisions that might be associated with those closures. In other words, there is a board in place that would make those decisions. No doubt it would have some reference back to the minister, but essentially it is an independent board. Nonetheless, understanding that caveat on the question that has been posed, I will allow the minister to answer that supplementary question.

Hon. P. R. HALL (Minister for Higher Education and Skills) — The Education and Training Reform Act 2006 provides a mechanism by which the council for each institute is appointed, coopted and elected. Those provisions are contained within the act, and I know Mr Lenders is familiar with them. Therefore he would also know that the government appoints half of the membership of the council; the other half are either coopted or elected, and the board itself elects the chair of the board. The board is the management body.

While I work with the 18 TAFE institutes in Victoria and have always been prepared to do so and to assist them, it is only correct that I do not stand in their way when they are making their management decisions. Therefore I have had absolute confidence up to this point in time in the boards of each of our TAFE institutes to make the right decisions. Unless abnormal behaviour is exhibited by anyone, it is not my practice to interfere in those management decisions.

Homelessness: Northern Metropolitan Region

Mr ONDARCHIE (Northern Metropolitan) — My question is to the Minister for Housing, the Honourable Wendy Lovell. I ask the minister if she can update the house on any initiatives the Baillieu coalition government has enacted to deal with homelessness in Northern Metropolitan Region.

Hon. W. A. LOVELL (Minister for Housing) — I was very pleased yesterday afternoon to join with Major Brendan Nottle of the Salvation Army and Eddie McGuire, president of the Collingwood Football Club, to launch not one but two initiatives to work towards reducing homelessness in Northern Metropolitan Region.

The first of these two important projects is the Safe Exits innovation action project, which is one of the 11 innovation action projects under the Victorian homelessness action plan that was launched by this government last October; it is a $76.7 million plan to reduce homelessness in Victoria. The Safe Exits innovation action project is run by the Salvation Army Project 614 team. It provides wraparound case management for young people who are entering this service. It partners with service providers to provide employment and training assistance, financial counselling and also links to mental health services where they are needed.

The second of the projects that we launched yesterday was the Magpie Nest housing initiative. This is a really exciting housing initiative instigated by the Collingwood Football Club. The Salvation Army has forged a partnership with the Collingwood Football Club, which has provided two homes to house six young people who were sleeping rough or were in unsafe rooming houses. The Salvation Army is delivering the Safe Exits innovation action project out of those homes.

The key partners in these projects are the coalition government, the Salvation Army and the Collingwood Football Club. The Collingwood Football Club should be congratulated on recognising that homelessness is a whole-of-community issue. If the Magpie Nest housing initiative is successful, the Collingwood Football Club is looking to roll it out to 50 properties across Victoria. That is a fantastic investment from a football club that obviously has the community's interests at heart.

Yesterday we were entertained by Youth Nation Souljahs, which is a soul group that has been formed by young people who attend the Salvation Army youth bus. We met tenants of this new initiative and both Eddie McGuire and Major Brendan Nottle praised the Victorian government's commitment to solving homelessness in this state. This is part of more than $90 million that we have invested in homelessness services over our first 18 months in government, and we are very proud of that investment. We are committed to reducing homelessness in this state.

Children: air pollution study

Ms HARTLAND (Western Metropolitan) — My question is to the Minister for Health. Today the results of the Australian child health and air pollution study were published. The study confirms that even low levels of car and truck pollution can affect children's respiratory health. Today's report confirms that diesel pollution also causes respiratory illnesses in children and the higher the levels of exposure, the worse the illness. Considering both of these recent revelations, will the minister use section 5 of the Public Health and Wellbeing Act 2008 to either initiate a public inquiry or undertake a health impact assessment looking at the impact of diesel exhausts on the inner west community's health resulting from more than 21 000 trucks that travel on our residential streets every day?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for her question and, as she correctly points out, the study was released today. Indeed I have read some of the study. It is a large document, so I cannot claim to have waded through the whole details of the study. It is an important study. The Australian child health and air pollution study was commissioned by the Council of Australian Governments Standing Council on Environment and Water. It is a study that has been well designed. I know that it relates to 55 primary schools located within 3 kilometres of 27 air monitoring stations that were selected across six Australian cities. The study reports findings at a national level and not down to state or indeed local area levels, as I think the member may well be aware. I am not sure whether she has as yet had the opportunity to read it all.

A total of 2860 Australian children aged between 7 and 11 years participated in the study. Respiratory symptoms and long-term chronic effects on lung function were examined. The short-term effects on a selected group of 270 asthmatic children were also investigated. I can inform the member that the air quality in Australian cities is amongst the best in the world. However, the study demonstrates that current air quality is associated with some respiratory effects. Therefore benefits can be gained from further reducing pollution.

The study found a pattern of respiratory effects in children associated with increasing levels of air pollution, with nitrogen dioxide having the strongest association. That is highlighted in the conclusion of the study, which I read this morning. It is important to state that this is a complex study. It will require analysis. I will ask my department to analyse it in some detail and give me formal advice on that matter.

Supplementary question

Ms HARTLAND (Western Metropolitan) — It is good to know that the minister is across the detail of this report. However, when I previously asked the minister about the World Health Organisation declaring diesel a carcinogen he said he would read about that, come back to the chamber and say whether he would initiate an inquiry. There are now two major pieces of work. When can we expect the government to take action on this issue?

Hon. D. M. DAVIS (Minister for Health) — As Ms Hartland indicates, we have discussed the earlier changes made by the World Health Organisation. I note that many items are listed as carcinogens in the broad sense and that the list is extraordinarily long. It is important to put that on the record. However, as I said, I will take formal advice from my department. I have begun the process of examining that study. I am aware of the matters regarding diesel exhaust that the member has raised at an earlier point in this chamber.

Planning: Docklands

Mrs KRONBERG (Eastern Metropolitan) — My question is addressed to the Minister for Planning, Matthew Guy. Can the minister advise the house of whether there has been any progress on the implementation of the Baillieu government's community infrastructure program for the Docklands?

Hon. M. J. GUY (Minister for Planning) — It was a pleasure to announce an expression of interest for Docklands' first place of worship. This government will always support the right of Victorians to profess a faith. For some disconnected left-wing career academic types to sneer at a place of worship for the Docklands but advocate for creative coffee bean hubs and organic asparagus incubators shows a level of social priority shared neither by me nor the government. It is with a great deal of satisfaction that I can inform the house that I have invited expressions of interest in the first religious centre for the new suburb of Docklands. This is an important step forward. A 5525-square metre site at the intersection of Footscray Road and Little Docklands Drive has been set aside for a place of worship.

It should be remembered that our state is made up of people from many parts of the world and that these people profess many different faiths. That is why this government is happy to open up expressions of interest for a multi-denominational, multifaith facility on this site, which will cater to the needs of many different Australians who have come from all parts of the world, who have either been here a short time or a long time,

who choose Docklands as their place of residence and who still wish to profess their faith.

If you look at the census, as I did, you will note that around 73 per cent of the Docklands population identifies with a religious group, including 18 per cent who identify with Catholicism, 8 per cent with Anglicanism, 6 per cent with Buddhism and 5 per cent with Hinduism. We are seeing a truly multicultural, multifaith community developing in Melbourne's first waterfront suburb.

This complements the million-dollar community infrastructure plan I recently launched with the Lord Mayor of Melbourne, Robert Doyle, which will see Docklands transform from a development site into a real suburb. That is why this government is proud to move forward by seeking expressions of interest for the first place of worship in our newest waterfront suburb in Docklands. People wishing to profess their faith is something that we on this side of the house are proud of. We believe in a free society and that people should be allowed 100 per cent to practise their faith as they see fit. This government is going to see that a religious place of worship is a part of community infrastructure for the Docklands into the future.

PETITIONS

Following petitions presented to house:

Swinburne University of Technology: Lilydale campus

To the Legislative Council of Victoria:

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

1. since these cuts were announced, Swinburne has announced the closure of its TAFE and university campus at Lilydale;

2. 240 local jobs will be cut, and the future of 2500 students is uncertain as a result of this campus closure; and

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

The petitioners therefore request that the Legislative Council urges the Baillieu state government to abandon the planned funding cuts, guarantee no further cuts will be made and work to secure the future of Swinburne university Lilydale campus.

By Mr LEANE (Eastern Metropolitan) (451 signatures).

Laid on table.

Higher education: TAFE funding

To the Legislative Council of Victoria:

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

1. the TAFE Association has estimated up to 2000 jobs could be lost as a result of these cuts;

2. many courses will be dropped or scaled back and several TAFE campuses face the possibility of closure; and

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

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

By Mr LEANE (Eastern Metropolitan) (333 signatures).

Laid on table.

Puffing Billy: funding

To the Legislative Council of Victoria:

This petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the need for an additional $15 million funding to support the Puffing Billy historic rail line.

In particular, we note:

1. it is a popular and iconic tourist attraction, carrying more than 250 000 people each year;

2. the rail line enjoys huge community support with hundreds of volunteers offering their time to support the rail line; and

3. Puffing Billy supports hundreds of local jobs, many local businesses and delivers a regional economic benefit of $23 million per year.

The petitioners therefore request that the state government immediately commit the $15 million needed to ensure the rail line's survival.

By Mr SCHEFFER (Eastern Victoria) (36 signatures).

Laid on table.

Swinburne University of Technology: Lilydale campus

To the Legislative Council of Victoria:

This petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the state

government's plans to cut hundreds of millions of dollars from TAFE funding. In particular, we note:

1. since these cuts were announced, Swinburne has announced the closure of its TAFE and university campus at Lilydale;

2. 240 local jobs will be cut, and the future of 2500 students is uncertain as a result of this campus closure; and

3. with tens of thousands of jobs lost in the last year, skills training has never been more important for Victorians.

The petitioners therefore request that the Legislative Council urges the Baillieu state government to abandon the planned funding cuts, guarantee no further cuts will be made and work to secure the future of Swinburne university Lilydale campus.

By Mr SCHEFFER (Eastern Victoria) (689 signatures).

Laid on table.

Higher education: TAFE funding

To the Legislative Council of Victoria:

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

In particular, we note:

(1) the TAFE Association has estimated up to 2000 jobs could be lost as a result of these cuts;

(2) many courses will be dropped or scaled back and several TAFE campuses face the possibility of closure; and

(3) with tens of thousands of jobs lost in the last year, skills training has never been more important for Victorians.

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

By Mr SCHEFFER (Eastern Victoria) (130 signatures).

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 13

Mr O'DONOHUE (Eastern Victoria) presented *Alert Digest* No. 13 of 2012, including appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Child Safety Commissioner — Report, 2011–12.

Dairy Food Safety Victoria — Minister's report of receipt of 2011–12 report.

Disability Services Commissioner — Report, 2011–12.

Energy Safe Victoria — Report, 2011–12.

Essential Services Commission — Report, 2011–12.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 80.

Melbourne and Olympic Parks Trust — Report, 2011–12.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Banyule Planning Scheme — Amendment C64.

Boroondara Planning Scheme — Amendment C166.

Greater Bendigo Planning Scheme — Amendment C139 Part 1.

Nillumbik Planning Scheme — Amendment C76.

Port of Hastings Development Authority — Report for the period 1 January 2012 to 30 June 2012.

Queen Victoria Women's Centre Trust — Minister's report of receipt of 2011–12 report.

Racing Integrity Commissioner's Office — Report, 2011–12.

Regional Development Victoria — Report, 2011–12.

Shrine of Remembrance Trustees — Minister's report of receipt of 2011–12 report.

State Sport Centres Trust — Report, 2011–12.

Statutory Rules under the following Acts of Parliament:

County Court Act 1958 — No. 95.

Supreme Court Act 1986 — Nos. 96 and 97.

Working with Children Act 2005 — No. 98.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 91, 92 and 95 to 97.

Legislative Instrument and related documents under section 16B in respect of an interim ban order of 23 August 2012 on the supply of small, separable or loose permanent magnetic objects under the Australian Consumer Law and Fair Trading Act 2012.

Victorian Veterans Council — Minister's report of receipt of 2011–12 report.

Water Act 1989 —

Little Yarra and Don Rivers Water Supply Protection Area Stream Flow Management Plan 2012.

Woori Yallock Creek Water Supply Protection Area Stream Flow Management Plan 2012.

BUSINESS OF THE HOUSE

General business

Mr LENDERS (Southern Metropolitan) — By leave, I move:

That precedence be given to the following general business on Wednesday, 12 September:

(1) notice of motion 416 standing in the name of Ms Broad referring a matter to the Education and Training Committee relating to the impact of TAFE funding cuts in the Bendigo region;

(2) notice of motion 365 standing in the name of Ms Hartland relating to the production of documents relating to VicTrack and the Maryborough Highland Society;

(3) the notice of motion given this day by Ms Pulford relating to the sustainable government initiative;

(4) notice of motion 415 standing in the name of Ms Pennicuik referring a matter to the Legal and Social Issues References Committee relating to the misuse of government training subsidies;

(5) notice of motion 400 standing in the name of Mr Lenders to take note of a press release by the Minister for Energy and Resources, Mr Michael O'Brien, MP; and

(6) order of the day 8, consideration of a petition in relation to duck shooting.

Motion agreed to.

MEMBERS STATEMENTS

Electricity: feed-in tariff scheme

Mr TARLAMIS (South Eastern Metropolitan) — Today I raise yet another election promise broken by the Baillieu government. I am referring to the further cuts to the Victorian solar feed-in tariff, which has now been cut by over 60 per cent, from 25 cents per kilowatt hour down to 8 cents per kilowatt hour. This cut is on top of the government's decision last year to cut Labor's 60 cent per kilowatt hour tariff that was designed to generate growth in the renewables sector and make it more affordable for families to install solar panels and reduce electricity costs.

At the last election the Baillieu opposition made a commitment to implement a more generous gross feed-in tariff scheme to encourage Victorian households to invest in solar, wind and other lower emission power sources. At the time — and I should stress that this announcement was made on the eve of the election — the now Minster for Energy, Michael O'Brien, said:

> We think there is a lot of interest in a gross feed-in tariff as a way of boosting investment in renewables.

What is clear today is that the reality does not match the rhetoric. In reality the government seems more interested in helping manage the costs of energy retailers than reducing the costs for customers. It does not care about the hundreds of jobs being lost in the state's renewable energy sector because of cuts to the feed-in tariff. It does not care that its renewable energy position has made Victoria a backwater in terms of attracting investment and renewable development. It does not care about reducing the cost of living pressures for Victorian families by assisting them to install solar panels as a way of reducing their power bills.

The Baillieu government's failure to support the renewable energy sector is bleeding jobs at a time when unemployment in Victoria is on the rise. I can only conclude that this government is more concerned about the interests of energy retailers and the interests of polluters than reducing the cost of living for Victorians and protecting the environment.

Wind farms: road damage

Mr RAMSAY (Western Victoria) — I refer to an article in the Warrnambool *Standard* of 31 August 2012 titled 'Moyne urges residents to campaign over $50 million road repairs', which states that a social media campaign will urge residents to bombard the state government with requests for funding as wind farm projects have left the shire's road repair costs at $50 million to $60 million. The Moyne Shire Council has openly admitted it underestimated the amount of damage that occurred with wind farm construction in the shire. This was again confirmed at a road forum held last month by the federal member for Wannon, Dan Tehan, and the federal opposition shadow Minister for Infrastructure and Transport, Warren Truss.

I have often wondered why the previous Labor government in its dying days issued a plethora of wind farm permits without putting in appropriate protections for our rural road networks, and I found out it was all about money. Pacific Hydro, one of the biggest wind energy generators, is owned by Industry Super Holdings, a union-owned superannuation fund, through Industry Funds Management, which has over $3 billion

invested in Pacific Hydro. The chairman of Pacific Hydro is Garry Weaven, one-time assistant secretary of the Australian Council of Trade Unions. Other officials of Industry Super Holdings include Bernie Fraser, Treasury secretary under Bob Hawke; Anna Booth, former secretary of the Textile, Clothing and Footwear Union of Australia and now chair of Slater and Gordon; and Anne De Salis, a former staffer to Paul Keating — a potpourri of union officials close to the Gillard government and even closer to the attraction of renewable energy certificates that caused the rush of blood which created a green wave of wind farms at the expense of our rural road networks.

It is only now that councils are waking up to the mess created by the previous government in relation to wind farm permits and are looking to the state government for assistance. I say look to the generators, not the government.

Teachers: enterprise bargaining

Ms TIERNEY (Western Victoria) — More than 15 000 Victorian teachers and support staff rallied at Rod Laver Arena and marched to Parliament House last week as part of their campaign to get this government to abide by its election promise to give every single teacher in this state a decent pay rise. It was the biggest education protest in this state's history, and I can attest that teachers were still marching up to Spring Street even in the closing minutes of the rally. It was a sight to behold, and over the next few months I am sure teachers will continue their fight to get this government to fulfil its election commitment to all Victorian teachers and restore justice.

Western Victoria Region: journalism awards

Ms TIERNEY — I also take this opportunity to congratulate the Hamilton *Spectator*, which was recently crowned country Victoria's newspaper of the year at Victoria's annual media awards. I would also like to congratulate *Spectator* journalist Danielle Grindlay, who was named journalist of the year and also won an award for best agriculture story for the year. Ted O'Connor from the *Wimmera Mail Times* won the Ray Frawley Young Journalist of the Year award, and I congratulate him on receiving that honour.

Gary Cole

Ms TIERNEY — On another note, on 31 August I had the pleasure of attending the Geelong Father of the Year breakfast to hear 10-year-old Chelsea Cole speak of her father, Gary, who won honours as Geelong Father of the Year for this year. This is a sponsored program that was initiated by Bethany, which is all about ensuring that positive role models in our community are rewarded. It was a pleasure to hear Chelsea's nomination as she read it out on the morning, and I congratulate Gary Cole on being nominated and winning Geelong Father of the Year.

Legacy Week

Mr P. DAVIS (Eastern Victoria) — I am pleased to make some brief remarks about badge day for Legacy, which was last Friday. I suspect that most members of the Parliament support Legacy in their own way, as does the wider community. But the great work that Legacy does is to be acknowledged. Australia's iconic organisation, Legacy, has since 1942 been assisting widows and families of veterans in terms of ensuring that life opportunities are not missed because their fathers died in war or passed on subsequent to the Second World War. There are 100 000 widows and tens of thousands of children around Australia who are being supported by Legacy. It is important to note that Legacy in Australia supports the families of Australian troops currently serving in the various jurisdictions around the world, and when there is a tragedy in those families. I note the continuing long-term support that Victorians in particular give to the work of Legacy, an organisation that is important to our community.

Coal seam gas: exploration

Mr SCHEFFER (Eastern Victoria) — Last month the government finally called a halt to the issuing of new coal seam gas exploration licences. The decision of the Minister for Energy and Resources was not made before time, and the delay has brought the minister and the Baillieu government no credit. The Labor Party called for a moratorium on coal seam gas exploration some time ago. We also moved a motion in this chamber to have the Environment and Natural Resources Committee inquire into the matter, listen to landowners and investigate their concerns. Prior to its climb down the Baillieu government turned a deaf ear to landowners over a moratorium, and the minister derided and ridiculed it as a Labor stunt.

But the government still refuses to conduct any kind of inquiry, let alone one carried out by a parliamentary committee. What has changed is that The Nationals have heard the clamour of their constituents and have responded. The Nationals have pushed the Liberals in the Baillieu government to respond to landowners in Gippsland and other parts of the state who feel put upon by exploration licence-holders conducting works on their land. A key concern of landowners and rural residents is the impact that coal seam gas exploration

and mining could have on the groundwater aquifers. Many will know that meetings have been held in many towns across Gippsland where landowners and members of rural communities have made their concerns known, and this widespread disquiet has finally rung the alarm bells in the Premier's office.

Victorian State Schools Spectacular

Mrs PEULICH (South Eastern Metropolitan) — I congratulate all who were involved in the staging of the Victorian State Schools Spectacular at Hisense Arena last weekend. In particular I congratulate the government on making sure that funding is available to keep this magnificent show going.

Mr Drum interjected.

Mrs PEULICH — Sacked under the former government. In particular I congratulate the creative team, especially the musical director, Chong Lim, as well as a range of other very able professionals. I also congratulate the principal vocalists, one of whom was Omar Marele from Dandenong High School, which is in my region. I also commend the principal dancers including a couple from my region, Brendon Harrison from the Narre Warren South P–12 College and Pravina Liyanapathiranage from Dandenong High School. In addition, I congratulate the Victorian State Schools Orchestra, which includes Daniel Tan from Elisabeth Murdoch College.

Wonderful backing vocals were provided by the massed choir with schools from my region represented by Essex Heights Primary School, Hampton Park Secondary College and Kananook Primary School amongst many others. Also represented were Rivergum Primary School, Patterson River Secondary College, Seaford Primary School and Syndal South Primary School. It was an absolutely magnificent choir and a magnificent performance, which I had the pleasure of witnessing with the Minister for Education, Mr Dixon. I congratulate the sponsors, participants and all the school and departmental staff who pulled it all together, as well as the professionals.

Riverine Herald: awards

Ms DARVENIZA (Northern Victoria) — For the first time in its 149-year history, the *Riverine Herald* has been named the Pacific Area Newspaper Publishers' Association's newspaper of the year. The newspaper won in the non-daily up to 10 000 circulation category, an award which recognises the most outstanding newspaper based on journalism, agenda setting, community connection, design and strategy. The *Riverine Herald*, based in Echuca in my electorate of Northern Victoria, is published three times a week and is part of the McPherson Media Group. The editor, Mr Zach Hope, represented the newspaper at the awards held in Sydney last week.

I congratulate all the staff, and particularly the editor at the *Riverine Herald* on winning this prestigious award. I also congratulate *Riverine Herald* photographer Holly Curtis, who won the lifestyle photograph of the year in the suburban/regional/rural category for an image of a father and son cycling in Echuca's aquatic reserve. These awards acknowledge the outstanding work done at the *Riverine Herald*, and all of the staff should be very proud of their success. Congratulations to the newspaper; I am sure it will go from strength to strength.

John Cummins Memorial Fund

Ms HARTLAND (Western Metropolitan) — On 31 August I attended the John Cummins memorial dinner. It was supported by a number of unions, building companies and friends. John was an official with the Builders Labourers Federation and then the Construction, Forestry, Mining and Energy Union. Unfortunately John died in 2006 from a brain tumour. He was more than just a trade unionist; he was also a father, a husband and a friend to many people. His wife, Di, has continued to do remarkable work in his name, raising money for Austin Health, for family and friends of people who suffer from brain cancer and brain tumours.

The John Cummins Memorial Fund has been able to give enormous support to those families. It also provides scholarships for students in high school who might otherwise drop out. It is a very important fund, especially for young students, because often it does not take a lot to keep a student in school, and we all know how important education is. Even though as friends and family we all miss John and the things he did for us, we think what Di has done in his memory is quite remarkable.

Family violence: prevention

Ms BROAD (Northern Victoria) — According to recent crime statistics, during 2011–12 there were 50 382 incidents where police submitted family incident reports. This was 23.4 per cent higher than in 2010–11. For the same period the number of offences against the person related to family violence increased by 39.9 per cent. Earlier this year the Minister for Health, David Davis, decided to cut more than $25 million of financial assistance to community health

services. These cuts included funding for community health programs targeted at stopping family violence. The minister described these cuts as modest, something which cannot be said about the incidence of family violence.

At the time women's health services called on the government to reconsider because of the impact on programs aimed at stopping family violence. More recently the Premier, Ted Baillieu, announced an extra $16 million for counselling and support services for an increasing number of family violence victims. There is no indication in the Premier's announcement, however, that community health programs targeted at stopping family violence which were cut earlier this year by the Minister for Health are to be reinstated. Victorian women are quite capable of doing the maths when the government cuts $25 million one month and puts back $16 million the next. Premier Baillieu should act to restore funding to community health programs for the prevention of family violence.

United States of America: September 11 anniversary

Mr FINN (Western Metropolitan) — Today marks the 11th anniversary of the day that changed the world. I am sure most of us will remember exactly where we were when terrorists flew planes into New York's World Trade Centre and the Pentagon and caused another jet to crash into a field in Pennsylvania. Last night I was among a sizeable group of prominent Victorians who joined the American Australian Association and the US Consul General, Frank Urbancic, in Queen's Hall to commemorate the evil attacks of September 11 2001. Those present vowed we would never forget the barbarity of the attacks or the almost 3000 innocent souls who were murdered in cold blood on that dreadful day. We will remember those victims, who were from over 90 countries, Australia among them. We will remember that the events of 9/11 were not just an attack on the US; this was an attack on us all. It was an attack on freedom by those who still seek to oppress us.

We will also remember that numerous repeats of the carnage of 9/11 have only been avoided through the efforts of our troops in Afghanistan and the international intelligence community — and thank God for them! We should use today to recommit ourselves to defeating terrorism and crushing the threats posed by extreme Islam. We must never forget what lies ahead if we lower our guard. Our freedom is too important.

Teachers: enterprise bargaining

Ms MIKAKOS (Northern Metropolitan) — On 5 September I, together with many of my parliamentary colleagues, witnessed one of the biggest rallies in front of this Parliament for many years — the Australian Education Union rally in support of better pay and fairer conditions for educationalists. It was a historic occasion which saw an estimated 40 000 teachers, principals and school support staff, from both the government and Catholic schools sector, send a very strong and clear message to the Premier that they would not be short-changed. They called on him to honour his pre-election promise, which he seems to have forgotten, to make Victorian teachers 'not the worst paid' but 'the best paid teachers in Australia'.

According to the Organisation for Economic Cooperation and Development (OECD) research:

> The strongest performers among high-income countries and economies —

this is in terms of improved learning outcomes for students —

> tend to invest more in teachers.

That is from an OECD report *Does Money Buy Strong Performance in PISA?*. PISA is the program for international student assessment.

Higher education: TAFE funding

Ms MIKAKOS — On 6 September I also attended the AEU protest in Bendigo against the Baillieu government's million-dollar funding cuts to the TAFE sector. The government's ripping of $290 million a year from this sector is being felt right across the state, with 2000 jobs expected to be lost and with 100 jobs to go from Bendigo TAFE alone. It is expected that many courses will cease, that students will suffer from the impact of fee increases and that asset sales will be inevitable. At a time when Victoria is experiencing a skills shortage and youth unemployment remains high, at 17.7 per cent, the government's cuts to TAFE will impact on the Victorian economy and limit educational opportunities for our young people. This is a shame. I call on the Baillieu government to put its priorities into order. At the moment the government would rather fund the hunt for a black cat than invest in Victoria!

RACING LEGISLATION AMENDMENT BILL 2012

Committed.

Committee

Clauses 1 to 8 agreed to.

Clause 9

Hon. M. P. PAKULA (Western Metropolitan) — I move:

> Clause 9, lines 25 to 26, omit all words and expressions on those lines.

In doing so I will briefly speak to it. At the outset I should make the point that I am not sure whether this is the first bill that has been considered in two different cities, but it may well be the first, given that the second-reading debate occurred in Bendigo and the committee stage is occurring in Melbourne.

I went to the substance of the amendment during the second-reading debate in Bendigo, but I will recap by saying we have no difficulty with the bill. In fact we have expressed our support for the notion that bookmakers should be entitled to have premises other than on a racecourse. We have raised for the record our concern about the access of stewards and the need to retain bookmakers' presence on course. The government has made various comments about those things, both in the house and at the briefing, and we wait with interest to see whether those assurances are realised in the real world.

The amendment seeks to reverse the attempt by the government to use the bill to enable the minister to sit on the racing integrity commissioner's annual report for 14 sitting days rather than 7. It was instructive during the second-reading debate that those government speakers who addressed this matter offered no justification other than saying this was the arrangement with regard to other reports. There was no specific justification for why the tabling period should change for the racing integrity commissioner's annual report.

As I indicated during the second-reading debate, if the racing integrity commissioner said, as he has apparently said, 'I would prefer to hand my report to the minister at the end of September rather than at the end of August to give myself more time to prepare it', we would have no issue with that. But I would have thought that if the minister receives the report at the end of September, seven sitting days to table it would be ample. It has always been the case until now, and it ought to remain the case. Given that in some years it is possible that there will not be 14 sitting days between the beginning of October and the end of the year, that might cause the annual report to not be tabled until the following February, and that would be unacceptable.

I indicate for the record that events that have occurred since the last sitting week when we were in Bendigo reiterate and reinforce the need for racing integrity officials, and Racing Victoria Ltd more generally, to have the sorts of powers they have said they need — it is not what I say they need; it is what they say they need — to ensure that they have the ability to provide a racing product which is free of corruption and in which public punters in particular can have confidence. RVL has said consistently that it requires the power to regulate unlicensed persons and the ability to exchange information with Victoria Police. It is a power it ought to have, it is a power that the Labor Party has said it will give it but it is a power that thus far the minister has refused to provide it with. With those few comments I commend my amendment to the house.

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — The government will not be supporting Mr Pakula's proposed amendment to clause 9, which as Mr Pakula says seeks to strike out the bill's proposal to increase the period for the minister to table the report from 7 days to 14 days. In giving the government's reasons I highlight that this has been an explicit request from the racing integrity commissioner. Mr Pakula went to the issue of providing the commissioner with a wider envelope in which to provide his report to the minister, being to 30 September. But I point out to the house that in making that request of government the racing integrity commissioner also sought that the 14-day window be provided. So it was not just one element that the commissioner sought; it was both elements.

The other aspect of this issue is that the legislation will set down a maximum window for the providing of the report to Parliament. We have seen — as we have seen today in the house — that notwithstanding the provision of the Financial Management Act 1994 with respect to annual reports of other institutions, it is the government's practice, as required by the Premier's directive, that annual reports be provided as soon as possible. So while this legislation sets a maximum window — a wider maximum window than is currently the case — in accordance with the request of the racing integrity commissioner, it certainly does not require that the tabling of the report be delayed for that period. As I have said, the Premier has a directive in place across government for reports to be tabled as soon as possible.

Hon. M. P. PAKULA (Western Metropolitan) — In response to the minister's reasons could I just say that I have never considered myself a cynic, or indeed a sceptic, but I am a little sceptical when I hear the minister say that it is the racing integrity commissioner

who wants the minister to sit on the report for a further seven sitting days. I cannot imagine that that was Mr Perna's idea. If it is Mr Perna's desire, I would be interested to hear why. I would be interested to hear why Mr Perna, the racing integrity commissioner, would care how long the minister sits on the report before he tables it in the Parliament.

I hear what the minister says, but let me just put on the record my scepticism about his explanation. I consider myself a pretty logical person most of the time, and I cannot think of any logical reason why, having had his extra month to provide a report to the minister, the racing integrity commissioner would then have any issue with the report being tabled within seven sitting days.

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I am not able to give Mr Pakula insight into the mind and thinking of the racing integrity commissioner, but I can assure him that it was the racing integrity commissioner's request that both the 30 September date and the 14 sitting days for the minister to table be put in the legislation.

Ms HARTLAND (Western Metropolitan) — While the Greens are not quite as enthusiastic about the bill as Mr Pakula is, we support the amendment for the reasons that have been outlined. We think it is appropriate that the report be tabled in 7 parliamentary days rather than 14, because quite clearly the 14 days provision could delay the releasing of the report by a substantial amount of time.

Committee divided on amendment:

Ayes, 19

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

Noes, 21

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

Amendment negatived.

Clause agreed to; clauses 10 to 22 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I move:

That the bill be now read a third time.

In doing so I thank members for their contributions.

Motion agreed to.

Read third time.

ENERGY LEGISLATION AMENDMENT BILL 2012

Second reading

Debate resumed from 30 August; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Ms PULFORD (Western Victoria) — I am pleased to speak briefly in support of the Energy Legislation Amendment Bill 2012. This bill is not terribly exciting, but it is terribly important. It seeks to preserve the intent of a scheme established under Labor containing transitional provisions that were deemed technically invalid by the Australian Competition Tribunal in January this year. This is a result of United Energy appealing a pricing decision. The bill closes this loophole in the National Electricity (Victoria) Act 2005. This is a consequence of the transition of regulatory oversight of performance incentives from the Essential Services Commission to the Australian Energy Regulator.

The bill also makes some minor technical amendments to the Electricity Industry Act 2000, the Gas Industry Act 2001 and the Fuel Emergency Act 1977 to clarify that an energy company can comply with directions given in the event of an emergency. The main purpose of the bill, as I and my colleague Ms D'Ambrosio, the member for Mill Park in the other place, have indicated, is to close that loophole. That closure stops United Energy from being able to include collecting an additional $35 million from its customers in the next pricing application, which is important. The loophole was not intended to occur, and the opposition is happy to support the government's actions in resolving this issue to minimise the impact of electricity pricing on consumers.

Members in all electorates across Victoria hear about the cost of living issues and challenges faced by people, including Victorian families, on a regular basis. This is an important bill because it closes a loophole and stops those pressures from being greater than they already are.

I will take a moment to make the point that this bill does not in any other way address some cost of living pressures. The government made a rhetorical flourish in a press release in relation to this legislation about the wonderful thing it is doing to close this loophole so that the intention of the original legislation is preserved. What the government has not done in respect of cost of living pressures, particularly in relation to energy prices, is return to installing ceiling insulation under the Victorian energy efficiency target scheme, which enables people to keep their heating bills down by insulating their houses.

It is terribly exciting that spring has returned to Victoria this week. There was a brief burst of sunshine last week, but then we were back in the depths of winter again. It has been a long, cold winter in Victoria. Measures that encourage greater use of better insulation are an important part of supporting people to keep their energy bills down. The government has also chosen to snatch back energy concessions from pensioners and other concessions card holders, which has been — —

Mr Barber — Mean and tricky.

Ms PULFORD — Yes, Mr Barber, it has been mean and tricky. It is giving with one hand and taking with the other. The government is not requiring electric hot-water systems to be replaced with more efficient solar or gas water heating.

On the question of our energy mix, it is probably appropriate to briefly note that in recent days the government has changed solar feed-in tariffs, which will be an additional disincentive in relation to investment in renewable energy. The government's record in relation to wind energy is appalling. There is a stunning contrast between the position of members of the Liberal Party and The Nationals when they were on this side of the chamber supporting renewable energy and a renewable energy target — they argued at the time that the then Labor government was not doing enough — and their record in government, which is quite something else. It is a study in contrasts. In relation to wind and now solar power, we have seen again and again there is no serious commitment by this government to improve the mix of energy generation by moving in the direction of renewable energy.

With those few words, I indicate the opposition will be supporting this legislation. The opposition is keen to see this loophole closed and the restoration of the original legislation so it can have the effect that was originally intended under the previous Labor government.

Mr BARBER (Northern Metropolitan) — According to the minister, the bill has been brought before the house so we can avoid paying electricity companies for our poles and wires to the value of at least $35 million and possibly up to $94 million; he is not too sure. What is $60 million between friends anyway?

While we are on the topic, what I would like to know is what the minister is doing to avoid $1.526 billion of extra money being spent over the next five years on poles and wires in Victoria, which the government's expert advisers say is avoidable. The electricity distribution companies get almost everything they want, and the Minister for Energy and Resources does not want to do anything about it. This bill is the last gasp of state regulation before the minister hands it over to federal government. He seems to want to disempower himself and wipe his hands of all responsibility for this area of electricity regulation, and in particular for putting a cap on the constantly increasing burden of expenditure on poles and wires.

The minister should understand that if he has not read this report, he could be excused. It was commissioned by Sustainability Victoria, but you will not currently find the report unless you go back to the original adviser — that is, the Institute for Sustainable Futures at the University of Technology, Sydney — to get the relevant data about how we can avoid spending a lot more money on maintaining poles and wires, either by energy efficiency measures or by embedding energy production into the grid, which is called decentralised energy. This report has hardly been trumpeted by the state government; in fact the government would rather simply and quietly hand over this area of regulation to the federal government and forget about it.

As I said, the Institute for Sustainable Futures was commissioned by Sustainability Victoria to look at distributed energy options. The institute looked at the trends in network infrastructure investment and it put down to a fine scale the amounts and places where we had avoidable network costs, many of which were driven by peak demand — these avoidable costs were often around the electricity we use for only a short number of hours each year but which nevertheless has to be supplied in order to ensure reliability. Not only do we need a set of generators to provide that electricity,

but also we need poles and wires to distribute it, and the poles and wires have to be upgraded to meet the maximum demand, even though that capacity is then underutilised for the vast majority of the year.

If members wish to look at this report, they will find a set of time series maps for greater Melbourne, Geelong, Bendigo and Ballarat that highlight what the authors call value hot spots. The government could save us money by looking at other options, but distribution businesses and pole and wire operators are not interested in them, because they would not get paid if we used them. They get paid to build bigger. Not surprisingly, with those incentives, it is exactly what they do. Hence, as I said, the money that will pay the bill coming up to $6 billion in upgrades over the five-year period from 2010 to 2015, which was referred to in the study and which we will all end up paying for through our electricity bills, could have been better spent. At the end of the report the Institute for Sustainable Futures tells us the cost savings in dollars per megawatt, which I will come to shortly.

Across Australia over the next five years, about $45 billion will be put into electricity network infrastructure. That is larger than the national broadband network, and its rollout will occur in about half the time period. A large component of the infrastructure is earmarked for peak demand. A dramatic rise in that investment over the regulatory periods from 2010–11 onwards has already been programmed in — the one we are in the middle of and the one that this bill addresses in an extremely small fashion. In Victoria there has been a 50 per cent jump between the two regulatory periods — from $3.9 billion in 2006–10 to $6 billion in 2011–15 — indicating that the time is now for the Minister for Energy and Resources to be addressing this, which is something that was already a great priority. It has now become absolutely critical.

Underlying those trends, electricity consumption in Victoria has been forecast to increase by approximately 17 per cent over the next 10 years, while peak electricity demand has been forecast to increase 25 per cent over the same period. The traditional approach to this has been to build bigger networks, but that simply reinforces our dependency on the big, dumb, centralised and, I have to say, extraordinarily polluting way that we have always run our electricity grid. Now is the time to change that for both economic and environmental reasons. That is where the possibilities for decentralised energy come in, but I know from talking to people who are trying to do this that the current regulatory barriers are extraordinarily difficult, and for that matter the incentives for the power companies are in the other direction.

Apart from distributed generation we also have energy efficiency, reducing energy use and even peak load management to shift some of the demand outside peak periods. Included in distributed energy is solar photovoltaic panels, bioenergy, small gas turbines and small wind turbines. On peak load management there is off-peak hot water, ice storage, power factor correction, gas chillers, cogeneration, stand-by generation and interruptible loads. The latter involves people who would be willing to have their power supplies switched down or off if the benefits to the grid of doing that were shared with them. In energy efficiency of course we have retrofits in lighting, changes to refrigeration appliances, shower heads — which by saving hot water can save electricity and water together — motors and chillers. A huge proportion of our electricity usage is actually in electrical motors, when you think about lifts, heavy machinery and the motors inside air conditioning units, fridges and so forth.

We have these two drivers going on — one is the historical legacy, or the ageing infrastructure, and the other is the expansion for summer peak demand. In fact Victoria has seen the biggest growth of peak electricity of any state, so it is getting even peakier here in Victoria, and therefore the case to do something about it is even greater.

In simple terms, every time we add 1 megawatt of peak capacity to the Victorian system, even if that 1 megawatt is only used for a few hours or even a few minutes in the year, there is a $1.1 million cost at the margin that would have to be recovered in some way. So it is pretty clear that there is a fantastic business case for avoiding an extra megawatt of power demand — it gets up around 10 000 megawatts at its extremes here in Victoria. How do you go about finding that benefit and capturing it? First of all you have to get the data out of the very pole and wire companies which benefit so much from the current system. Then you have to analyse it from the point of view of not only time — the time of day or the time of year — when this problem arises, but also across the landscape because there are locally based substations.

We have seen one of those recently. In fact we have debated issues relating to the Brunswick substation upgrade in this house, which substation will service growing power demands in not only the Melbourne CBD but also the inner north and west around it where there is rapid development going on. If the Lord Mayor of Melbourne, Robert Doyle, had managed to get his 1200 green buildings up and running by now — I

understand he has got about 36; and this was an idea first put to the Melbourne City Council by David Risstrom, our first Green councillor — we may have been on our way to avoiding some of that massive upgrade to that substation, now amounting to tens of millions of dollars.

If members would like to get hold of a copy of a report, *Centralised Energy Costs and Opportunities for Victoria*, commissioned by Sustainability Victoria and prepared by the Institute of Sustainable Futures, they will find maps indicating where the annual marginal deferral value is in 2010 and in 2015. If the government does not have a program to address this problem, we are in a lot of difficulty.

The retail model in Victoria just does not work. There is a huge amount of churn, but all that has led to is higher customer acquisition costs which we all end up paying for; and in distribution businesses we are getting absolutely clobbered in this particular regulatory period that we are about to go into. It dwarfs any effects from the carbon tax, but you will not hear members of the government get up and talk about that. They simply want to hand this over to the federal government and then any time it is raised, the response of the Minister for Energy and Resources will be, 'Don't ask me; I'm just the energy minister. My job is to legislate to put some other body in charge'. The minister blames the previous Labor government for the need to introduce the legislation that we are debating today, but who is he is going to blame as our electricity bills keep getting higher and higher?

The minister is going to duck that issue simply because the vast majority of Victorians do not really understand much about where electricity comes from, who produces it, where the costs are or, for that matter, which politician wants to stand up and take some responsibility. This is an area in which the Greens have already put forward positive and affordable policies. We addressed this specific issue during the Melbourne by-election, and my guess is that we will be the only party going the 2014 state election with a set of policies that will address the problem. Labor and Liberal members will not because they simply do not want to take on the powerful private monopolies that run our power grid and that treat us so badly, whether the issue is smart meters, bushfire protection, energy costs or even the ability to connect your small, medium or large-scale generators to their grid. There is an urgent need for reform in this area, but politicians, state and federal, are simply passing the buck back and forth until members of the public become completely confused.

Mr ELSBURY (Western Metropolitan) — It gives me great pleasure to rise to speak on the Energy Legislation Amendment Bill 2012. Ms Pulford put forward the position of the Labor Party, and I thank Labor members for their support on this bill. Mr Barber regaled us with some bits and pieces relating to energy and reminded us all of the fact that the Melbourne by-election still hurts for the Greens.

The cost of energy is what we are talking about today. That is the main reason we are dealing with this bill. It is important that this matter be put to rest. Energy has become a major topic not only in the media, but also in households all over the state. Across dinner tables, in kitchens and even while sitting down and watching the television at night families are having to discuss just how things are going when it comes to the way they use energy in their homes. What we need to do is ensure that the price of energy remains at sustainable levels. It is paramount for businesses and households alike that that is the case. The Energy Legislation Amendment Bill 2012 seeks to combat another potential impact on power bills. We must ensure that Victoria continues to enjoy being the state with the cheapest energy prices, giving us the competitive edge that we need and ensuring that our population continues to live comfortably.

The base issue that is being addressed by this bill is a determination by the Australian Competition Tribunal that held invalid a decision by the Australian Energy Regulator that electricity distributors could have their revenues reduced for poor performance. The basic premise was that if you do not get the job done, you should be penalised. Currently if electricity distributors fail to deliver a service to customers, they can still receive their full payment amounts without adequately fulfilling their obligations to supply. It is somewhat like engaging a tradesperson — and for the sake of this debate let us say they are an electrician — to get a job done. Under this arrangement if they did not complete the job, you would still have to pay full price for the incomplete work. It does not work like that in industry and it should not work like that in this instance. With the hapless sparkie that I have used in this analogy, the cost would be borne by one customer, but in the case of an electricity distributor a large number of people would be liable to pay for a job that has not been done to the full extent of what was expected.

We are talking about a cost to electricity consumers of between $35 million and $94 million if we take no action. Households in the eastern suburbs that have power supplied by United Energy will cop a $13.50 increase to their normal bills. If a Federal Court bid by Powercorp and SP AusNet is successful,

customers in areas supplied by those two companies can expect an annual increase of $10 and $3 respectively. Some may say that is a small amount of money overall, but this is reminiscent of comparisons that were made about tax cuts provided by a previous Liberal government as being the equivalent of a milkshake. However, for families and pensioners who are already doing it tough, this is a kick they do not need at this time.

This bill will deliver certainty around what we as a government expect from our electricity distributors when they deliver their end of the deal: the supply of electricity. When they fail to deliver the core purpose of their business they can expect penalties. We need these performance-based standards to ensure service delivery. We expect electricity supplies to be reliable, and when they fail we expect them to be restored within a reasonable time.

Indeed the cost of electricity has been spoken about by the Prime Minister, Julia Gillard, in the media over recent weeks. The Prime Minister has recognised the advantage Victoria has in having a privatised energy network. In a letter Ms Gillard wrote to the Premier on 7 August she states:

> I am especially seeking Victoria's help in demonstrating to other jurisdictions the positive experiences that you have been able to deliver from your reform agenda.

It is good to see that the Prime Minister is supporting Victoria. That must have been a day when she was not being a South Australian. The Prime Minister is concerned about electricity costs. However, these concerns are inundated by her imposition of a carbon tax on every home, business, factory, hospital, streetlight, kindergarten and school. The National Centre for Social and Economic Modelling at the University of Canberra has assessed that the average Victorian household will pay an extra $180, which is an increase of 11 per cent, under a carbon tax. This impost on the daily household budget cannot be ignored as a major contributing factor to a reduction in consumer confidence and an increase in household budgets.

The federal government's flip-flop on closing coal-fired power stations has caused uncertainty, which will also have repercussions. To say to industry that you are doing one thing and then to do something completely different does not bode well for the business community. Why would an enterprise that owns a coal-fired power station in Victoria invest in any new equipment while the federal government is negotiating its very closure? Why would it upgrade any of its equipment? Why would it seek out new, more efficient equipment? Why would it want to upgrade any of its turbines or do any major maintenance works to ensure that its plants are running as efficiently as they can? Why would it try to improve its infrastructure at a time when it does not even know if it is going to be running it in the future?

In contrast, the Victorian coalition government has been seeking to reduce the cost of energy bills. Concession card holders now receive energy concessions all year round, rather than during the six-month period that the previous government decided was winter and therefore the only time that concessions were justified. Last time I checked, people do turn on an air conditioner during summer. There is even the odd occasion when the gas furnace has be turned on to warm oneself in the months of April or even November. It gets cold every now and again at weird times of the year. Certainly you want people to be able to live comfortably.

The concessions deliver a 17.5 per cent reduction in yearly bills. Efforts have also been made to improve energy efficiency in households, and they have been supported by the Energy Saver Incentive program, which has highlighted discounts on energy-efficient products. Costs to the consumer have been reined in on the former Labor government's smart meter program. The government has also launched the Switch On website to provide information about energy use, energy-efficient appliances and methods of improving energy efficiency.

I want to take on a few matters that were put forward by Ms Pulford. In relation to the insulation discounts that Ms Pulford spoke of, it is interesting that it was the previous Labor government on 20 April 2009 that reduced the discount to zero in response to the federal government introducing its own think pink batt scheme — and did not that go well? There were shoddy operators out there in the community not only ripping people off but also installing insulation in a way that was dangerous. People were killed. Houses burnt down. Instead of just running at this like a bull at a gate, this government has undertaken consultation work. A media release from the Minister for Energy and Resources reads:

> The coalition government will only proceed with including ceiling insulation in the scheme if the community can be assured that strong safeguards are in place, and that the industry will act responsibly.

We do not want to see a repeat of the rip-offs or of people and houses being put in danger. We want to make sure that things are done properly this time around. We will not rush into it and will not suddenly pull the rug from under people's feet, as the federal

government did. Forty-eight hours notice that your insulation scheme is no longer in place is not enough time for anyone to make a business decision.

There had also been some discussions about the solar feed-in tariff. I again hark back to a debate I entered into on this topic in which members of the Greens and the Labor Party wanted to redistribute wealth from people who cannot afford solar panels to people who can. Taking money from people who cannot afford solar panels and giving it to people who can afford them does not make sense to me. The Greens and the Labor Party want to punish people who cannot afford to put solar panels on their roofs. In any case, a tariff scheme is in place to offset the cost of producing electricity so that it goes back into the grid and benefits the community.

Mr Barber also mentioned an increase in peak energy use. As a member representing the western suburbs of Melbourne, I can imagine that there is an increased use of energy in Victoria. My electorate contains three of the five largest growth corridors in the country, so of course there will be increased demand for energy to be provided to our community.

I turn to the crux of the bill. This bill will reduce red tape by allowing Energy Safe Victoria to perform functions under the greenhouse and energy minimum standards (GEMS) scheme. The GEMS scheme will replace the minimum energy performance standards, including the star-rating scheme currently available. The new GEMS scheme will draw together a number of state schemes, once again streamlining the way businesses can work within an energy-efficient environment. It will reduce the regulatory burden of energy-efficiency requirements.

As has been pointed out by Ms Pulford, we are closing a loophole created by legislation the previous government put forward when it entered into an agreement with the federal government. Members of the former government did not choose to do their homework and close this loophole themselves, so members of the present government have been left to clean up the mess. I recommend that the house votes in favour of this bill.

Hon. P. R. HALL (Minister for Higher Education and Skills) — In reply I simply thank members of the opposition, and particularly Ms Pulford, for their contributions to the debate. I also thank Mr Barber from the Greens and Mr Elsbury for their contributions and for their support for this piece of legislation. Ms Pulford raised a couple of matters on energy which had been raised in the other chamber and which I thought had been dealt with very well by the Minister for Energy and Resources when he summed up the debate on the bill.

Mr Barber provided the house with the benefit of a reference to a report undertaken for Sustainability Victoria by the Institute for Sustainable Futures. According to Mr Barber, the report maps out a course to achieving significant savings by using methods other than having to reinvest in expensive pole-and-wire infrastructure. I am sure the minister will pick up on that report, and I thank Mr Barber for that reference. I am sure the minister will consider the contents of that report. Again I simply thank members from all parties for their support of this bill.

Motion agreed to.

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to.

Read third time.

EVIDENCE AMENDMENT (JOURNALIST PRIVILEGE) BILL 2012

Second reading

Debate resumed from 30 August; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. M. P. PAKULA (Western Metropolitan) — I am pleased to have an opportunity to speak on the Evidence Amendment (Journalist Privilege) Bill 2012, commonly known as the shield law bill. I indicate that while opposition members will not oppose the bill, we seek to amend it in various ways.

It is important to recognise that this bill is about strengthening the protection available to journalists and their sources. During the week I made comments that the interests of the citizenry are protected when journalists are able to expose waste, corruption and incompetence not just on the part of government but on the part of any organisation that exercises power over people. The ability of journalists to expose waste, corruption and incompetence is intricately and intimately tied to their ability to receive information, often from anonymous sources, and for those sources to be confident that the journalist will protect their confidentiality and identity. Journalists need to be able to provide their sources with assurances that their confidence will be maintained and respected. They also

need to know that the confidence cannot be effectively dragged out of them, whether it be by a court or by other investigatory bodies, except where the public interest requires that those sources be revealed.

In my view it would be a rare case where it is found to be in the public interest to force a journalist to reveal his or her source, because the cornerstone of a free press is the ability of journalists to gather information and to protect their sources and, as I have indicated, the interests of the citizens are thereby protected by the existence of that free press.

In effect this bill implements the commitment made by the former Labor government to introduce shield laws for journalists. The bill amends the Evidence Act 2008 to provide for journalist privilege and mutual recognition of self-incrimination certificates from other jurisdictions and to make some technical amendments. It also inserts provisions into a range of other acts, including the Independent Broad-based Anti-Corruption Commission Act 2011, the Major Crime (Investigative Powers) Act 2004, the Ombudsman Act 1973, the Police Integrity Act 2008, the Whistleblowers Protection Act 2001 and the Victorian Inspectorate Act 2011 to specifically provide that journalist privilege is not available under those acts. It is to those matters that the substance of the opposition's amendments go.

I do not intend to deal with this in great detail now — I will do so during the committee stage — but I will say that there is a range of investigatory bodies with fairly extraordinary powers. I do not use the word 'extraordinary' in the sense of those powers being improper; I use it in the sense that those powers are not ordinary but quite unusual powers. It is the view of opposition members that it is appropriate for journalists to be able to avail themselves of the same protection, noting that they have a rebuttable presumption if they appear before the courts.

It is important to go through some background to the bill. The former government introduced new evidence legislation in 2008. Members would know that back then there was no national agreement on journalist privilege. Longstanding attempts had been made by governments at both state and federal level to try to reach agreement on a national model for journalist privilege. We endeavoured in good faith to obtain national agreement for a long period of time, but it was not forthcoming.

There was no agreement at the national level at that stage, and so in September 2010 we indicated that we would effectively go it alone and introduce the first shield laws in the country. Obviously not long after that announcement a state election intervened, and the delivery of that commitment became a matter for the new government. The commonwealth still did not pass laws until, I think, March 2011, and New South Wales passed laws in June 2011. The state Attorney-General, Mr Clark, said in April 2011 that Victoria would have laws within six months of that date. It is almost 18 months since the Attorney-General made that original commitment and we are only now debating these shield laws. We say 'better late than never' and 'better something than nothing'; although, as I have indicated, we will be seeking to amend the bill.

There are some important definitions in this bill which are worth putting on the record. I understand they will impact on other amendments which are being moved by Ms Pennicuik, and I will reserve my comments on those until we get to the committee stage. Under the current definition in the bill, privilege applies only to a journalist. A journalist is defined quite extensively in new section 126J, but for the purposes of this debate I will focus on the germane element of that definition, which is that the person has to be someone who is accountable to comply with recognised journalistic or media professional standards or codes of practice.

We live in an age in which almost anyone can be a journalist. In recent times we have seen the democratisation of information through Twitter, Facebook and various types of blogs, and that is undoubtedly a good thing. Gone are the days when media barons could suppress information for the benefit of persons they sought to look after. It is much harder to do that in this day and age when there are all manner of vehicles by which information can be circulated in the public domain. But that democratisation of information and knowledge highlights other issues. It is true to say that not everybody who purports to tell the news does so in a responsible or respectful way, and certainly not all of those vehicles necessarily disseminate the news in accordance with recognised journalistic codes of practice.

The fact that the current drafting of the bill confines the class of person to which the shield applies is understandable. It is a very difficult area for Parliament to legislate, and, as time goes on, it will be more and more difficult to define who is a journalist and who is not. In the years ahead you will see the distinction blur even further as more and more of our news is provided online. Even the major dailies are expressing the view that they will move to a predominantly digital platform in the years ahead. In that environment, where you do not have a physical broadsheet or tabloid in front of you at the breakfast table — —

Mrs Peulich interjected.

Hon. M. P. PAKULA — Mrs Peulich will have her iPad.

Mrs Peulich — It is not quite the same.

Hon. M. P. PAKULA — It is not quite the same; I agree. I like nothing more than staggering out to my front gate at 6.00 a.m. to get the newspaper. I am always glad that you are not there waiting for me, Mrs Peulich.

Mrs Peulich interjected.

Hon. M. P. PAKULA — I always pledge to myself that I will not allow myself to be distracted by Mrs Peulich, but I always break that promise.

As the mainstream media becomes more and more digitised it will be more and more difficult to distinguish between mainstream media and what we now consider to be blogs. This definition of who is a journalist and who is protected by the shield will be a challenge for future parliaments and the courts as we move forward. We also need to be careful that we do not bite off more than we can chew in the initial iteration of legislation like this.

The second element of the shield is that there must be a promise made, which means that the journalist has to be provided with information by the informant in the course of their work and the privilege is only enacted if the informant has been promised anonymity. Again this is an important element of this bill. Not everything a journalist is told is privileged or is subject to the shield; it is only applicable where there is a specific recognition that a source is providing evidence or information to a journalist and the journalist has given that person a commitment that their anonymity will be protected. That is an important safeguard as well.

Most importantly there is a public interest test, which is a recognition of the fact that shielding a source will not always be the overriding consideration. Sometimes the overriding public interest will be in the source being revealed. I do not want to speculate on what those circumstances might be. I have already indicated that in my view it would be rare that a journalist would be forced to give up the source, but it is not difficult to imagine circumstances where the safety of an individual or a group is at risk, or other circumstances are at play, and the court decides it is in the public interest for the source to be revealed.

That is why the privilege is, as it should be, a rebuttable presumption: it is a presumption, but that presumption can be overturned. It can be overturned when a judge is convinced that the interest in disclosure outweighs the adverse effect on the source and outweighs the general public interest that resides in journalists being able to protect their sources. That is consistent with what we had committed to: a model which was in line with the New Zealand model, where there is a presumption in favour of journalists not disclosing their sources but where there is an opportunity to rebut that if there are overwhelming reasons to do so. We think it is critical that courts have the opportunity to decide these matters on their merits, and we think they are more than capable of doing so.

As I have indicated, I will say more during the committee stage, but I will just make the point now that these shield laws only operate in the courts. According to this bill they are expressly denied to journalists called before the Independent Broad-based Anti-Corruption Commission, the Ombudsman, the special investigations monitor, the Office of Police Integrity, the Victorian Inspectorate and the like. We do not want to see journalists charged with contempt because they refuse to give over a source to the Ombudsman or to the OPI, or the Independent Broad-based Anti-corruption Commission (IBAC) for that matter.

It is well known that many of these investigatory bodies have some, as I say, fairly wide-reaching investigatory powers. We are not quite sure how IBAC will operate yet because it is still not up and running — we still do not even have a commissioner; we have an interim commissioner, but we do not have a commissioner — and we have not had any matters brought before it yet. We are all guessing a bit about how IBAC will operate, but we know how the Ombudsman operates, we know how the OPI operates and we know how the local government inspectorate (LGI) operates, and they have fairly wide-reaching powers. It is one thing for those bodies to bring a member of the public or — dare I say it — a member of Parliament before them and put them in a room without windows and ask them a series of questions. It is not always comfortable for people.

Mr Finn — Just like in here.

Hon. M. P. PAKULA — The beauty of this place is that when Mr Finn starts ranting I can walk out and he can do the same when I am up.

Mr Finn — You'd better get your runners on.

Hon. M. P. PAKULA — I thank Mr Finn for the warning.

Mr Finn — Get your Reeboks on.

Hon. M. P. PAKULA — I will be out of here when he starts. Members of the public or members of Parliament cannot just up and leave if they are up before the Ombudsman, the LGI or the like.

I do not want to see and I am sure members of Parliament generally would rather not see journalists being subjected to these kinds of investigatory tactics where they are being required or forced to reveal their sources. I would much prefer a situation where those investigatory bodies are treated in the same way as the courts, where the journalist can assert a presumption of privilege of the shield, and if the investigatory body thinks the matter is serious enough, it can make an application to the court and seek to have that presumption rebutted. However, under the bill before us that option would not be available to a journalist.

Australia's Right to Know coalition is on the record saying that the shield should be extended to investigatory bodies. The Media, Entertainment and Arts Alliance has said the same thing. The Attorney-General must have been aware of the issue as well, because despite the fact that there are some 10 clauses in the bill which limit the shield and ensure that it does not apply to all these investigatory bodies, that fact did not make it into the minister's second-reading speech at all; it was completely glossed over. It was only on a reading of the bill that it became clear that these holes existed. I think it is also worth noting that in Western Australia the Barnett government has introduced legislation which extends the privilege to other judicial bodies, whether they be tribunals, inquiries or Western Australia's equivalent of an IBAC. The opposition is quite clear in its view that the shield should be extended beyond just the court system, and it will be moving amendments to that effect. As I say, I will go to them in some detail during the committee stage.

Let me just conclude by saying that shield laws are important. It was certainly the desire of the previous government that there be some national uniformity arrived at. The record shows that efforts were made over a long period to achieve that, and when that had not occurred by September 2010 we undertook to introduce shield laws ourselves.

As I indicated, with the change of government in November 2010 that became a matter for the new government, and we are pleased to see that it has occurred, even though it is about a year later than the Attorney-General said it would be. We are pleased that there is going to be some shield law protection despite the fact that in our view the bill does not go anywhere near far enough. I hope against hope that the government will accept at least some of the opposition's amendments. It would be a change; it has not happened before now, in the 21 months we have been in opposition, but it is never too late to start. With that entreaty to the government, I commend the bill to the house.

Ms PENNICUIK (Southern Metropolitan) — The Evidence Amendment (Journalist Privilege) Bill 2012 is relatively simple in that it extends journalist privilege when a journalist appears in court in Victoria. The bill is structured in a way that presumes a journalist has privilege to protect his or her sources unless the court can establish — which is called the rebuttal precept or rebuttal approach — that it would not be in the public interest not to reveal the source. It takes into account a number of criteria including the safety and wellbeing of the source of the information.

The introduction of so-called shield laws in Victoria to protect journalists who appear in court from having to reveal their sources is long overdue. The idea of bringing in shield laws and what those shield laws should look like when brought in have been issues for discussion between commonwealth and state governments over many years. At the moment shield laws operate in the commonwealth jurisdiction, because in March the commonwealth passed the Evidence Amendment (Journalists' Privilege) Bill 2011. There are also shield laws in New South Wales. As Mr Pakula mentioned, there is a bill before the Parliament of Western Australia. As I understand it, that bill is still before one of the parliamentary committees, which is looking at the issue of extending the shield laws, or journalist privilege, to bodies other than courts, such as the Western Australian Crime and Misconduct Commission and other tribunals. The committee is looking at the expression that was proposed to be used in the Western Australia legislation that a court or tribunal, when acting in a judiciary function, would have the power to either accept or rebut a journalist privilege. It raised the issue as to whether that would cross into the Parliament, and that is why the committee is looking at it.

The bill before us is fairly narrow in that it allows for journalist privilege to be exercised only in the courts, and under a separate provision it extends it into the Coroners Court. It makes some other amendments that are not related to journalist privilege with regard to mutual recognition of self-incrimination certificates and other technical amendments. A number of pages in this short bill provide for the exclusion of bodies from the operation of journalist privilege. In particular it excludes the Independent Broad-based Anti-corruption Commission (IBAC), the Ombudsman, the special investigations monitor, the Office of Police Integrity

(OPI) and the Victorian Inspectorate. This is a lost opportunity. In discussions we have had over the past year in this Parliament in relation to the six bills that we have had before us to establish IBAC and the Victorian Inspectorate, the Greens have put forward the idea that journalist privilege needs to be extended to those bodies because they have very extensive coercive powers.

In terms of IBAC, the Office of Police Integrity and the Ombudsman the idea is to find corruption or misconduct in the public sector, expose it and deal with it. It is not necessarily in the best interests of those bodies not to respect journalist privilege, because better outcomes will come from those bodies if they respect journalist privilege and do not treat journalists as if they are suspects but rather as sources of information. We want the public and public servants to come forward with information to journalists so that corruption or misconduct can be uncovered. If they are not to be protected by the court, IBAC, the OPI or the Ombudsman — and this is one of the strongest arguments for journalist privilege and why we now have the shield laws in the commonwealth — people may feel exposed and put at some risk to their personal safety, and they will be very unlikely to come forward. That is why it is important and why we have maintained that the notion of journalist privilege should be extended to those bodies.

The bill only extends privilege to the courts. It leaves those other bodies with their extensive coercive powers and leaves the people who come forward with important information about misconduct or corruption without any protection. The bill is counterproductive to the aims and objectives of those bodies. It is left up to the courts to decide if a journalist has promised not to reveal an informant's identity. The bill provides that the journalist and his or her employer cannot be compelled to give evidence that would disclose the informant's identity in any Victorian court unless the court determines otherwise in the public interest. As Mr Pakula said, the courts are very capable of working that out, and I maintain that IBAC — when it is finally set up and has a proper commissioner who is a judicial figure, which is required under the legislation — and the Office of Police Integrity will equally be able to apply that public interest test.

The government has given no explanation as to why these bodies are not included in the bill, and, as I say, it is a lost opportunity because it means those organisations will be hamstrung in their ability to uncover misconduct and corruption by the fact that people will not want to come forward because their identity will not be protected by journalist privilege as it will be in the courts. It is welcome that it is being extended into the courts; that extension is long overdue.

We know that journalists in the state of Victoria have been convicted of contempt of court for not providing their sources. Probably the most well known is the Harvey and McManus case where the journalists refused to give their sources and were fined and convicted. To précis the reasons they gave, they said that if they were to give up their sources, it would mean that people who were thinking of coming forward with information about misconduct or corruption and who saw that that is what happens in a court of law — that is, that their privilege is not protected — would not come forward to journalists and tell them things. This change protects the notion in the wider public that if you come forward with information to a journalist, you can be protected by journalist privilege. That was not the case then, and it has not been the case in a number of other situations, so it is good that with the passage of this bill journalist privilege will be protected in the courts. But it is not good that it has not been extended further. Certainly all the stakeholder groups that are concerned with this, including the Media Entertainment and Arts Alliance and the Australia's Right to Know coalition, have argued very strongly for the wide application of journalist privilege in tribunals and bodies other than the courts themselves.

The ALP amendments foreshadowed by Mr Pakula go to the clauses in the bill which, one after the other, specifically exclude the bodies I mentioned before. As I read the amendments, which Mr Pakula was kind enough to provide me with a copy of earlier, they would achieve the aim of including those bodies. Instead of leaving each respective provision as saying that journalist privilege will not apply, the amendments change the wording to 'will apply'. That would mean that journalist privilege would be applied specifically to those aforementioned bodies, and I think that would be a good way of achieving that aim and one which perhaps would get over the problem Western Australia appears to be having with respect to the way this has been tried there. Perhaps those who are involved there might like to look at what the ALP and the Greens will be putting forward today with respect to improving the bill.

Mr Pakula spent a bit of time talking about my amendments, and I am happy to have them circulated.

Greens amendments circulated by Ms PENNICUIK (Southern Metropolitan) pursuant to standing orders.

Ms PENNICUIK — I will propose two amendments to the bill. They go to the definitions section of the bill and in particular to the definitions of the words 'journalist' 'news medium'. Under the bill a journalist is defined as:

> … a person engaged in the profession or occupation of journalism in connection with the publication of information, comment, opinion or analysis in a news medium …

My amendment would change that such that a 'journalist' would be a person:

> … who is engaged and active in the publication of news and who may be given information by an informant in the expectation that the information may be published —

in a news medium. That would be the definition. If a journalist said to a source, 'I will protect your anonymity', that would engage the journalist privilege if the journalist were called before a court and/or another body — if the amendments to be moved by the ALP were also accepted.

The second amendment relates to the definition of 'news medium', which in the bill is defined as:

> … a medium for the dissemination to the public or a section of the public of news and observations on news.

The amendment would change the definition by simply changing the word 'a' to 'any'. The definition of 'news medium' would then be:

> any medium for the dissemination to the public or a section of the public of news and observations on news.

This amendment would widen the idea of a medium, meaning 'news medium' could be any medium, including one existing now or one that might appear next year, for example, which would mean we would not have to come back and change the bill.

It was interesting listening to Mr Pakula, because I thought he was arguing in favour of my amendment. He was saying journalism was changing, and certainly we know that. The whole way journalism is being carried out is changing in terms of there being more electronic media, more ways of doing journalism and fewer people being tied to the mainstream media — to the flagship mastheads et cetera — as they have been in the past. That is not how journalism is even now, and it is not how it is going to be in the future.

My amendments look to the future instead of defining journalism as it was in the 20th century. We should not be passing legislation about how things used to be. We should be passing legislation about how things are now and how they will be as we go forward over the next few years. That would be the effect of my amendments. They are the same amendments that were moved by my colleague Senator Scott Ludlum, a senator for Western Australia, in the debate on the commonwealth's Evidence Amendment (Journalists' Privilege) Act 2011, which were accepted and which are now part of a commonwealth act. The definitions I am moving today would therefore bring this bill into line with the commonwealth legislation.

Quite apart from the fact that I commend my amendments as being good on the basis of the argument I just gave, I think it is a good idea for our laws in Victoria to be consistent with commonwealth law. We certainly spend a lot of time in various forums such as the Council of Australian Governments and the Standing Committee of Attorneys-General trying to achieve national uniformity. In this particular instance it would be good to take the opportunity provided by a new commonwealth law which is trying to achieve the same thing as this proposed law by using exactly the same definitions of what a journalist is and what a news medium is, definitions that foreshadow and look forward to the way in which news will be reported in the future.

Mr Pakula referred a lot to us needing to be sure that a person was a journalist et cetera; I actually do not think that is the argument. The argument is about what the bill is about: is it in the public interest to protect a source of the information or not? That is what the bill is set up to address. That is how it is structured, and the courts are charged with working that out — with working out whether protecting a source is in the public interest or not. I do not think courts should be spending their time on and getting caught up in trying to agree about whether or not a person is a journalist according to the criteria in the bill, such as whether the occupation of journalism takes up a fair amount of their time or not and whether or not they are paid for the activity.

The nub of the thing should be: is it in the public interest to disclose the source of information or not? That is what the courts should be concerning themselves with, not with trying to define what a journalist is or is not as the nature of journalism changes as we move into the future. I believe the amendments I will move to make that definition of journalist wider would fit in better with the bill. It would make the possibility of the courts having to determine whether a person is a journalist or not redundant, and it would make the operation, aims and objectives of the bill clearer.

There is a lot that could be said on this issue. I always like to thank the parliamentary library for its research briefs. It certainly put together a comprehensive brief

on this bill, particularly on the legislation that the commonwealth law is based on and to a certain extent that this proposed legislation is based on, which is the journalist shield law that was introduced in New Zealand in 2006. That is a rebuttal presumption of journalist privilege model, which is the model of the commonwealth legislation and the model of the bill today. The brief covered a lot of interesting case law et cetera that has led to the agreement that is rolling out across the country to introduce journalist shield laws. It is very interesting reading.

Members should also look at the submission by the Media, Entertainment and Arts Alliance to the IBAC Committee, one of the submissions to the secret IBAC Committee that has actually been published by the submitter and so is available. Some of those submissions are available because they were published by the submitters. It is interesting reading. It outlines the arguments for why it is necessary for us to protect journalists in their work and not force them to disobey the law when they are trying to do the right thing by protecting their sources, which is the case at the moment but will not be the case after the bill is passed. However, that will apply only when journalists appear before the courts.

The government should agree to all the amendments that will be moved in committee today, because I believe they will improve the bill by expanding its coverage to the Independent Broad-based Anti-corruption Commission, the Office of Police Integrity, the special investigations monitor, the Victorian Inspectorate and the Ombudsman. The government should also accept the amendments I will move in relation to the definition of journalists and news media. Then we would have good legislation passed by this Parliament which would provide for journalist privilege laws across the courts and tribunals and would cover a wider range of people than those who are currently defined as journalists in a narrow sort of way.

Mr O'BRIEN (Western Victoria) — It is with great pleasure that I rise to make a contribution on the Evidence Amendment (Journalist Privilege) Bill 2012, which is an important piece of legislation and joins the list of the government's many election commitments that have been implemented. This bill will provide protection to journalists and their sources, and their proprietors and editors, by implementing a journalist privilege, or what is called a journalist shield.

The purposes of the bill are well stated in clause 1. They are, firstly, to provide for a journalist privilege; secondly, to provide for mutual recognition of self-incrimination certificates issued under provisions in other jurisdictions which are equivalent to sections 128 and 128A of the Evidence Act 2008; and thirdly, to implement other technical amendments approved by the Standing Committee of Attorneys-General to bring the Evidence Act 2008 into line with the Model Uniform Evidence Bill. It will also amend the Coroners Act 2008 to apply the privileges set out in part 3.10 of the Evidence Act 2008 to investigations and inquests, make minor amendments to the Evidence (Miscellaneous Provisions) Act 1958, make necessary consequential and other amendments to those and other acts, and provide for transitional arrangements. I refer to the first of those, the enactment for the first time in this state by the Baillieu-Ryan coalition government of a journalist privilege, which after the passage of this bill and its Governor's assent will be brought into law.

To briefly respond, amendments have been circulated by Mr Pakula on behalf of the opposition and other amendments have been circulated by Ms Pennicuik for the Greens. In a brief instance there was a suggestion by Mr Pakula that, effectively, this bill is better late than never, and better something than nothing. That is a suggestion I would like to take up wholly and contrast with the situation under the previous government, certainly in relation to the Labor Party's proposed extension of the journalist shield laws to the Independent Broad-based Anti-corruption Commission (IBAC) regime. That is in contrast to the vacuum that existed because no independent, broadbased anticorruption commission legislation was brought forward by the previous government.

It is a simple response that we would give initially — namely, that not only did the previous government not bring to the Parliament a journalist shield protection law but it could not have extended it to an IBAC as there was no such IBAC in existence because Labor failed, neglected and refused over 11 years to bring forward such an IBAC. That was notwithstanding the longstanding policies of the coalition parties — when they were not in coalition and when they were in coalition — of demanding that the state establish for the first time a broadbased integrity regime.

The discussion on this bill is important. It is an important bill that in a sense seeks one thing, which is a regulation of the search for the truth, or, in a simple sense, represents the search for the truth. That is where journalism, or our fourth estate, plays a critical role, which role has been described by many speakers in this place and others as integral to a healthy democracy. I will briefly turn to that and some comments about the Finkelstein report. I am sure other speakers — Mr Finn, in particular, is champing at the bit — will want to make their own contributions in relation to that inquiry.

The essence of the recognition of journalism, free speech and a free and fair participation of individuals in a democracy has been well recognised. It is also important to recognise in the context of the bill that there are other searches for the truth that take place, most particularly in a court case where there is a search for the truth, as to the guilt or innocence of a person charged with an offence. There is a role for IBAC in a different way to search for the truth in relation to integrity and corruption matters that go to the very institutions of governance across the executive, the legislature and the judiciary as well as the public service, police and other matters.

In all those instances there are times when the participants will have to balance various matters in considering what to say and what not to say and what sources et cetera need to be protected. In that respect it is important that the government takes the time to get its legislative program right before it introduces legislation in the house, and that it does so unashamedly. It should consider things carefully and take a measured response to fulfilling its policy commitments over its four-year elected term to ensure that as far as possible the balance is correct in relation to these issues. On the important questions involving journalists and their sources, their need for protection from scrutiny in certain instances needs to be achieved.

It is in that context that we reject any suggestion from the other side that we have been too tardy with this. We note that the opposition had no IBAC legislation at all. In short, we will oppose the proposed amendments from the opposition and the Greens because of the nature of those integrity bodies, the procedures they have to search for the truth, the powers they have to obtain information and the protections that are already in place in those integrity regimes. However, with the passage of this bill we will be bringing in the journalist shield for appropriate cases.

This takes us to the second aspect of the amendments to this bill. I will briefly deal with the second lot of amendments from the Greens which seek to effectively extend — —

Mr Barber — Tell us what is wrong with those.

Mr O'BRIEN — Plenty, Mr Barber — and I will. The relationship of the Greens' amendments to the journalist profession needs to be carefully considered. This bill introduces a very measured and appropriate definition of 'journalist' and how journalist privilege shall apply. Clause 3 of the bill, which inserts new section 126J into the Evidence Act 2008, contains a definition of the word 'informant', meaning:

> … a person who gives information to a journalist in the normal course of the journalist's work in the expectation that the information may be published in a news medium.

In relation to that definition it is important to go back and consider some of the background to the so-called journalist privilege, or the famous motto that journalists do not reveal their sources. Some of this material has been helpfully summarised in the excellent research brief prepared by the library. I join Ms Pennicuik in complimenting library staff for their work.

Page 2 of the brief refers to the history of the journalistic code of ethics going back to at least 1944. The brief says:

> … in 1944 the wording was 'To respect all confidences received by him —

it should be 'him and her' —

> in the course of his calling', which slightly changed in 1984 to 'In all circumstances they shall respect confidences received in … their calling'.

Importantly, the brief indicates that in 1995 the clause was changed to the following:

> Aim to attribute as precisely as possible all information to its source. When a source seeks anonymity, do not agree without first considering the source's motive and any alternative attributable sources. Keep confidences given in good faith.

This clause is important in relation to professional journalists and the code of ethics that applies because it is emphasised that in a sense a promise of anonymity protected by the legislation should be the last resort of a journalist in obtaining the information. It should be the case that the journalist seeks to source the information and material from objectively ascertainable and publishable data. Of course that may not be possible because as we know journalists have to rely on the sources they can access.

But the balance that is already in the profession in its code of ethics is in part reflected in the legislation, particularly in its definition of 'informant', first of all. Next, 'journalist' is defined as:

> … a person engaged in the profession or occupation of journalism in connection with the publication of information, comment, opinion or analysis in a news medium …

'News medium' is then defined as meaning:

> … a medium for the dissemination to the public or a section of the public of news and observations on news.

Then there are the factors listed in proposed section 126J(2), which I will not read out. They are the

factors to be considered in determining if a person is engaged in the profession or occupation of journalism.

In that regard it is important to consider the importance of the fourth estate, as our independent free press is called. I will briefly refer to some of the commentary in the introductory section of the 400-odd page report by Mr Ray Finkelstein, QC, entitled *Report of the Independent Inquiry into the Media and Media Regulation*. I will not go into the specific recommendations in the report, but in relation to the background of this bill some of the commentary on the role of the media is helpful in the current debate. In the executive summary to the report under the heading 'Media codes of ethics and accountability' paragraph 1 of the report says:

> There is common ground among all those who think seriously about the role of the news media and about journalistic ethics that:
>
> > a free press plays an essential role in a democratic society, and no regulation should endanger that role;
> >
> > a free press has a responsibility to be fair and accurate in its reporting of the news;
> >
> > a free press is a powerful institution which can, and does, affect the political process, sometimes in quite dramatic ways …

That is certainly the case, and that is the great responsibility which journalists and reputable news organisations take upon themselves. It is a task which in most instances they discharge admirably, and it is important that we do not inadvertently stifle the press and re-regulate on this issue because it is very hard to predict in advance the impacts of such regulations — what will be the issues and what will be the issues that need to be explored in a particularly sensitive environment.

The executive summary continues:

> > a free press can cause harm — sometimes unwarranted — to individuals and organisations.

That has been the subject of some international debate, and I refer to the Leveson inquiry in the UK and the role of the press. I suggest that when any press organisation seeks to report news that affects individuals who have suffered horrific crimes and personal tragedies it is important that great responsibility is exercised. I note particularly yesterday's tragedy involving footballer John McCarthy. A large number of reputable journalists refrained from publishing the young man's name until after the family had been notified.

By contrast some bloggers and tweeters had either inadvertently or otherwise published that information earlier; some of them sought to delete that information, but the nature of the blogosphere is that information cannot always be deleted. Nevertheless, those reputable organisations chose to refrain from publishing the information. That is the sort of restraint that is important. I personally believe the publication of information in relation to individual tragedy is a much more sensitive exercise and is not necessarily always newsworthy in terms of the impact on individuals, as opposed to how damaging it can be to those individuals. It is slightly different to the political debate, but it is an important part of publication. What is of public interest is not always in the public interest.

Equally, the way journalists publish information in relation to the perpetrators of crimes is important. That is something they should do, particularly with a view to avoiding glorification and avoiding copycat crimes. That is something that has to be carefully considered, particularly in relation to recent tragedies, the incidents on Hoddle Street and Queen Street, and the relationship between one event and another. These are the sorts of important matters on which journalists are best to regulate themselves; nevertheless, these are the reasons why it is important that a free press be professional.

We have seen situations emerging in relation to bloggers. In the context of the Twitter debates some bloggers — let alone their sources — are anonymous. Some journalists insist on remaining anonymous; they are the so-called trolls. They do their work anonymously but in a way that ought not be subject to specific protections afforded by this bill, which is in relation to professional journalists applying a code of ethics.

I will finish the quote with the last two points:

> > a free press should be publicly accountable for its performance;
> >
> > codes of ethics regarding accuracy, fairness, impartiality, integrity and independence should guide journalists and news organisations.

I will also read the second paragraph, because it sets the debate for Finkelstein. It reads:

> There is less consensus on how this accountability should be enforced.

Briefly, I join my colleague Ms Tierney in extending congratulations to a reputable independent news organisation in my electorate that is well known to me, the Hamilton *Spectator*, which has been named Victoria's best rural press. The entire news crew — I

will not mention all the journalists named in the article before me — has contributed to its success at the Rural Press Club of Victoria. I should say my uncle was a reputable journalist for 30 years at that — —

Mr Finn — A reputable journalist?

Mr O'BRIEN — He was a reputable journalist, Mr Finn, at the Hamilton *Spectator* for about 30 years. He lived under the name, and still does, of Brian O'Brien — —

Mr Koch — Brian O'Brien.

Mr O'BRIEN — Mr Koch remembers him well. I wish more journalists would take my uncle's advice, because it was very simple but quite appropriate to this debate. In relation to political reporting he said it was easy: you seek to report the facts and get both sides of the story in relation to opinions. He often wrote his stories with a bit of humour, where he could find it, and they remain on the record for others to read.

It is important that those who work on magazines and newspapers like the Hamilton *Spectator* and others exercise their independence without fear or favour. I hope making a distinction between bloggers, who are not regulated, and professional journalists covers the situation.

The other main issue identified by the Labor Party is why journalist privilege will not apply to the Independent Broad-based Anti-corruption Commission. I touched on this issue at the outset. It is important to recognise that an integrity body such as IBAC already has strong powers to protect the confidentiality of witnesses. For example, IBAC examinations will be held in private. We have had that debate, and speakers on all sides of the house have heard that debate. The hearings will be in private, unless IBAC considers on reasonable grounds that there are exceptional circumstances or it is in the public interest to hold a public examination, or a public examination can be held without causing unreasonable damage to a person's reputation, safety or wellbeing. This has been considered very carefully by the government, and it has found that the public interest in getting to the truth of a matter in relation to integrity is more important, in that instance, than a journalist being able to protect their source.

The government has taken the opposite position in relation to an individual court case. We have talked about the court case involving Harvey and McManus. The judge in that case did nothing wrong; he applied the law, which was that there was no journalist privilege. Whilst there was no journalist privilege in relation to court cases, any witness not subject to a privilege would be compelled to give information and answer questions if directed. That is why the government is changing the law. It is proud to bring this bill before this house because it has, in a sense, recognised that whilst the law existed in relation to criminal offences, it was an unjust law.

With those words, I hope I have explained the differences between the Labor Party's position, the position of the Greens and our position.
IBAC itself — —

Mr Ramsay interjected.

Mr O'BRIEN — I did not mention the Ramsay family tree on this occasion, Mr Ramsay.

I am very proud to be a government speaker in the debate on this bill. It is an important piece of legislation. News media will continue to evolve, and further issues will be considered by the government, but this bill is a measured and appropriate response. It is more appropriate and measured than the previous government's response, which in this space and in relation to IBAC did absolutely nothing. I commend the bill to the house.

Mrs COOTE (Southern Metropolitan) — It gives me an enormous amount of pleasure to follow my colleague Mr O'Brien in this debate, to hear such a well-presented argument in support of this bill — he was articulate and his speech was detailed and interesting — and to listen to him refute arguments put forward by the opposition and the Greens, particularly in relation to the amendments the Greens have circulated. I must say it is always extremely interesting listening to Mr O'Brien's contribution to any debate, and today was no exception.

It was very interesting to hear all speakers in this debate speak about the importance of democracy. Regardless of whatever else we are saying about this bill and different tactics we are taking in relation to details, it is important to understand and treasure democracy in this state and this country. Our country has been at the forefront of democratic principles worldwide for a significantly long time — for example, we pioneered preferential voting. We have a very proud position of responsibility as a democracy. The freedom of the press is an essential part of democracy, and this bill has given us an opportunity to look at that, to understand the elements and the details of that and to look into protecting the journalists for whom it is very important.

Ms Pennicuik spoke at length about the changes to journalism we have seen over time. I agree with her; the

profession is changing, and indeed it is changing very quickly. We now have a 24-hour news cycle, which puts pressure on both journalists and those of us who are the news makers. This is a very challenging area. Unless we have rules, regulations and bills such as this, it is just going to be an open slather. I have some problems and issues with Ms Pennicuik's comments, particularly what she said about journalism and how in her opinion it is not important to define journalism. I think it is essential to do so. Just as she suggested, with blogging, social media and a whole range of other challenges in this area, it is vital to understand what we are dealing with and to make it quite certain that we send a very clear message to the courts about what we are doing.

To reiterate, I want to read from the bill's explanatory memorandum, just to get it onto the record. The explanatory memorandum states:

> This bill amends the Evidence Act 2008 to enact a new journalist privilege. It seeks to improve protection against disclosure of the identity of persons who give information to journalists in confidence.

I repeat, in confidence. It continues:

> If a journalist has promised not to reveal an informant's identity, the bill provides that the journalist (and his or her employer) cannot be compelled to give evidence that will disclose the informant's identity in any proceedings in a Victorian court, unless the court determines otherwise in accordance with a specified public interest test.

That is what we are debating today and that is the essence of the shield laws. Currently, as has been said by others, there are no shield laws in Victoria. That may come as a surprise to members of the public who have not stopped to consider this, but it is in fact the essence of what we are discussing today. Currently a journalist called before a Victorian court is compelled to name their source. Despite there being many people who believe that a journalist is expected to protect the confidentiality of their source, there is currently no such protection in Victorian law. That is what is so important about this debate.

As has been mentioned, it is extremely interesting to reflect on federal issues and to understand what has been happening, particularly with Prime Minister Gillard's approach to the media and her government's very rigid and stringent controls on it. Recently she called the *Australian* newspaper 'hate media'. That was said by the Prime Minister of our country. It is absolutely and utterly astonishing to hear her saying such things. The interesting part is that a recent federal bill created to provide further media regulation has come under an enormous amount of criticism from a whole range of areas, whereas the bill that we are debating today has had a lot of support. In an article in the *Herald Sun* of 7 September headed 'News chief lashes out' with the subheading 'Threat to free press', News Ltd chief executive Kim Williams was said to have:

> … hit out at 'draconian' proposals for a new media regulator with the power to threaten journalists with jail.

In the article Mr Williams was quoted as having said:

> I find it … deeply concerning we have reached a place where words like 'government', 'journalist' and jailing' can all appear in the same sentence when describing a report by a retired judge …

It is important for us to reflect upon that statement, because it goes to the essence of the freedom of the press. Mr Williams was so right to bring up these concerns about what has been proposed by the federal government. He said that the media regulator that was being considered by the federal government would create an unhealthy level of government oversight.

It seems as if the federal government's motivation for calling for the Finkelstein inquiry into the Australian media had more to do with critical media coverage of the government's policies than with proper media regulation. An editorial in the *Herald Sun* of 6 June entitled 'Striking a balance on whistleblowing' said that this bill represents a significant step forward in Australian media law, which is in contrast to what has been said about the federal bill. As was noted in the editorial, this bill does not provide a blanket protection of absolute privilege, but rather it allows a judge to 'override the privilege if they feel revealing the source is in the public interest'. That is a critical element. It ensures that rather than a journalist being compelled to name their source, the source must only be named if a judge believes it is in the public's interest to do so.

Mr O'Brien, in his contribution, very clearly and succinctly covered the issue of the definition of a journalist. I would like to reiterate what he said, because I believe Ms Pennicuik muddied the definition somewhat, and it is important to record how this bill defines a journalist. The bill defines a journalist as 'a person engaged in the profession or occupation of journalism in connection with the publication of information, comment, opinion or analysis in a news medium'. It is important to understand this, because otherwise potentially we are going to have some blogger being called a journalist. They could be posting items on Twitter, Facebook or other forms of social media around the clock and they may have an axe to grind about something. As Mr O'Brien rightly said, many of these people are anonymous themselves,

regardless of the issue of whether they have identified their sources. They do not even have the honesty to say who they are. The bill further expands upon the definition of a journalist by providing a four-limbed test for the courts to determine whether a person is engaged in the profession or occupation of journalism.

We get many young students coming through Parliament House. The parliamentary library has a very good internship program, and we get many students from universities coming here to work with the politicians. Some of them say to us that they would like to go on and do journalism. It is very pleasing to see that young people continue to want to be journalists, to take up the challenges and to understand what needs to be reported in this day and age. Regardless of political party, after they have been here with any of us they always say they had no idea how hard we work and they talk about how interesting it was for them to understand the issues behind the current topics. I always say to these students that it is imperative for them to make certain they get the truth. Recently I spoke to a school group in my electorate, and I said that when they look at the newspapers or electronic media, they should make up their own minds, look at the facts and make certain that what the journalists are telling them is accurate, to seek information out for themselves and to make their own opinions. That is very important. Integrity of journalism is in everyone's interest.

The bill also defines an informant; this is another important element. An informant is defined as 'a person who gives information to a journalist in the normal course of the journalist's work in the expectation that the information may be published in a news medium'. The bill defines a news medium and talks about how journalist privileges work. What has not been said today but is important to understand is that there are some other elements that are affected by this bill. The bill makes some amendments to several other acts, and one of these concerns the mutual recognition of self-incrimination certificates across uniform jurisdictions. This particular element was an amendment provided federally by the Standing Committee of Attorneys-General. This is an important bill and its impact on the fundamentals of our democracy should not be considered lightly. I commend the bill to the house.

Mr FINN (Western Metropolitan) — It gives me a great deal of pleasure to rise to support this bill this afternoon. Given my background there is a great deal I could say on this particular matter because before entering this Parliament I was in the media for many years working with many journalists over a long period of time, and indeed on my sabbatical when I was not in this Parliament, after I left it and before I came back, I again worked in the media and again worked with a good many journalists.

There is one thing that has to be said about a journalist's source, and that is that there is nothing in journalism that is more sacred than the journalist's source, because without that source the journalist does not have a story, and the story — in my experience with journalists over a long time, longer than I would like to mention — is what matters. A good journalist sets out to provide a story which is illuminating, is truthful and provides the listening or reading public with the sort of background information they need to properly understand all facets of the issues surrounding the story. For journalists to have their sources threatened is something they take very much to heart.

As we saw with the McManus and Harvey scenario not so long ago, they were two journalists who were prepared to go to jail rather than give up their sources. I have known many journalists over the years who have said the same thing to me. They have said to me that rather than give up their sources, rather than tell people who their sources are, they would go to jail; that is how seriously they regard this matter.

In order to prevent an attack on the sources that journalists have it is important that journalists display the appropriate degree of integrity. It is important that journalists display the appropriate degree of honesty, because from time to time there are some journalists who, it has to be said, do not do their profession any good at all.

Mr O'Brien — Name them.

Mr FINN — I could. I would be very happy to name them. Unfortunately I do not have enough time here this afternoon, but there are some who do that. It is unfortunate that some journalists do drag their profession down to a level from which sometimes it has some trouble returning, and that is sad. I think it is even sadder when some people decide they know better than the journalists involved and they know better than the media. We have people who have decided that they are the ones who should be telling the journalists what to write and they are the ones who should be controlling the media in this country.

We had the former federal Leader of the Greens — this is when the Greens were popular — Senator Bob Brown, who went to some considerable length to ensure that the media was dragged into line, and of course it was at his insistence that the Finkelstein inquiry was established. The proposal contained in the Finkelstein report is that we should have a media

regulator in this country. So no longer would we have journalists saying, 'This is a good story. This is what the people need to know. This is my source for this story. This is what I need to write'; instead we would have somebody in Canberra telling journalists what they could and what they could not write.

Of course this is something that is important to people on the left of politics. As we know, over the decades through the last century governments of a totalitarian nature have taken control of countries, and the first thing they have gone for is freedom of the press, because they know that once they have control of the media they have no further problems. We have now seen the Greens and, to a degree, the federal government under the Prime Minister attempting to do the same thing. I would hope that those members of the federal Parliament and those members of the ALP in Canberra who are concerned about democracy and who are concerned about freedom will stand up and fight any move from Canberra to regulate the media.

Each and every one of us in this house and outside it has from time to time become very annoyed with some journalists. I have certainly done it; I see Mr O'Brien nodding his head furiously, and Mrs Coote is over there chuckling hilariously because she certainly has had a few run-ins with journalists from time to time. Just because we have had a disagreement with them does not mean you should shut down the whole show; it does not mean you should take freedom away from the press and place it in somebody's hands in Canberra. That is just not on. It might be the way they do things in the Australian Greens and it might be the way they do things in the Australian Labor Party, but that is not the way that we do things in Australia. That is not the way that things should be allowed to develop in the free world, in the Western world, and I sincerely hope that any thought of a media regulator is knocked on the head very quickly. I am sure that after the next election, when Tony Abbott is installed as Prime Minister by the people of this country, that will indeed happen.

I do not have much time to speak this afternoon, but I have to say that today of all days it is important that we be debating this matter because freedom of the media, freedom of the press and freedom of journalists to write what they believe they need to write is fundamental to democracy and it is fundamental to freedom. For us to be debating this matter today on 11 September is of some significance because 11 years ago the most savage attack of the recent era on freedom and democracy took place. So for us to be debating a bill, and I trust supporting a bill, on 11 September has some significance.

I am very happy to support this bill. I wish it a speedy passage. I hope the words that I have uttered this afternoon in this house will be listened to by people in Canberra who are attempting to control the media, to shut down the free press in Australia and, in doing so, to shut down democracy as we know it. As I said earlier in my members statement, our freedom is precious and it is worth defending. I believe by supporting this bill today that that is what we are doing. I urge the house to pass the bill quickly to ensure that the journalists we are speaking of today will continue to have the freedom that they have always enjoyed.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 and 2 agreed to.

Clause 3

Ms PENNICUIK (Southern Metropolitan) — I move:

1. Clause 3, lines 13 to 17, omit "engaged in the profession or occupation of journalism in connection with the publication of information, comment, opinion or analysis" and insert "who is engaged and active in the publication of news and who may be given information by an informant in the expectation that the information may be published".

I move this amendment because I am of the view that the current definition of 'journalist' in new section 126J(1) and further qualified in new section 126J(2), to be inserted by clause 3 of the bill, is inadequate. New section 126J(2) provides that in determining if a person is engaged in the profession or occupation of journalism the following factors must be taken into account: whether a significant proportion of the person's professional activity involves collecting news or commenting or providing opinion on the news; whether the person is regularly published in a news medium; and whether the person, or the publisher for whom the person works, is accountable to comply, through a complaints process, with recognised journalistic or media professional standards or codes of practice.

This is a rather old-fashioned definition of a journalist. My amendment looks to what a journalist is now and will be more and more in the future. As Mr O'Brien has stated, we are not looking to cover people's comments on Facebook. We do, however, wish to include those

who are not employed by news organisations, such as freelancers. We also wish to include people who have other occupations but who still engage in the activity of journalism and in doing so have members of the public, including public service employees, approach them with information regarding misconduct or corruption. This person may only publish articles on a particular issue or subject area and, because of this, a member of the public may come forward to them.

I am not aware of any arguments that have been put forward either by the government or the opposition, which still has not decided whether it will support my amendment, as to why those persons should not be covered by this legislation. There is also no reason these persons could not, for example, sign up to the Media, Entertainment and Arts Alliance code of conduct. Such people may not be members of the Media, Entertainment and Arts Alliance.

It would not be just or fair to use a narrow definition of 'journalist' to exclude such people from journalist privilege when the fact of the matter is they could be in exactly the same position as either a journalist fitting the definition in the bill or a journalist's source. It would be unfair to exclude those people in that way, and I would have thought doing so would be contrary to the aims and objectives of the bill, among which is to apply journalistic privilege where it is required. A court would be able to make up its mind as to whether such a person should have their presumed journalist privilege rebutted, whether the journalist is an employee of a news organisation, is paid for their work or engages regularly in that work — whatever 'regularly' means. It could mean weekly or monthly and still be regular. These are the reasons I think this amendment is important and should be supported.

Another aspect is that these amendments would make Victoria's legislation consistent with the commonwealth act, which uses the definition that I am seeking to insert with my amendment and which was supported by the federal government. Both the Greens and the ALP supported these amendments at the commonwealth level, and I believe Victoria's legislation should mirror the commonwealth legislation. This amendment would strengthen the bill. Yet another important reason is that it would remove the need for courts to look at the whole of the clause to work out whether a person is a journalist. The courts could then concern themselves with whether or not the source whom a journalist is trying to protect should be protected under the bill.

Hon. M. P. PAKULA (Western Metropolitan) — Ms Pennicuik indicated that opposition members had not made up their minds on whether to support the amendment. That is quite true; we had not yet said what we would be doing. This is a close-run matter. This amendment demonstrates a few of the difficulties with this process, and it is quite complicated. The opposition first saw Ms Pennicuik's amendment today. I do not say that by way of criticism, because Ms Pennicuik did not see our amendments until today either. This is quite a complex — —

Ms Pennicuik — We all saw each other's amendments today.

Hon. M. P. PAKULA — Yes, that is true. This amendment throws up some quite complex definitional issues. I say that because if you read the provision as it currently stands, it is not at all clear to me that some of these individuals to whom Ms Pennicuik refers are not already covered by the clause as it is drafted. It seems to me that if an individual who does not necessarily work for a daily newspaper or a TV network can demonstrate that they are engaged in the profession of journalism — and there is a long definition of what that means — they may well be covered, whether they work for a daily newspaper, an online publication or the kind of single-issue publication to which Ms Pennicuik made reference.

The effect of Ms Pennicuik's amendment would be to remove the reference to the occupation of journalism, and whether intended or not, that removal would appear to take out everything in new section 126J(2), which states:

> For the purpose of the definition of journalist, in determining if a person is engaged in the profession or occupation of journalism regard must be had to the following factors —

and it then lists a whole range of things, including whether or not the person is bound by codes of practice. Taking out the reference to journalism in line 14 would render irrelevant everything in new section 126J(2), and a lot of definitions there are quite useful. That is why in these sorts of circumstances, with this sort of complexity, frankly the opposition has to go through a process that is a little bit more in depth than in my role as shadow Attorney-General, trying to analyse it on the spot. That is the first point.

Secondly, as I think I indicated during the second-reading debate, these are matters which the Parliament is going to need to consider from time to time as the nature of journalism and the general understanding of what is encompassed by the profession changes, particularly as we start to absorb our news in many varied ways. I understand Ms Pennicuik's point, which is that we might as well try to put in a definition today

that considers all of the ways that news is absorbed, but given that new ways are still emerging, I am more comfortable with the definition as it stands.

The current definition refers to journalism as being an occupation in which a significant proportion of one's professional activity involves collecting and preparing news and current affairs, where it is regularly published in a news medium and where the person is accountable to comply with recognised journalistic or media professional standards or codes of conduct. The definition in the bill is sufficiently broad to encompass most of what is considered to be journalism. I recognise that it might not entirely cover every person who might in future have proper recourse to use the shield of journalist privilege, but I do not think we can anticipate all of that today.

I will make my last point a little cheekily. Ms Pennicuik says we should make this amendment because it has been included in commonwealth legislation. During the second-reading debate Ms Pennicuik revealed how it was that that amendment came to be in the commonwealth bill. It was because Senator Ludlum of the Greens moved an amendment in the Senate. It was probably the case that the commonwealth bill would not have passed if the Greens amendment had not been accepted, but it is not a situation that abides here in Victoria at the moment. That the Greens were able to exercise leverage in the Senate at a particular point in time is not of and by itself a reason that we should accept a similar clause in the Victorian legislation. For those reasons the opposition will not be supporting this amendment.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — Let me get over my shock at hearing Mr Pakula's comments. I thank him for his understanding of the importance of the legislation before the house and for his recognition that just because something has been done at a commonwealth level does not mean Victoria follows suit. I thank Ms Pennicuik for her amendments, but I think we need to go back to some points raised by Mr Pakula in terms of the argument about what defines a journalist in the current context of the bill before the chamber. I will then turn to the amendments.

The definition of 'journalist' relies on the ordinary plain English meanings of the words 'profession', 'occupation' and 'journalism'. This definition is intended to reflect contemporary journalistic practices while ensuring that only people who are recognisably engaged in working as a journalist may claim the privilege. The application of the privilege to professional journalists is reinforced by a number of indicative factors that a court must consider when determining whether a person is a journalist. In terms of the Victorian definition of 'journalist', a journalist will still have a list of factors that a court must consider. These factors concern the professional nature of the person's journalistic activities and whether the content they produce has the character of news or current affairs or opinion or analysis of news or current affairs.

The effect of Ms Pennicuik's amendments would be to make it more likely that the privilege would apply to amateur bloggers and other social media users. As it stands, the bill is not intended to cover amateur bloggers or users of social networking sites who obtain and publish information or opinion that may be of public interest. This reflects the policy underpinning the privilege, which is to provide an appropriate balance between support for the capacity of journalists to investigate and report on matters of public interest and the protection of the public interest by a court having all the relevant and probative evidence before it.

The definition, as it stands in the bill, connects the operation of the privilege to the practice of the profession or occupation of journalism and the ethical obligation of confidentiality which arises from this practice. As Mr Pakula outlined in his contribution, amateur bloggers are not covered by these ethical obligations nor by the guidelines and obligations of professional journalists, and therefore it is not appropriate to extend the privilege to them. On that basis the government will not be supporting the Greens amendments.

Ms PENNICUIK (Southern Metropolitan) — In response to what the Minister for Employment and Industrial Relations and Mr Pakula have said, it was certainly no secret that these amendments would be moved by the Greens. That is covered in the library's brief on the bill; it is not something that was not on the public record that I have just revealed.

Hon. M. P. Pakula — I was not aware of it.

Ms PENNICUIK — We are not trying to make it so that anybody who posts a comment on Facebook or runs a social blog would be covered. Somebody who runs a serious blog may not, as the bill defines them, be a professional journalist or be engaged in the occupation of journalism, which implies that they are being paid for it, but they may be very engaged in particular issues, they may have been given information by an informant and they may follow the journalist code of ethics, which is, as a last resort, to guarantee that person anonymity when they have gone through all the other processes.

The code outlines the processes a journalist would go through before guaranteeing anonymity, such as trying to find the information from another source or verifying the source et cetera. We are trying to prevent the court from immediately dismissing that person's presumption of the existence of the privilege just because they are not a paid journalist. That would be an improvement to the bill.

I also take up the point about who is or is not covered by the code, which I briefly mentioned before. Many journalists who are covered by the code do not always act by the code. Just because you are covered by a code does not mean you always act according to it. If a person's 'occupation' is journalism, it does not necessarily mean they always abide by the code, nor does it mean that someone who is not a professional journalist cannot abide by the code. It boils down to the protection of informants who give information about a topic or a wide range of topics to a person who publishes that information. It is about making sure that the court has the ability to decide whether that source should be protected or whether it is in the public interest to have the information disclosed. It is based on the issue of the safety of the source and the public interest in knowing the information and not on any other issues.

It is an important amendment which would bring the bill in line with the commonwealth. However the commonwealth came up with that particular definition, it has it now, and that is what is in the commonwealth bill.

Committee divided on amendment:

Ayes, 3

Barber, Mr (*Teller*)	Pennicuik, Ms (*Teller*)
Hartland, Ms	

Noes, 37

Atkinson, Mr	Lenders, Mr
Broad, Ms	Lovell, Ms
Coote, Mrs	Mikakos, Ms
Crozier, Ms	O'Brien, Mr
Dalla-Riva, Mr	O'Donohue, Mr
Darveniza, Ms	Ondarchie, Mr
Davis, Mr D.	Pakula, Mr
Davis, Mr P.	Petrovich, Mrs
Drum, Mr	Peulich, Mrs
Eideh, Mr	Pulford, Ms (*Teller*)
Elasmar, Mr	Ramsay, Mr
Elsbury, Mr	Rich-Phillips, Mr
Finn, Mr (*Teller*)	Scheffer, Mr
Guy, Mr	Somyurek, Mr
Hall, Mr	Tarlamis, Mr
Jennings, Mr	Tee, Mr
Koch, Mr	Tierney, Ms
Kronberg, Mrs	Viney, Mr
Leane, Mr	

Amendment negatived.

Ms PENNICUIK (Southern Metropolitan) — I move:

2. Clause 3, line 18, omit "a" and insert "any".

This amendment would change the definition in the bill from:

> news medium means a medium for the dissemination to the public or a section of the public of news and observations on news.

to:

> news medium means any medium for the dissemination to the public or a section of the public of news and observations on news.

This might seem like a very small amendment, but in fact it is an amendment that follows from my previous amendment in terms of broadening out the range of mediums that may be used by journalists. It is strange that the explanatory memorandum at page 4 of the bill reads:

> This approach is supported by the definition of news medium which covers any medium by which news or observations on the news are disseminated to the public. This allows for advancements in technology connected with publication without the need to revise the definition.

Unfortunately I do not think that is what the definition that is currently in the bill does, but I think it is what my proposed definition does. In fact the explanatory memorandum uses the word 'any' rather than 'a'. 'A medium' would mean a specific medium, as defined, whereas my definition would broaden that out to include any medium which exists now or may exist into the future. It may seem like it is just semantics, but I believe this amendment, in conjunction with my amendment 1, would serve the aim of broadening out the idea of what journalism is and what journalistic media are.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I thank Ms Pennicuik for her comments. I reinforce what I indicated earlier in relation to the issue of journalists and the definition of 'news medium'. The government's view is that the definition as it stands in the amendment in the bill in regard to whether it is 'a' or 'any' is flexible enough to cover new forms of media, and therefore we will not be supporting Ms Pennicuik's amendment.

Hon. M. P. PAKULA (Western Metropolitan) — My immediate response is that I think that is right. It seems to me that if you read the definition as it stands

currently, it talks about the publication of information in a news medium. A news medium is defined as:

> … a medium for the dissemination to the public or a section of the public of news and observations on news.

I am not sure what is gained by changing that to 'any' news medium. It seems to be semantic, and I suspect that the only possible consequence of the change will be a negative one — that is, you will end up with arguments by people who are publishing in the most obscure types of ways that because the bill says 'any' it means it includes what they have published in. It is not often I agree with ministers in this government, and it is even rarer that I agree with Minister Dalla-Riva, but on this occasion it seems to me that the definition as it stands currently is sufficient.

Ms PENNICUIK (Southern Metropolitan) — I said in my remarks about the amendment that it was meant to be in concert with the first amendment, so it probably does not work as well on its own.

Amendment negatived; clause agreed to; clauses 4 to 16 agreed to.

Clause 17

The DEPUTY PRESIDENT — Order! Mr Pakula to move his amendment 1, which invites the committee to oppose clause 17, and which is a test of his amendments 2 and 3.

Hon. M. P. PAKULA (Western Metropolitan) — I invite members to vote against this clause. It is my intention to set myself a challenge — that is, to be sufficiently brief as to become popular with the chamber as a whole. In saying that, I have put forward the substantive argument behind this amendment and all of my proposed amendments during the second-reading debate. The reason why there are numerous different amendments is that they all relate to different investigatory bodies. It is not going to be necessary for me to re-prosecute the argument as it relates to each individual body; I think it will be sufficient for me to prosecute the argument once and then allow that argument to stand on its own for the rest of the committee stage.

The argument is quite simple. Amendments 1, 2 and 3 all relate to the Independent Broad-based Anti-corruption Commission (IBAC) in the same way that subsequent amendments apply to other organisations and to other bodies. We believe it would be appropriate for journalist privilege to be accessible by journalists when they are appearing before these investigatory bodies with extraordinary powers. It is interesting that the contributions to the second-reading debate by Mr O'Brien, Mr Finn and Mrs Coote really did not deal with the substance of the amendments; they were excuses for not supporting them. If I can be so bold as to paraphrase the government's position, it is, 'You never did an IBAC and you did not bring in shield laws. The federal government has instituted the Finkelstein inquiry, so why should we support your amendments?'. That seems to be the substance of the response.

In terms of being a politically rhetorical response, it is fine. But in terms of actually dealing with the question of why the shield laws should not be applied to IBAC, the Ombudsman or other investigatory bodies, the response really does not go to that question. While I am mindful of the response that was provided by the government during the debate, given the nature of the response I am not dissuaded from moving these amendments. I suggest the government is probably hard pressed to explain why these shield laws should not be extended in the way that the opposition is proposing.

That is the position behind amendments 1, 2 and 3. It is fundamentally our position behind all the other amendments as well; it is just that the other amendments relate to other investigatory bodies. With those comments I have substantively made the contribution that I will make for all of the proposed amendments.

Ms PENNICUIK (Southern Metropolitan) — The Greens will support Mr Pakula's amendment 1, which is a test for his amendments 2 and 3. In my contribution to the second-reading debate I indicated that we would support them because the idea that journalist privilege would not extend to these investigatory bodies is not substantiated by any substantive argument from the government. I agree with Mr Pakula that government speakers did not go to the substance of that issue, and the second-reading speech does not mention that they are not covered. The Attorney-General and the Minister for Corrections, who is also the Minister responsible for the establishment of an anti-corruption commission, know very well that is what we have been calling for and that is what other bodies that represent journalists have been calling for. It is a move that is being made in Western Australia for its Crime and Misconduct Commission, and in Victoria we should be taking the opportunity do it at the outset rather than having to come back to do it later, which is inevitably what will have to happen.

Without repeating my second-reading comments, the important point to make is that what the investigatory bodies are looking for is misconduct in the public sector with its widest application, or corruption, and the

people who know about that are the sources who provide information to journalists. If no journalist privilege is extended to these bodies, people will not supply the information. That will be exactly the effect of not extending journalist privilege to these organisations. If you look at the Media Entertainment and Arts Alliance submission to the Senate inquiry, it points out several instances where its members have been called to these bodies in different states. They have not been able to get advice from their union and they have only been able to get a small amount of legal counsel. Some of them have been very intimidated by that experience, and their sources have not been protected.

The message that is being sent to the community and to would-be whistleblowers is, 'Don't be a whistleblower because you will not be protected'. If the journalist that you give information to has to appear before any of these bodies, he or she will not have journalist privilege because it has not been extended to them. Mrs Coote talked about democracy and freedom of the press, and that is why we are here. We will have shield laws so that when journalists go to court they are protected by them; it is presumed that journalist privilege will apply. This bill does not go far enough in extending the privilege to these investigatory bodies, and that is why we will support the amendment.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I thank the member for his amendment and Ms Pennicuik for her contribution. I also take up the opportunity that Mr Pakula has provided with his suggestion that the amendments are repetitive in terms of the principle underlying each one and will endeavour to answer in the whole, if I may.

I go to Mr Pakula's amendments. Clauses 17, 18 and 19 of the bill relate to the Independent Broad-based Anti-corruption Commission — and I will go to that in a moment. Clause 20 goes to the powers of the SIM (special investigations monitor), clause 21 relates to the Ombudsman, clause 22 relates to the Police Integrity Act 2008 or the Office of Police Integrity (OPI), and clauses 25 and 26 relate to the Victorian Inspectorate (VI), as suggested.

It is important to go back to the point that the government has taken the view that the privilege will not be available in non-court integrity settings such as IBAC and under the coercive questioning regimes established by the Victorian Inspectorate Amendment Act 2012, the Police Integrity Act 2008, the Ombudsman Act 1973, the Whistleblowers Protection Act 2001 and the Major Crime (Investigative Powers) Act 2004. The government believes this strikes an appropriate balance between the public interest in the thorough investigation of serious corruption and the public interest in protecting the identity of confidential sources.

In terms of matters before a court that may attract journalist privilege, a court may order that an informant's identity be disclosed where the public interest in the disclosure outweighs the interests of the informant and the public interest in public communication. A journalist privilege has been enacted in most Australian jurisdictions — that is, the commonwealth, New South Wales and the Australian Capital Territory (ACT) — but it has not been extended to their crime and anticorruption commissions.

In terms of IBAC, the commission will have strong powers to enable it to protect the confidentiality of witnesses. We have been through debate on IBAC examinations here. IBAC examinations will be held in private unless IBAC considers upon reasonable grounds that there are exceptional circumstances, that it is in the public interest to hold a public examination and that a public examination can be held without causing unreasonable damage to a person's reputation, safety or wellbeing as per section 82C of the IBAC act. IBAC also has special powers to prevent the disclosure of sensitive information that may put a person's safety or reputation at risk — that is at section 33C. There are also restrictions on the extent to which IBAC can be compelled to disclose sensitive information to a court, including the identity of a person who has provided IBAC with information relating to an investigation — the relevant sections are 33F to 33I. What comment IBAC can make about individuals in its reports is clearly set out in the legislation, and a range of reasons are outlined in section 89(7).

In terms of the Ombudsman, it is important that the treatment of integrity bodies is consistent and that such bodies have the opportunity to consider all relevant material in their investigations. The Victorian approach is consistent with that of the commonwealth and the ACT.

In terms of trying to cover all the proposed amendments, as I have indicated, the government believes the balance between the public interest in the thorough investigation of serious corruption and the public interest in protecting the identity of confidential sources is appropriate in relation to IBAC. We also believe the same balance between the public interest and the right to have a solid investigation is being maintained in relation to the Ombudsman, the OPI, the SIM and the VI.

Ms PENNICUIK (Southern Metropolitan) — I just want to take up one point made by Mr O'Brien and by the minister, which is the issue of IBAC being able to hold its investigations in private and not reveal names. That is not quite the same as journalist privilege, which is the journalist not having to reveal the name in the first place so that not even the people in IBAC would get to hear it. That is what the person providing the information is looking for when they ask for anonymity. They are asking for anonymity, not that their name not be revealed in an investigatory body's inquiry; it is not the same thing.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — In terms of the issues around IBAC, the advice I have is that the strong oversight of bodies exercising significant powers is a key feature of the new integrity system, and under the new system any person aggrieved by the conduct of IBAC or an IBAC officer may be able to make a complaint to the Victorian Inspectorate. These provisions will provide comfort to journalists and their sources in providing information about corrupt conduct to IBAC.

Hon. M. P. PAKULA (Western Metropolitan) — To comment on that I will make two points. First of all, a complaint to the inspectorate is really of not much use to the journalist after the source has been blown. Secondly, the privilege does not apply in relation to the inspectorate itself, so the inspectorate could then coerce the source out of the journalist once their complaint is made. Thirdly, and most importantly, when a confidential source gives information to a journalist the source does not know where the journalist might end up. It is not as if the source can say: 'Well, I know this journalist might be called before a court, and I'm safe there, and also I know the journalist will never be called before IBAC or the Ombudsman'. The real risk is that journalists' sources will dry up in an environment where there is an IBAC, because no source can ever be truly confident that that journalist might not one day be called before IBAC and the source exposed. I therefore do not ultimately see that the recourse of complaint to the Victorian Inspectorate is going to be of any comfort to a confidential source or indeed a journalist.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I thank the member. I note that none of the Australian jurisdictions that have enacted a journalist privilege — and as I said, they are the commonwealth, New South Wales and the Australian Capital Territory — have extended the privilege to their crime and anticorruption commissions. Nor has the ACT or the commonwealth extended the privilege to investigations and examinations conducted by their ombudsman bodies. Journalist privilege does apply in relation to the New South Wales Ombudsman.

Ms PENNICUIK (Southern Metropolitan) — We could always be the first, Deputy President.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I have to put this on the record. The Western Australian Evidence and Public Interest Disclosure Legislation Amendment Bill 2011, which was introduced in November last year, will apply the journalist privilege to all proceedings before persons acting judicially, including its equivalent integrity bodies. The Western Australian bill has been amended to ensure that it does not cover parliamentary inquiries and hearings. It is intended that the privilege will apply to Parliament through an amendment to each chamber's standing orders rather than through legislation. The Western Australian bill has not yet been passed.

The DEPUTY PRESIDENT — Order! The question is that clause 17 stand part of the bill, and Mr Pakula is inviting supporters of his amendment to oppose that motion.

Committee divided on clause:

Ayes, 21

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

Noes, 19

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

Clause agreed to.

Clause 18 agreed to.

Clause 19

Hon. M. P. PAKULA (Western Metropolitan) — I move:

4. Clause 19, line 23, omit "**does not apply**" and insert "**applies**".

This amendment tests amendment 5. It relates closely to amendments 1 through 3, as it relates to IBAC. I move amendment 4 for the same reason and with the same explanation that I moved amendment 1.

Ms PENNICUIK (Southern Metropolitan) — For the reasons outlined for Mr Pakula's first amendment the Greens will support this amendment as well.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — As I have indicated, the government's view is that this privilege will not be available in non-court integrity settings. That will include IBAC, as outlined in clauses 17, 18 and 19. Accordingly the government believes that the amendment should not proceed and will not be supporting it.

Amendment negatived; clause agreed to.

Sitting suspended 6.29 p.m. until 8.03 p.m.

Clause 20

The DEPUTY PRESIDENT — Order! Mr Pakula, to move amendment 6, which is a test for amendment 7.

Hon. M. P. PAKULA (Western Metropolitan) — I move:

6. Clause 20, lines 9 to 20, omit all words and expressions on those lines.

As the minister kindly pointed out during his initial contribution in the committee stage of this bill, this next series of my proposed amendments — amendments 6 and 7 — relate to the special investigations monitor (SIM). It is the opposition's view that the shield law for journalists should be applied to the SIM for the same reason it believes it should be applied to IBAC. The arguments I put in support of this amendment are substantially the same as those I put in support of amendments 1 and 4. On that basis, I commend amendment 6 to the committee.

Ms PENNICUIK (Southern Metropolitan) — The Greens will support Mr Pakula's amendment 6. As Mr Pakula outlined in his contribution, we have already gone through a debate on the substantive reasons for these amendments, which are just applying the privilege to different investigatory bodies. For those reasons the Greens will support the amendment.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I thank Mr Pakula for moving his amendment 6 and Ms Pennicuik for her comments.

Before the suspension of the sitting for dinner we went to the issue of privilege not being available in non-court integrity sittings, such as proceedings before the Independent Broad-based Anti-corruption Commission and in coercive questioning regimes established by the Victorian Inspectorate Act 2011, the Police Integrity Act 2008, the Ombudsman Act 1973, the Whistleblowers Protection Act 2001 and Major Crime (Investigative Powers) Act 2004, which we are covering under clause 20 of the bill.

Clause 20 amends section 63 of the Major Crime (Investigative Powers) Act 2004 to exclude the operation of the journalist privilege in relation to a request by the special investigations officer to answer questions, provide information and produce documents or things. In terms of why SIM is excluded from the application of the privilege, the Victorian Inspectorate will supersede the special investigations monitor. Therefore the approach taken in relation to the special investigations monitor is consistent with the approach taken in relation to the Victorian Inspectorate and IBAC in terms of the operation of the privilege. Accordingly the government will not support the amendment moved by Mr Pakula.

Amendment negatived; clause agreed to.

Clause 21

The DEPUTY PRESIDENT — Order! Mr Pakula to move his amendment 8, which is a test of his amendment 9.

Hon. M. P. PAKULA (Western Metropolitan) — I move:

8. Clause 21, lines 3 to 11, omit all words and expressions on those lines.

Amendments 8 and 9 are designed to apply the journalist shield to the office of the Ombudsman. It is fair to say that there is ample evidence in the public domain but also within the specific knowledge of members of Parliament of the sorts of coercive powers that are held by the Ombudsman, not that that is inappropriate. However, it is also fair to say that reports of the Ombudsman can have a significant impact on the reputation or public standing of individuals, whether

they be individuals in the public eye or otherwise, and there are certainly numerous stories of people being subject to investigation by the Ombudsman and where those coercive powers have been exercised. I would have thought it was without reasonable contest to suggest that it is not appropriate for a journalist to be in that environment and to have an investigator, under threat of coercive force, demand that the journalist reveal their source. We are very keen to see the shield protection extended to the investigations of the office of the Ombudsman. We think it is an important amendment, and we urge the government to support it.

Ms PENNICUIK (Southern Metropolitan) — The Greens will support this amendment as well. As previously stated, it is our view that the state's investigatory bodies, including the Ombudsman's office, should also have the journalist privilege applied to them. The presumption should be that the privilege is applied unless a matter of public interest is raised in which a case is made that it should not be. There should also be consideration given to the possibility that the source who has gone to a journalist — particularly in matters regarding the Ombudsman's office where the Ombudsman is investigating public administration — may have or would have very good reasons for wanting to request that the journalist respect their anonymity. You can see very clearly why this protection is needed in matters regarding the Ombudsman's office; in such matters, by coming forward people would be putting their employment, their career and their welfare at stake. That is why they would have supplied information to a journalist with the proviso that the journalist not reveal their identity. For that reason we support the amendment.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — Earlier, in regard to Mr Pakula's amendment 3, I outlined a range of areas in which we said the privilege should not apply. I also mentioned in that discussion the application of privilege to the Victorian Ombudsman. The government believes it is important that such bodies have the opportunity to consider all relevant material in their investigations and examinations. In the Victorian approach examinations are consistent with those of the commonwealth and the ACT, and accordingly we will not be supporting the amendment proposed by Mr Pakula.

Committee divided on amendment:

Ayes, 19

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

Noes, 21

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

Amendment negatived.

Clause agreed to.

Clause 22

The DEPUTY PRESIDENT — Order! Mr Pakula to move his amendment 10, which is a test of his amendment 11.

Hon. M. P. PAKULA (Western Metropolitan) — I move:

10. Clause 22, line 6, omit "**does not apply**" and insert "**applies**".

Amendments 10 and 11 are amendments which have the same effect as amendment 1, amendment 6 and amendment 8, the only difference being that amendment 10 relates to the Office of Police Integrity. For the reasons I have already expressed relating to IBAC, the special interest monitor and the Ombudsman, the opposition believes that the journalist shield should apply to investigations carried out by the OPI and that a journalist who is called before the OPI ought to be able to assert privilege even though it would be, in the same way that it is for all the other organisations, a rebuttable presumption. So it is the same substantive amendment for the same substantive reasons, and I commend it to the house.

Ms PENNICUIK (Southern Metropolitan) — The Greens will support Mr Pakula' s amendment 10 for the reasons outlined in supporting the previous amendments.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I thank the members for their comments. However, IBAC supersedes the director, police integrity. The approach

taken to the director, police integrity is consistent with the approach taken to IBAC in relation to the operation of the privilege, and therefore we will not be supporting the proposed amendment by Mr Pakula.

Committee divided on amendment:

Ayes, 19

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

Noes, 21

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

Amendment negatived.

Clause agreed to; clauses 23 and 24 agreed to.

Clause 25

Hon. M. P. PAKULA (Western Metropolitan) — I invite members to vote against this clause. Amendment 12 has the effect of omitting clause 25 from the bill so that the journalist shield would apply to the Victorian Inspectorate. The opposition supports the application of the shield to matters heard before the Victorian Inspectorate for the same reason that it supports it for matters heard by the Independent Broad-based Anti-corruption Commission, the Ombudsman, the special investigations monitor and the Office of Police Integrity. Our arguments in support of that are the same, so I will not repeat them. I simply commend amendment 12 to the committee.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The Victorian Inspectorate will oversee the operation of IBAC, and therefore the approach taken for the Victorian Inspectorate needs to be consistent with the approach taken to IBAC in relation to the operation of the privilege. Therefore the government will not be voting against the clause.

Ms PENNICUIK (Southern Metropolitan) — The Greens will be supporting Mr Pakula's amendment for the reasons given previously.

Clause agreed to; clauses 26 to 29 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

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

That the bill be now read a third time.

In doing so I thank members for their contributions to the debate.

Motion agreed to.

Read third time.

ADJOURNMENT

Hon. W. A. LOVELL (Minister for Housing) — I move:

That the house do now adjourn.

Platypus: yabby traps

Mr LENDERS (Southern Metropolitan) — I raise a matter for the attention of the Minister for Agriculture and Food Security, the Honourable Peter Walsh. It relates to the regulation of yabby traps in Victorian waters and the potential danger some types of traps pose to native wildlife, including the platypus.

I recently met with representatives from the Australian Platypus Conservancy, the members of which are concerned about reports that the government intends to ease restrictions placed on opera house traps. Particular reference was made to a new fishing guide released earlier this year. For those who follow the issue, opera house traps pose a danger to other wildlife, including platypus, and due to the effect they have it is currently illegal to use opera house traps in public waters; however, they may be used in farm dams. I am informed that these restrictions are generally little known and rarely enforced and that research on other types of traps has not yet been undertaken.

The action I seek from the minister is that he meet with representatives from the Australian Platypus Conservancy to discuss the issues they have raised. I ask that he do this, firstly, because there is concern in the group that the declining number of staff within the

Department of Primary Industries (DPI) means there may be inadequate numbers of people to conduct the fisheries research work necessary to test whether these traps are safe, and secondly, because there is a question mark about whether the laws are being enforced.

The action I seek from the minister is that he assure this group that the balance is right between the legitimate use of traps on farms to hunt yabbies versus those recreational yabby hunters — —

Mrs Coote interjected.

Mr LENDERS — Mrs Coote has asked if you can cook the yabbies, and you can. That said, I point out to Mrs Coote that if she went to a hardware store in our electorate she would find she can buy imported yabby traps — four for about $20. However, there is very little information about the yabby traps. If an opera house yabby trap is put into a stream, the nature of the trap means that a platypus hunting yabbies, its natural prey, may enter the trap, become trapped and therefore asphyxiate.

I ask the minister to meet with people from the Australian Platypus Conservancy to take them through some of the challenges and particularly to assure them that despite the DPI budget cuts there are sufficient research people and fisheries inspectors to deal with this issue. I urge the minister to meet with these people forthwith.

Schools: Southern Metropolitan Region

Mrs COOTE (Southern Metropolitan) — I raise a matter for the attention of the Minister for Education. This week there was exciting news in Southern Metropolitan Region, in the lower house seat of Albert Park to be precise: the Minister for Education announced the building of a new primary school in Ferrars Street, South Melbourne. We are particularly excited because, as I have said in this chamber on many occasions, the Port Melbourne Primary School is a victim of its own success and is bursting at the seams because so many children are enrolled there.

The new school will alleviate an enormous amount of stress. Ms Crozier and I put in an enormous amount of lobbying to the minister, and we are very pleased that the Minister for Planning worked particularly closely with us to see if we could establish a school on this site and that the Minister for Education came through with the goods earlier this week. We are particularly excited about this.

I take this opportunity to quote from a media release put out by the Minister for Education in which Ms Crozier is quoted as having said:

> The coalition government's decision to secure land for a new school follows 11 years of Labor government inaction, when they failed to respond to the growing need for schools for growth areas such as Port Melbourne, South Melbourne, Southbank and Fishermans Bend.

This is an excellent statement, and she had to make it. We are particularly pleased that the pressure on schools in the region will be alleviated and that the location of the new school will be very good for the catchment. I know this announcement is already being welcomed by parents and supporters in the Albert Park electorate, in and around Middle Park and Port Melbourne in particular.

The good news is out there; however, the issue I want to raise with the minister is that he release as a matter of urgency the timetable for when the building of the school will begin and how it will be rolled out so that the parents of small children who are being born at the moment and who are in kindergartens in the region can plan for the future.

Rural City of Wangaratta: community services

Ms BROAD (Northern Victoria) — I raise a matter for the attention of the Premier. It concerns correspondence I have received from the Rural City of Wangaratta requesting that funding be reinstated for a range of programs. Members of the Wangaratta council have expressed their deepest concern over state government funding cuts to local community services. They believe these funding cuts will be detrimental to some of the most vulnerable people in the community and that the cuts are contrary to government policy, including the intent to keep older frail people in the community and out of residential care.

Advice of cuts to services has been received by Wangaratta council in such areas as intensive care management, which has received a cut of $200 000 per annum. The Wangaratta council considers this to be a vital service for young people in crisis. A further cut is to the council's homelessness program for youth — a cut of $60 000 per annum. There is also a further cut of $80 000 to health promotions programs provided by Ovens and King Community Health Service and a cut of $64 000 per annum to home and community care (HACC) services provided by council. The Wangaratta council believes these cuts will have a range of impacts, including a reduction in services; the development of waiting lists; a lack of opportunities to address youth homelessness, which is already a significant issue for

Wangaratta; an increase in the need for acute care; and no support or early intervention for young people considered to be at high risk.

The Wangaratta council also points out that there will be significant implications for council's home and community care program. Council points out that the overall reduction in grant funding will be over $64 000 per year. After undertaking a preliminary assessment of the impact, measures have been identified to accommodate the reduced funding. These consequences will result in a waiting list for HACC services, a reduction in services for current clients and reduced hours of staff, which will increase the difficulties already experienced in attracting and sustaining the HACC workforce.

The Wangaratta Rural City Council has sought my support in having this funding reinstated, and that is why I am raising this matter for the attention and action of the Premier. This matter clearly includes the responsibilities of a number of ministers and government departments, therefore I believe it is appropriate that the Premier act to reinstate these funding cuts and avoid the impacts which have been identified by the Wangaratta council. The council has my full support in seeking to have this funding restored.

Aviation industry: western suburbs

Mr ELSBURY (Western Metropolitan) — I raise a matter for the attention of the Honourable Gordon Rich-Phillips in his capacity as Minister responsible for the Aviation Industry. The western suburbs of Melbourne are uniquely placed in that they have four airports within and just outside their boundaries. We have Tullamarine, the main airport for Melbourne, and Avalon Airport, an ancillary airport from which Jetstar can take off and land at the moment, and there is hope for further development there. We also have Essendon Airport, where we are able to move smaller jets. Essendon Airport is a base for the air ambulance, which keeps us connected to our regional centres, and the Victoria Police air wing. Last but not least, and certainly the most important airfield in the country, is Point Cook airport. Point Cook is the home of the Royal Australian Air Force — the place where it first started. The airfield is almost 100 years old and has been in the possession of the RAAF for some 91 years.

In recent times some opportunities have developed. Tiger Airways has utilised the former Ansett Airlines facilities at Tullamarine for training purposes. We also have a number of companies moving into the area to provide further services for the ever-expanding Tullamarine airport precinct. We have cargo companies which utilise the particular air routes out of Tullamarine; we have service companies which provide the food and materials for our airlines as they go back and forth; and, last but not least, we have got a potential rail link going out to Avalon and another potential rail link going out to Tullamarine airport. These airports and airfields put the western suburbs in the unique position of being able to provide not only transport but also tourist operations, such as joy-flights taking off from Essendon, as well as air training at the Point Cook RAAF base.

What I seek from the minister is that he, in his business of trying to attract further airlines or even other ancillary industries into Victoria, highlight the unique position that the western suburbs hold, with the workforce already in place, and promote the western suburbs as a great hub for aviation in Victoria.

Social housing advocacy and support program: funding

Ms DARVENIZA (Northern Victoria) — I raise a matter for the attention of the Minister for Housing, Ms Lovell, concerning the recently announced Victorian government funding cuts to the social housing advocacy and support program (SHASP). Across Victoria SHASP services offer crucial support and advocacy to vulnerable tenants facing difficulties in relation to their tenancies. The 30 per cent funding cut this year and the further 10 per cent cut next year will reduce the availability of desperately needed support resources and increase the incidence of homelessness. The cuts will limit the ability of SHASP services to support people at a critical time in their lives. SHASP's success is measured in tenancies saved, traumas averted and cost savings across government services.

An example of the vital work undertaken by SHASP is the case of Mr Daniel Pel, a constituent of mine living in Bendigo. Three years ago Mr Pel was in a desperate situation and spent six months living on the streets with his autistic son. Today he has a stable home for his two sons, and he credits the SHASP agency for getting his life back on track. SHASP offered him help with everything from organising a lease to connecting his electricity and gas and enrolling his children in school. Mr Pel needed help and was deeply indebted to the SHASP agency for the assistance it was able to give him.

SHASP plays a critical role in making the public housing system more efficient and financially sustainable. In the six years since it has been operating the statewide eviction rate has halved. These cuts will create additional demand for housing, health, family

violence and child protection services and will expose men, women and children to trauma through crisis. The Save SHASP campaign is calling on the Victorian government to urgently review all proposed cuts to this service in consultation with service providers and to commit to the long-term future of SHASP in Victoria. An online petition has 1176 signatures so far.

My specific request to the minister is that she ensure that the Baillieu government reinstate the funding for and secure the long-term services and future of SHASP. There is a clear and direct connection between homelessness and frequent use of high-cost government services. There are lifelong consequences for people exposed to violence and trauma. Vulnerable groups, including some families, youth, women, older residents and children, are exposed to even greater harm when they become homeless.

Family violence: project funding

Hon. M. P. PAKULA (Western Metropolitan) — The matter I wish to raise is for the Attorney-General, and it concerns the Victorian systemic review of family violence deaths project that was previously being conducted by the coroners prevention unit within the Coroners Court. This was a project which the previous government funded over four years and which I raised with the Attorney-General at the Public Accounts and Estimates Committee budget estimates hearings in May of this year. The Attorney-General's response at the time was that the issue 'is being considered and addressed as part of the funding arrangements that have been made for the Coroners Court on an ongoing basis'. Notwithstanding those comments, I am advised that the project remains unfunded some four months later.

It is of particular relevance and interest right now given last week's revelations of a 23 per cent increase in reports of family violence and a 45 per cent increase in the number of people charged with family violence offences over the previous year. The government responded with funding of $16 million over four years for counselling and support services but no funding for this review, despite the fact that it was looking at systemic failures which led to family violence-related deaths and which obviously helped provide guidance to authorities on how such deaths may be avoided in the future.

The action I seek from the minister is, firstly, that he clarify the status of funding for this very important project and, if in so clarifying it emerges that funding is not currently available, that he make funding available so that this very important project can continue.

Responses

Hon. W. A. LOVELL (Minister for Housing) — I have written responses to six issues that were previously raised on the adjournment debate. There were also six issues raised tonight.

The first matter was raised by Mr Lenders for the Minister for Agriculture and Food Security, and it was regarding the regulation of yabby traps. Mr Lenders asked the minister to meet with representatives from the Australian Platypus Conservancy. Mr Lenders talked about trapping yabbies, and if he would like to come up to Shepparton and visit me sometime I am sure my two nephews would be very happy to teach him how to catch yabbies in our backyard. If he is extremely lucky he might catch a glimpse of the platypus which also lives in the river just near our home. We absolutely delight in seeing that platypus when it lets itself be seen.

Mrs Coote raised a matter for the Minister for Education regarding a new school in the Albert Park electorate, in the Port Melbourne area. She asked the minister to release a timetable for delivery.

Ms Broad raised a matter for the Premier regarding a letter from the Wangaratta council.

Mr Elsbury raised a matter for the Minister responsible for the Aviation Industry, asking him to attract further airlines to Victoria to promote the western suburbs as a hub for aviation.

Mr Pakula raised a matter for the Attorney-General regarding the review of family violence deaths and clarifying the status of funding for the project. I will pass all of those matters on to the relevant ministers.

Ms Darveniza raised a matter for me regarding the social housing advocacy and support program (SHASP), and I am happy to respond to that adjournment matter today. We are committed to the provision of the SHASP services in Victoria. My department has been working with providers to minimise the impact on any direct case management support, and it is developing a revised case management model for SHASP. I note that tenants can be evicted from public housing for many reasons: they can be evicted for not paying rent, for vandalism or for antisocial behaviour. In fact Channel 9 was advocating last week that we should evict more people than we do. I do not believe that, but that was the advocacy of Channel 9.

I will say that SHASP is just one of a suite of programs that address the needs of high-risk tenants. Others

include the support for high-risk tenancies project, support services linked to transitional accommodation, the Hot Spot program, tenant participation programs and a number of innovation action projects. I note that this government has committed more than $90 million in additional funding for homelessness programs over its first 18 months in office.

I also say to Ms Darveniza that not all of the funding that was provided to SHASP providers was used for front-line services. In fact SHASP providers were doing the management of community facilities, and they told me that that was costing them between $800 000 and $900 000 per year. That role has now been taken back within the department. We also found that some SHASP providers were subcontracting out their work, and of course every time a provider who is funded to provide a service subcontracts to someone else there is an additional administrative cost removed from the funding in order for that subcontracted service provider to deliver those services.

This government is focused on homelessness programs. We are focused on getting outcomes for clients rather than just throughput, as the former government was. We note the need to reduce the administrative cost of delivering these programs and provide better front-line service delivery. I also note that after 11 years in office the former government failed to produce an effective homelessness action plan. The service providers were all extremely disappointed in the former government for that. They have welcomed our Victorian homelessness action plan with applause, and we are working closely with service providers to ensure that people can sustain tenancies and that homelessness in Victoria is reduced. I consider that issue discharged.

The PRESIDENT — Order! The house stands adjourned.

House adjourned 8.54 p.m.