PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Thursday, 5 September 2013

(Extract from book 11)

Internet: www.parliament.vic.gov.au/downloadhansard

By authority of the Victorian Government Printer

The Governor

The Honourable ALEX CHERNOV, AC, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

(from 22 April 2013)

Premier, Minister for Regional Cities and Minister for Racing	The Hon. D. V. Napthine, MP
Deputy Premier, Minister for State Development, and Minister for Regional and Rural Development	The Hon. P. J. Ryan, MP
Treasurer	The Hon. M. A. O'Brien, MP
Minister for Innovation, Services and Small Business, Minister for Tourism and Major Events, and Minister for Employment and Trade	The Hon. Louise Asher, MP
Attorney-General, Minister for Finance and Minister for Industrial Relations	The Hon. R. W. Clark, MP
Minister for Health and Minister for Ageing	The Hon. D. M. Davis, MLC
Minister for Sport and Recreation, and Minister for Veterans' Affairs	The Hon. H. F. Delahunty, MP
Minister for Education	The Hon. M. F. Dixon, MP
Minister for Planning	The Hon. M. J. Guy, MLC
Minister for Higher Education and Skills, and Minister responsible for the Teaching Profession	The Hon. P. R. Hall, MLC
Minister for Ports, Minister for Major Projects and Minister for Manufacturing	The Hon. D. J. Hodgett, MP
Minister for Multicultural Affairs and Citizenship, and Minister for Energy and Resources	The Hon. N. Kotsiras, MP
Minister for Housing, and Minister for Children and Early Childhood Development	The Hon. W. A. Lovell, MLC
Minister for Public Transport and Minister for Roads	The Hon. T. W. Mulder, MP
Minister for Liquor and Gaming Regulation, Minister for Corrections and Minister for Crime Prevention	The Hon. E. J. O'Donohue, MLC
Minister for Local Government and Minister for Aboriginal Affairs	The Hon. E. J. Powell, MP
Assistant Treasurer, Minister for Technology and Minister responsible for the Aviation Industry	The Hon. G. K. Rich-Phillips, MLC
Minister for Environment and Climate Change, and Minister for Youth Affairs	The Hon. R. Smith, MP
Minister for the Arts, Minister for Women's Affairs and Minister for Consumer Affairs	The Hon. H. Victoria, MP
Minister for Agriculture and Food Security, and Minister for Water	The Hon. P. L. Walsh, MP
Minister for Police and Emergency Services, and Minister for Bushfire Response	The Hon. K. A. Wells, MP
Minister for Mental Health, Minister for Community Services, and Minister for Disability Services and Reform	The Hon. M. L. N. Wooldridge, MP
Cabinet Secretary	Mr N. Wakeling, MP

Legislative Council committees

Privileges Committee — Ms Darveniza, Mr D. Davis, Mr P. Davis, Mr Hall, Ms Lovell, Ms Pennicuik and Mr Scheffer.

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

Legislative Council standing committees

Economy and Infrastructure Legislation Committee — Mr Barber, Mrs Coote, #Ms Crozier, Mr Drum, Mr Finn, #Ms Hartland, #Mr Leane, Mr Lenders, Mr Melhem, #Mr Ondarchie, Ms Pulford and Mr Ramsay.

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

Environment and Planning Legislation Committee — Mr Dalla-Riva, Mr Elsbury, #Mr Finn, #Ms Hartland, Mrs Kronberg, #Mr Leane, Mr Ondarchie, Ms Pennicuik, #Mrs Peulich, Mr Scheffer, #Mr Tarlamis, Mr Tee and Ms Tierney.

Environment and Planning References Committee — Mr Dalla-Riva, Mr Elsbury, #Mr Finn, #Ms Hartland, Mrs Kronberg, #Mr Leane, Mr Ondarchie, Ms Pennicuik, #Mrs Peulich, Mr Scheffer, #Mr Tarlamis, Mr Tee and Ms Tierney.

Legal and Social Issues Legislation Committee — Ms Crozier, Mr Elasmar, #Mr Elsbury, Ms Hartland, #Mr Leane, Ms Mikakos, Mrs Millar, Mr O'Brien, Mrs Peulich, #Mr Ramsay and Mr Viney.

Legal and Social Issues References Committee — Ms Crozier, Mr Elasmar, #Mr Elsbury, Ms Hartland, #Mr Leane, Ms Mikakos, Mrs Millar, Mr O'Brien, Mrs Peulich, #Mr Ramsay and Mr Viney.

 # Participating member

Joint committees

Accountability and Oversight Committee — (*Council*): Mr P. Davis, Mr O'Brien. (*Assembly*): Ms Kanis, Mr McIntosh and Ms Neville.

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

Economic Development, Infrastructure and Outer Suburban/Interface Services Committee — (*Council*): Mr Eideh and Mrs Peulich. (*Assembly*): Mr Burgess, Mrs Fyffe, Mr McGuire and Mr Shaw.

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

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

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

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

House Committee — (*Council*): The President (*ex officio*) Mr Drum, Mr Eideh, Mr Finn, Ms Hartland, and Mr P. Davis. (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Ms Campbell, Mrs Fyffe, Ms Thomson, Mr Wakeling and Mr Weller.

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

President: The Hon. B. N. ATKINSON

Deputy President: Mr M. VINEY

Acting Presidents: Ms Crozier, Mr Eideh, Mr Elasmar, Mr Finn, Mr O'Brien, Mr Ondarchie, Ms Pennicuik, Mr Ramsay, Mr Tarlamis

Leader of the Government:
The Hon. D. M. DAVIS

Deputy Leader of the Government:
The Hon. W. A. LOVELL

Leader of the Opposition:
Mr J. LENDERS

Deputy Leader of the Opposition:
Mr G. JENNINGS

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

Deputy Leader of The Nationals:
Mr D. DRUM

Member	Region	Party	Member	Region	Party
Atkinson, Hon. Bruce Norman	Eastern Metropolitan	LP	Lenders, Mr John	Southern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Lovell, Hon. Wendy Ann	Northern Victoria	LP
Broad, Ms Candy Celeste	Northern Victoria	ALP	Melhem, Mr Cesar [2]	Western Metropolitan	LP
Coote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Millar, Mrs Amanda Louise [4]	Northern Victoria	LP
Dalla-Riva, Hon. Richard Alex Gordon	Eastern Metropolitan	LP	O'Brien, Mr David Roland Joseph	Western Victoria	Nats
Darveniza, Ms Kaye Mary	Northern Victoria	ALP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Davis, Hon. David McLean	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Davis, Mr Philip Rivers	Eastern Victoria	LP	Pakula, Hon. Martin Philip [1]	Western Metropolitan	ALP
Drum, Mr Damian Kevin	Northern Victoria	Nats	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Petrovich, Mrs Donna-Lee [3]	Northern Victoria	LP
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Elsbury, Mr Andrew Warren	Western Metropolitan	LP	Pulford, Ms Jaala Lee	Western Victoria	ALP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Ramsay, Mr Simon	Western Victoria	LP
Guy, Hon. Matthew Jason	Northern Metropolitan	LP	Rich-Phillips, Hon. Gordon Kenneth	South Eastern Metropolitan	LP
Hall, Hon. Peter Ronald	Eastern Victoria	Nats	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tarlamis, Mr Lee Reginald	South Eastern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP

[1] Resigned 26 March 2013
[2] Appointed 8 May 2013
[3] Resigned 1 July 2013
[4] Appointed 21 August 2013

CONTENTS

THURSDAY, 5 SEPTEMBER 2013

Thursday, 5 September 2013

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

PAPERS

Laid on table by Clerk:

Boort District Health — Report 2012–13.

Cohuna District Hospital — Report, 2012–13.

Geelong Cemeteries Trust — Minister's report of receipt of 2012–13 report.

Health Purchasing Victoria — Report 2012–13.

Maldon Hospital — Minister's report of receipt of 2012–13 report.

Parliamentary Committees Act 2003 — Government Response to the Law Reform Committee's Report on Access to and Interaction with the Justice System by People with an Intellectual Disability and their Families and Carers.

Queen Victoria Women's Centre Trust — Minister's report of receipt of 2012–13 report.

Radiation Advisory Committee — Report, 2012–13.

Road Safety Camera Commissioner — Report, 2012–13.

Robinvale District Health Services — Report, 2012–13.

Southern Metropolitan Cemeteries Trust — Report 2012–13.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule No. 106.

Legislative Instrument and related documents under section 16B in respect of Ministerial Order No. 700 — Appointment of Busy Inc as an Approved Training Agent of 30 August 2013 made under the Education and Training Reform Act 2006.

Swan Hill District Health — Report 2012–13.

Victorian Environmental Assessment Council — Final Report on Yellingbo Investigation, July 2013.

Victorian Health Promotion Foundation — Report, 2012–13.

Victorian Multicultural Commission — Report, 2012–13.

Youth Parole and Youth Residential Boards — Report, 2012–13.

BUSINESS OF THE HOUSE

Adjournment

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

That the Council, at its rising, adjourn until Tuesday, 17 September.

Motion agreed to.

MEMBERS STATEMENTS

Frankston transport infrastructure

Mr TARLAMIS (South Eastern Metropolitan) — The matter I raise today is in relation to road and rail infrastructure in the Frankston area. The level crossing at the intersection of Overton Road, Wells Road and Skye Road has seen many accidents and near misses involving cars and trains, as well as a number of deaths. This notorious intersection is one of Frankston's most congested traffic hotspots, and following a recent accident involving a car and a train the Frankston City Council has called for it to be grade separated. In fact at its last meeting the Frankston City Council unanimously passed a motion seeking an urgent meeting with the Minister for Roads and Metro Trains Melbourne to discuss this level crossing and other pressing transport needs for the community, like the Wedge Road–Frankston-Dandenong Road intersection, the upgrade of the Western Port Highway and the upgrade and handover of Golf Links Road. The list goes on.

I urge the minister to take up this offer to meet with the Frankston City Council to discuss these and other transport issues. Maybe at the meeting he could explain why his government is supporting an $8 billion tunnel far away from Frankston that no-one wants and that will do nothing to assist the Frankston community, and how it will come at the expense of addressing road and rail infrastructure needs locally, subjecting residents to ongoing and worsening travel delays. Perhaps the members for Frankston and Carrum in the other place, Geoff Shaw and Donna Bauer, could attend and explain why despite the $8 billion tunnel being nowhere near their electorates they are supporting it instead of advocating for local road and rail infrastructure projects that would actually help people in the Frankston area.

I can guarantee that what will not be explained at the meeting, if they have the courage to attend, is how the government will deliver the $8 billion tunnel project without further cuts to health and education. I urge the members for Frankston and Carrum to stand up for the communities they are supposed to represent and to start

advocating for their needs. After all, that is what they were elected to do.

Fringe benefits tax

Hon. D. M. DAVIS (Minister for Health) — I spoke yesterday in the chamber in response to a question about the Lavarch report — the secret Lavarch report from the tax working party committee for charities. That tax working party report, looking at the future of taxation, the treatment of and arrangements for charities, is a secret report that has never been released by the Rudd federal government. This report lays out the future for taxation under a returned Rudd government, if it is lucky enough to be re-elected, for new taxation arrangements, cuts to — —

Mr Jennings — What year? Give the year.

Hon. D. M. DAVIS — Of Mr Rudd being re-elected? You can take nothing for granted in terms of the electorate and the Australian people. They deserve to know the facts of Mr Rudd's secret tax plan before the federal election. They deserve to know, the Salvation Army deserves to know and Epworth hospital deserves to know. Our public hospitals deserve to know, and the ambulance services deserve to know. I note that the already announced cuts to the fringe benefits tax, the end of the 20 per cent statutory arrangements put in place by Prime Minister Rudd, are going to have a very significant effect on our public hospitals and ambulance services. I wrote to the secretary of the ambulance union to seek his support in this matter — and he has run for cover! He will not stand up for his men, he will not stand up for his women, he will not stand up for paramedics and he will not stand up — —

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

Twitter alcohol promotion

Mr SCHEFFER (Eastern Victoria) — Members will have seen news reports about alcohol companies using Twitter to promote their products. The use of social media by alcohol companies is causing concern amongst those involved with the promotion of public health, especially amongst young people. The study itself was conducted by the school of business at the University of Western Sydney by research lecturer Ann Dadich, Professor Suzan Burton and Alena Soboleva, a PhD student. The report is published in the *Medical Journal of Australia*, and it says Twitter now provides another social media channel to promote alcohol to young adults, whom, the report says, are the heaviest Twitter users.

This research seems to agree with the findings of the 2004 Victorian parliamentary Drugs and Crime Prevention Committee final report on its inquiry into the effects of harmful alcohol use that there is a strong association between alcohol consumption and advertising. The report lists seven well-known global manufacturers of alcohol products and the 37 hashtags used by alcohol brands for promotion purposes. So far as content is concerned, they are pretty much as you would expect — filled with grabs about popular music, sport, celebrities, entertainment and places — with no direct promotion of alcohol products, but often enough there is the logo and the name of the alcohol company, and this serves to associate products with experiences interesting to young people. The researchers say that the number of direct followers is modest, but retweets amplify this number. I guess that alcohol companies are not the only businesses to do this, but that so dangerous a product is being pushed on the young in this oblique way is concerning.

Federal election

Mr BARBER (Northern Metropolitan) — I love elections, but a lot of people hate elections. Of course it is very fashionable to deride elections. There is always someone who will say, 'This is the worst election yet; back some years before there was a much better election'. I love all elections because they give us our chance, at the end of the political process, to sharpen up the choices and the differences, but of course without my worthy colleagues I would not be able to do that.

I am very pleased that at this election we have been able to offer the voters some very clear choices: non-action on climate change, leading to the world heating up by 2, 4 or 6 degrees, or coming together as a community to address that problem; more of the things that make people unhealthy — tobacco, junk food, alcohol, poker machines — or a clean and healthy environment and healthy people; and federal dollars for congestion-busting public transport versus more and bigger roads asphalting more and more of our cities. I could not be happier that come Monday we will be in state election mode and we can start all over again creating a new set of choices for the voters.

Great Ocean Road upgrade

Mr KOCH (Western Victoria) — The Great Ocean Road is one of Australia's most scenic tourist attractions and brings visitors from across the globe to Victoria's breathtaking west coast. This iconic road needs upgrading to improve safety for all road users. Essentially, the Great Ocean Road should be well maintained for everyday users. The Victorian coalition government recognises the national significance of the

Great Ocean Road and supports the federal opposition's commitment with the provision of an additional $25 million over five years for its upgrade. Together with the funds promised by the Victorian government, the federal coalition's support will see a total joint venture investment of $50 million over a five-year period to undertake the necessary roadworks to ensure greater safety from end to end.

Recognition of the national importance of this road means it will continue to be an important drawcard for the many hundreds of thousands of tourists who visit the Great Ocean Road annually. This joint commitment will deliver significant upgrades, including maintenance of bridges and retaining walls, and road resurfacing works. I congratulate both the Minister for Roads, Terry Mulder, and the Liberal candidate for the federal seat of Corangamite, Sarah Henderson, for pursuing this important direct support for tourism and small business in south-west Victoria. These improvements will ensure the Great Ocean Road continues to be the famous gateway to the Surf Coast. Importantly, the state and federal coalition's commitment will ensure the Great Ocean Road is safer as traffic volumes continue to increase.

Youth unemployment

Mr EIDEH (Western Metropolitan) — When I consider the youth of today I like to think of them as the bright leaders of tomorrow. Unfortunately the recently released June quarter youth unemployment figures mean that tomorrow for these young people could mean poverty. I was shocked to learn that the jobless rate for youths under 24 living in the west is 27 per cent, a staggering four times more than the national average. What is even more disheartening is that this government is pulling funds from the TAFE sector, which means young people have fewer opportunities to improve their education and skills, thereby decreasing the likelihood of them becoming employed.

The Australian Bureau of Statistics also revealed there has been a 30 per cent increase in the number of people receiving the Youth Allowance payment. With the rising cost of living and education, thanks to this government, how is any young person meant to build a foundation for themselves or create a future that includes being fully employed? This is especially so if these young people are in the west because they are coming from families who are among the most economically disadvantaged in the state. I thought we were a country of opportunity regardless of circumstance.

Keith Fagg

Mr RAMSAY (Western Victoria) — Last night I briefly acknowledged the contribution of Keith Fagg, the first directly elected mayor of Geelong, in a statement on a committee report. I would like to reaffirm that contribution of Cr Fagg in my members statement. Keith, a successful businessman in his own right, put up his hand for the position of mayor. He was purely motivated by the passion he has for the Geelong region and his heartfelt commitment to make it a better place to live and work. He is hardworking, passionate, consensual and only motivated by his heart. I am saddened that he was not able to finish his task due to ill health.

Jane den Hollander

Mr RAMSAY — Another shining light in Geelong is Vice-Chancellor Jane den Hollander, who is the sixth vice-chancellor of Deakin University. Jane is a pocket dynamo from Western Australia who has provided the Geelong community with university campuses at Waurn Ponds and Eastern Beach, a precinct which is second to none in the world in relation to education delivery and research. It is also leading the way for researchers, educators and students to come to Geelong.

I was reminded of this last week when I visited the tech centre with Mr Hall, the Minister for Higher Education and Skills, to announce $500 000 for the Geelong future fibres project at the Australian Future Fibres Research and Innovation Centre, which will be based in Geelong. The facilities in the university technology precinct at the Waurn Ponds campus are second to none, which is a clear demonstration that Vice-Chancellor den Hollander is providing Geelong with exciting new opportunities in both research and development. This is also demonstrated by the new research on nanofibres and carbon fibre being conducted in the precinct. Congratulations to Vice-Chancellor Jane den Hollander.

Mildura Base Hospital

Ms BROAD (Northern Victoria) — I refer to a letter from Mildura constituent Mr Kennedy. Mr Kennedy has written to the Minister for Health. He thanks the minister for his recent letter and says that he is pleased to read that the current hospital building for the Mildura Base Hospital has been returned to public hands. Mr Kennedy goes on to regret that the minister's letter does not address the point of the petition that he signed. His wish, and the wish of the other people who signed the petition, was for public ownership and operation of the Mildura Base Hospital, which would allow salary equity for the staff with the rest of Victoria, not merely

public ownership of a building. Mr Kennedy is deeply disappointed that Mr Davis has signed a seven-year contract with Ramsay Health Care, which has postponed salary equity for medical staff in Mildura for at least that long.

Mr Kennedy believes that Mr Davis's letter is misleading, and he asks that this misleading letter be corrected immediately. Mr Kennedy further points out that when it is explained to people in Mildura that only the building is in public hands and the operation of the hospital remains with Ramsay, people are very angry.

Charlton Country Fire Authority brigade

Mrs MILLAR (Northern Victoria) — Two weeks ago I had the pleasure of representing the Minister for Police and Emergency Services, Kim Wells, in presenting a new field command vehicle, worth $78 000, to the Charlton Country Fire Authority (CFA) brigade. I wish to acknowledge the remarkable contribution of this community, which has endured the floods of both 2010 and 2011, in having raised the sum of $26 000 towards the purchase of the new vehicle, which was then supported by a contribution of $52 000 from the state coalition government. I also pay tribute to those who were recognised that evening with life memberships for their service to the Charlton CFA, particularly Mick Fanning, for 55 years service, Vin Ryan, for 51 years service, Leo Sait, for 50 years service and Ron Field, for 48 years service. That represents a remarkable combined total of more than 200 years of service given by these four brigade members. The Charlton community and its CFA brigade can be justifiably proud of their achievements in serving their region. They deserve to be recognised for their outstanding contribution to this great state.

Education maintenance allowance

Ms DARVENIZA (Northern Victoria) — I was very disappointed to hear that the Liberal-Nationals state government will cut the provision for the education maintenance allowance (EMA) from 2015. This payment has always gone towards the most vulnerable families in the state, and helps struggling families fund school supplies, uniforms, schoolbags and excursions. Many families are struggling more than ever to pay the essential costs of their children's schooling, which in turn jeopardises their education. The EMA took a big hit in last year's state budget when the Liberal-Nationals cut the school component of the allowance. Programs had to be cut, resources pruned and services reduced across the board. It is appalling that the Liberal-Nationals state government has once again chosen to rip money away from Victoria's most needy children. The Liberal-Nationals government either does not care or does not understand how important these programs are to many families in Northern Victoria Region.

Mallee Family Care

Mr O'BRIEN (Western Victoria) — I rise in response to what was an outrageous attack upon an extremely important service provider by our community for disabled people, which was made by Ms Pulford, one of the members for Western Victoria Region, during question time yesterday. The suggestion that something was wrong with The Nationals engaging a local printer who then subcontracted disabled people to pack envelopes is outrageous and a typical slanderous, scurrilous attack on good hardworking people with legitimate businesses. It again demonstrates the ignorance of Labor Party members as to what is really happening. I am informed that a press release has gone out from the CEO of Mallee Family Care, Vernon Knight, in which he has stated:

> Her baseless criticism of Mallee Family Care in its efforts to provide supported employment for disabled adults in Sunraysia is a disgrace.
>
> …
>
> I hope the families of disabled adults will be moved to register their disgust.

I note that the courage award in the organisation's bulletin goes to Shaun Clarke, who is:

> … doing his darnedest to build the business of Mildura Print Solutions.
>
> This included a contract …

And I can say it was a paid contract by The Nationals. We pay our bills. We do not waste taxpayers money like the Labor Party has done in this state, and we would never make a scurrilous attack on an important service like Mallee Family Care.

EDUCATION AND TRAINING REFORM AMENDMENT (SCHOOL ATTENDANCE) BILL 2013

Second reading

Debate resumed from 27 June; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Ms MIKAKOS (Northern Metropolitan) — I am pleased to speak on the Education and Training Reform Amendment (School Attendance) Bill 2013, and I note from the outset that the Labor opposition will not oppose the bill. It is a simple bill, but one that deals with the issues of school attendance, retention and the

completion of school to year 12. It is on that basis that we will not oppose it. The coalition went to the 2010 election with the policy to enforce truancy laws. That is what it said it would do, but as with many of the coalition's bills regarding education and training, to date, despite the word 'reform' in its title, this bill falls very short of what was promised.

This bill looks at the very complex and important issues of young people who do not attend school and youth who have disengaged from the education system and attempts to solve these complex issues with a simple answer — that is, by getting tougher on truancy. We all know that education is linked to more successful outcomes later in life. We know that what happens in school has lifelong consequences, and this is why the Labor Party regards education as a priority area. There is a wealth of evidence to support the fact that education has lifelong consequences. A 2012 Victorian Auditor-General report into student completion rates notes on page 4 that:

> When young people do not complete a year 12 certificate or its equivalent, they risk serious lifetime social and economic disadvantages.

The Auditor-General's report goes on to cite the 2007 Education Foundation Australia report *Crossing the Bridge — Overcoming Entrenched Disadvantage Through Student-centred Learning*. The report identified:

> … young people who disengage from education early are almost four times more likely to report poor health, have mortality rates up to nine times higher than the general population and are more likely to require welfare support and government-subsidised services.
>
> The report estimates that:
>
> > the consequences of early school leaving and lower levels of education costs Australia $2.6 billion a year in higher social welfare, health and crime prevention …

These are important findings. Whilst many young people move successfully through primary school to secondary school and beyond, the reasons others disengage from school are complex and in most cases interrelated. A 2004 Auditor-General's report into school absenteeism found that there were typically two types of factors that contribute to absenteeism: family and personal factors, and school factors. The report also noted that as the contributory factors experienced by students compounded, so did the likelihood of a student being absent. The family and personal factors affecting school attendance included homelessness, geographic isolation, low socioeconomic status, unemployment, illness and attention deficit disorders, while school factors included a dislike of subjects, boredom with school work, learning difficulties, inadequate school support and welfare, and being bullied.

With the huge body of work and research that has been done one would think that if the government was serious about tackling school absenteeism, it would spend more money on engaging those students at risk of dropping out of school and helping students to complete year 12 or its equivalent. Unfortunately what we have seen from the Baillieu and Napthine governments is the exact opposite. We have seen the government ripping education apart, and this bill will not achieve what the government claims it will.

When Labor came into government in 1999 education was our no. 1 priority, and it remains our no. 1 priority. We introduced the Victorian certificate of applied learning (VCAL) to allow every student a pathway to school completion. We dramatically increased vocational education and training in schools. We lowered teacher-student ratios, and we developed a well-researched middle year strategy to keep young people engaged in school. These are the kinds of measures that you put in place when you have a genuine belief in lifting participation rates and standards for young people in our school system and keeping young people engaged in education. In stark contrast the Baillieu and Napthine governments have inflicted some of the worst cuts to education that we have seen to date: a massive $550 million cut from the education budget since they came into office.

Let us not forget what the Minister for Education said in the Parliament. He claimed to be 'putting money into the programs that matter' and 'into the students that matter'. We remember that well. Yet at the same time the minister has overseen the government's apparent commitment to education through the savageness of its attacks on the sector. This government has cut the School Start bonus, the education conveyance allowance and the education maintenance allowance (EMA), and it has tried to cut the School Focused Youth Service. It would have succeeded had it not been for the overwhelming community outrage at the decision, and the government subsequently backflipped.

More recently I have been alarmed to learn that the government has defunded a very important Geelong project that has been working with vulnerable young people in Geelong to discourage them from disengaging with the education system.

Mrs Peulich interjected.

Ms MIKAKOS — I find it interesting that the Parliamentary Secretary for Education does not think these issues are of importance and is attempting to talk over me during my contribution, because she knows that her record and her government's record in this area is absolutely appalling.

The ACTING PRESIDENT (**Mr Tarlamis**) — Order! I have been in the Chair for some time now and Mrs Peulich has been interjecting consistently. I notice that her name is on the speakers list so maybe she could refrain from interjecting and make her contribution then. Ms Mikakos has the call.

Ms MIKAKOS — Thank you, Acting President. We know why Mrs Peulich is getting upset. She knows that it is her government that has ripped education apart. It has made all the cuts I have mentioned to the school sector and to other services that support vulnerable young people. On many occasions over recent months I have spoken about the defunding of youth employment programs which help our most vulnerable young people to re-engage in education and acquire a job. A dedicated mentoring initiative that also helped young people to re-engage in education has also been defunded. We have seen the TAFE system decimated, with $300 million being ripped out without regard for the impact that will have on staff and students.

Unbelievably we have seen this government belatedly sign up to the federal government's Gonski reforms, and it has decided to fund its part by cutting the EMA altogether so that support for low-income parents is going to be taken away next year when they are purchasing school uniforms, books and other essential items for their children.

Honourable members interjecting.

Ms MIKAKOS — I know this is a sensitive point for members opposite. Maybe they should put just as much energy as they are putting into yelling at me at the moment into speaking up in their party room and standing up for vulnerable young people and for disadvantaged families in their electorates, because clearly they do not care about those young people. Clearly they do not care about those families when they sit on their hands and they are silent in their acquiescence in their party room and are doing nothing to stand up to their cabinet colleagues and their Premier, who is allowing these cuts to be made at the moment.

Mrs Peulich — You should hang your head in shame.

Ms MIKAKOS — Mrs Peulich should hang her head in shame. She is an absolute disgrace of a parliamentary secretary to be overseeing these cuts. All she is doing is coming in here — —

Ms Crozier — On a point of order, Acting President, Ms Mikakos referred to the parliamentary secretary in an unparliamentary fashion, and I ask you to ask her to withdraw.

Ms MIKAKOS — She can stand up for herself.

Ms Crozier — I am asking you to withdraw.

Ms MIKAKOS — On the point of order, Acting President, my understanding is that if a member is in the house and they take offence, they can raise the matter themselves. The member has not done so.

Mr Ondarchie — On the point of order, Acting President, the member was simply asked through you, Acting President, to withdraw. She could be gracious and do that, and I ask you to direct her to do so.

The ACTING PRESIDENT (**Mr Tarlamis**) — Order! I do not uphold the point of order. I take this opportunity to remind members to direct their comments through the Chair.

Ms MIKAKOS — Thank you, Acting President, very wise words indeed. Through you, I remind members that the background to this bill is that in 2006 the Labor government introduced the Education and Training Reform Act 2006. The act sets out the current provisions regarding compulsory enrolment and attendance at school. It also provides that it is the duty of a parent of a child aged 6 to 17 years of age to enrol the child at a registered school and ensure that the child attends school or to register the child for homeschooling and ensure that the child receives homeschooling. It is an offence for a parent to not comply with this duty without a reasonable excuse. As it currently stands, the penalty for failing to comply with this duty is 1 penalty unit for each day the child is absent. The act provides for the appointment of school attendance officers who have the power to bring court proceedings for such an offence.

I know members frequently refer to the parliamentary library research briefs for their research into particular bills, and I commend the library staff for continuing to prepare research briefs. I understand that the library service is being reviewed at the moment. I certainly hope that the library staff are not gutted and that as parliamentarians we are able to continue to rely on the parliamentary library to provide important research briefs in the future.

The parliamentary library brief for this particular bill notes that since the commencement of the principal act no court proceedings have been brought against a parent under this provision and the penalty has not been imposed. That was noted by the now Minister for Education when he said, in the lead-up to the 2010 election, that the coalition would enforce these laws. It would appear that the coalition's measure of success is how many fines it can impose. After all, that is the main change made in this bill, and it will be done through infringement notices served on parents as opposed to court proceedings.

Clause 6 of the bill inserts new section 2.1.2A into the act. It provides that it is an offence for a parent not to provide instruction to a child registered for homeschooling. The penalty is 1 penalty unit for each day the duty is not complied with, and there is no change in the level of penalty. Clause 7 of the bill makes some changes to what constitutes a reasonable excuse, and I will come back to that part of the bill in a moment. Clause 8 of the bill provides the minister with the power to exempt a child from attendance and/or enrolment. At present the minister only has the power to exempt a child from attendance. Clause 10 of the bill adds that a principal must, on request of a school attendance officer, provide the officer with any information regarding the enrolment or attendance of students.

Clause 13 inserts new division 3 which outlines the process by which school attendance officers issue attendance enrolment and infringement notices. Under new division 3 new section 2.1.15 provides for the issuing of a school enrolment notice by a school attendance officer. It applies if a school attendance officer, after making inquiries, has reasonable grounds to believe that a child of compulsory school age is not enrolled at a registered school and is not registered for homeschooling. The school attendance officer may then issue a school enrolment notice to a parent.

New section 2.1.16 provides a similar process for the issuing of a school attendance notice. This section will only apply if the school attendance officer has reasonable grounds to believe that a child who is enrolled at a registered school has been absent from the school on at least five separate days, whether the absence was for a full or part day, in the last 12 months; no reasonable excuse has been given for the absences; and measures to improve the student's attendance have been undertaken in accordance with any guidelines issued by the minister and have been unsuccessful or are considered to be inappropriate in the circumstances. In those circumstances section 2.1.16(2) allows the school attendance officer to issue the parent with a school attendance notice.

New section 2.1.19 provides that a parent must respond to a school enrolment notice within the due date specified on the notice. New section 2.1.20 similarly provides that a parent must respond to a school attendance notice before the date specified on the notice. New section 2.1.21 goes on to set out the offences and penalties for failing to comply with a school enrolment notice or school attendance notice. The penalty for not responding to a school enrolment notice or a school attendance notice is 5 penalty units. Any parent who responds to the notice but fails to provide a reasonable excuse is also guilty of an offence and is liable for a penalty of 5 penalty units, which is equivalent to $704.20.

On the issue of a reasonable excuse, I note that section 2.1.3 of the current act provides that it is a reasonable excuse for a child to not be enrolled at or not attend school if:

> (a) the child has been prevented from attending school or receiving instruction because of —
>
> (i) illness, accident, an unforeseen event or an unavoidable cause; or
>
> (ii) a requirement to comply with another law; or
>
> (iii) the child's absence from Victoria.

There is a fair list of reasonable excuses for why a child is not enrolled at or not attending school. The government has made changes that allow the minister to excuse a child from enrolment and to repeal that part of the act that talks about a child's absence from Victoria. The opposition has no problem with those changes. But the bill goes one step further to provide a catch-all clause which provides that a principal has discretion to accept an excuse that is outside the reasons prescribed as a reasonable excuse — that is, any excuse whatsoever. Therefore the government's attempt to enforce truancy laws is really a bit of a joke. It has effectively broadened the number of excuses that can be made, when all the while government members are beating their chests about how tough they are for introducing infringement notices.

It is interesting that despite new section 2.1.24 providing that the minister may issue guidelines about matters relating to measures that may be undertaken to encourage and support the enrolment of a child and measures that may improve their attendance at school, the final guidelines have not yet been distributed.

I refer again to the parliamentary library research brief on the bill, of which I spoke very highly. It refers to submissions made by some stakeholders. I note that the Good Shepherd Youth & Family Service submission refers to research studies that show positive strategies that increase student and family engagement are the most effective approach to combatting school absenteeism and that there is no evidence that punitive mechanisms such as imposing fines are effective strategies for addressing these issues. The service also points to research in the United Kingdom and states that similar measures were introduced there, but it was found that 'they seem to have little impact on increasing student retention in the long term' and may have placed additional stress on families that were already socially and economically disadvantaged.

Members all know that students from such families are already at risk of disengaging, and we know this bill fails to acknowledge that. There are no additional measures, support or funding for school attendance officers to help a student if they are found to be struggling in some way which is leading to their absence from school in the first place. This comes to the fundamental issue of what the role of government should be in education. It is to ensure that every Victorian, no matter how much money they have and no matter their postcode, has the same opportunities to a strong education and the opportunities that education can provide.

In 2008 I was pleased to be a member of the Drugs and Crime Prevention Committee that looked into high-volume offending and recidivism by young people. The evidence presented to that committee overwhelmingly pointed to the fact that keeping young people in school, training or work is the most important factor in keeping them out of the justice system. That cannot be achieved when you have a government like the one we have at the moment. Education programs have been cut, training opportunities have been cut and employment opportunities have also been cut.

In conclusion, it is clear that this bill provides little more than the current act already provides. The bill does not contain the sort of reform necessary to address the causes of student disengagement. Instead the government has replaced positive measures with punitive ones, preferring to cut programs on the one hand and then issue parents with fines when their children become disengaged from the education system.

The coalition's cuts to education are doing more harm in the area of student truancy in Victoria than any excuse its members can otherwise come up with. If students are to be engaged, they need to be engaged through the curriculum, the mode of delivery and having interesting programs and a variety of learning experiences to give them every opportunity in their lives. Ultimately investment in education will lower rates of absenteeism, and if the government were really serious about tackling truancy, it would put in place some real and proper measures to try to improve student success rates at school.

Mrs PEULICH (South Eastern Metropolitan) — I thought Ms Pennicuik was the next person to speak, but as she is not here, I am happy to jump in.

The main purpose of the Education and Training Reform Amendment (School Attendance) Bill 2013 is to amend the Education and Training Reform Act 2006 in relation to compulsory enrolment and attendance at school. This bill will enable the issuance of infringement notices as an alternative to court proceedings in the case of a child's persistent non-attendance at school without reasonable excuse. That is the sum total, but I just want to make some comments in relation to the importance of attending school and the importance of education.

I was interested to listen to Mrs Millar's inaugural speech, in which she spoke about the transformative impact of education on people's lives. I am certainly a great believer in that; I would hope that everyone in this chamber is. It is something I think people in the western world take for granted. In much of the rest of the world people are still fighting for the right to be able to attend school, in particular girls in some radical Islamic countries and also in some Third World countries, where attendance at school by girls is not seen to be a priority.

My own mother, being a child of the Second World War, did not have the opportunity to attend school. Only subsequently, as an adult, was she able to get compensatory education that enabled her to enter the world of work and then gain a trade, with which she built a wonderful business on emigrating to Australia, and a wonderful life. She always wanted me to be a teacher, because to her education was the key to transforming a life, in particular one marked by poverty and lack of opportunity.

I was very pleased to see this bill come in. As a teacher in the public school system for 15 years, one thing that disturbed me greatly was the patchy effort that schools made to address the issue of non-attendance. Those of us who have been involved in education know that non-attendance can be a product of a number of factors. One of course is absenteeism where parents or those who

have a legal duty of care are not aware of absences. Then there is non-attendance that is approved by parents or in situations where parents simply do not care and do not enforce the child's attendance at school.

There are of course some wonderful teachers and some wonderful schools that do a great job, and some of their good work is reflected in very low levels of absenteeism in many of our schools. I visited one school in New South Wales where — and many of the private schools in Victoria do this as a matter of course — if a child is not present at rollcall in the morning, the parents are contacted immediately if the parents have not contacted the school in the first instance, which is a requirement. These types of organisational practices are imperative to underscoring the importance of attending school.

I was most disturbed when I read an Auditor-General's report, I think it was in 2010, which indicated that the average number of days absent per child in Victoria at the secondary school level was nearly 18 — 17.9 days — per student. That is nearly one school year of non-attendance over the school life of a child. As a teacher who also has qualifications in special education, I know that a child who is behind two or more years is considered to be a chronic case and in need of special attention. If you can fall behind by one year simply by not attending, there are massive problems, and those problems accumulate and gather momentum because you miss out on the foundation skills that are necessary to build further and to manage the workload and the academic requirements of education. When a child cannot cope there is a much higher likelihood that that child will disengage and not attend school.

This bill is long overdue. I cannot believe the former Labor government ignored the chronic level of absenteeism, whether as a result of its being approved by parents or through truancy, and did nothing about it. That does not mean that the first course of action should be punitive; punitive action should be a last resort. We all know that an education that is meaningful, that is enjoyed, that is seen as positive and that builds on the positive experiences of a child is going to be the most productive. As soon as problems emerge the school needs to act, as do parents. Parents have a responsibility to work cooperatively with the school to make sure that the child takes all the opportunities available to them. However, as a last resort the education system, the school, needs to have the authority to intervene and take action when required.

Ms Mikakos, the shadow minister for children and young adults, went through a litany of grievances that she has about the portfolio of education without really going to the central purpose of this legislation, which is to increase school attendance and increase the likelihood of children completing their 12 or 13 years of education to give them greater scope for fulfilling their potential, whatever it may be. It was a particularly hypocritical contribution given Labor's poor track record in the area of education.

I will break down some of the arguments put forward by Ms Mikakos. Many of them stem from what she argues are cuts. In many instances programs are recast, reshaped and improved, and the funding arrangements that accompany those programs are also changed. To Ms Mikakos that may seem to be a cut, but to people who actually understand how this works it is not so. I am more than happy to see a debate on each and every one of those points, and many of those points have been debated in the past. It has been shown that Labor cuts corners when it comes to the facts.

Let us look at the facts. When the former Kennett government was voted out of office in 1999 it had eliminated a maintenance backlog of $650 million. One of the biggest headaches for schools and one of the biggest distractions from the main game — the main game is providing the very best quality of education for our children — is having to deal with facilities challenges. Whether it is in capital works or maintenance, facilities challenges are the bugbear of school communities and many a school council. To allow maintenance backlogs to accumulate to such a level is a dereliction of duty. The previous coalition government wiped out a $650 million maintenance backlog. However, at the end of 11 years of Labor rule the former government had allowed the maintenance backlog to creep up to $450 million. That is not to mention the significant amount of capital works that are needed, much of which are in Labor members own seats. In Labor heartland, schools are literally falling over. A government cannot provide quality education and allow school communities, school leaders, school principals, school councils and school teachers to focus on the main game if all those stakeholders are worrying about ceilings falling down around them.

Labor also did not focus on curriculum or take an active part in the national curriculum debate. Labor fell short on addressing some of the key issues that impact on the provision of quality learning and teaching, in particular when it came to the negotiation of enterprise bargaining agreements. Labor kowtowed to its union masters and failed to back the need for reform to ensure that teachers provide the very best quality of teaching to students, in particular to those in the public school system who may have fewer options. I am a great supporter of choice in education. Choice in education is

important because it frees up resources. The public school sector is able to marshal more resources because of the existence of Catholic schools and independent schools where parent contributions are greater. What has Labor done in other spaces? It has done very little. During its time in office it turned a blind eye to absenteeism, which was an absolute dereliction of its moral duty.

This bill will enforce a regime that government members promised to introduce when we were in opposition and, of course, it was a policy commitment during the election campaign. I am very pleased to see this commitment to enforce compulsory school attendance laws with a view to boosting school attendance and encouraging parents to support their children's attendance at school being facilitated through this bill.

School attendance is already mandated in the Education and Training Reform Act 2006. The various jurisdictions across Australia have different machinery to achieve the objectives outlined in the legislation, and many of them are worthy. Many of them focus on some common elements. Those include proactive action to support regular attendance, which is important. Some of those measures would work and they need to continue. We need to look at best practice and innovation in schools to see what works well. Where school performance has been patchy, the Department of Education and Early Childhood Development needs to parachute in to identify and unpack the reasons as to why that is occurring. Other features of effective school attendance regimes include alert action to determine the reasons for absence when there have been a number of days of unexplained absences. Supported action, including meetings with a family when a significant pattern of absenteeism is identified, is the bread and butter of pastoral care that we expect for all students. Formal action for a child who has failed to enrol or attend regularly also needs to be part of the regime.

Obviously this is not the first port of call, but it is nonetheless a tool in the toolbox that is available to schools and the department for making sure that school attendance is treated with the utmost seriousness. Formal action should include face-to-face meetings, agreements and other more stern measures, and the consequences of a failure to comply include issuing harsher measures.

This bill recognises the importance of daily school attendance, ensuring schoolchildren and young people succeed in education and reach their potential. It does not change the expectations of compulsory school attendance or impose new duties on parents. It amends the act to enable fines to be issued when a parent does not respond to a school attendance notice or responds with an explanation that is not a reasonable excuse. The context is to establish a clearer mechanism for use as a last resort when other efforts to encourage parents to support their children's attendance at school have not been successful. Penalties will work only if they are a last resort. This has been made clear by the Minister for Education on numerous occasions, and other documents are available for schools and school communities as a guide to responding to issues centred around absenteeism.

In terms of the process of enforcement in cases of repeated absence where a parent has not engaged in efforts to improve the student's attendance, the principal will have discretion to make a referral to a school attendance officer. There is a school attendance officer in each of the four Department of Education and Early Childhood Development regional offices. The school attendance officer would issue a school attendance notice to the parent, who would be obliged to respond to that notice. In the event that the parent does not respond to the school attendance notice or responds with an explanation that is not a reasonable excuse, the school attendance officer may make a decision to issue a penalty infringement notice. That would be half a penalty unit — currently approximately $70. This amount is 10 per cent of the maximum penalty for the offence. If you look at the other jurisdictions, you will see that this is one of the lowest penalties in the nation. Where a child appears not to be enrolled in school at all, a school attendance officer will have the power to check the register of homeschooling to search for an enrolment record for the child before sending an enrolment notice, and they will offer support to help the parent enrol the child in school.

School attendance is important, and not only for the mandatory years of enrolment. It is important to have measures that encourage students to remain enrolled and attending school in post-compulsory years. Particularly in our shared electorate, Acting President, there are areas where the attendance of girls beyond compulsory school years is an issue that we also need to look at, and school communities are certainly well aware of that.

What is the government's responsibility to ensure that every child receives an education if the parent is not fulfilling that duty? What would happen if a parent were fined or even taken to court and a full penalty applied and the child still did not go to school? These are really important issues to think through in establishing a system.

The act stipulates that parents are responsible for ensuring that their child attends school or is receiving instruction through a registered homeschooling provider. Under this proposal a parent could be issued a subsequent fine if the child accumulates another five absences without reasonable excuse. A greater focus on this regime will mean that the department will have a better understanding of absenteeism and will be better able to unpack the data to make sure that future policies are the most relevant and effective. Legislative changes are required. The Department of Justice has advised that the offence provision in the current act is not suitable for enforcement of infringement notices and having the option to issue infringement notices means costly and time-consuming court proceedings can be avoided. That is good for all concerned.

The proposal was not progressed in isolation from recommendations of the Protecting Victoria's Vulnerable Children Inquiry, which led to a phenomenal amount of funds being directed to those who are most vulnerable, They will enable access by vulnerable young people who are at risk or disengaged from school to a range of programs and will support all the programs that Ms Mikakos mentioned and no doubt Ms Pennicuik will mention as well. Lastly, the regime will apply to students in Catholic and independent schools. The consultation has been extensive and has been factored into the final form of the bill, and regulations and guidelines have been developed.

I wish the new regime well. I certainly look forward to an improvement on the state's appalling record of absences per secondary school child and per primary school child, which Labor failed to do anything about over 11 years. This bill bites the bullet and supplements it with the funding, resources and programs needed to avoid this as a first port of call. I commend the bill to the house.

Mr ELASMAR (Northern Metropolitan) — I will make a brief but concise contribution to the debate on the Education and Training Reform Amendment (School Attendance) Bill 2013. My colleague Ms Mikakos has already indicated to the house that we on this side are not opposing this bill. We all know and agree that it is critical to the development of a child's knowledge to attend a place that focuses primarily on delivering positive learning outcomes. To stay at home or wander the shopping malls of Victoria instead of attending school will not position a child to advance or to eventually obtain a meaningful occupation in the workforce. From education and training comes a future that will equip our young people to be the next generation of workers and leaders.

Sadly the legislation does not differentiate between primary and secondary students, and that is a pity. There are many reasons why a primary school kid misses school and most of them are through no fault of the child. Often it is the failing of the parent. The big stick approach can be effective, but only to a certain extent — for example, awareness programs aimed at teaching parents the importance of a good education are something this government should be exploring. I know there are several strategies already in place to monitor student attendance, but those programs rely on responsible parents.

Massive cuts in the TAFE sector have led to a dumbing down of kids who are attracted to a technical or trade qualification. Savage cuts to our education system by the government will lead only to a massive shortage of skilled workers in the generation to come. This is short-sighted. We all know that a good education or a lack of choices for our kids today can make or break our future economy. The Australian Council for Educational Research has said that non-attendance at school is a key issue. It is a factor that goes beyond failure to gain basic skills and knowledge and will lead to lifelong disadvantages.

This legislation provides for school attendance officers to investigate absences from school. It provides them with access to school records for this purpose and also the power to issue school enrolment or attendance notices where a student has been absent for five days or more without a reasonable excuse. As I indicated, I am not going to speak at length about the bill. I am not optimistic about the big stick approach in regard to school non-attendance, but let us wait and see the outcome of this strategy.

Mr ONDARCHIE (Northern Metropolitan) — I rise to speak on the Education and Training Reform Amendment (School Attendance) Bill 2013. I pay tribute to Mrs Peulich who in her own right has a masters of education and is probably one of the key educational experts we have in this chamber. I compliment her on her contribution to the house today.

By way of immediate rebuttal, I will touch on a point that Mr Elasmar made when he talked about technical schools. I remind him that it was Labor, under then Premier Joan Kirner, that took away the trade and technical schools in Victoria. I should say also at this time that my prayers and thoughts go to Mrs Kirner as she tackles her health issues.

This bill sends a strong message to parents that unexplained truancy is not acceptable, and it gives them very strong incentives to ensure that their children

attend school. The Napthine government has yet again shown its commitment to Victorian students by securing an extra $6.8 billion from the commonwealth government, and it will be contributing an extra $5.4 billion for government schools over the next six years, giving them a strong leg-up and strong support after many years of neglect by Labor governments.

I have a very strong passion for education, having been a school councillor for 11 years, 9 of those as president. I am absolutely committed to making sure that children get the very best opportunity to optimise their lives through education. This government, in a very short time, has shown its commitment to education in my electorate of Northern Metropolitan Region. In just two and a bit years the government has committed to a brand-new primary school in Doreen South that will be open for students next year, a brand-new secondary school right next door to the primary school in Doreen South and alongside it — through the Minister for Children and Early Childhood Development — an early childhood education centre.

On the one site in one of the fastest growing areas of Australia we are building an early learning centre, a kindergarten, a primary school and a secondary school. This is an area that was neglected by Labor for 11 long years, and this government has taken the initiative in its very short time in office to get going things that have needed to be done for such a long time. I am hopeful that opposition members in their contributions will recognise the lag that was left in infrastructure — including physical, social, soft and hard infrastructure — in the northern suburbs and that this government is doing something about it.

I was blessed to be principal for a day recently at Morang South Primary School. I had an opportunity to learn from the wonderful staff and the parents how important education is for their children — primary, secondary and tertiary. This government has made significant commitments already. It has provided more funding for primary care officers. In February this year it provided funding to 90 schools for first aid officers. It has put $450 000 into the Bully Stoppers program — that is a round 1 grant — a $4 million initiative as part of a $14.5 million initiative to stamp out bullying.

I know something about bullying. Not only was I bullied as a child at secondary school, but I now have the blessing and the privilege to be the chair of an organisation called Bully Zero Australia Foundation. This Australia-wide foundation is determined to stamp out bullying in Australian lives today — in schools, in cyberspace, at community groups and in workplaces. I compliment our chief executive, Oscar Yildiz, who is also the mayor of the City of Moreland, as well as my board and the team at Bully Zero Australia for what they are doing to change Australian lives and stamp out bullying. One of the reasons kids do not attend school is associated with bullying, and Bully Zero Australia is determined to do something about that.

I had the chance to visit Meadows Primary School in Broadmeadows in my electorate of Northern Metropolitan Region not too many weeks ago. It has quite a diverse community. Some of those children have become disengaged from the education system and are not turning up to school. The principal and the staff out there have done a magnificent job of engaging in a collaborative relationship with the Melbourne Symphony Orchestra (MSO), which is bringing music — woodwind, string and brass instruments — into the school. The kids are now engaged. They want to come to school because they get a chance to play some music and use those creative talents that add to the literacy and numeracy parts of our curriculum.

That is a great example of this government giving local schools and local school councils the opportunity to determine their destiny. That is another example of what this government was able to secure through the education reform package with the federal government. We are giving local governance to local schools. You should see the looks on the faces of these kids when they get up there with the MSO to play a string instrument, a brass instrument or a bit of woodwind. I do not care if they are perfectly in tune or not; they are having a great time, and they want to come to school. One of the kids wants to take the double bass home to practice on, and is that not fantastic?

The opposition should note the importance of this bill in getting kids to school and ensuring they are educated. At the end of the day this government, this Parliament and our society have an obligation to not only today's schoolkids but kids who have not even been born yet.

Ms PENNICUIK (Southern Metropolitan) — The Minister for Education began his second-reading speech on the bill before us now, the Education and Training Reform Amendment (School Attendance) Bill 2013, by saying that it proposes amendments to the act:

> … to enable enforcement of the duties of a parent to ensure the enrolment and attendance of their child at a registered school or to ensure their child is registered for homeschooling.

He said the proposed amendments recognise the importance of daily school attendance for a young person to succeed in education and fulfil their life potential. He further said that:

> Whilst the duties of a parent to ensure enrolment and school attendance are currently mandated, existing processes for enforcing these obligations are convoluted and can require a full court proceeding for each incident.

The minister emphasised that the government is pursuing 'a range of strategies' to strengthen 'engagement and participation' of students and families in education, and that it is the government's intention to use the penalty infringement notices as:

> … a last resort for repeated failure of the duty of a parent to ensure the enrolment or attendance of their child at a registered school, or to register their child for homeschooling.

So really the purpose of this bill is to insert into the act the process of fining parents through infringement notices rather than resorting to court proceedings for persistent unexplained absences of children from school. I think everybody in this chamber, everybody in this Parliament, everybody in the community agrees with compulsory school education, because education is the single most important thing for children in terms of making sure their life chances are maximised. Everyone agrees with that. The evidence around the world is clear that where there are inclusive, well-resourced education systems in which children are able to attend high-quality schools in their local areas, and are supported to do so by the education system, the community and the government of the day, the outcomes are high, not only for those students individually but for their families and for their communities. We all agree on that.

Under the current system it is compulsory to attend school, and it is an offence for parents not to have their children attend school without a reasonable excuse. There is a penalty attached to that, but the process for dealing with it presently is that the department would need to take the parent to court, and the court would have to decide whether or not a penalty should be applied to that parent. I am not persuaded that we need to change that system. I think that as a last resort it should be up to a court to look at the pros and cons of whether a penalty should be applied.

It is not our view, and it is certainly not supported by any evidence, that a punitive approach involving the issuing of infringements will work. I have to say that the library briefing on this bill is excellent and comprehensive. It covers the situation in terms of absenteeism in schools in Victoria and around Australia and compares those in Victoria with those in the rest of the country. It also comprehensively covers the processes that exist in other states and territories and other countries for dealing with absenteeism. I thank the library for the excellent work it has done to assist us in looking at this issue.

I also thank the staff at the minister's office who took me through the bill — back in the mists of time, I must say. It is quite a while since that briefing and the bill being introduced to the lower house; it was some five months ago. However, at the briefing I asked many questions about the case the government was putting for the need to insert into the Education and Training Reform Act 2006 a process for issuing infringement notices. In a nutshell, the response was that it would focus the minds of parents whose children are not attending school. I have no evidence to support that that would be the case. There is a lot of evidence presented in the library brief in terms of infringements being issued across other areas of public policy that shows that it is not very successful and that more often than not the wrong people are caught, as I will go on to explain.

I will refer to the main parts of the bill, commencing with clause 5. The principal act provides that it is an offence for a parent to fail to comply with the duty to ensure that their child is enrolled and attending school or is being homeschooled, and the penalty is 1 penalty unit for each day on which the duty is not complied with. This clause repeals that penalty. Clause 6 inserts a new section into the act which provides that it is an offence for a parent not to provide instruction to a child registered for homeschooling, with a penalty of 1 penalty unit for each day on which the duty is not complied with, preserving the original penalty in the case of homeschooling.

Clause 7 makes some changes to what constitutes a 'reasonable excuse', as set out in the act, and removes 'the child's absence from Victoria' as a reasonable excuse. It provides that a principal has discretion to accept an excuse that is outside the reasons prescribed as a reasonable excuse, and that it is a reasonable excuse if the minister has exempted the child from enrolment. Basically that clause is at odds with the situation in other states, where a child being in a different state is a reasonable excuse. Clause 7 removes that excuse. I do not really mind the addition of the discretion for a principal to accept reasonable excuses, and I understand the technical need for the minister to be able to exempt a child from enrolment. That is a technical amendment this bill makes that I do not have an issue with; it was explained to me by the minister's office staff when I attended the briefing. That is also covered in clause 8.

Clause 10 makes additions to section 2.1.10 of the act to provide that a principal must, at the request of a school attendance officer, provide the officer with any information regarding the enrolment or attendance of students that the officer may reasonably require for the

purpose of carrying out their functions and powers under this part of the act. It also provides that the officer may access, use or disclose information recorded in the student register. The register is established under section 5.3A.7 of the Education and Training Reform Act. It records the student number, name, date of birth and gender of each Victorian student under the age of 25.

This brings me to the issue of the Victorian student number, which back in the last Parliament the Greens certainly did not support. I think during the life of this Parliament I have asked the minister sitting opposite, the Minister for Higher Education and Skills, whether any evaluation has been done of the Victorian student number in terms of its aims, which are to engage disengaged students. As far as I know, there has been no evaluation of the effectiveness of the Victorian student number in that regard. At the time I made the point that students in families who were able to comply with keeping their records — that is, about where they live and just basic information about themselves and the student — are not the students that the Victorian student number is meant to pick up and that those students who have not kept that information up to date will not be assisted by the Victorian student number. That is something that has been put into the Education and Training Reform Act 2006, and so far as I know the aims and objectives or the effectiveness of putting it there have not been evaluated.

Clause 11 of the bill amends section 2.1.12 of the act to provide that school attendance officers may bring proceedings for any offence set out in the new division 3, which is inserted by clause 13. That clause provides for school enrolment notices, school attendance notices and infringement notices and also for the issuing of a school enrolment notice by a school attendance officer. This section applies if a school attendance officer, after making reasonable inquiries, has reasonable grounds to believe that a child of compulsory school age is not, at the time of making the inquiries, enrolled and is not registered for homeschooling. The school attendance officer may then issue a school enrolment notice to a parent.

I refer to the issuing of school enrolment notices and school attendance notices, which will be prescribed forms under the regulations which are yet to be seen. I will turn to the points made in the library brief. I will go back a bit to set the context. When the bill was first read the government asked for submissions. It received some submissions but has not made them public. The only two that have been made public were released by the submitters themselves — Good Shepherd Australia New Zealand and the Victorian Equal Opportunity and Human Rights Commission. I checked this morning to see whether any other submissions have been made public but was not been able to find any.

These are important changes to the act. However, there has been no transparency, because the government has not released the submissions to allow others to read what the submitters have said. To quote from the library brief:

> The Good Shepherd Youth and Family Service states that the key groups of young people who are likely to experience educational disengagement and disadvantage are those who:
>
> are affected by poverty
>
> are Indigenous
>
> are from culturally and linguistically diverse (CALD) backgrounds, including refugees
>
> live in out-of-home care
>
> have parents who are involved in the criminal justice system
>
> experience disabilities or mental health issues, or whose parents experience these issues
>
> have experienced, or whose parents have experienced domestic and family violence
>
> are pregnant or parenting.

Enrolment notices and attendance notices, which are prescribed, bureaucratic forms, will be issued to the parents of students who, for all the issues that I have just listed, are the least likely to be able to comply with the provisions under the act which require the forms to be returned within a certain date fully filled out. That is one problem I have with this bill — the issuing of these prescribed forms and the offences attached to them for not filling them in properly or within the required time.

Clause 13, which inserts new section 2.1.16, provides for the issuing of those notices. Notices can be issued if a child who is enrolled at school has been absent from the school on at least five separate days without a reasonable excuse. We have discussed what those excuses could be.

The government, via the minister and the ministerial brief, said that these things will happen only after a school has made attempts to engage the parents. However, once such notices are introduced, with the end result being an infringement notice, there is always the tendency for people to use them rather than to continue with what may be a lengthy process of engaging with families who are struggling in many ways, and this results in absences of children from school.

Hon. P. R. Hall — That is why 2.1.16 is there.

Ms PENNICUIK — I have not got to that yet.

Mrs Peulich and I had a brief discussion about absences from school. Referring again to the library brief, if you look at table 1, which is headed 'Student attendance rates, government schools, by year level, by state and territory, 2010' and is sourced from the Australian Curriculum, Assessment and Reporting Authority, you will see that Victoria is the best performing state in terms of absences. It has the highest attendance of all states in all year levels.

The library brief states:

> Table 2 below, sets out the average absence days per full-time equivalent student (FTE) in Victorian government schools. Student absences however are not a measure of truancy. Data provided by the department of education state that in 2011 only 0.28 per cent of all absence days reported by government schools were due to truancy and 0.62 per cent were recorded as school refusal.

That is a total of 0.9 per cent, less than 1 per cent. To quote further from the library brief:

> According to the department's fact sheet for parents, *It's Not OK To Be Away*, truancy is defined as a child being absent from school without parental knowledge, while school refusal is where a child does not want to attend school, even though the parent has tried.

Other categories that make up school absence are illness and injury and school withdrawal — that is, where a child does not attend school with parental permission. Examples of the latter include holidays, babysitting, helping parents at home, working in the family business and so on, and many of those can have issues as well. So according to the government this bill is looking at truancy, and that is a very — —

Mrs Peulich interjected.

Ms PENNICUIK — Mrs Peulich interjects and she talks about absences, but the bill itself says 'if there is a reasonable excuse', which is an absence with a reasonable excuse. An absence without a reasonable excuse comes down to truancy or refusal, and that is a small number of students according to the statistics put forward here.

Mrs Peulich — Which combines primary and secondary. You should have bothered to unpack them.

Ms PENNICUIK — I do not have to respond to you, Mrs Peulich. I will respond to the minister, though. The minister refers me to new section 2.1.16, to be inserted by clause 13 of the bill, concerning the issuing of a school attendance notice. This applies if a school attendance officer has reasonable grounds to believe that a child who is enrolled has been absent from school on at least five separate days in the previous 12 months and has no reasonable excuse for the absences and measures to improve the student's attendance have been undertaken in accordance with ministerial guidelines issued by the minister but have been unsuccessful or are considered to be inappropriate in the circumstances. In these situations a school attendance officer may issue a school attendance notice to a parent.

Hon. P. R. Hall — But they must go through all the other processes first.

Ms PENNICUIK — As the minister says, they must go through all those other processes, but the point I am making is that there is no time limit on how long they should go through those processes before just giving up and saying, 'We are going to issue infringement notices, and if more than three infringement notices have been issued in two years under the act, it will then go to a court proceeding'. The fact is under the act at the moment the department can instigate a court proceeding against parents of children who are not attending school. We could use the word 'recalcitrant', and in fact it is the parents' fault. The parents are the actual people at fault.

There is already provision under the principal act to take those parents to court if they wilfully refuse to enrol their children in school without a reasonable excuse or if they wilfully refuse to ensure that their children attend school. That provision applies for those sorts of parents. There is already provision under the act for measures to be taken against those parents. There are penalties, but what is there, to ensure natural justice as far as I am concerned, is that that needs to be taken to a court. As the minister said in his second-reading speech for this bill, that has never happened. When a couple of years ago the Minister for Education flagged that he wanted to ensure the duty on parents was enforced, it had not been used. Perhaps it has not been used because in many cases other measures have been successful.

However, I do not think the fact that the current provision has not been used is a reason for introducing infringement notices. I think this government is too ready to resort to infringement notices to deal with problems that would be better dealt with in other ways. New section 2.1.23 deals with those infringement notice penalties and offences and provides that a school attendance officer may serve an infringement notice on a person who the school attendance officer has reason

to believe has committed an offence under section 2.1.21, which is the non-attendance section.

Of course the minister will issue guidelines in terms of internal reviews, exceptional circumstances and so on, and I have no problem with the minister issuing guidelines that, for example, encourage principals to consider any social, cultural, lingual, economic, geographic and learning difficulties in the circumstances of the student and family before making a referral to a school attendance officer. I assume principals already do that, and for the minister to issue guidelines to ensure they do that is no problem. The problem is the issuing of infringement notices under this regime.

Ms Mikakos has already referred to the Auditor-General's reports and the 2004 report which stated that students who regularly miss school are at greatest risk of dropping out of school early, becoming longer term unemployed, being homeless, being caught in the poverty trap, becoming dependent on welfare and being involved in the justice system. The more recent 2012 report states that young people who disengage from education early are more likely to report poor health than the general population and more likely to require welfare support and other government-subsidised services.

But I also found in the same report that the causes are complex and often interrelated, and that the two types of contributing factors are, firstly, family and personal factors, and, secondly, school factors. The family and personal factors were identified as things such as transience, mobility and homelessness, geographic isolation, low parental valuing of or interest in education, low socioeconomic status, unemployment, illness and attention deficit disorders, a culture that does not value schooling or gives priority to other activities, substance misuse, and abuse of or by family members.

These are the types of families who are going to be caught up in this regime of infringement notices. School attendance notices are issued to them, then infringement notices. However, if they are unemployed or have other problems, it will be counterproductive to issue infringement notices.

The library brief also talked about other jurisdictions that have adopted infringement notice provisions, including the United Kingdom. It is worth noting that apart from the Northern Territory no jurisdiction in Australia has infringement notices, and certainly the regime in the Northern Territory warrants scrutiny. The UK has had infringement notice provisions in place, and it is reported that they have made little or no difference to absenteeism rates.

Given there may be many reasons for truancy or refusing to attend school and the types of families that may be caught up, evidence shows that putting support systems in place both in the school and within the community around the school — things like student attendance plans developed by the principals with support from the Department of Education and Early Childhood Development — is a better way to engage the small percentage of students who, due to their personal circumstances, are finding it difficult to regularly attend school rather than going down the road of issuing infringement notices. Of course it does not mean those students are not attending school at all but that their attendance at school may be ad hoc due to their personal circumstances.

It is hard to fathom why the government thinks infringement notices is the way to go. It has not made the case for it and it is unlikely to be effective.

The Good Shepherd and Youth Family Service in its submission to the government stated:

> … the evidence indicates that we need to implement positive strategies to support students and parents in engaging with school life.

Positive strategies to increase student and family engagement are seen as the most effective approach for combating school absenteeism and:

> there is certainly no evidence that punitive mechanisms — such as imposing fines — are effective strategies for addressing these issues. In fact, these punitive measures are likely to have a detrimental effect on student attendance and parental participation in the education system.

In the UK, where similar measures have been introduced, it has been found that they have little impact on increasing student retention in the long term and that the enforcement of these punitive measures has placed additional stress on families that were already socially and economically disadvantaged. The submission states that there is also a lack of evidence surrounding the impetus for the bill.

The Victorian Equal Opportunity and Human Rights Commission did not support the introduction of an infringement system in its submission. The Australian Education Union (AEU) said that while there are important opportunities to prevent an offence under the act, in this bill it seems that fines are more likely to be issued due to the adoption of infringement notices rather than court proceedings. The union's position in the past has been that it does not support the fining of

parents for their child's non-attendance as this does not address the often more complex reasons for non-attendance. More resources and a more proactive and supportive approach is required to allow families to comply, rather than a reactive and punitive approach.

The AEU also points out that the obligation of principals to supply information to attendance officers seems to have broadened under the bill. If more attendance notices are issued, there may be an increased imposition on principals. This adds to the views of many principals that the autonomy agenda of the government is simply resulting in a greater responsibility and workload for principals without additional support for them.

Whilst the draft guidelines allow for an internal agency review of a person receiving an infringement notice if the person has special circumstances, this review process is not provided for under the statute, unlike other internal review processes or other areas of law, such as social security law where the internal review process is protected by statute. We sent some questions to the department about this but have not received a response as to how the review process will operate and why it is not in the legislation. The Victorian Equal Opportunity and Human Rights Commission also stated that we need more information on how the internal review would operate in practice. It believes that the narrow definition of special circumstances needs to be broadened and that exceptional circumstances should be defined in the bill.

The library brief talks about the education system in Finland, which is certainly a model that the Greens think Australia should aspire to. Finland's education system is wholly government funded which, according to the Organisation for Economic Cooperation and Development (OECD), is due to thoughtful policies being implemented and sustained over a long period. According to the United Nations *World Education Report 2000 — The Right to Education — Towards Education For All Throughout Life*, 99.7 per cent of students complete compulsory schooling in Finland, meaning Finland has one of the lowest dropout rates in the world. Finland's education system is consistently ranked among the best by the OECD, and it is often considered a world leader in education especially following its performance in the OECD's program for international student assessment.

The OECD attributes the success of Finland's education system to a number of factors, including schools offering more than education — such as a daily meal, health and dental services and counselling; support for students with special needs; learner-centred classrooms; exceptional teacher quality and cultural support for a universal high achievement. Other provisions contained in Finland's basic education act support school attendance. They include free school equipment, materials and textbooks for all students; a balanced, appropriately organised and supervised meal on every school day for all students; free welfare services for all students; free transport to school if students live more than 5 kilometres from the school as the journey is considered dangerous; and free board and lodging in a dormitory if the daily travel time to school exceeds 3 hours.

The measures we had in place in Victoria, such as Free Fruit Friday, the conveyancing allowance, the education maintenance allowance and the School Start bonus, have all been removed. Support for the Victorian certificate of applied learning has been removed by this government. These are the types of programs that assist students, particularly in the latter years in state secondary schools. They have all been removed by this government.

Section 25 of the basic education act in Finland states that children permanently residing in Finland must attend school, which starts in the year during which the child turns seven and ends when the basic education syllabus has been completed or 10 years after beginning compulsory schooling. The education provider — in our case that would be the department — monitors the absence of pupils in basic education and notifies the parents or carers about unauthorised absences. If a child does not participate in education, the local authority in a pupil's place of residence supervises his or her progress. They take an individual approach to assisting in cases where children, because of their family circumstances or because of issues with the school, are having difficulty with regular attendance.

That is the approach the Greens believe should be taken in this case, but of course that is resource intensive. It would require more resources in both schools and school communities, and also in the department. It would often take a sustained effort to assist those families. That is what happens in the best jurisdictions: sustained efforts, individual attention to those students who are having difficulty attending and, as already exists in the Education and Training Reform Act 2006, the basic sanction of penalties.

But penalties should not be imposed by way of infringement notices issued by attendance officers. Attendance officers are just another brand of authorised officer that this government, and to be fair the previous government, is always creating to issue infringement notices to people and have them caught up in the justice

system if they fail to comply with those notices or are guilty of infringements. It does this rather than using, when we are talking about the education of children, a supportive resourcing approach to making sure that students are attending school and that the problems their families may be facing receive assistance through the department as well as other departments such as the Department of Human Services et cetera which may be able to assist in that way. That is what we need to be doing, that is what the best jurisdictions do. The best jurisdictions do not resort to creating another class of authorised officer to issue infringement notices.

I know the minister has referred me to new section 2.1.16, to be inserted by clause 13 of the bill, and the minister will say that this is a last resort, but there already is a last resort in the act, which is to use the court process when there are bona fide recalcitrant parents. Otherwise, the way to go is to put more resources into assisting those families who may be struggling.

The two submitters who have published their submissions to the government's secret inquiry into this bill have not supported the regime. The Australian Education Union does not support the regime put in place by this bill. It is not in place in any other jurisdiction in Australia except the Northern Territory. The United Kingdom has gone down this road, and certainly those who have evaluated its regime have found it to be ineffective. For those reasons the Greens will not be supporting the bill.

Mrs KRONBERG (Eastern Metropolitan) — I am delighted to rise to make my contribution to the debate on the Education and Training Reform Amendment (School Attendance) Bill 2013. Before I go to some of the major points of the legislation before us, I feel I need to make some comments on the contribution we have just heard from Ms Pennicuik where she highlighted and recommended the Greens support for the education system in Finland. I will be happy to talk to her at length about that at another time.

I have recently returned from Finland, having visited in July, and I am completely immersed in and becoming very familiar with the education system in Finland. It is unreasonable to make a comparison between the system we have here in Australia and the Finnish model because the Finnish model follows the principles of Nordic socialism and started from a completely different tangent at the end of World War II, and that direction was reinforced in the 1950s and has been progressing since 1970 with a very different mindset. We cannot just pick and choose the elements of a good system, because we have to look at everything holistically. It is really important to make the point that when we are looking at the imperative for improving school attendance statistics across this state we underscore the point that in Finland it is quite a homogeneous society that does not have to accommodate cultural diversity, as we do in our society. That makes the delivery of the Finnish education system take place from a completely different platform. Long may we celebrate diversity in our society, but it means that we have to accommodate a lot of different factors in our education system.

It is important to talk about the kind of mantra that Ms Mikakos has picked up. She has picked up the K. Rudd disease of the mantra 'cuts, cuts, cuts'. I would like to cut off her momentum in the direction she sought to take in talking about the claims about education cuts instituted by the coalition government since 2010. I have to debunk it; it is complete nonsense.

First and foremost, the School Start bonus and even VET in Schools were lapsing programs under Labor. The Labor government had no money for the future of those programs. What are Labor members harping and carping about? On the School Focused Youth Service, Labor's Treasury spokesman at the time, Tim Pallas, the member for Tarneit in the Assembly, claimed in budget week that it was a Labor program initiated under the Labor government. Wrong! It was a coalition program that was introduced in 1998 by the now Premier.

There were more missteps — or perhaps misspeaking. The member for Altona in the Assembly, Jill Hennessy, claimed that the Public Accounts and Estimates Committee said the School Focused Youth Service was cut last year. Again, wrong! Labor's obsession with the mantra 'cuts, cuts, cuts' is completely wrong, wrong, wrong. Then the shadow parliamentary secretary for education and member for Bundoora in the Assembly, Colin Brooks, took credit for the program continuing. Wrong, wrong, wrong. The only people calling into question the continuation of the School Focused Youth Service are members of the Labor Party.

On the conveyance allowance, changes had to be made to reflect the changes to the urban growth boundary — that is, where people are living and what is defined as rural living. Importantly the allowance had not been reviewed since 1983. On the Victorian certificate of applied learning (VCAL), government members are very pleased to say that 27 new providers have been brought into the system in the past two years. Frankly, as a service to young people seeking an alternative path

in their secondary education, the VCAL process in the system has gone from strength to strength.

It is important to put on the record too that this year this government has put a record $8.7 billion — yes, $8.7 billion — into schools education.

Mrs Peulich — How much?

Mrs KRONBERG — Yes, $8.7 billion, Mrs Peulich. During negotiations with the federal government on schools funding, the government secured $12.2 billion for schools in Victoria.

Mrs Peulich — How much?

Mrs KRONBERG — Twelve point two billion dollars, Mrs Peulich. Even the benighted federal Minister for Education — there is another leadership pressure point for federal Labor — Bill Shorten, acknowledged that the Victorian government had increased funding for schools in each of its three budgets. Let us look at the numbers: total education expenditure in 2010–11, $10.634 billion; total education expenditure in 2011–12, $11.272 billion; and total education expenditure in 2012–13, $11.547 billion.

Mrs Peulich — How much?

Mrs KRONBERG — Mrs Peulich, it is a delicious number; it is up there in the stratosphere. I am so proud of it. There has been a steady increase in this government's education expenditure, and for this current year it is $11.547 billion. The increase in education funding in the budget for 2011–12 amounted to 3.1 per cent. That momentum has been continued, and the increase in education funding in the 2012–13 budget is 2.4 per cent. I am so proud of these numbers.

Talking about numbers, I am also concerned that the average number of days that students from prep to year 12 in my region, Eastern Metropolitan Region, are absent is maintained at the very high level of 13.48 days. That level has been maintained pretty much since the aggregation of the figures. The table I am looking at shows that in 2006 it was 13.06 days.

Clearly, when we look at the statistics — in spite of the contribution made by Ms Pennicuik, who is concerned about the impact of fining parents whose children are absent from school and government members understanding that it is a big move to provide for a financial penalty — we must ask: what is this legislation all about? This legislation is all about the welfare and the future of the children of Victoria. That is one of the prime areas of responsibility in this state. If we see that children are not attending school, we have to consider every possible measure that is fair and reasonable to make sure that those children have the means to attend school. We know that children can be absent from school because of trauma at home or the collapse of families and that absenteeism could even be associated with bullying. The issuing of notices when students have been absent for five days will trigger a system that will provide focus for those who are concerned about the welfare of students within the school population.

I am hoping the provision will trigger a cascade effect of responses so that people are more alert as to whether absences are caused by bullying, trauma at home, that the students do not have the means of transport to get to school or that they are embarrassed because there is no food in the cupboard and they have no lunches to share with their schoolfriends. There are a whole range of reasons, including very important social reasons, why students may not be at school. It is really important to be alert to them. People do take notice when there is a pain barrier; we all know that. Those of us who have had to deal with parking infringement notices tend not to repeat the process.

This is a laudable piece of legislation. It is part of the platform of election promises that the coalition presented to the people of Victoria, and I commend this bill to the house.

Ms CROZIER (Southern Metropolitan) — I am also pleased to be able to rise this morning and speak on the Education and Training Reform Amendment (School Attendance) Bill 2013. I do so because this is another demonstration of what this government is focused on doing. This was a commitment of ours prior to coming into government in 2010, and it demonstrates this government's commitment to enforcing school attendance laws with a view to boosting school attendance. It also seeks to encourage parents to support their children's attendance at school so that they can receive a good education, which is very important to us all. The bill establishes a clear enforcement mechanism to use as a last resort — that is, when all other efforts to encourage parents to support their compulsory school-age children's attendance at school have been unsuccessful.

I commend the members of the government who have already spoken on this bill and who have very eloquently put their views across in relation to this important bill. I would also like to note that on our side of the house we have in Minister Hall, in the Parliamentary Secretary for Education, Mrs Peulich, and in the previous speaker, Mrs Kronberg, experience

in the teaching profession. Having that knowledge and experience I think expresses an enormous amount in terms of what this government is committed to doing. It demonstrates what is lacking from those opposite, especially with respect to Ms Mikakos's contribution, and I will return to her contribution and what she had to say in a minute.

In addition, I would like to comment on the maiden speech of Mrs Millar, made just two weeks ago. I would like to quote from that speech because it went to what this side of politics stands for. It was an exceptional maiden speech, and I hope Mrs Millar will allow me to quote from it. She said:

> It is the role of government not to dictate that future, but to create the right conditions to enable both individuals and enterprises within this great state to flourish.
>
> In my own background, education has always been the key to innovation and the unlocking of untapped potential.

Mrs Millar then went on to discuss a wonderful quote from Sir Winston Churchill, which I will not read. This side of politics understands the importance of education. We do not always take the high moral ground, unlike those opposite.

I would like to commend those who have assisted in my preparation for this debate, in particular the Victorian parliamentary library for providing excellent background information. I was pleased to discover from that information that in the area of Southern Metropolitan Region the average absence days per student, prep to year 12, in government schools was 15.3 days in 2009, 15.08 days in 2010 and 14.73 days in 2011. We have clearly made a difference in the number of days students are absent in the area that I represent, and I presume that is also Mrs Peulich's area, because the figures are broken down by areas of metropolitan Melbourne.

I wish now to return to what Ms Mikakos said in her contribution, which was not terribly informative in relation to this very important area. She repeatedly said that this government is not serious about tackling the issue and that it is ripping education apart. How far from the truth is that? I would like to remind Ms Mikakos and those opposite that since 2010 the government has provided an additional $205 million for early childhood development, $1.2 billion for schools and $600 million for training. Total education expenditure in 2010–11 was $10.634 billion, in 2011–12 it was $11.272 billion and in 2012–13 it was $11.547 billion. Total school education funding in 2010–11 was $8.1 billion, in 2011–12 it was $8.4 billion and in 2012–13 it was $8.6 billion. These numbers are increasing, not decreasing.

The former government, which had an appalling record on a whole range of issues, neglected the very important area of education. That government provided $850 million for vocational education and training activity in 2011–12 but the actual cost to the budget was in excess of $1.3 billion, so around a $400 million blow-out. There are no surprises there, because it seems that everything that government touched in terms of projects and costing projections blew out. That is legacy that our government inherited in 2010 and has been fixing ever since.

I wish to commend a number of schools in my area. I think there are around 300 schools in Southern Metropolitan Region. I was fortunate enough the other night to go to a primary school play called *Let's Go to Japan*, performed by the students at Caulfield Primary School. It was a wonderful display of participation by students across the primary school years and a wonderful display by those terrific teachers who have enabled those children to participate in the way that they did. Mr Ondarchie spoke about his time on school councils. It is very important for us as members of Parliament to get out as much as possible to see our school communities, and I was very pleased indeed to attend that play by Caulfield Primary School the other night.

In conclusion, I am very pleased to support my colleagues and members of the government on this bill, and I am also pleased that those opposite are supporting this bill. It is going to build on what is already core business for schools given that schools are already required to follow processes for recording, monitoring and following up attendance. I congratulate the Minister for Education and his parliamentary secretary and all those who have been involved and who are working towards increased attendance of children at schools right across this state. I commend the bill to the house.

Hon. P. R. HALL (Minister for Higher Education and Skills) — In my reply I want to make a couple of quick comments. First of all, I thank members for their contributions to the debate, which has been, as is usual with education bills, wide and extensive. Members have taken the opportunity to express a range of views about different matters. In respect of some of the funding issues raised by Ms Mikakos, I know Mrs Kronberg and Ms Crozier from this side have made some comments about those issues, and I will not make further comment on that topic. I will save that for another day. However, I do want to make a comment

on a general view that has been expressed by both the opposition and the Greens about the approach that this bill signals. It has been suggested that this is very much a big-stick approach to the issue of unauthorised absenteeism or truancy in schools. That is far from the case.

I remind members of some of the procedures outlined in the second-reading speech for the bill and of the process provided for in the bill, which any reasonable person would suggest is a more appropriate way of dealing with this and is contrary to the view that this is simply a big-stick approach. Ms Pennicuik herself said the words used by the government in the second-reading speech are 'last resort'. The second-reading speech deliberately outlines a range of measures that the Victorian government is putting in place to address this issue of unauthorised absenteeism from schools, including things like transferring responsibility for the funding of Student Support Services to the school level, increasing primary welfare officers, programs like Bully Stoppers, behaviour support plans being made available to schools and providing student attendance support kits for schools.

The clear intent, as outlined in the second-reading speech, is that all those measures will be employed and a penalty notice will be a last-resort measure and an alternative to the very costly and intimidating process of going before the courts. This is a much better approach to this issue than what is currently employed. I make that point because this is far from a big-stick approach. We will work with parents, families and schools to try to address these issues rather than taking the final, last-resort measure, which was previously a court process and will now be a penalty notice process. I emphasise the point that the clear intention of the government is to work with schools, families and communities to address this problem.

In terms of whether this is a widespread issue, Ms Pennicuik suggested that this was less than 1 per cent of students in schools, but it is still important. It is important that we address those issues for that small number of students. This issue may well apply to only a small number of students, and if it does, good.

The final point I want to make is that this is an issue on which we need to work with families. Absenteeism, or truancy, from school is an issue which is as much about families as it is about the child involved. I know some parents have difficult times raising their children, and there are provisions in the bill that refer to reasonable excuses and efforts being made. Unfortunately there are some isolated incidents of parents who do not support the requirement to have their children attend school on school days. In that case the penalty notice is directed to the parents. I emphasise that this is all about working with parents, not banging them with a big stick, and that approach is clearly outlined in the second-reading speech. With those few words, I again thank members for their contributions to the debate on this bill, and we will be pleased if members on both sides feel they can support it.

House divided on motion:

Ayes, 36

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

Noes, 3

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

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

The PRESIDENT — Order! I indicate to the house my concern about the improper use of the house for a stunt. We have very clear guidelines on the use of props in this place; members should not use props. We also have very clear guidelines on members not conducting stunts in this place. This is an important chamber that debates legislation and issues that the people of Victoria are interested in. I accept that a lot of Victorians are very interested in football and in the finals that are coming. But the fact is that this house is not the right place to pursue a stunt — even more so when it involves trying to use the position of an acting chair. That is outrageous. In fact, in the past another acting chair who conducted a stunt in this place was actually taken off the roster of acting chairs. It is extraordinary

that by sheer coincidence a television camera appeared at the same time as a member was about to take the chair as an acting chair. It was a most unfortunate coincidence. It is also interesting that the camera vanished from the chamber when I took the chair. I can understand that I am not so photogenic, but nonetheless, I take a dim view of stunts in this place. They should not happen.

CORRECTIONS AMENDMENT (BREACH OF PAROLE) BILL 2013

Second reading

Debate resumed from 22 August; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Mr TEE (Eastern Metropolitan) — I start by saying that the opposition is supporting this bill, which introduces a new offence for prisoners who breach prescribed terms or conditions of parole. The bill also seeks to impose penalties on those who commit such an offence. The opposition recognises the fundamentally important role that parole plays in promoting public safety in Victoria. It is an incredibly important tool for getting prisoners back into society and making sure that they are not simply released into society but released in a way that ensures a degree of supervision and control. That is an important safety device for the rest of the community. If it were not for parole, prisoners would be released without any controls, supervision or standards. The parole system is a really important way to integrate prisoners back into society.

This bill is about strengthening the provisions in relation to any breach of parole conditions. It is about making sure that prisoners comply with the conditions imposed on them, and we support that outcome. We think it is important that if you are released on parole, you comply with the conditions of the legislation. To the extent that we have concerns, they are about the vagueness of the bill.

The bill provides that it will be an offence to breach the prescribed terms or conditions of a parole order. What is not clear is what constitutes a prescribed term or condition. That is not clear, but it is critical. It will determine which offenders stay in the community and which do not, so it is an important threshold issue and an issue for which there has as yet been no clear view from the government on how it is going to define a prescribed term or condition. If you get it wrong, there are severe consequences for public safety. If it is ambiguous or if there are loopholes, there is a risk of it being exploited or challenged.

Another issue is the resource implications of implementing this policy. Our prisons, like our hospitals, are overflowing. There are reports today that our prisons, like our hospitals, now have people sleeping in corridors. That is after three years of government — —

Mr Drum interjected.

Mr TEE — Yes, of course it is, Mr Drum. After three years our hospitals are more crowded than they were when we left office. There is no question about that. Our prisons are full to the brim. There has been no — —

Honourable members interjecting.

Mr TEE — You keep blaming the former government for your errors. How long is that going to last? How long are you going to do that for? When are you going to take responsibility?

Honourable members interjecting.

Mr TEE — I am concerned about the inability of this government to take responsibility for its own actions and for the consequences of its own actions, including its inability to properly resource the justice system and its inability to resource any part of government, including the health system.

Mrs Peulich interjected.

Mr TEE — No, that is not right, Mrs Peulich. It was your government that took $100 million out of Victoria Police; it was your government that took 380 jobs out of Victoria Police, jobs which were there when we left office but which have now gone — $100 million. We have seen $455 million in cuts in the Department of Justice — half a billion dollars worth of cuts — and 480 jobs. No wonder the system is creaking. No wonder the system does not work. No wonder people in hospitals are in corridors. It is because the government cannot get its act together. It cannot service the system.

The government cannot provide health services. It cannot provide the justice services because it cuts, cuts and cuts. It does not deliver. Our concern is that the system is already overcrowded and is having more pressure put on it. The government is putting more pressure on a system that is already creaking after three years of neglect.

There is a need for further reform. We recognise that. We are concerned about how that reform can be carried out on the one hand when you cut services on the other and take out resources. We are concerned at the fact

that the reform process that this minister has introduced is shrouded in secrecy. There is no accountability; it is shrouded in secrecy. The government had a review carried out by former High Court judge Ian Callinan, but it was done in secret. We do not even know the terms of reference for the review. The public is not even allowed to see the terms of reference. We outed the review in this chamber when we asked the minister a question about it. The only reason the minister came clean is that I asked him whether the review was ongoing. No terms of reference for the Callinan review have ever been released, and it is not clear who Mr Callinan has spoken to.

Hon. E. J. O'Donohue interjected.

The PRESIDENT — Order! The minister will have his opportunity to speak on the bill.

Mr TEE — The process was shrouded in secrecy. The report was shrouded in secrecy. Then there is this government's attempt to stymie the release of two reports prepared by the coroner, Ian Gray, in 2011 and 2012. This occurred under the watch of Mrs Peulich's government. I ask the minister: have those reports been released? No. There is more secrecy and a lack of accountability. We believe there is an argument for reform, but we are also very clear that it needs to be done in a way which is open, transparent and accountable. That is the only way you can build confidence in the system. That is the only way you can build community trust. You cannot do it in secret and in a way that ensures that no-one knows what you are doing.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Ambulance services

Mr JENNINGS (South Eastern Metropolitan) — My question is for the Minister for Health. The minister may recall that on coming to office he promised to improve the performance of the ambulance service in Victoria. Part of that promise was to guarantee to Victorians that ambulances in emergency situations would arrive within 15 minutes 90 per cent of the time. The budget papers on two occasions have indicated that the government has failed to meet that target, and FOI information indicates that the performance of all metropolitan ambulance services has deteriorated during the life of this government. Recently the minister released information that related to the response time for 50 per cent of ambulances, so 50 per cent of ambulances arriving within certain times. The minister chose to release the data. Can the minister explain to the community why he did not release the data that relates to the total performance of the ambulance system, and why he limited it to 50 per cent?

The PRESIDENT — Order! I will allow the question and allow the minister to respond. However, I say to Mr Jennings that on this occasion the question was a matter of debate rather than necessarily providing context. It went beyond context on this occasion.

Hon. D. M. DAVIS (Minister for Health) — I thank the member for his question. As he knows, when we came to government in 2010 the ambulance service was in a shambles. After years of neglect by the Labor government, it was in a shambles. The Auditor-General had reported on it — —

Mr Jennings interjected.

Hon. D. M. DAVIS — You had botched the merger. As health minister, the now Leader of the Opposition in the Assembly, the member for Mulgrave, had botched the merger of Rural Ambulance Victoria and the Metropolitan Ambulance Service. The government has a very serious job to repair the terrible mess that was left by your government, and it will take some time.

Mr Jennings — On a point of order, President, my question may have barely passed the test. The minister's answer is not passing the test, as he is debating the issue.

The PRESIDENT — Order! I understand the point of order, and Mr Jennings might understand that one of the reasons I commented on his question was that I was of the view that with the amount of information put into it he was opening up an opportunity for the minister to debate the answer. By not having a narrow question, by having a range of issues rolled into that question — details of ambulance response times and so forth — he opened it up for the minister to have quite a wide canvas to work with in his answer. I suggest I am therefore in some difficulty in reining the minister in. I ask the minister to work towards the substance of Mr Jennings's question, understanding my dilemma.

Hon. D. M. DAVIS — President, as you indicate, it was a very broad question that related to election promises, the delivery of election promises and the performance of the ambulance services, and I will answer it comprehensively and in great detail.

As we know, we inherited an ambulance service that had been run into the ground by the previous

government and a merger that was botched, and we are going to take some time to fix that. The government when in opposition said it would put in some new packages and give the biggest lift to ambulance spending and staffing — a $151 million package. That is being delivered bit by bit right around the whole state: 100 extra paramedics in metropolitan Melbourne, 210 extra paramedics in country Victoria and 30 patient transport officers in country Victoria — a total of 340 officers across the state. We have exceeded that already. That was a four-year promise, and we are ahead of time.

Let me give some idea of what is going on. In the Loddon Mallee region there are 4082 additional shifts, in the Hume region 6879 additional shifts have been delivered, in the Barwon south-western region 2555 additional shifts, in the Gippsland region 2619 additional shifts, in the Grampians region 2619 additional shifts, in the eastern metropolitan region 6570 additional shifts and in the western metropolitan region 2190 additional shifts. There is more transparency. Transfer times were not reported by the previous government; they are now reported honestly and openly. Bypass is now available in real time. Hospital early warning system data was hidden by the previous government because it was so embarrassed by it. It used that as a way to hide the unfortunate bypass figures. Now both are declared openly.

This government is more honest and more transparent, providing more data than ever before, including the 50 per cent figure that we put out across the country. Indeed in the budget papers we have also got a number of quality measures, such as the percentage of adult patients suspected of having a stroke who were transported within 60 minutes to a stroke unit with thrombolysis facilities. This is about patient safety and outcomes, and that is our focus. A record of the proportion of patients experiencing severe cardiac or traumatic pain whose level of pain is reduced significantly is another measure in the budget that focuses on quality and outcomes.

If Mr Jennings wants to talk about response times, Labor in 1999 went to the election with a promise of a 10-minute response time. That was the promise then, a 10-minute response time. What did Labor do? It increased the target from 13 to 15 minutes, and do you know Labor in its whole time in government never, ever met the 15-minute target — never once! Not one year did Labor meet it. That is Mr Jennings's record. We are fixing the problems, we are putting in new resources, we are focused on quality outcomes and we are focused on more paramedics — the biggest uplift in the number of paramedics in the history of our ambulance service. Quality measures show that performance is improving. I have got to say that the union in the middle of an enterprise bargaining agreement needs to focus on what is important for the ambulance services.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — Just to give my supplementary question a bit of context, when boiled down my question asked why the minister chose to release data for 50 per cent rather than relate to the measures in the budget paper. The budget paper says there will be a 90 per cent response time within 15 minutes. Does that mean that the minister is now going to trash that performance measure, and if he is going to trash that performance measure, has the minister provided that information to the Public Accounts and Estimates Committee?

Hon. D. M. DAVIS (Minister for Health) — Some will remember the Standing Committee on Finance and Public Administration, where the evidence came out — and Ms Hartland will probably remember this — that in fact the previous government pushed the time target out to 15 minutes. Why did it do it? There was no policy reason for that. It was an edict from on high in that period when Leader of the Opposition Daniel Andrews was parliamentary secretary. The Labor government pushed it out to 15 minutes and never met that target. But what is important is outcomes for patients, and that is where we are focused.

We are focused on better outcomes for patients, we are focused on better quality measures and survival rates, which are improving in general across the country, and that is an important point. We know that across country Victoria we have put in new mobile intensive care ambulance units at Wodonga, at Warrnambool, at Mildura, at Shepparton — 10 major regional cities. They are ones that Wade Noonan, the member for Williamstown in the Assembly, and Daniel Andrews would trash. They want to pull the plug on the new mobile intensive care ambulance units and damage the safety of the community.

Ambulance Victoria

Mrs PEULICH (South Eastern Metropolitan) — My question is also in relation to matters that impact on Ambulance Victoria and is to the Minister for Health. The question is: is the minister aware of any federal taxation arrangements that negatively impact on Ambulance Victoria, increasing its costs, and what action has the minister taken to respond to these?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for her question. I can inform the house that the federal government — the Gillard government and now the Rudd government — imposed the carbon tax on the whole of the Australian economy, including health care and ambulance services. Why would anyone ever put a tax on an ambulance service — a new carbon tax on ambulances? Every time an ambulance is speeding away the tax meter is clicking for Canberra. Every time the air ambulance takes off it has to fill up with aviation spirit, and you know what? Mr Rudd and Ms Gillard have put a tax on aviation spirit.

What a dumb idea! It is a dumb idea to tax our air ambulances. Why would you tax your air ambulance — because you want to scoop in more money for Canberra? I think it is wrong. I put this matter on the agenda for the health ministers conference that would have occurred on the 23rd of this month but was cancelled. Obviously a federal election was called. We would have very much liked to debate the impact of the carbon tax on hospitals and health services, including our ambulance services, where we know the tax bill receipts for last year show that $350 000 of carbon tax was paid by Ambulance Victoria — $350 000 of carbon tax — tax, tax, tax. The carbon tax added $141 500 to energy accounts for its offices and $206 000 to operating costs for its air ambulance fleet. Two hundred and six thousand — —

Mrs Peulich — Has Mr Jennings raised these matters?

Hon. D. M. DAVIS — Why is Mr Jennings silent about it? Why is the Labor Party silent about it? I remember this chamber voting on this matter and saying there should be some compensation arrangement put in the place.

Honourable members interjecting.

Hon. D. M. DAVIS — Mr Jennings agrees with that, but he actually voted against it, which is unfortunate.

Honourable members interjecting.

The PRESIDENT — Order! Mr Elsbury! Conversations across the chamber, particularly when immediately behind the minister speaking, are not only disorderly but really make it very difficult for other members to listen, let alone Hansard. I do not know who Mr Leane is chatting to, but it is also not helpful.

Hon. D. M. DAVIS — I can indicate that the federal government is prepared to put a tax on air ambulances in Victoria but has been prepared to compensate the Royal Flying Doctor Service elsewhere in Australia. What I am saying to you, President, is that I think it is wrong to tax Ambulance Victoria but provide compensation to another important air ambulance service elsewhere. It should be provided to all air ambulance services. It is quite wrong that the Rudd federal government has decided to target Ambulance Victoria, taxing its air ambulance services and doing so in a way that is partisan and impacting directly on the resources of Ambulance Victoria.

I have written to the federal government, I have sought that compensation, and the federal government has said no. Why is it providing compensation to one air ambulance service but not to another? This is quite unfair. It should not be the case that Ambulance Victoria is being targeted by Prime Minister Kevin Rudd and former Minister for Climate Change, Industry and Innovation Mr Combet — or whoever is the new minister. What is occurring now is quite wrong. Air ambulance in Victoria should not be targeted; it should be compensated in full for the cost of the carbon tax. I say that one way forward is removing the carbon tax.

I know that other tax imposts are being put on the ambulance service. The Lavarch committee secret report is sitting there steaming away, and we are curious as to what is in that and what tax nasties are going to be imposed on the charitable sector, public hospitals, ambulances — all of those. This government has a record of landing these taxes on our charities, our public hospitals, our ambulance services — —

The PRESIDENT — Time!

The Geelong Project

Ms MIKAKOS (Northern Metropolitan) — My question is to the Minister for Housing. I refer the minister to her decision to cease funding the Geelong Project, an innovative and collaborative model of cooperation between youth services and schools that identifies and supports families at risk of homelessness. This project is having a demonstrable and positive impact on the lives of the 90 young people and their families who are currently participants in the program. How, after a brief period of 15 months, can the minister legitimately cut funding for such a promising innovation project?

Hon. W. A. LOVELL (Minister for Housing) — I thank the member for her question. The Geelong Project, along with 11 other innovation action projects (IAPs), was funded on a time-limited basis as part of

stage 1 of the Victorian Homelessness Action Plan, and it has received all the funding that was allocated to it. All 11 IAPS were independently assessed by KPMG, and those that delivered the best outcomes were renewed under stage 2. It was made clear to all involved in the IAP program when it began that transition plans were required should the IAP not be selected for renewal.

Seven IAPS will move into stage 2, commencing in October 2013, including projects that also focus on youth homelessness. We have invested an additional $16 million for the funding of stage 2 of the seven IAPS that have been selected, and they include Star Housing, Detour, HomeConnect Hub, Home at Last, Next Steps, Families at Home and Regional Outreach for Elderly Homeless. These projects will operate in metropolitan Melbourne and also in rural Victoria, and two of the projects will continue to operate in Geelong.

There was a limited amount of available funding, and unfortunately the Geelong Project was not able to demonstrate significant client outcomes at the time of the independent evaluation. This impacted on the ability of the evaluation to identify tangible client outcomes and value for money.

The department has offered further transitional assistance to Time for Youth to ensure that no young person or family is left without services. This offer was first made on 22 August and reiterated at another formal meeting on 28 August. A departmental officer has also contacted the service between meetings reiterating the offer for transitional support.

Supplementary question

Ms MIKAKOS (Northern Metropolitan) — The minister referred to transitional arrangements but has not provided specific detail. I ask: what arrangements will she be putting in place to support these 90 young people, and what hope does she offer the 465 residents homeless on any night in Geelong or the 150 people sleeping rough, some as young as 10 years old?

Hon. W. A. LOVELL (Minister for Housing) — For those people who, unfortunately, suffer from homelessness in Victoria this government has allocated more than $200 million to homelessness services since it came to government. We have a homelessness action plan — something the former government did not have. It said it would develop a homelessness strategy, and it took its time about that. It delivered a strategy, just days before the last state election, that was rejected by the sector. This government has worked with the sector. Our homelessness action plan was lauded by the sector when it came out. We are giving the sector opportunities to engage with government in improving how we best service homeless people in Victoria, including our innovation action projects, and we will continue to work with the sector on those projects.

Early childhood facilities

Mr RAMSAY (Western Victoria) — My question without notice is for the Minister for Children and Early Childhood Development. Can the minister inform the house of any children's facilities capital projects that have opened in the past five weeks that benefit the children of Victoria?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — I thank the member for his question and his ongoing interest in early childhood services in his electorate of Western Victoria Region. I am delighted to update the house on what has happened over the last five weeks, in which we have had events to mark either the commencement or the opening of six early childhood facilities around Victoria.

On 15 August, together with Simon Ramsay, a member for Western Victoria Region, I opened the Avoca Children's and Family Centre. It was a great day. Mr Ramsay was once again photographed on the slide at the Avoca children's centre. It was a real celebration for that community. On 31 July Mr Ondarchie, the kinder king of Northern Metropolitan Region, turned the sod for the commencement of the construction of the Hurstbridge Family Centre. Also on 15 August the Minister for Public Transport, Mr Mulder, opened the Birregurra preschool, and on Friday, 23 August, the member for Hastings in the Assembly, Neale Burgess, opened Somerville Kindergarten, a new preschool in his electorate. On 29 August the member for South Barwon in the Assembly, Andrew Katos, opened a renovation at the Alexander Thomson Preschool in Geelong, and on 31 August the member for Carrum in the Assembly, Donna Bauer, opened the Bonbeach preschool renovation in her electorate of Carrum.

These combined projects will provide many new opportunities for Victorian children and their families. They include places for three and four-year-old kindergarten, for long day care services, for family day care, for playgroups, for maternal and child health, for specialist children's services, and they also provide family-friendly community spaces.

This has been possible because of this government's $93 million commitment to the children's facility capital program since it came to office. Indeed the government has committed more than $3.1 million to the renovation or construction of these six services. However, that commitment by the state government has leveraged a total spend of more than $8 million in children's services for these six services alone.

These projects are a shining example of what can be achieved when there is collaboration between the state and commonwealth governments together with local councils, kindergartens and community service organisations. Kindergartens in Victoria were long ignored by the Labor government. This government has committed funding to allow for the upgrade of existing services and also for the construction of new services to ensure that we have high-quality early childhood facilities that will service kindergartens and children in Victoria into the future.

Chestnut Gardens Aged Care Home

Ms MIKAKOS (Northern Metropolitan) — My question is for the Minister for Ageing. Hariklia from Springvale, whose 71-year-old father is in the Chestnut Gardens Aged Care Home in Doveton, a facility that was redeveloped by the previous government, has contacted me. Her father suffers from multiple sclerosis and has complex care issues, which is why Hariklia's family moved him there from a private facility earlier this year. She says that her father has only been there for a few months but can already see the difference. On Tuesday, in response to my question regarding privatisation of aged care, the minister said:

> In terms of specific agencies, the government is in no way prepared to indicate what steps it might take.

The minister said that in relation to his government's plans. Hariklia and her family want to know whether the Chestnut Gardens Aged Care Home will be sold, and if so, when, how will residents and their families be notified, and what arrangements will be made in relation to current residents?

Hon. D. M. DAVIS (Minister for Ageing) — I thank the member for her question on what is now a well-worn theme from her in these matters. She did not quote the full context of the response I gave the other day. I think we have to be very careful in accepting the words that she repeats back; she leaves the context out. What I said in relation to the service that she mentioned the other day is that I was aware of no specific proposals, and I am aware of no specific proposals — —

Ms Mikakos interjected.

Hon. D. M. DAVIS — Yes, but you left out the context — no specific proposals either for Chestnut. What I can indicate is that the government has said it is prepared to look at proposals that come forward from the sector that may be to the benefit of residents. The examples that I have used in the chamber before include the example of Peninsula Health. Peninsula came forward with a proposal which saw a better outcome for its residents, an outcome that was favoured by residents, with additional capital resources going in in that particular case.

We are very aware of the needs of older Victorians, and we are very much prepared to work with services to get better outcomes. It is a fact that aged care is federally regulated and largely federally funded. We work with the commonwealth government on a number of those matters. The key point here is that we will seek to make sure on all terms that the outcomes for residents are good and that they are protected. No proposal would go forward which would see the outcomes for residents diminished. But if there was a proposal that came forward on a specific aged-care centre that would see a higher quality of service — that saw an additional capital injection, for example — the government would be prepared to look at those matters.

Supplementary question

Ms MIKAKOS (Northern Metropolitan) — Complex residents need highly qualified staff, as the minister knows. Public sector residential aged-care facilities like Chestnut Gardens use qualified nurses rather than personal care assistants and have a specified ratio of nurses to residents, which is not typically the case in private and not-for-profit residential aged-care facilities. This is one of the reasons Hariklia moved her father to this particular facility. In light of that and the minister's comment that conditions for residents will not diminish, can the minister guarantee that residents at Chestnut Gardens will continue to receive the same level of care they are currently receiving?

The PRESIDENT — Order! I am happy to let the minister answer. I just have — —

Hon. D. M. Davis interjected.

The PRESIDENT — Order! I know the minister is happy to answer. I have a concern about the original question and the supplementary in the context that they are open-ended from a time frame point of view. If there is an imminent possibility of a change of ownership or if it was part of a process within 12 months, and I gleaned from the minister's answer

that that is not the case, but if that were the situation, the minister would obviously be competent to answer. But if we are talking about the minister giving a guarantee forever, because there is no time frame allocated to the question, then Ms Mikakos is looking for the minister to speculate, and that is a different situation.

Ms MIKAKOS — I will provide some guidance. The December budget update indicated that the government's intention is to cut $75 million from public sector aged care in this state and that it is looking at reallocating beds from the public system to the private system. The government has made its intentions very clear, which is why I am pursuing this line of questioning with the minister. The minister has in fact failed to indicate whether there are plans afoot in relation to this particular facility and others I have asked about in the past. The minister should be providing some advice to the community in terms of whether it is his intention to privatise this facility and other ones, given that it is on the public record in the budget papers that that is in fact what the government is intending to do. In the next two financial-year periods is what is in the budget papers.

The PRESIDENT — Order! That is the sort of time frame Ms Mikakos is setting for her question?

Ms MIKAKOS — I have indicated that the budget papers refer to cuts in the next two financial years, so the minister can indicate to the house — —

The PRESIDENT — Order! Thank you. I just want to make it clear that the expectation for an answer from a minister must be reasonable in terms of the question that was asked being relevant not only to the minister's administration and responsibility but also to a time frame that is realistic. It is somewhat unfortunate where a question like this might be posed, and then in 10 years there is a change in the circumstances of a facility and somebody runs back to this answer from 10 years ago. Beyond a reasonable period — and I accept two years, in terms of the budget papers, being the anchor for Ms Mikakos's question is a reasonable period — she is asking the minister to speculate on what might happen in another Parliament.

Hon. D. M. DAVIS (Minister for Ageing) — As I have said, there is no specific plan for that service that I am aware of at all. But what I can say is that the government will look at proposals from services where those services are able to show better outcomes for residents, and the example I have used in this chamber, in the metropolitan area, which the member herself has asked me about, is the Peninsula one, and that is a better outcome that has been achieved with Southern Cross running those — —

Ms Mikakos interjected.

Hon. D. M. DAVIS — No, but you are asking, and I am giving a very specific example by way of elucidation. Let me go a little further and say that in terms of the specific quality and the specific services that are provided, aged care is in fact federally regulated and federally funded, and I can assure the member that we will be ensuring that high standards are met, that all our services meet the various standards and that services are able to provide quality service that meets all those requirements. Across the country the federal government regulates these areas — in New South Wales, in Queensland, in Tasmania and in Victoria — and I have to say — —

The PRESIDENT — Order! Thank you, Minister.

Regional and rural higher education

Mr KOCH (Western Victoria) — My question without notice is to the Honourable Peter Hall, Minister for Higher Education and Skills. Being aware of the minister's ongoing important work being done in regional Victoria, I ask: can the minister update the house on the progress of any joint commonwealth and state initiatives aimed at assisting students accessing tertiary education in regional Victoria?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I thank Mr Koch for his question. Once upon a time, many years ago, there were federal governments that delivered on a budget surplus. I know you have to go back a long time. You have to go back beyond Prime Minister Kevin Rudd, back beyond Julia Gillard, back beyond Kevin Rudd mark I; in fact you have to go back to John Howard and his government, which managed to deliver some budget surpluses under his leadership. At times like that the Howard government made some very sound investment decisions, and one of those was to create a $6 billion fund called the Higher Education Endowment Fund. The interest on that $6 billion was used to fund capital projects to enhance higher education.

When there was a change in government a Labor government promised to add $5 billion to that fund. It also promised to rename it the Education Investment Fund and to use it for both higher education and TAFE purposes. They were all admirable intents, but I am afraid it simply was not delivered. We did change the name to the Education Investment Fund, but the principal was not added to at all; in fact the principal of

that fund today is $3.94 billion. So not only has the interest not been appropriately used but the principal has also been whittled away.

However, in 2010, $500 million from this particular fund was earmarked for regional priorities around Australia. Much of that is yet to be spent today, and from Victoria's point of view we were thoroughly expecting that there would be announcements before this day on some capital works projects for regional Victoria for which — —

Mr Lenders — On a point of order, President, I draw your attention to the rule of anticipation. The first item on the government business program today, motion 22 in the name of Mr Hall, addresses this particular area. Given that the government has listed it as item no. 1 on government business, I direct your attention to the anticipation rule. I have listened to the minister very carefully, and he is now straying exactly into the regional government support area. I ask for him to be made aware of anticipating his own motion.

Hon. P. R. HALL — On the point of order, President, if members look at motion 22, they will see it specifically talks about deferral rates in regional and outer suburban areas, and income support for students. The question I am addressing has absolutely nothing to do with either of those two items.

The PRESIDENT — Order! I thank the Leader of the Opposition for his point of order. I accept the clarification made by the minister in the respect that my understanding of his answer, as I have been hearing it, is that it is associated with a capital works fund and projects that would be funded of a capital nature. I believe motion 22 is more about student support and is quite a separate issue. I would also probably make the judgement that it is unlikely that notice of motion 22 would be debated this day or this week, given that a motion was moved earlier this day to defer all notices of motion whilst orders of the day were pursued by the house.

There seems to be a fairly solid content of matters to be considered by the house in orders of the day, and in my judgement I would expect that we would not return to notices of motion on this day or this week of sitting. Nonetheless, the minister should obviously take into account the anticipation rule. I certainly believe at this stage that the issue is not crossed because the two issues are quite separate — the one the minister is addressing in his answer compared with what is listed on the notice paper.

Hon. P. R. HALL — The Higher Education Endowment Fund and the Education Investment Fund are the same fund, renamed for funding capital projects. You are quite right in your ruling, President. For that purpose in the budget before the most recent one the coalition government allocated $25 million in capital funding to meet our fair share of these capital works projects, which we have every reasonable expectation would be supported by the federal government through the Education Investment Fund. Indeed two of those projects on which we were looking forward to a positive announcement this year were, firstly, a redevelopment of the Advance TAFE's port of Sale campuses — and the Victorian government has purchased land for that purpose — and secondly, for trade training facilities in Warrnambool, and again land has been purchased there.

We expected announcements prior to the election. We were happy if the federal government wanted to make them as election announcements, but what we have had is a real kick in the guts to regional Victoria by the announcement on Sunday, in the policy launch from the federal government, that $111 million will be withdrawn out of this particular fund to fund an announced $200 million cut to taxes for small business. I think a $200 million cut to small business tax is a good thing, but why at the expense of this very important program established specifically to provide assistance for higher education and TAFE institutes in terms of capital needs, particularly in regional Victoria?

This is an underhand measure and one that does the federal Labor Party no credit whatsoever. If it is, as opposition speakers claimed in an education debate earlier today, that education is their no. 1 priority, then their federal colleagues have one day to get out there and reverse this announcement and ensure they meet the expectation of regional Australia that the funding purpose of the Education Investment Fund is delivered as it was intended when former Prime Minister John Howard and his government first set up such funds.

Aged-care bed licences

Ms MIKAKOS (Northern Metropolitan) — My question is to the Minister for Ageing. I refer the minister to an interview conducted by the federal shadow minister for ageing, Concetta Fierravanti-Wells, on Sky News on 15 August, where she was pressed on the issue of the reduced paperwork of the Liberal Party's policy for aged care. She went on to say that the ability of providers to transfer bed licences would be looked at by a federal coalition government. I ask the minister: is it now the government's policy to

support making it easier to transfer aged-care bed licences?

Hon. D. M. Davis — I am happy to answer that.

The PRESIDENT — Order! You are happy to answer everything. My problem is that Ms Mikakos has quoted a federal member of Parliament talking about a federal initiative, and in that sense I am not sure that the minister is competent to answer that question.

Ms MIKAKOS — On a point of order, President, I refer you to your ruling on Tuesday when there was a question about Mr Rudd's announcement in respect of TAFE changes and the fact that that would have some implications for our state TAFE system, and I recall that you ruled that question in. These particular changes in relation to the federal aged-care system will obviously have significant implications for our public sector residential aged-care system in Victoria. Therefore, as the minister has administration of that system, I would ask for some consistency in the rulings.

Mr Jennings — On the point of order, President, I am pretty clear that Ms Mikakos's intention is to say this is a federal policy setting and she is interested to know whether there is an equivalent state policy setting, and we hope the minister is competent to answer that question.

The PRESIDENT — Order! I totally agree with Mr Jennings, and that is really what I am looking for in terms of the framing of the question. I accept Ms Mikakos's requirement for consistency. I am happy to oblige, and I agree with her. I am looking to be consistent in terms of ruling this question in, and I know that the minister is busting to get up and answer it. What I need is what Mr Jennings was suggesting. What I am looking for is that the question be reframed to make it about the state administration, whereas it tended to focus on the federal comment. Can Ms Mikakos rephrase the last part of the question so that it accords with the minister's competence in terms of state regulations?

Ms MIKAKOS — I ask the minister: is it the government's policy to support making the transfer of aged-care bed licences easier in respect of the Victorian public sector residential aged-care system?

Hon. D. M. DAVIS (Minister for Ageing) — As the various points of order have elucidated, this is strictly a federal area of policy. Notwithstanding that, I do have some comments as to how that dovetails — if I can describe it that way — with state policy, picking up on Mr Jennings's point. One of the things I am most concerned about is that the current federal government abolished the aged-care ministerial council, where many of these issues were thrashed out.

Mr Lenders interjected.

Hon. D. M. DAVIS — No, this is a serious point. It is a fact that under all governments, bed licences have been transferred around different providers for a long period, and obviously bed licences move when new centres are established, when population changes and population distribution changes. The most appropriate positioning of aged care will change over time. I can start off with a very simple given: that we will not have a static aged-care system with exactly the same number of bed licences in exactly the same locations for time immemorial. There will be change, and it should be managed in a proper way. To that extent I suspect the member agrees with what I am saying.

The federal government does have arrangements for changes. I am not aware of the specific details to which the member refers, and I would be very cautious in accepting Ms Mikakos's rendition of what may or may not have been said in a recent media interview during a federal election campaign. I am not aware of the specific proposals to which the member refers. If she is asking whether we would be prepared to talk to a federal government of any particular colour in the future about how we could more sensibly match aged-care distribution to need, I can answer that we would be prepared to talk to a re-elected Rudd government or an elected Abbott government. We would be prepared to talk to either in the interests of older Victorians and those in residential aged care. We know that there are a number of areas of need.

Mr Koch and I, for example, have worked on a project to ensure that the Croatian community has sufficient capacity in the residential aged-care sector, and we have had significant resistance from the federal government on the allocation of bed licences for the Croatian community in Geelong. That resistance has finally been pushed through, and we welcome the now bipartisan commitment to see that there is in fact proper support for the Croatian community, state land and bed licences belatedly allocated from the federal government.

Could the matters of administration by the federal government to meet the demands of specific communities in Victoria be improved? Absolutely. Do we think the federal government has done a good job? No. Do we think a new government, of whatever colour, might be able to do better? Yes, we do. Are we prepared to talk to either government, whoever is elected? Yes, we are. But what I would see as a

constructive way to do it is to restore the ministerial council. They ripped the ministerial council out and it is very hard to have these discussions now — —

Mr Jennings — The Council of Australian Governments did that.

Hon. D. M. DAVIS — I have got to say it was driven by Julia Gillard and not restored by Kevin Rudd, so we need sensible dialogues about the dovetailing system. Let me give the house another example that is live today in the case of Woodhaven Lodge and Rosewood Mews. I am going to indicate some dovetailing that applies to some correspondence I have sent to the federal Minister for Mental Health and Ageing, Jacinta Collins, dated 29 August. It relates to the fact that the federal act has some loopholes and some weaknesses in it. I am concerned that people are left without any regulations in this circumstance as the federal government — —

The PRESIDENT — Order! Time, Minister. When people like Kevin Rudd or Julia Gillard are mentioned it is my preference to have them referred to as Prime Minister Rudd or Prime Minister Gillard, because they have positions and I think it is more in keeping with the tone of our place that we actually refer to them by those titles as well, not simply by names, which could be taken to be disparaging. I do not believe that was the case in what the minister was trying to put across this time, but it could be taken differently. I ask ministers and members asking questions to use titles wherever possible.

Supplementary question

Ms MIKAKOS (Northern Metropolitan) — My supplementary question to the minister is as follows. I note the minister's response in relation to the federal government's aged-care reforms. It is surprising he is not aware that the leader of the federal coalition, Tony Abbott, in a federal election debate on 11 August indicated his broad support for those federal aged-care reforms. In fact he said:

> We have no plans to make significant changes to the system that the government has put in place.

However, I particularly refer the minister to Mr Abbott's response to Lyndal Curtis's very well-publicised question in relation to aged care where he said that he was going to deal with paperwork. I ask: is it this government's policy to reduce paperwork in line with what Mr Abbott said in that election debate?

Hon. D. M. DAVIS (Minister for Ageing) — I think this is getting a little difficult for me — —

Ms Mikakos — Did you watch the TV that night?

Hon. D. M. DAVIS — I did. It is getting a little difficult to respond to a policy of a federal alternate government in the sense that whilst I agree there is some cumbersome paperwork that can be dealt with more sensibly, I am also aware of some weaknesses in the federal arrangements that are in place for regulating. The example I was giving just before was of Woodhaven Lodge and Rosewood Mews, where the federal government and its federal bureaucrats have walked away from responsibility for that particular — —

Ms Mikakos — On a point of order, President, I have asked the minister specifically whether it is his government's policy to put in place reduced paperwork for the aged-care system in Victoria in light of Mr Abbott's comments in that federal election debate, and he has gone nowhere near responding to my question. He is referring to material that has absolutely nothing to do with the supplementary question I asked.

The PRESIDENT — Order! On the point of order, I came in on Ms Mikakos's first question for this exact reason. If you ask about a federal matter, it is not just about the minister's competence to answer but also about the fact that if you ask a broad question, you give him — or any other minister in similar circumstances — a broad canvas to answer a question as he wishes, particularly given that many of the issues that might be raised by the question have absolutely nothing to do with their jurisdiction.

On the supplementary question, the minister has already said, 'It's really not my place to answer this question'. He has then gone on to provide some other information to the house which is relevant to federal-state paperwork and how it operates. I am in a difficult position in trying to change the course of his answer to Ms Mikakos's supplementary question because it does concern a federal matter — a policy that has been put into the public domain by someone from the federal level of government and not by the state. Ms Mikakos is trying to say, 'Minister, because a federal spokesperson says this, is this your policy?'. As we know, the state has different policies and different priorities to the federal government in many areas, and the minister is not in a situation of either endorsing or rejecting what any person in the federal area might say until they have actually sat down and discussed it and worked it through.

At this point I take the minister's point that he is not really in a position to answer the member's supplementary question directly, but he is providing her

with some other information on how this paperwork might in some cases be helpful if it were reworked as distinct from reduced. The minister is trying to explain that area.

Hon. D. M. DAVIS — I can indicate that there are significant sections of the federal coalition policy that offer a very sensible way forward. The idea of five-year agreements signed with the industry, a bit like the pharmacy agreements, would offer a very sensible way forward, and that is something the federal government has failed to do. That idea of bringing together all the issues is a very sensible step.

The PRESIDENT — Order! Thank you, Minister.

Fight for the Real You

Mr ELSBURY (Western Metropolitan) — My question is for the Honourable Ed O'Donohue, Minister for Liquor and Gaming Regulation. Can the minister update the house on groundbreaking responsible gambling education campaigns being led by the Victorian Responsible Gambling Foundation?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I thank Mr Elsbury for his question about this most important and interesting initiative. It was a great pleasure this morning to join the Premier, Dr Napthine, in hosting a morning tea for the campaign heroes who have taken part in the Fight for the Real You 100-day challenge problem gambling campaign.

I was pleased that two of the board members of the Victorian Responsible Gambling Foundation were also able to make it, the members for Murray Valley and Geelong in the other place, Mr McCurdy and Mr Trezise. I was also pleased that Mr Serge Sado, the CEO of the foundation, was there. We were all there to acknowledge and thank the four heroes, Matt Torcasio, Anna Knappe, Aleks Base and Daniel Ward. These individuals have shown outstanding courage in their preparedness to publicly share the challenges they have faced when it comes to gambling and their preparedness to take part in this campaign.

The 100-day challenge, which I am advised is a world first, was created by the Victorian Responsible Gambling Foundation to address the stigma associated with problem gambling. Over a 100-day period, during which they attempted not to gamble, the four participants documented their progress with daily video updates, which have been turned into weekly video diaries that can be viewed online. These powerful stories have been turned into compelling television and radio advertisements. I again acknowledge their courage and bravery in revealing their challenges and showing their stories. The success of this campaign was entirely dependent on the participants, and I thank them for taking part in it.

The comments left by community members on the campaign website show us that people have connected strongly with their stories. I am very pleased to advise the house that as of today 2500 people have signed up to undertake their own 100-day challenge, and the campaign's website has had 230 000 hits. These results have exceeded the wildest and best expectations that the government and the foundation had for this exciting initiative.

The foundation is a creation of this government and represents the implementation of a key election commitment, with funding of $150 million over four years. That is a 41 per cent increase on the funding provided by the previous government. But more than just the money, it is creating a new foundation that has a directive from this government to be innovative, cutting edge and world leading, and that is exactly what we have seen with the 100-day challenge. It is a fantastic result. I conclude by paying credit to and thanking Anna, Matt, Aleks and Daniel for their courage and for what they have achieved, an inspiration they have provided to so many others who may have a gambling problem.

School smartphone app

Mr SOMYUREK (South Eastern Metropolitan) — My question is to the Minister for Technology, Gordon Rich-Phillips. The minister recently launched a new smartphone app that allows schools to send information to parents' smartphones. A company was awarded funding to undertake a trial of its smartphone application in 50 Victorian government schools. I am informed that eight similar applications already exist in the market, including an app from a small Victorian ICT firm, Tiqbiz, which developed a virtually identical app two years ago and now has 150 schools using it. At the time of funding the trial for this application, did the minister know that eight similar applications already existed in the market and are currently in use in Victorian schools?

Hon. G. K. RICH-PHILLIPS (Minister for Technology) — I thank Mr Somyurek for his question and his interest in the development of smart apps. It is interesting that Mr Somyurek has focused on the development of smart apps in the education field. The government, through Victoria's technology plan, has put in place two funding streams, one of which is

devoted to the traditional areas of industry development, investment attraction and export development. The second area of the plan feeds into what the government is doing with its whole-of-government ICT strategy, which is around encouraging development of applications and encouraging the uptake of technology and innovation in the broader economy. What we have set out to do in the area of the use of ICT within government goes directly to the question Mr Somyurek raised around smart apps. That is to support the development of applications which are low cost and simple, and can be rolled out across government to deliver government services.

It is interesting Mr Somyurek has raised the issue of applications in education, because the approach this government is taking is in contrast to the previous government's ultranet, a build which the previous government undertook at a cost of tens and hundreds of millions of dollars for a redundant platform rolled out across schools to deliver information to parents. The approach this government is taking to the development of smart apps and piloting of smart apps is actually developing low-cost ways to roll out and provide information to parents and students from schools without the sort of capital expenditure of tens and hundreds of millions of dollars that we saw the previous government roll out with ultranet.

Supplementary question

Mr SOMYUREK (South Eastern Metropolitan) — I note the Minister for Technology has not really answered my question, so I might assist him with a quote from the managing director of Tiqbiz, Steve Camm, when he said:

> … I am puzzled as to why this state issues funding to a company to trial a product that has been in use for a number of years.
>
> A simple Google search for school … apps will show that the market is already competitive with a number of companies offering a wide range of products.
>
> This substantial funding will mean that a competitor, who entered the market two years after us, with a product that functions identically to ours, will be given an unfair market advantage.

I ask the minister what research was done to ensure that the product being funded did not already exist in the marketplace?

Hon. G. K. RICH-PHILLIPS (Minister for Technology) — I thank Mr Somyurek for his supplementary question, and I say to him that the programs the government runs through the Department of State Development, Business and Innovation, in terms of supporting innovation and in this instance supporting the uptake of technology in the education system, are done on a competitive basis. Anyone who wishes to participate in those programs can lodge applications for those programs and be assessed. In the case of the application talked about by Mr Somyurek, that process was followed. An application was made and assessed and is now being trialled throughout the education system. We welcome applications from application developers for these programs. These programs exist to encourage innovation, to encourage the development of new applications, and that is what we are achieving.

Rural planning

Mr O'BRIEN (Western Victoria) — My question is to the Minister for Planning, the Honourable Matthew Guy, and I ask: can the minister inform the house about the action his government has taken to bring flexibility back to rural planning and return country planning to country people.

Hon. M. J. GUY (Minister for Planning) — Today is a significant day, and it is not just because Bernie Finn has cured my colour blindness. It is because today this state commences with brand-new rural zones that once and for all, as Mr O'Brien has said, will put country planning back in the hands of country Victorians.

Mr Barber — Have you gazetted them yet?

Hon. M. J. GUY — Those rural zones have been gazetted today, Mr Barber, and will soon be followed by the release of all the submissions, as was said would be the case. Those rural zones will lead to a great number of changes to our regional planning system and, importantly, will give country councils greater flexibility in how they manage their planning systems and planning zones across country Victoria.

They are the biggest changes to country planning in about 30 years. I pay particular tribute to the Loddon, West Wimmera, Hindmarsh and Gannawarra shires which have paid a significant role in providing us with some leadership about what they wanted for their country planning systems and country zonings. In fact, a lot of the impetus for the changes in giving councils back some of the control in their rural zone systems came from a meeting Mr Ramsay and I had with the West Wimmera Shire Council when we met in Ballarat. They told us about a situation during the long years of the drought where if they had applied the letter of the zoning law according to the zonings of the day, they would have had to kick a number of families off their

farm properties because they were operating businesses on the farm which were generating off-farm income. What the shire was seeking from us was a change to the zoning structure so that there could be a greater number of people operating businesses on the farm for off-farm income and who would be able to remain on their properties. The then current zoning provisions prohibited farmers and farm families from being able to do that.

That meeting Mr Ramsay and I had with the West Wimmera Shire Council was soon followed up by a visit by me and my staff to the West Wimmera shire in western Victoria, when we went from Serviceton, through Nhill, Woomelang, Kaniva and back to Horsham. Recently we were up in north-western Victoria talking to a number of councils that wanted to change the structure in their shires.

Planning and planners can often become very focused on issues around Melbourne and the peri-urban areas of Melbourne, but it is important that we do not forget the vast geographical area of Victoria which is covered by country shires. They are managing country zones which have much greater and different demands to those of the peri-urban areas of Melbourne which also operate off a rural zone structure.

We will be encouraging agricultural use of land in those farming zones and also in green wedge zones as a result of these changes. We will be allowing councils to consider off-farm income streams on farms, such as farm machinery repair businesses. We will be increasing the permit threshold for extensions to farm outbuildings such as work sheds, shearing sheds and dairy facilities from 50 square metres to 100 square metres. We will be removing the need for a permit for primary produce sales, rural stores and most rural industries in the rural activities zone. We will remove onerous restrictions on crop structures, to ensure protection from hail and other elements is an as-of-right use rather than a permit use. Importantly, we will be allowing country councils the ability to determine smaller lifestyle lots in the rural living zone where land has had agricultural production taken out of it.

As I said and as Mr O'Brien said, this is about putting country planning back in the hands of country people. That is what this government is exceedingly proud of seeing being gazetted today.

QUESTIONS ON NOTICE

Answers

Hon. D. M. DAVIS (Minister for Health) — I have answers to the following questions on notice: 9328–30.

Sitting suspended 1.03 p.m. until 2.08 p.m.

CORRECTIONS AMENDMENT (BREACH OF PAROLE) BILL 2013

Second reading

Debate resumed.

Ms PENNICUIK (Southern Metropolitan) — The Corrections Amendment (Breach of Parole) Bill 2013 is the second bill regarding parole that has come into the Parliament in the last year. As we all know, the operation of the parole system has been the subject of much scrutiny lately, due to the commission of several terrible and tragic murders by persons on parole over the last few years. Quite rightly these have caused a high level of public concern and a demand for answers. Everyone in the Parliament and the community has been affected.

Mr Ondarchie — On a point of order, Deputy President, I wish to make the point that until a second ago no clock was timing the contribution.

The DEPUTY PRESIDENT — Order! I think Mr Ondarchie might have been able to draw the attention of the clerks to that matter without interrupting Ms Pennicuik.

Ms PENNICUIK — As I was saying, all members of the Parliament and the community have been deeply affected by what has happened. Women have lost their lives in horrific circumstances. Their families have been broken, and their friends and workmates have also had their lives changed forever.

It is clear that the parole system has not been working when it comes to dealing with repeat violent offenders and that changes are needed. We all agree with that. But just what changes are needed? Since we were in the chamber in March this year, when we considered the Justice Legislation Amendment (Cancellation of Parole and Other Matters) Bill 2013, a lot has happened in terms of the public discourse on this issue. To me it has always seemed that one of the basic problems is what appears to be a lack of a separation of these types of offenders from the bulk of the prison population when considering parole. This is an issue that has been highlighted by former Justice Ian Callinan and by

Professor James Ogloff in their reports, as well as by the Chief Commissioner of Police, Ken Lay. The problem is what to do with those offenders at the end of their sentences when there are no conditions or supervisory requirements, as there are when they are on parole.

There are also been comments by the members and chair of the Adult Parole Board of Victoria in the public domain in recent weeks. Hopefully the problems that have been identified will be addressed by reforms to the operation of the parole system by Corrections Victoria and the adult parole board, as is recommended in the various reports — the Sentencing Advisory Council report of last year, the report by Professor Ogloff, reports recently by former Justice Callinan and also the *Consolidated Response to Reviews of Offenders Charged with Murder* report by Corrections Victoria, which was recently issued after calls for its public release.

Back in March we debated the previous parole reform bill, the Justice Legislation Amendment (Cancellation of Parole and Other Matters) Bill 2013. I want to reiterate a few points I made during that debate, one of which was that I had asked the department two pertinent questions. One question was:

> Have there been occasions where the parole board has not cancelled parole for a parolee who has been charged with a further sex crime or violent crime and bail was also granted and then the person committed a further violent crime?

The answer I obtained at the time was:

> This data is not readily available as it is not currently collected by either Corrections Victoria or the adult parole board.

I also asked:

> … how many parolees in the last five years have committed a serious crime while on parole after committing a previous serious crime and not having their parole revoked or bail denied — that is, how many parolees have committed a serious crime, remained on parole and then committed another serious crime?

The answer was:

> This data is not readily available as it is not currently collected by either Corrections Victoria or the adult parole board.

I raised concerns that that data was not being collected. I presume, given the recommendations of reports that have been released and the volume of material that I have read through since then, that those issues will be addressed. It will be interesting to hear from the government speaker whether they know if that is the case.

One of the other issues I raised was the issue of programs in prison. An important issue is what happens to offenders while they are in custody and after their release. I asked questions about programs for sex offenders in particular and violent offenders in prison. There are a range of treatment programs that are available to violent offenders, sex offenders and low-functioning and intellectually disabled sex offenders, such as behaviour programs, individual treatment, case management et cetera. However, many, if not most, of the programs are delivered towards the end of the prisoner's sentence, which is a concern. Studies have shown and recommendations have been made that offenders should be attending programs and receiving rehabilitation assistance from the time they enter prison. It appears that at the moment the programs are mainly for participants up to 6 months prior to their release and up to 12 months post-release. I also said previously that the issue of what happens to prisoners once they leave prison, particularly if they are not on parole, having served their full sentence, and are then not under the jurisdiction of the Adult Parole Board of Victoria, is an ongoing concern, and I think it remains a concern.

At the time I said the members of the adult parole board have a complex and difficult role and in all decisions taken the board's paramount consideration is community safety. That has been the subject of much public discourse, with Justice Callinan casting doubt as to whether it is at the forefront of the adult parole board's considerations. At least one former member of the board has come out anonymously to raise that concern. However, a former chair of the adult parole board, Justice Whelan, has come out to say that community safety has always been a paramount concern. There has been a lot of public discussion, and it is in that context that we are looking at the bill today.

In summary, clause 3 of the bill amends the Corrections Act 1986 to insert new section 78A to introduce an offence of breach of parole by failing to comply without reasonable excuse with a prescribed term or condition of a parole order. I note that on the Corrections Victoria website the types of conditions that parolees can expect — standard conditions, intensive conditions et cetera — are there for all to see. I presume those are the types of conditions that this bill refers to. The new offence will be punishable by three months jail, a fine of 30 penalty units or both under clause 3 of the bill.

The bill makes other amendments to the Corrections Act 1986. New section 78B(1) provides that a member

of the police force may without warrant arrest a person on parole if the officer suspects on reasonable grounds that the person has committed an offence against new section 78A, which provides for the offence of breaching a condition of parole. New section 78B(2) provides that the person may be detained if the arresting officer is satisfied that the alleged breach is not trivial or minor and detention is necessary to prevent the prisoner from continuing the breach or committing a further breach of parole. New section 78B(3) provides that the person must be detained where the alleged breach constitutes an offence that is punishable by imprisonment, other than an offence against new section 78A, which is the breach of a parole condition.

New section 78C provides that after being notified under section 78B(4) of the detention of a prisoner the parole board must either order the detention of the prisoner, pending consideration of the breach of the parole order, or order the detention to cease. New section 78D provides that while a person is detained the provisions of the Crimes Act 1958 and the Bail Act 1977 relevant to bail do not apply. An application for bail may be made where the board determines not to cancel the prisoner's parole.

Lastly, the bill inserts a new subsection into section 16 of the Sentencing Act 1991 to provide that any prison sentence imposed for a breach of a prescribed term or condition of a parole order is to be served cumulatively with any other prison sentence unless exceptional circumstances exist. That mirrors a provision that was put into the Bail Act 1977, an amendment we dealt with in the last sitting week, but the provisions in that act for youth offenders were preserved. I note that is not the case here. Mr Tee has indicated that he wants to take the bill into a committee stage, and this is a question I would put to the minister.

The Minister for Police and Emergency Services has stated that the bill reflects the fact that parole is a privilege and not a right and that the paramount consideration when considering granting parole is community safety. The Premier has said that the bill gives police new powers to arrest and charge a parolee for a breach of parole terms or conditions whether or not that involves further offending. That means police will in effect have extra powers to deal with parolees before they commit further offences by arresting them for parole beaches and putting them back behind bars.

That second statement is not in fact accurate. Police already have the power to arrest parolees who have breached their parole and to take them before the adult parole board. The bill certainly allows for detention for up to 12 hours, and the police must notify the adult parole board within 12 hours. But that does not necessarily mean that under this bill the person will stay in detention, because under new section 78C, to be inserted by clause 3 of the bill, the parole board can order that detention to either continue or cease. I think ministers need to be accurate when they are talking about their own legislation in the Parliament. In effect the bill mirrors the provisions that were put in place under amendments to the Bail Act to make it an offence to breach a parole condition and attaching penalties to that.

The Scrutiny of Acts and Regulations Committee (SARC) has raised some concerns. It referred to the Parliament for our consideration:

> … the question of whether clause 3, by potentially allowing a person arrested on suspicion of breaching a prescribed term or condition of parole to be detained for 12 hours or more without the statutory rights of regular arrestees or prisoners is compatible with the charter rights of detainees to procedures established by law to be promptly brought before a court and to apply to a court —

for a declaration or an order regarding the lawfulness of their detention. The committee noted that clause 3, in inserting new section 78B, provides that a person who is arrested on suspicion of breaching a prescribed term or condition of parole must be detained in custody and the arresting officer must notify the adult parole board within 12 hours. Under the new provision the board must order as soon as is practicable after receiving that notice that the person be detained in a prison or police jail or cease to be detained.

I think SARC raises a valid concern there. The statement of compatibility says that detention in effect amounts to a temporary suspension of parole and the period spent in detention is to be regarded as time served in respect of the sentence for which the person is on parole. The minister said he acknowledges that persons detained under these provisions will have their parole temporarily suspended and will be detained before having the opportunity for a public hearing before the court. However, that detention will occur pursuant to a sentence of imprisonment already imposed by the court and in order to protect the public from the dangers that arise when parole is breached.

I share the committee's concerns, and I will certainly raise those issues in the committee stage. The concerns are about whether people are detained for minor breaches or whether they are detained for serious breaches of parole and the parolee poses a danger to the community. Certainly if they pose a danger to the community — which is not mentioned in the bill, although it possibly should have been — then they

should be detained, and they can be under the existing act. The bill will put in place those new offences, and it will be up to the courts to decide whether the parolee is guilty of an offence and to impose a sentence.

There are some practical considerations. One of the things to consider with this bill is that it applies to all parolees and not just to serious offenders who are on parole and who have committed a serious offence or a serious breach of parole. It applies to every person who is on parole. Something like 1600 prisoners per year are granted parole. The vast majority of them are not violent offenders but they will still be caught up by this bill. I do not know if that is an effective way of dealing with the target offenders, who are called 'serious violent offenders' in the corrections report. Certainly that is the target group, but the bill does not target just that group; it targets all parolees. We may also have an issue with the overcrowding of police cells — an issue that has already been identified by the Ombudsman. These are some practical issues to consider in terms of the bill.

The community and everyone in this place want to see the likelihood of serious violent offenders being a danger to the community reduced as much as possible. It is not clear to me that serious violent offenders who have been released on parole will be deterred by the new offence of breach of parole or the penalties imposed by this bill. It may be that non-violent offenders who are not a danger to the community are deterred by the idea of an offence with a sentence and particularly a fine imposed. But I am not sure that the most serious violent offenders will necessarily be deterred, if that is the purpose of the bill. It should be our purpose to prevent the recurrence, as much as practicable, of what has happened over the last few years, with serious violent offenders committing serious crimes, including murder, whilst on parole. We even have the situation at the moment where a violent offender on parole is on the run, which is of concern to the police.

A lot has been said about this matter in the public discourse recently, and a lot of reports have been released. The Sentencing Advisory Council released a report last year. There was the report by Professor Ogloff, which I will talk about soon. That report was released by the government under sufferance, but it had had the report for more than a year. The government says some of the recommendations of that report were implemented but does not say which ones. It would be interesting to hear from the government about that. There has also been the report of former High Court judge Ian Callinan recently. So much information is out there, and I have read through it. Like anybody who has read through those reports, particularly the Ogloff report, I am very concerned. A lot of issues have been raised. There is not time to go through the volume of information that is in those reports, but it is very valuable. I suggest that anyone who is interested in this issue should read through it.

Some of the issues that have been raised, particularly in the three major reports, and are worth mentioning include the workload of the Adult Parole Board of Victoria, which has also been confirmed by members and former members of the board and by the former chair, Justice Whelan. Other issues are the excessive number of current cases that the parole board has to deal with, the resourcing of the board and whether there are consolidated files which include the previous history of prisoners who are eligible for parole. Ian Callinan even raised the issue of whether those files are electronic and the fact that the adult parole board is dealing with paper-based files that may or may not contain all the information that is needed. He questioned the amount of time that the parole board is able to devote to each case.

One issue that I have raised before and that has always concerned me, was raised by Professor Ogloff and Ian Callinan. It is the idea of serious violent offenders being dealt with in a separate stream or in a different way from the bulk of the parolees so that more attention is paid to them. In this way members of the adult parole board would have the opportunity to test the information that is put to them by Corrections Victoria and the police and to make sure that they have all the information when they are making these very important decisions as to whether a serious violent offender should be released on parole at all and what conditions and level of monitoring should be associated with that offender.

The other issue that has been raised is the monitoring of prisoners by Community Correctional Services. Again the workload of those staff and the resources that are available to them have been questioned. The adult parole board should be able to assure itself that the monitoring available for serious violent offenders is adequate before granting them parole. The other issues that have been raised in the reports are the use of inexperienced staff to monitor those offenders and the examination of potential parolees being done by inexperienced parole staff rather than by forensic psychiatrists or psychologists. All these issues were raised in the Callinan report as part of the complex web of failures and problems that exist in the corrections system and the parole system. As many people have said, nobody is willing to point the finger at any one

person, but what is evident is that there is not enough resourcing and not enough attention paid to senior people being involved in monitoring et cetera.

One has to ask why these concerns have not been raised before, and Justice Whelan acknowledged that in his public interview. Similarly, the issue of coordination between the police, Corrections Victoria and the adult parole board was identified as a theme. These issues and problems need to be addressed. If they are addressed, we might see some changes in the system that will guard against a repeat of the types of problems we have seen and their catastrophic results.

I have said in the past that parole is there for a reason. It is there to assist the parolee to reintegrate in the community. Hopefully attending programs within prison will also assist them to do that, and I am talking about all parolees here — parolees across the board. It is also meant to assist the community in making sure that parolees are supervised and monitored while on parole and brought back to prison if they do not comply with their conditions.

There is another serious problem that has not been discussed much in public discourse lately. Justice Callinan said there should not be a presumption that people will get parole. He made the point that the adult parole board should not be looking to grant parole and that parole should not even be considered unless a prisoner has applied for it. I think those are valid points to make. I am not saying that the individuals involved have not done this; I am sure they have. I am sure they take their roles very seriously and understand the responsibility that they have. But they should be given the resources and all the information necessary to ensure as far as possible that a person is not a risk. Corrections Victoria should be making sure on our behalf that people are monitored and supervised. Certainly those reports point out that people were not adequately monitored in all cases and that many breaches of parole which could have flagged an issue with a parolee were overlooked. It seems to me that a lot of that is due to underresourcing.

We wish to see the parole system working for parolees and for the safety of the community. But the problem occurs when people come to the end of their sentence, unless they are covered by the Serious Sex Offenders (Detention and Supervision) Act 2009 and are under a serious sex offenders order or detention order. I do not necessarily want to point to particular cases, but in the case of Adrian Bayley it is astonishing to me that that person was not on the serious sex offender register. At the end of whatever sentence he may have been serving at that time he would have been released with no monitoring or supervision.

That is another area that we need to be looking at very seriously. The Director of Public Prosecutions has a role, but the police, Corrections Victoria and the adult parole board should be identifying these types of offenders very early on and flagging them to go onto that register and to be covered by that act once they are released from prison. That is the gap that I do not think is being spoken about much — what happens to people at the end of their sentence when they do not need to be supervised at all unless they are caught up in that act.

As I said, there are so many issues that can be raised and have been flagged in those reports. The adult parole board does not agree with all the recommendations of Justice Callinan and takes issue with some of the things he said, but I want to consider all of the reports, because when I was standing up here in March I did not have much information in front of me as to what was going on in the parole system. I have certainly learnt a lot more about it since then.

One of the final things Justice Callinan said was that his recommendations should be implemented, and that if that does not work, then there should be some independent oversight of Corrections Victoria. I have to agree with him on that. I have brought a motion to this Parliament for exactly the same thing — to have an independent body to oversee Corrections Victoria. It seems to me that Corrections Victoria must have known about the problems but that they were allowed to continue, mainly due to underresourcing, which is the biggest theme that I can glean from reading through these reports.

We have the Sentencing Advisory Council report from last year, the Ogloff report — which is also more than a year old but has only just come into public view — the Callinan report, the reports coming out of Corrections Victoria and comments made by members of the adult parole board. But we have not actually pulled all that together in some sort of public inquiry into the parole system, which is what is happening in New South Wales, where people are able to make public submissions to that inquiry. That is something that should be considered in Victoria — that is, a full, proper public inquiry. One way to do it could be through one of the parliamentary committees.

This is a very important issue. Some reports have been done and I would say they are necessary, but they are not sufficient to get to the nub of the matter and to allow us to hear from more people and more sides, in particular from people in the community who have

been affected by these failures. While I do have some concerns about whether the bill will be effective, and I also have some sympathy with the issues raised by SARC, the Greens will be supporting the bill.

Hon. R. A. DALLA-RIVA (Eastern Metropolitan) — I am pleased to speak on behalf of the government on the Corrections Amendment (Breach of Parole) Bill 2013. I will be very brief because this is a bill which is very brief but which will have significant ramifications in terms of dealing with breaches of parole in the state of Victoria. Let me be clear from the outset that the bill reflects that parole is a privilege, not a right. The paramount consideration in granting parole is community safety. That is very clear in the presentations that have been made by the Minister for Corrections, the Honourable Edward O'Donohue, MLC, who is in the chamber as I speak and who has been listening to the contributions from honourable members.

It is important to note that on 25 June the government made its intention clear about this legislation. It said it would introduce legislation to make breach of parole an offence and it would give police new powers to arrest and charge a parolee for a breach of parole. I do not propose to debate the issue too much, but I did take note of the comment by Ms Pennicuik that there is nothing new in the capacity of police to arrest somebody who breaches parole. In fact that is not quite true. Police currently have no power to deal with prisoners who may be in breach of terms or conditions of their parole order unless the breach involves further offending or the Adult Parole Board of Victoria has cancelled their parole and issued a warrant.

I know from my own personal experience as a police officer that it was a difficult process, even back then, to detain somebody who was in breach of parole. Now a new power will be clearly laid out whereby a member of the police force may detain a prisoner if the police officer is satisfied that, firstly, the breach of parole is not trivial or minor; and secondly, the detention is necessary to prevent the prisoner continuing the breach or committing a further breach of a term or condition of the parole order.

I note that some of those breaches could include breaking a curfew, entering a restricted area or even breaching an alcohol ban. The police will have that power. The new power also provides for an arrest by a member of the Victorian police force, but following the arrest they must detain the prisoner in custody if the alleged breach of parole is the commission of an offence punishable by imprisonment, or a breach of a term or condition of parole that will be prescribed in the regulations for the purposes of that section of the legislation. Let me be very clear. The coalition is very strongly of the view that parole is a privilege, not a right. Victoria will now have the toughest parole conditions in Australia. I do not need to go through the reasons why; I think everyone is well aware of the recent circumstances, tragic as they were, and why this legislation is here. We support the passage of the bill through the chamber.

Mr O'BRIEN (Western Victoria) — It is with great pleasure that I also rise to make a brief contribution on this important piece of legislation, the Corrections Amendment (Breach of Parole) Bill 2013. In doing so I reiterate the words of Mr Dalla-Riva, and the words of the Minister for Corrections and the Premier in announcing the significant reforms, that the primary purpose of parole should be the protection of the community, and parole is very much a privilege and not a right.

I had the sad honour of leading the government contribution in relation to another piece of important legislation which was introduced in the last session of Parliament, being the Justice Legislation Amendment (Cancellation of Parole and Other Matters) Bill 2013, which otherwise was known as Elsa's law. That was not only in commemoration of Elsa Corp and her family following her tragic murder by a parolee but also in recognition of that family's campaign for the amendments that led to that bill being passed by this Parliament and also the campaigns of other victims of crime and their families. I mentioned many of those victims and families in my previous speech, including obviously the Irwin sisters and the tragedy of the Cafferkeys. Since then the murderer of Jill Meagher has been sentenced. There were also Rachael Betts, Tracey Greenbury and Craig King, who were mentioned by members of the lower house, and there were many other families.

This is another significant bill that ought to have received bipartisan support from opposition members through their contributions. Regrettably, though, Mr Tee, who had been given the opportunity and the important task of being the lead speaker for the opposition, sought to put up points he would have regarded as clever points but that were ultimately erroneous points and false accusations. Effectively they were an attempt by Mr Tee to portray the minister's activities — and I note that the Minister for Corrections is in the chamber — as being secretive in relation to the handling of this issue since some of the events had come to light. The minister had in fact taken very decisive, transparent and accountable action in consultation with the relevant authorities and had also

particularly had concerns for the victims, whose sympathies lie at the heart of the government's actions in this era. Mr Tee has again demonstrated his capacity to get things wrong and to make false accusations.

Mr Tee began by running a line that Minister O'Donohue had been, according to Mr Tee, secretive in not releasing the Callinan report. That is completely wrong; the Callinan report is a public report. It has been released and was available to Mr Tee. Mr Tee clearly demonstrated that he had not read the report. He demonstrated that in responding to a series of surprised interjections by the minister and myself, seeking to slide into a secondary false allegation that the minister was still not releasing the terms of reference that led to that report.

That demonstrated two things: firstly, Mr Tee is prepared to say and do anything to try to run a scare campaign; and secondly, he had not read the report, because printed on page 3 at the very opening of chapter 1 of the report, which I will shortly read are the terms of reference for the Callinan review. I will quote for the record and for Mr Tee's benefit what those terms of reference are. Chapter 1 says:

> I was appointed on 16 May 2013 by the Minister for Corrections and Minister for Crime Prevention, the Hon. Edward O'Donohue, to conduct a review of the system of parole in Victoria, pursuant to the following terms of reference:

It then sets out the terms of reference:

> The Victorian government is committed to strengthening the parole system and the management of prisoners on parole. The effectiveness of the adult parole board (the board) is fundamental to the integrity of the parole system.
>
> To ensure the board continues to operate effectively and is able to respond to current reforms and shifting demands, Mr Ian Callinan, former High Court judge, will be engaged to —
>
> > examine the board's current operations, its construct and membership, having regard to best practice and an examination of parole systems operating in other Australasian jurisdictions;
> >
> > cover the legislative framework, composition of the board and the role of victims in the parole process;
> >
> > provide options for increased transparency in board decision making in Victoria.
>
> Mr Callinan will report to the Minister for Corrections by 1 July 2013 [later extended].

They were the terms of reference on the first page of the report. Mr Tee then sought to slide to a suggestion that Mr O'Donohue was not releasing the names of the submitters and that the consultation had been somehow secretive. Again, if Mr Tee had only turned to the following page, page 4, he would have seen that on the next few pages are listed the many people who Mr Ian Callinan had consulted with, and he would have found a reference to appendix 1, where there is a full list of the persons consulted and their submissions. In the time available I will not list them for the house, but I would ask Mr Tee to, for once, correct the record, to apologise to the minister and to the house, and to have the courage to admit when he has got things wrong, because he continuously does so. When he does so in the planning jurisdiction, as he frequently does and as we saw this week, it has its own consequences. But this is an area of particular sensitivity to families that ought to have bipartisan support.

I also note that he then referred to what he called the Gray report. In fact it was a response to the report by Professor Ogloff, which has also been made publicly available and which lists the terms of reference at section 2.1.1. This is a very serious report that had redactions which were requested, I am advised, by Professor Ogloff for important reasons of confidentiality due to the sensitive clinical matters and the tragic matter that is the subject of those reports. I call on Mr Tee to, in future contributions, adopt a bipartisan approach, apologise for his false accusations, correct the record and consider what he says before he says it. I commend the bill to the house.

Mr EIDEH (Western Metropolitan) — I rise to support this critical bill for our state. We have all been too slow to act on what has become something of an epidemic — that is, men of extreme evil being given their freedom only to take the freedom of life away from others. Both the government and the opposition can boast about how we believe in justice, but Jill Meagher's family would have something to say about that. On that topic, I am disgusted that the Adult Parole Board of Victoria ignored Mr Meagher as it did. Mersina Halvagis's family would also have something strong and powerful to say, as would the families of several other victims over the past 12 months alone.

I believe in justice and I believe in fairness, but I also believe in ensuring that those who are a danger, those who pose a serious threat to others, those who would harm and even kill, need to be removed from and kept away from society until such time as we can be more certain that the threat and danger they pose has subsided. Victoria has failed to protect women from evil men, and we need to acknowledge this fact for one purpose: to repair the damage properly, effectively and concretely.

Does this bill do that? I sincerely hope so, but I would ask, before it is signed into law by His Excellency the Governor, that we hold a meeting with the families of various victims, including the families of Sharon Siermans, Sarah Cafferkey, Jill Meagher, Joanne Wicking, Elsa Corp, Rachael Betts and any others who will listen as the changes are explained to them and their views sought. I want to know that they understand the changes and that they believe we have fixed the mess that cost them their loved ones so that the list of victims' families does not increase. If that takes place, I will feel that we have really tried to achieve something positive, but if government members act high and mighty and refuse this critical consultation process, it will be on their heads, and all Victoria will know.

The people of Victoria have a right to be fuming mad over what has taken place, with dangerous men allowed on the loose to commit further and far more serious crimes. Ian Callinan, in what we have seen of his report into this area, has made some salient remarks, but why was the review done in secret? What has been hidden from the people of Victoria in relation to such a serious issue? What is in the rest of his report? Is there a reasonable reason for the government's actions in this regard? Why were so few victims invited to be part of the process to reform the sorry state of the current laws?

Had the opposition been in government I can assure the house that we would have consulted far more widely and that we would have respectfully sought contributions from more people. I still hope that the government will consider my earlier request to meet with victims, discuss this bill with them and consider if it is good enough or if we need to do more. If this is done, the people of Victoria may also have confidence that we, their elected representatives, are acting positively on their behalf.

However, there is more. The problem cannot and should not be confined simply to the parole board. Are there failings with our corrections system? Do police need greater powers? Should we look at other means of monitoring persons and ensuring that they know that we can and will track their every movement? I heard Justice Simon Whelan speaking on radio, and I was horrified. To hear him is to believe him, for he is a man of deep integrity. From him we heard how poorly resourced and poorly staffed the parole board is in this state. The issues he raised must be addressed, and that means this year, this month or this week. If they are not, the ministers for police and corrections and the Attorney-General should be held to account, along with the Premier.

Mr ONDARCHIE (Northern Metropolitan) — I rise today to speak on the Corrections Amendment (Breach of Parole) Bill 2013. I have to say at the outset that I would much rather opposition members say they are supporting this bill than say that they do not oppose it. Not opposing it is a bit of a bet each way. I would rather they said, 'We support this bill. It is very important for Victorians'. I would rather they got on the bus or got out of the way, to be frank.

This bill takes further steps to ensure that offenders cannot reoffend while on parole, something we have seen time and again in Victoria's recent history. The bill provides new powers for police to deal with breaches of parole terms or conditions that do not involve further offending — for example, a breach of curfew or alcohol restrictions. It makes reoffending on parole more difficult as offences that breach parole are now punishable by immediate arrest. As members of Victorian society, we should not forget that parole is a privilege; it is not a right.

The government commissioned former High Court judge Ian Callinan to review the operations of the Adult Parole Board of Victoria. The review was conducted in the wake of considerable public concern about the adult parole system following failures in the system as identified in the events surrounding the tragic death of Jill Meagher in my electorate of Northern Metropolitan Region. The review was commissioned with the objective of ensuring that community safety is the paramount consideration in any decision about parole; that parole is a privilege, not a right; and that the adult parole board operates in line with what the community expects. Mr Callinan's review followed an earlier review by the Sentencing Advisory Council into the adult parole system, and extensive legislative and administrative reforms of the system have been implemented by the government.

I have to say that Mr Callinan conducted a very extensive and in-depth analysis of the adult parole board, and he has made 23 recommendations. He had full and open access to research, study and investigate all aspects of our parole system. The Callinan report draws a clear line in the sand: the culture of parole in Victoria must and will change. As the Premier said repeatedly — and I repeat to the house today — parole is a privilege, not a right. The report contains 23 measures. Many of them will be implemented swiftly through administrative or legislative changes and are being introduced through the course of this year. Work has already begun to assess the detail implementing other measures, and a cabinet task force has been established to consider the complex legal changes required.

The adult parole system in Victoria has a very important role to play in the proper functioning of our criminal justice system, and the Minister for Corrections, Mr O'Donohue, is doing a wonderful job in getting this progressed. As the Premier said, the system failed Jill Meagher. It is vital that Victorians have confidence in the adult parole system and that it operates in such a way that community safety is the paramount consideration in any decision about who gets parole. Implementation of these reforms is the first step in rebuilding Victoria's confidence in our parole system. I commend the bill to the house.

Ms MIKAKOS (Northern Metropolitan) — I rise today to speak on the Corrections Amendment (Breach of Parole) Bill 2013. This bill seeks to amend the Corrections Act 1986 to create a new offence for breach of a condition or prescribed term of a parole order without reasonable excuse, punishable by three months in prison, 30 penalty units or both; enable a member of the police force, without warrant, to arrest a prisoner on parole if he or she suspects on reasonable grounds that the prisoner has breached a condition or prescribed term of their parole order; and provide that a prison sentence imposed for the offence of breaching a condition or prescribed term of a parole order is served cumulatively with other prison sentences.

We believe these are sensible and necessary reforms, and therefore the Labor opposition is supporting the bill. We on this side of the house recognise the importance of the parole board and its vital role in promoting community safety in Victoria. We see the use of parole as an essential element of the reintegration process for prisoners returning to society. The parole process is designed to ensure that prisoners are supervised and supported as they reintegrate, with minimal risk to our community of reoffending.

Our society views parole as a privilege for those prisoners who have proved themselves worthy of returning to society. However, it is not viewed as an automatic right. When determining that prisoners are eligible for parole we, as a society, trust that the parole board will carry out a thorough assessment and impose the appropriate terms and conditions on those who are to be released. It is therefore reasonable for our community to expect that these terms and conditions will be strictly adhered to.

Given the recent tragic events involving horrific crimes perpetrated by prisoners while on parole, it is clear that our community has been let down by failures in the justice system. In particular we are all well aware of the shocking circumstances surrounding the rape and murder of Jill Meagher, who was a constituent of mine and, I note, also of Mr Ondarchie, who also referred to this particular tragic case in the electorate we share. This heartbreaking case highlighted to the community and all of us, as parliamentarians, the urgent need to reform the parole process. Undoubtedly the case of Jill Meagher received enormous media coverage and focused the public's attention on the practices of the parole board, but as has been mentioned by many, there are other issues that relate to this matter which need to be examined in terms of the broader operation of the parole system, and the parole board is but one.

There are issues to do with Corrections Victoria and a range of matters, and there needs to be a holistic approach and appropriate resourcing in relation to these matters. There have been many other instances of violent crimes carried out by individuals released under parole orders. As was reported in the *Age* of 20 August the failure of the parole system was again starkly illustrated when Jason John Dinsley pleaded guilty to the murder and attempted rape of young Ballarat mother Sharon Siermans. The crime occurred while he was on parole after serving time for a horrific rape at a St Kilda hotel. Dinsley, who had 99 convictions on his record before the murder, had breached his parole by failing a drug test and had been scheduled to meet with the parole board two days after he murdered Ms Siermans.

I take this opportunity to express my sympathy to the family of Ms Siermans, as I have previously expressed my sympathy to the family of Jill Meagher. These are terrible and tragic cases, and we all hope these violent crimes will not be committed again. There need to be appropriate checks and balances in place in our parole system, but as I said before there also needs to be a range of other reforms including appropriate resourcing. It is time the parole system be examined and that we as legislators continue to examine our justice system and make reforms where they are warranted. I therefore welcome the provisions in this bill that aim to tighten the process of identifying potential breaches of parole order terms and conditions. It is important that there be a deterrent to further offending in respect of prisoners who breach a prescribed term or conditions of their parole orders.

The bill specifies that when determining that a prisoner on parole is in the process of breaching a condition in their parole order, police will be required to identify the prisoner and crosscheck the terms of the individual's parole order, utilising the E*Justice and law enforcement assistant program databases. The bill further specifies that an arrested prisoner may be detained in custody if the member of the police force

who arrested the prisoner is satisfied that the breach is not trivial or minor in matter.

The arresting officer must also be satisfied that detention is necessary to prevent the prisoner continuing the breach or committing a further breach of a term or condition of a parole order. If a prisoner is detained, the arresting officer must ensure that the adult parole board is notified of the detention not more than 12 hours after the arrest. The bill also provides for a term of imprisonment resulting from an offence of breaching a prescribed term of a condition to be served cumulatively, the exception being for youth offenders where the presumption is that such a sentence would be served concurrently.

While we on this side of the house support the bill, we have very serious concerns relating to the regulations that the government will introduce to support it. We are particularly concerned about the definition of what constitutes a prescribed term or condition of a parole order. It is important that these definitions be precise, that there are no loopholes or ambiguities, if we are to restore community confidence in our parole system and also in the corrections system. There are critical issues of resourcing for these reforms.

Obviously there will be implications for Victoria Police members on the beat and in charge of already overcrowded police cells. I note that an article in the *Herald Sun* of 5 September reports that:

> More than 100 emergency camp beds have been drafted into seven Victorian jails in a desperate bid to free up crowded police station cells used by prisoners.

We are seeing our police station cells on high rotation, with prisoners moved around because they cannot get a bed in the prison system. These are all concerning matters, particularly as we have had $100 million of cuts to Victoria Police funding and 380 jobs lost from Victoria Police, and all of these cuts in resources are coming at a time when additional strains and obligations will be put on Victoria Police to address issues of parole breaches. It is therefore critical that the government outline what further resources it intends to allocate to Victoria Police in order for it to properly implement this policy.

I note that the *Age* of 22 August reports that Justice Callinan had said:

> … the board was too focused on the rehabilitation of offenders to the detriment of community safety, and operated under the assumption that prisoners had a right to be paroled.

Of course it is absolutely critical that community safety is paramount. However, it is also important that we provide appropriate resources within the prison system and the youth justice system to ensure that offenders can be rehabilitated appropriately prior to being released into the community.

I note that the 2011–12 annual report of the Youth Parole Board and Youth Residential Board Victoria was tabled in the house earlier today. I take this opportunity to thank the Youth Parole Board for enabling me to sit in on some of its parole hearings earlier this year and to observe the board's practices and operation. The annual report refers to the need for the provision of further support for young offenders upon their release into the community. The boards made the point that:

> Stable accommodation, particularly long-term accommodation, is a critical element in the ability of a young person to successfully complete parole and work towards rehabilitation in the community.

The Youth Parole Board report outlines a number of existing services in this area but also notes the need for continuing service enhancement in this area.

Clearly these issues of post-release support services need to be examined in respect of young offenders who are on parole, as well as other types of support services. I have raised on many occasions the issue of government funding cuts to the YMCA Bridge Project, which supports young offenders released from the youth justice system to find jobs. If we are serious about ensuring that young offenders are properly rehabilitated and integrated back into the community, there need to be employment support services, education services and other types of programs in place to ensure that they do not continue the cycle of reoffending, go back into the youth justice system and then go on to graduate — for want of a better word — to the adult correction system.

I will indicate to the house that whilst the opposition supports the reform of the parole system and therefore supports this bill, it is important to properly resource the justice system to ensure that our parole process works appropriately. We are concerned about the government's piecemeal approach to reforming the adult parole board, and we note in particular that its lack of resourcing has not been addressed by government members today.

I conclude by expressing the view that the Victorian community has every right to feel that they have been let down by the parole system to date and it is important that this legislation is but the first step in rebuilding that trust in the community. This bill needs to be accompanied by appropriate resourcing and support for

the relevant agencies across the board, not just the Youth Parole Board but also Corrections Victoria and Victoria Police. All of these agencies need to be adequately resourced in order to be able to respond to the issues that have come out of this review.

Mr RAMSAY (Western Victoria) — It gives me pleasure to be able to make a small contribution, given the time constraints, to the Corrections Amendment (Breach of Parole) Bill 2013. In doing so I note Ms Mikakos's contribution indicated that the opposition will be supporting the bill, and I am pleased to hear that. It seemed to be in contrast to Mr Tee's contribution where he really did not seem to know what time of day it was, much less what reports have been available for him to read and pass some coherent judgement on. At least Ms Mikakos is in no doubt that the opposition is supporting this bill, and we are thankful for that.

I also take this opportunity to congratulate the new Minister for Corrections, Ed O'Donohue. He has taken on a very challenging portfolio, certainly in relation to bringing this bill forward, and the way that he has dealt with the matters in relation to the Adult Parole Board of Victoria is to be commended. I would like to acknowledge his role in that and also his role in bringing this bill to this house.

The first purpose of the bill is to amend the Corrections Act 1986 to create the offence of breaching a prescribed term or condition of a parole order and to permit police to arrest and detain a prisoner on parole upon breach of a prescribed parole term or condition. The second purpose is to amend the Sentencing Act 1991 to provide that sentences imposed for the offence of breaching a prescribed term or condition of a parole order are to be served cumulatively with other prison sentences.

The government has introduced significant legislative and operational reforms to the adult parole system in Victoria, and this bill and the continuing work on this issue is part of that commitment and builds on these reforms. The penalty for the new offence of breach of parole will be up to three months imprisonment, a fine of up to 30 penalty units or both. The bill also provides new powers for the police to deal with breach of parole terms or conditions that do not involve further offending — that is, for example, a breach of curfew or breach of alcohol restrictions.

These new powers provide that any police officer may arrest and detain a prisoner on parole without a warrant if the police officer suspects on reasonable grounds that the prisoner while on parole has breached a prescribed term or condition of parole. Upon arrest for breach of parole the prisoner will be dealt with in accordance with the criminal laws and procedures that currently apply to arrested persons unless the police officer is satisfied that the prisoner should be detained in order to prevent the breach continuing or to prevent a further breach of parole. If the police officer is so satisfied, the prisoner may be detained until the breach is considered by the adult parole board. If the prisoner is detained under these new provisions, the adult parole board must be notified within 12 hours of the arrest, and as soon as reasonably practical after being notified, the board must order that that person be detained in a prison or police jail pending consideration by the board.

If the board makes a decision that the prisoner should no longer be detained under these provisions or decides not to cancel parole, those criminal laws dealing with the custody of a person are immediately re-enlivened. The result is that a prisoner must continue to be detained for the purposes of the criminal proceedings before the court or until, for example, bail is granted. We have heard loudly and clearly from the people of Victoria that the purpose of parole should be the protection of the community, and this bill amplifies that. It gives police extra powers to arrest and charge a parolee for breach of parole.

As mentioned in other contributions, Justice Ian Callinan is reviewing the adult parole board operations. As the Premier has said on a number of occasions, the parole system was flawed. It failed the Meagher family, and we need to address that. Breach of parole is an offence. The aim of this bill is to make the community safer, to have the community as the first priority and to clearly articulate that parole is a privilege not a right. I commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Ms MIKAKOS (Northern Metropolitan) — I ask the minister, for the record, because concerns are expressed to me by various organisations who work with youth offenders, to explain the changes that this bill makes in respect of youth offenders and in particular the offenders who are in the dual-track system.

Hon. E. J. O'DONOHUE (Minister for Corrections) — This bill makes no changes to the youth system.

Ms MIKAKOS (Northern Metropolitan) — I thank the minister. I wanted that on the record so that people are clear about it.

Ms PENNICUIK (Southern Metropolitan) — Just for clarification on the point that Ms Mikakos made, does that mean that any prison sentence for an offence of breach of parole by a youth offender would be served consecutively or cumulatively?

Hon. E. J. O'DONOHUE (Minister for Corrections) — The bill makes no changes for youth offenders.

Clause agreed to.

Clause 2

Mr TEE (Eastern Metropolitan) — I note that the bill does not come into operation before 1 July 2014. That is a very long time frame. Why is it pushed out that far?

Hon. E. J. O'DONOHUE (Minister for Corrections) — That is a default commencement date. It can commence earlier by proclamation.

Mr TEE (Eastern Metropolitan) — It is curious that the Courts Legislation Amendment (Judicial Officers) Bill 2013, which was second read on 21 August, has a much earlier date of February 2014. It seems unusual for the date to be pushed out that far, and I am wondering if there is any particular reason. I understand it is the default date, the furthest possible date; I understand that from the wording of it, but I am wondering why the minister has given himself the option to push it that far back.

Hon. E. J. O'DONOHUE (Minister for Corrections) — It is the default commencement date, and that date is not unusual, as Mr Tee asserts. It is the government's intention, as the Premier has said, for this bill to commence as soon as possible. As Mr Tee noted in his contribution to the second-reading debate, there are regulations to be drafted on the passage of this bill. But it is the government's intention that this bill commence as soon as practical.

Mr TEE (Eastern Metropolitan) — In part it is to give the minister options in terms of the drafting of the regulations, and we will come to those in a moment. Is one of the other reasons that the government needs to wait for Ararat or Ravensthorpe and the other prisons to come on board? Is it a capacity argument as well?

Hon. E. J. O'DONOHUE (Minister for Corrections) — There is no construction of anything at Ravensthorpe that I am aware of. The government does plan to build a new prison at Ravenhall which will open in 2017. Mr Tee referred to the Ararat prison project. He would be aware that that project was due to be completed late last year, delivering 350 beds to the system. Regrettably, in the finest Labor tradition of the desalination plant, myki, HealthSMART and a range of other botched projects, the previous government botched the Ararat prison project which this government has resurrected.

I am pleased, as I advised the house in question time on Tuesday, that there are now approximately 600 workers on site each and every day in Ararat, contributing to that local economy and delivering jobs and economic growth to that local economy as well as fixing the botched Labor project. To go to the substance of Mr Tee's question, we seek that this bill commence as soon as is practicable.

Mr TEE (Eastern Metropolitan) — Again, that sounded more like a second-reading debate contribution from the minister. My question really was: is one of the reasons the commencement date is pushed out so far a capacity issue, and is the government essentially waiting to create extra capacity in the system before the provisions of the bill commence?

Hon. E. J. O'DONOHUE (Minister for Corrections) — No. The government is delivering additional capacity as a result of the investment decisions it has made in each of its three budgets since it has been in power. Additional capacity is being delivered to the system on a progressive basis, and this bill will commence as soon as is practicable.

Mr Ramsay — As soon as Mr Tee stops talking!

Mr TEE (Eastern Metropolitan) — No, Mr Ramsay. It turns out it is July 2014, not soon. The minister has just outlined a number of steps that the government is taking to increase capacity. I thank him for giving us that information. The question I ask is about the connection between the steps that the minister has outlined — again, I thank the minister for providing that — and the commencement date. Is there a connection or not?

Hon. E. J. O'DONOHUE (Minister for Corrections) — No.

Clause agreed to.

Clause 3

Mr TEE (Eastern Metropolitan) — New section 78A provides that:

> A prisoner while released under a parole order must not … breach a prescribed term or condition of that parole order.

Is it a prescribed term or condition in the parole order or is a prescribed term something different from what is in that individual parole order?

Hon. E. J. O'DONOHUE (Minister for Corrections) — It is what is in the parole order.

Mr TEE (Eastern Metropolitan) — Is the new section providing that any term or condition of a parole order that is breached can result in a penalty of up to the amount in the new section and that those terms or conditions are individual terms or conditions that relate to that particular offender; they are not generic terms that you can find elsewhere?

Hon. E. J. O'DONOHUE (Minister for Corrections) — Every offender has conditions tailored to their individual granting of parole.

Ms PENNICUIK (Southern Metropolitan) — During the second-reading debate I referred to the standard and intensive parole conditions that are on the Corrections Victoria website. I had them printed out but unfortunately I have sent them off to Hansard, so I do not have them in front of me at the moment. The minister has just mentioned that every prisoner has conditions tailored to their circumstances. Would those prescribed conditions that become part of the parole order be based basically on what is already on the Corrections Victoria website?

Hon. E. J. O'DONOHUE (Minister for Corrections) — I am not quite sure if I understand the question. As I said in response to Mr Tee's question, every parolee will have terms and conditions that are specific to that individual. Depending on the type of offender and the type of offence, the importance of an individual term or condition may vary. For example, an exclusion order prohibiting someone from visiting a forested area might have more relevance in relation to an arsonist than it would perhaps have for someone else.

Ms PENNICUIK (Southern Metropolitan) — I think the confusion is in the use of the word 'prescribed', which usually suggests the regulation of prescribed conditions, and the minister is talking about tailored conditions. I think that is where the confusion is, and we just need some clarification on that.

Hon. E. J. O'DONOHUE (Minister for Corrections) — The parole board will make certain conditions as part of the granting of parole. The regulations will prescribe certain conditions which may be applied by the parole board.

Mr TEE (Eastern Metropolitan) — A prisoner who is released on parole has to comply with general provisions prescribed by the parole board as well as individual conditions that are applicable to that prisoner. Is that the difference between prescribed terms or conditions and other types of conditions?

Hon. E. J. O'DONOHUE (Minister for Corrections) — The prisoner who is granted parole has to comply with the prescribed terms or conditions that are set by the parole board.

Ms PENNICUIK (Southern Metropolitan) — I think it is an important point. The new section reads:

> A prisoner while released under a parole order must not, without reasonable excuse, breach a prescribed term or condition of that parole order.

As the new section reads, I understand a prescribed condition to be one that is prescribed by the regulations. The new section as it is written does not necessarily seem to apply to non-prescribed conditions.

Hon. E. J. O'DONOHUE (Minister for Corrections) — The terms and conditions will cover the same areas as are now imposed or which may be imposed. They will be rewritten and set out in the regulations in more formal legalistic language, to avoid doubt or ambiguity.

Ms PENNICUIK (Southern Metropolitan) — That is partly an answer to my first question — that is, the existing standard or intensive parole conditions that can be imposed, which are on the Corrections Victoria website, will be transcribed into the regulations. However, as the new section is written it appears to mean that there will be a breach without reasonable excuse only if it is one of those prescribed terms or conditions that is breached and not a tailored term or condition that is not prescribed. Will a parolee have to comply with another condition that is not a prescribed condition?

Hon. E. J. O'DONOHUE (Minister for Corrections) — The Adult Parole Board of Victoria will retain the ability to prescribe specific conditions pertinent to an individual.

Mr TEE (Eastern Metropolitan) — Is this the way of looking at it? If you are released on parole, there are effectively two sets of conditions that you cannot

breach. One is a prescribed term, which you will find somewhere in regulations, and the other is a condition that applies particularly to you as an offender. So you get a set that is scribbled on your individual file but as well as that you get by way of regulation some prescribed terms.

Hon. E. J. O'DONOHUE (Minister for Corrections) — Breaching some conditions of a parole order will not lead to an offence, as the Premier articulated in the press conference when he and I announced this legislation. Minor or trivial matters will not constitute an offence, and that will be defined through the regulations.

Mr TEE (Eastern Metropolitan) — Okay, so the prescribed term will be a regulation that will provide an offence. That new section says that a prisoner must not breach a condition of a parole order, which I think we have agreed is a condition that applies to that individual — and it might be in relation to drug and alcohol abstention. My question is: if you breach a condition that applies to you as an individual, does that constitute an offence under new section 78A or is it in fact only, as the minister suggested then, a breach of the regulations or the prescribed terms?

Hon. E. J. O'DONOHUE (Minister for Corrections) — The conditions that will lead to an offence pursuant to this legislation will be prescribed in the regulations.

Mr TEE (Eastern Metropolitan) — So it is not a breach of any condition of the parole order that constitutes an offence. It might be that breaching a condition of that parole order may not constitute an offence under new section 78A; you will need to go and have a look at the regulations to understand whether a particular condition applying to a particular individual constitutes a breach of the regulations and therefore constitutes an offence under this new section. Is that the way it works?

Hon. E. J. O'DONOHUE (Minister for Corrections) — As the government has consistently said, it is not the intention for trivial or very minor breaches of a parole order to lead to this offence.

Ms PENNICUIK (Southern Metropolitan) — The actual provision does not say that. It says:

> A prisoner while released under a parole order must not, without reasonable excuse, breach a prescribed term or condition of that parole order.

It does not say a 'major' prescribed term, and it does not rule out 'minor' prescribed terms. I think this is the fulcrum on which the whole bill turns, and if we are having some confusion about it, I think it is about what is prescribed and what is an individual condition. The term used there is 'prescribed term or condition'. Is 'prescribed term' what is going to be in the regulations? Is the word 'prescribed' being used as an adjective for 'term' and 'condition', or is it meant to be a prescribed term as prescribed by the regulations or a condition of that parole order? Perhaps the courts will be clearer as to what this new section means, but so far I do not think we have actually had that clarified.

Hon. E. J. O'DONOHUE (Minister for Corrections) — Without conceding the point made by Ms Pennicuik, the regulations will clarify any ambiguity.

Mr TEE (Eastern Metropolitan) — The way the minister has articulated it is, as Ms Pennicuik says, not what is set out in new section 78A, but it is actually set out in new section 78B(3)(b), where it says:

> a breach of a term or condition of the parole order that is prescribed for the purposes of this section.

This is a very different proposition to the proposition that is in 78A, because 78A does not refer to a prescribed condition, it simply refers to a condition of that parole order; there is not the nexus there, as there is in 78B(3)(b). I suppose my question is: what is the difference between 78A and 78B(3)(b)?

Hon. E. J. O'DONOHUE (Minister for Corrections) — Within the regulations there will be a list of all the terms and conditions, and it will identify within that the breaching of which ones constitutes a breach of the amended act.

Ms PENNICUIK (Southern Metropolitan) — What is the difference between a term and a condition?

Hon. E. J. O'DONOHUE (Minister for Corrections) — Nothing.

Mr TEE (Eastern Metropolitan) — I want to move on, but is what the minister saying essentially that it is a prescribed term or a prescribed condition, so the word 'prescribed', which is in the regulations, applies to both the words 'term' and 'condition'? Where we seem to have landed, without wanting to put words in the minister's mouth, is that the conditions of an individual's parole are only relevant to the extent that those conditions are prescribed conditions. If the prescribed condition is then breached, then this new section comes into it. But if it is not a prescribed condition, then this new section does not apply. Is that where we have landed?

Hon. E. J. O'DONOHUE (Minister for Corrections) — I think I have answered Mr Tee's question in my previous answer.

Ms PENNICUIK (Southern Metropolitan) — Firstly, if there is no difference between a term or condition, why use both words? Secondly, does the adjective 'prescribed' describe a term and a condition under this clause, and if it does, where does a non-prescribed condition, as that is tailored to a particular offender, fit into this?

Hon. E. J. O'DONOHUE (Minister for Corrections) — I am advised that that language has been the language used in the act since 1986. It is language of the act that has been in existence for a considerable period. In relation to Ms Pennicuik's second question, the regulations will deal with those matters.

Ms PENNICUIK (Southern Metropolitan) — However, earlier on the minister mentioned tailored conditions for particular offenders. Can the minister give an answer as to whether they are covered by clause 3?

Hon. E. J. O'DONOHUE (Minister for Corrections) — The matters that give rise to an offence pursuant to this legislation will be identified in the regulations.

Mr TEE (Eastern Metropolitan) — When can we expect to see those regulations? Are they far away? I am asking because it all hangs off the regulations in the sense that if it is in the regulations, it is an offence that affects the act, and if it is not in the regulations, then it is an offence that does not bring into play the provisions of this bill. The regulations are a critical part of the whole structure. When does the minister anticipate that we will see those regulations?

Hon. E. J. O'DONOHUE (Minister for Corrections) — It is standard practice for legislation to pass and the regulations to be drafted as a result of that legislation. The government does not want to pre-empt what happens in this place or the other place. Having said that, the government is committed to delivering this act and promulgating this act as soon as is practicable.

Mr TEE (Eastern Metropolitan) — I think the minister might have misheard. I was asking if, in view of the critical nature of these regulations, which underpin the entire bill, he can give the community some estimate as to when we will see them?

Hon. E. J. O'DONOHUE (Minister for Corrections) — I can only repeat my previous answers. The government wants to see this legislation in force as soon as possible.

Ms PENNICUIK (Southern Metropolitan) — Can the minister tell me whether a parole order under this new legislation can contain a term or condition which is not prescribed?

Hon. E. J. O'DONOHUE (Minister for Corrections) — Yes.

Ms PENNICUIK (Southern Metropolitan) — So it would follow that if the parolee breached the term or condition which is not prescribed, they would not be committing an offence?

Hon. E. J. O'DONOHUE (Minister for Corrections) — Yes.

Mr TEE (Eastern Metropolitan) — I want to come back to the issue of the regulations. As I said, this is a critical issue. The minister will recall the case of Mr Dinsley who murdered someone in Ballarat and had failed a drug and alcohol abstention order that was part of his parole on four occasions. Is that the sort of matter that would be in the regulations?

Hon. E. J. O'DONOHUE (Minister for Corrections) — I am not going to comment on specific matters. I refer to my previous answers about the effect of the regulations.

Mr TEE (Eastern Metropolitan) — It is a critical issue, and I am wondering if the minister can give any comfort to the community out there that a breach of a drug and alcohol abstention order will be covered by this bill through the regulations?

Hon. E. J. O'DONOHUE (Minister for Corrections) — I am not going to go into specific matters. The intention is that trivial or minor breaches of parole will not be caught by this act. I will let Mr Tee draw his own conclusions about the matters he has referred to. With reference to community expectation and community comfort, let me make this commitment: the government is absolutely committed to reforming the parole system. It is reforming the parole system. That is why we have introduced this legislation. That is why we commissioned Justice Callinan to conduct his report.

Let me take this opportunity to correct Mr Tee, who said that the terms of reference were not made public. They are on page 3 of the report. If you turn over the first page of the report, you will see the terms of

reference. If Mr Tee wants to know who made submissions to the Callinan review, I direct him to the back of the report which identifies those who made submissions. I think it is grossly irresponsible that Mr Tee, as a lead speaker for the opposition, took the opportunity to score cheap political points on this very serious issue.

Mr Tee — On a point of order, Acting President, this is not the second-reading debate.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! The minister can debate, but I remind him that this is not the second-reading debate.

Hon. E. J. O'DONOHUE — On the point of order, Acting President, the member asked whether the community can take comfort from this legislation, and he raised community concerns about these issues. I think these are very important and very sensitive issues, and I am just putting on record some of the gross errors that were made by Mr Tee in the second-reading debate.

Mr Tee — Further on the point of order, Acting President, the question I asked was if the minister could give the community any comfort about whether the regulations will cover drug and alcohol abstention orders, in view of the sort of damage we saw in a Ballarat murder case. I think it is insensitive, improper and in breach of the standing orders for the minister to use his response to my important question as an opportunity to revisit a debate in the second-reading stage which has nothing to do with this regulation or with the Ballarat murder case.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! I have ruled on this point of order. I said the minister can debate but this is not the second-reading debate. It is up to the minister to continue.

Hon. E. J. O'DONOHUE — I have answered Mr Tee's question.

Ms PENNICUIK (Southern Metropolitan) — The minister said that the intention of this bill is not to capture minor breaches of parole, but there is actually nothing in the bill to prevent that. The only thing the bill prevents is a parolee being detained for a minor breach; police cannot detain a parolee unless it is for a serious breach. As I said in the second-reading debate in the lead-up to my question, this bill captures all parolees. If anyone has read the Ogloff report — many people who spoke on the bill obviously had not read it — they will know that it goes to nine very serious cases. It is very shocking and sobering reading for anyone who looks at it, even though it has been redacted. It is very concerning, and these are the people I think we should be aiming at.

Going back to the minister's example of an arsonist who has a tailored parole condition, such as, 'Parolee A is not allowed to go near this particular area', I presume that would not be a prescribed term or condition because it is very tailored. So under the bill a person who breached that condition would not be committing an offence because the condition was tailored specifically to them and is to do with their particular circumstances. I think this is a really important issue. If a parolee had a tailored condition like that — for example, if an arsonist had a tailored condition not to go to a certain area — and they breached it, they would not be committing an offence under this act. Is that correct?

Hon. E. J. O'DONOHUE (Minister for Corrections) — I agree with Ms Pennicuik in relation to the Ogloff report — not the Gray report, which was referred to earlier. The Ogloff report goes to a range of matters. As Ms Pennicuik would be aware, it goes predominantly to parolee murders that took place between 2008 and 2010. In relation to exclusion orders, it is anticipated that they will form part of the regulations.

Ms PENNICUIK (Southern Metropolitan) — Yes, I can see that exclusion orders will form part of the prescribed regulations, as they are already up on the Corrections Victoria website. However, specific exclusion orders are not. The minister has already said that some tailored conditions might not be covered by prescriptions under the regulations. If a tailored order were an important exclusion from a specific area that is not prescribed, then the parolee would not be committing an offence under this bill.

Hon. E. J. O'DONOHUE (Minister for Corrections) — Under my example an exclusion order would be prescribed and would be tailored to the individual offender.

Ms PENNICUIK (Southern Metropolitan) — I do not want to pursue this anymore; I think I have made my point. This issue has not been clarified by the minister at all. He has already confirmed it would not be an offence if a parolee breached a tailored condition that was not prescribed under the bill.

Mr TEE (Eastern Metropolitan) — The minister has indicated that exclusion orders will be prescribed. Will drug and alcohol abstention orders be prescribed?

Hon. E. J. O'DONOHUE (Minister for Corrections) — I have answered Mr Tee's question in my previous answers.

Mr TEE (Eastern Metropolitan) — I want to understand how the provision under new section 78B will apply in practice. If you are a police officer working on the street and you pick someone up, how will the police officer in those circumstances know if that person is on parole? Will they have access to that information on their person?

Hon. E. J. O'DONOHUE (Minister for Corrections) — One of the outcomes of the Sentencing Advisory Council report is that initiatives have been undertaken by this government to better coordinate and share information between Victoria Police, Corrections Victoria and the Adult Parole Board of Victoria.

Mr TEE (Eastern Metropolitan) — Would the police officer have with them the means to access that information, either in their car or on a hand-held device, or would they need to contact the station? Where would that information be located?

Hon. E. J. O'DONOHUE (Minister for Corrections) — Information relating to any parolee and their conditions would be accessible from the law enforcement assistance program (LEAP) database.

Mr TEE (Eastern Metropolitan) — Is it the case that the LEAP database currently has on it the parole conditions of each parolee?

Hon. E. J. O'DONOHUE (Minister for Corrections) — I am advised that the LEAP database currently identifies conditions associated with a parolee. As part of these reforms, updates and enhancements to that system will be made.

Mr TEE (Eastern Metropolitan) — Perhaps the minister could clarify that. If the LEAP database currently enables a police officer then and there to access the parole conditions of an individual, what are the updates or enhancements that are being made?

Hon. E. J. O'DONOHUE (Minister for Corrections) — I am advised that the LEAP database can currently identify key parole conditions like curfews, exclusion zones and exclusion areas but does not yet have the ability to identify a condition such as rehabilitation attendance. Those enhancements will be delivered as part of these reforms.

Mr TEE (Eastern Metropolitan) — In addition to rehabilitation attendance, will the enhancements also allow for identification of a drug or alcohol abstention order?

Hon. E. J. O'DONOHUE (Minister for Corrections) — It will cover all conditions.

Mr TEE (Eastern Metropolitan) — Will they be all conditions or all prescribed conditions?

Hon. E. J. O'DONOHUE (Minister for Corrections) — All conditions.

Mr TEE (Eastern Metropolitan) — The offences under this bill only apply, as Ms Pennicuik has ascertained, to prescribed conditions. How will the police officer know whether the bail condition that is on the LEAP database is a prescribed condition and that therefore potentially there has been an offence under this provision?

Hon. E. J. O'DONOHUE (Minister for Corrections) — Mr Tee referred to bail, but we are talking about the parole legislation. I am advised that the police will have the appropriate training to be able to make that distinction.

Mr TEE (Eastern Metropolitan) — I just want to clarify what the minister is saying. The police will essentially be trained as to which parole conditions are prescribed so they will know when they pick up an individual whether the conditions, which they will be able to ascertain from the LEAP database, are prescribed?

Hon. E. J. O'DONOHUE (Minister for Corrections) — Through their experience, the information they will be able to access from the LEAP database and from their own assessment of an individual based on the information they are provided with, they will be able to make that assessment.

Mr TEE (Eastern Metropolitan) — With respect, it is not a matter of experience; it is a matter of whether or not the condition that is on the database is a prescribed condition.

Hon. E. J. O'DONOHUE (Minister for Corrections) — On the information that they will have available to them, they will be able to make that decision.

Mr TEE (Eastern Metropolitan) — My original question was: will that information be available to them on the LEAP database? Will they need to contact the station? How will they access that information?

Hon. E. J. O'DONOHUE (Minister for Corrections) — As per my previous answer to Mr Tee, they will access it from the LEAP database.

Mr TEE (Eastern Metropolitan) — My previous question was in relation to the LEAP database. The minister indicated that currently some bail conditions are set out on the LEAP database, but that there will be enhancements made that will make sure all conditions are on the LEAP database. My question is: how does a police officer access the regulations?

Hon. E. J. O'DONOHUE (Minister for Corrections) — Just to clarify, I assume that Mr Tee's reference to bail conditions was to parole conditions. The police will have access to the LEAP database, which will identify the conditions. They will have that information in their vehicle.

Mr TEE (Eastern Metropolitan) — Is the minister suggesting that they will have the regulations? This is an important issue. As the minister has said, it does not relate to every condition; it is only the conditions that are prescribed by way of regulation. My question is: where will they find those regulations?

Hon. E. J. O'DONOHUE (Minister for Corrections) — They will be able to identify from the LEAP database the issues Mr Tee is referring to. Mr Tee asks where they will access regulations and legislation. Police access regulations and various forms of legislation all the time.

Mr TEE (Eastern Metropolitan) — Just to be absolutely clear, not every condition under this provision is on the LEAP database. How will the police officer know that a condition imposed on an individual parolee is a prescribed condition?

Hon. E. J. O'DONOHUE (Minister for Corrections) — As I have advised Mr Tee previously, all conditions will be available to police and from those the prescribed conditions will be identifiable.

Mr TEE (Eastern Metropolitan) — Can a police officer access the LEAP database to ascertain, firstly, all the conditions, and secondly, which of those conditions are prescribed?

Mr Ondarchie — Asked and answered.

Mr TEE — The minister did not answer the question. What the minister said was that the LEAP database only has conditions; it does not have the regulations.

Hon. E. J. O'DONOHUE (Minister for Corrections) — As I said in my previous answer, the police will be able to access all the conditions.

Mr Tee interjected.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! Mr Tee will have his chance again.

Hon. E. J. O'DONOHUE — The police will be able to access all the conditions of the parole and will also be able to identify which of those are prescribed.

Mr TEE (Eastern Metropolitan) — Does the minister have a time frame as to when the LEAP database will be enhanced so that it will include all the conditions and identify which of those are prescribed?

Hon. E. J. O'DONOHUE (Minister for Corrections) — That work is currently being undertaken and will be done as soon as possible.

Mr TEE (Eastern Metropolitan) — The minister has given a vague answer. Is the minister able to assure the committee that that work will be completed prior to this bill coming into operation?

Hon. E. J. O'DONOHUE (Minister for Corrections) — Yes.

Mr TEE (Eastern Metropolitan) — The minister talked about resources. There were reports today about prisons, and I suspect there have been reports about police cells, being at capacity. My question is: are there sufficient existing resources in terms of capacity to pick up the additional offences that will be created by this bill?

Hon. E. J. O'DONOHUE (Minister for Corrections) — Upon coming to office the coalition government inherited a corrections system that had suffered from gross underinvestment by the previous government. That was the finding of the Auditor-General in his prison bed capacity report released last year. That report identified that through the last three budget cycles when Mr Lenders was the Treasurer and custodian of the state's finances he and the Labor government said no to the advice provided by the Department of Justice and Corrections Victoria to build a new prison. The coalition government has accepted the advice of Corrections Victoria and the Department of Justice, and in the 2012–13 budget it committed to building a new prison at Ravenhall. I am pleased to advise that the expression of interest process was announced by the Premier and me on the site of the new prison a couple of months ago.

In addition to that, as I referred to in my previous answer to Mr Tee, the coalition government has fixed the botched Ararat prison project. That project is now back on track, with up to 600 workers on site in Ararat each and every day. Upon that project being completed and commissioned 350 additional beds will be provided in the system. More than that, each of our three budgets has also provided additional capacity for the prison system. We are addressing the underinvestment that we inherited when we came to government. The investments we have made will progressively deliver additional capacity to the prison system.

Mr TEE (Eastern Metropolitan) — In relation to clause 2 the minister indicated that there was no connection between the commencement date of this bill and capacity constraints. In view of that answer, does the minister maintain the answer he gave on clause 2?

Hon. E. J. O'DONOHUE (Minister for Corrections) — As I said to Mr Tee previously, this bill will be operational as soon as possible, and I stand by my previous answer.

Mr TEE (Eastern Metropolitan) — Are the existing resources sufficient to meet the additional capacity that will be required as a result of this bill, or does the government need those extra resources?

Hon. E. J. O'DONOHUE (Minister for Corrections) — The government is delivering additional capacity progressively to the prison system, which will accommodate any additional demand pressures flowing from this.

Mr TEE (Eastern Metropolitan) — Has the government done any modelling around what additional prison populations there will be as a result of either an increase in population or these changes?

Hon. E. J. O'DONOHUE (Minister for Corrections) — The government has made significant additional investments in the prison system, as I responded to Mr Tee on a previous question, to deal with the growth in prisoner demand and also to deal with the underinvestment that it inherited as a government. Those investments will respond to any increased demand pressures flowing from this legislation.

Mr TEE (Eastern Metropolitan) — It was a different question. It was not a question about whether there is sufficient capacity existing, which was my previous question; I have moved on. My question was: has the government done any modelling around what the prison population will be as a result of population increases or these changes? Perhaps taking the first one first: has the government done any modelling around the increase in the prison population as a result of increasing population?

Hon. E. J. O'DONOHUE (Minister for Corrections) — It is fair to say that a rising population will lead to increased pressure or increased demand on the prison network.

Mr TEE (Eastern Metropolitan) — The minister seems to be avoiding the question. Has the government done any modelling?

The DEPUTY PRESIDENT — Minister?

Mr TEE — To predict that growth? Sorry, just to be clear, obviously — —

The DEPUTY PRESIDENT — Order! I have just called the minister in response to Mr Tee's question.

Hon. E. J. O'DONOHUE (Minister for Corrections) — My previous answer covers Mr Tee's question.

Mr TEE (Eastern Metropolitan) — My question was: has the government done any modelling? I do not know that the minister has addressed that question.

Hon. E. J. O'DONOHUE (Minister for Corrections) — If Mr Tee refers to the Auditor-General's report that I referred to before, which cited the underinvestment by the previous government in the prison system and the fact that the previous government and Mr Lenders said no on three occasions to the commissioning of a new prison, that Auditor-General's report has modelling associated with projected growth and prisoner population.

Mr TEE (Eastern Metropolitan) — I am not referring to that modelling. I am asking if the government has done any modelling about what the additional prison population will be as a result of increased population growth.

Hon. E. J. O'DONOHUE (Minister for Corrections) — I can confirm to Mr Tee that increased population will lead to increased pressure on the prison system.

Mr TEE (Eastern Metropolitan) — Has the minister done any modelling that measures how much the prison population will increase as a result of the population increase? It is a simple question; I am not sure what the difficulty is.

Hon. E. J. O'DONOHUE (Minister for Corrections) — I have answered Mr Tee's question.

The DEPUTY PRESIDENT — Order! In actual fact the committee stage is about helping people to clarify the detail of legislation. As the President, when in his previous role of Deputy President, made quite clear to ministers, and I do the same, this process is expedited by a cooperative understanding. It was a clear question. It would be better if the minister were to indicate that he is either not prepared to or does not wish to or cannot, or whatever, answer a question, but the question was clear. It would have been quicker and avoided several questions which were in effect the same if the minister had indicated either that he was prepared to answer the question or was not, and that would have ended the matter. It makes it very difficult. I know that I cannot instruct the minister and do not intend to instruct him to answer in a particular way, but the committee stage will just be dragged out unless we have some cooperation about the way that questions are asked and answered. I think Ms Pennicuik had the call, Mr Tee.

Mr TEE (Eastern Metropolitan) — Just on that, I wonder if I can give the minister an opportunity, in view of your very wise counsel, to reflect on his answer. If I can ask my question again, that would perhaps give him the opportunity to indicate whether or not there has been any modelling that he has done or the government has done in relation to what additional prison population there will be as a result of the population increase.

The DEPUTY PRESIDENT — Order! No; Mr Tee has clearly asked a question on a number of occasions. My counsel to the minister was a generic one, in the sense that it would assist the process if the minister were to indicate either that he cannot or is not prepared to for whatever reason — and it is his prerogative — answer a particular question, or actually answer the question. That is all I was asking. There is no need to reprosecute the question. The minister is well aware of the question and is well aware of my counsel. He is more than capable of standing in his place to take the matter up further if he chooses.

Ms PENNICUIK (Southern Metropolitan) — Moving on to new section 78B, from my point of view there is still a bit of a cloud over new section 78A as to what constitutes an offence, but I do not want to reprosecute that particular issue with the minister. The minister has made the statement several times that this bill is not meant to apply to minor breaches. I expressed the view that I think that is right, because what we should be doing is concentrating on major breaches and issues of public safety. However, the bill does not say at all that it only applies to minor breaches. New section 78B(2) says:

> A prisoner who is arrested under subsection (1) may be detained in custody if the member of the police force … is satisfied that —
>
> (a) the breach of a term or condition of the parole order that constitutes the offence is not trivial or minor.

The only thing in the bill that refers to 'trivial or minor' is that there is discretion in terms of the police officer detaining the person if the breach is not trivial or minor. I am wondering about the following subsection (3), where it says:

> A prisoner who is arrested under subsection (1) —

that is, has committed an offence under section 78A, which we have been talking about for a while; a prisoner who is arrested for a breach of section 78A —

> must be detained in custody if the alleged breach of a term or condition of the parole order is —
>
> …
>
> (b) a breach of a term or condition of the parole order that is prescribed for the purposes of this section.

It seems to me there is a contradiction between new section 78B(2)(a) and 78B(3)(a) — that is, that the person may be detained if the breach is other than minor or trivial, or must be detained if it is a breach of a condition.

Hon. E. J. O'DONOHUE (Minister for Corrections) — I am advised that will be clarified by the regulations.

Ms PENNICUIK (Southern Metropolitan) — I think there is a contradiction between those two subsections. One says there is a discretion, and the following subsection says there is no discretion — that the person must be detained if they have breached:

> … a term or condition of the parole order that is prescribed for the purposes of this section —

subsection (3). I cannot understand how that is going to be fixed by the regulations, and I cannot understand how new section 78 is going to be fixed by the regulations. Surely the act is paramount, not the regulations. Could the minister explain how that will be addressed by the regulations?

Hon. E. J. O'DONOHUE (Minister for Corrections) — The threshold question here is the police decision of whether or not to arrest a parolee. Obviously once that decision has been made, that parolee will be detained.

Ms PENNICUIK (Southern Metropolitan) — I am not sure that is what the actual section says. Subsection (2) says there is a discretion to detain the parolee if the breach is trivial or minor. That is not how it is written, but that is the effect of it; there is a discretion. Subsection (3) says 'must be detained'. I think it is an important consideration. The intention is to only detain people who have committed a serious breach of their parole condition and who constitute a threat to public safety and not detain people who have committed only a minor breach. It also goes to the purpose of Mr Tee's questioning, which is that if all persons who are arrested for a breach of a condition must be detained, that is a concern in terms of police holding cells, which we know are already overcrowded. I am concerned as to the actual operation of this clause and, as I said in the second-reading debate, it not being targeted at persons who are a threat to public safety. The minister is telling me the regulations are going to fix this issue. Can he explain to me simply how that is going to happen?

Hon. E. J. O'DONOHUE (Minister for Corrections) — My previous answer deals with this issue. I do not have anything further to add.

Mr TEE (Eastern Metropolitan) — I just want to ask a couple of questions about new section 78C, which provides the board with a capacity to order that a prisoner be detained in a prison or a police jail. My question is: who has responsibility for the duty of care of that prisoner? Is it police or is it corrections? Or does it depend on whether it is in a prison or in a jail?

Hon. E. J. O'DONOHUE (Minister for Corrections) — The duty of care would be with the police if they were held in a police jail or cell and it would rest with Corrections Victoria if they were held in a prison.

Mr TEE (Eastern Metropolitan) — Do we know how many prisoners on parole are currently being held in police cells or jail cells?

Hon. E. J. O'DONOHUE (Minister for Corrections) — I do not have that information with me.

Mr TEE (Eastern Metropolitan) — Is that something the minister can obtain and provide for us, or is it not in that basket of issues?

Hon. E. J. O'DONOHUE (Minister for Corrections) — I am happy to provide that information, with a caveat about security matters.

Mr TEE (Eastern Metropolitan) — I am happy to accept that caveat. Finally, clearly this will involve additional pressures on resources. We have talked about the capacity issue in terms of beds, and I do not want to revisit that, but are there any additional resources that will be allocated to the implementation of this bill?

Hon. E. J. O'DONOHUE (Minister for Corrections) — For the sake of repetition, I will just identify the point that the government has made a significant investment in the prison system in its first three budgets. Because of the complexity of delivering additional beds in the prison environment, we will see the benefits of those investments progressively going forward, which will accommodate any growth that flows from this bill.

Ms PENNICUIK (Southern Metropolitan) — During the debate on this bill and the previous Justice Legislation Amendment (Cancellation of Parole and Other Matters) Bill 2013 in March, I asked the question whether there were occasions when the parole board had not cancelled parole for a parolee who had been charged with a further sex or violent crime, and it was also granted, and then the person committed a further crime. I also asked how many parolees had committed a serious crime while on parole after committing a previous serious crime and not having their parole revoked. The answer to those questions that I received from the department was:

> This data is not readily available as it is not currently collected by either Corrections Victoria or the adult parole board.

My question is twofold: is that data now being collected by either Corrections Victoria or the adult parole board; and secondly, will the provision of clause 3, similar to the provision put in the bail amendment act by way of recording a conviction for a breach of parole, make that data easier to collect?

Hon. E. J. O'DONOHUE (Minister for Corrections) — I will have to refer to my advisers to respond to the second part of Ms Pennicuik's question. In relation to the first part, I will refer to the Callinan report, which was commissioned on 16 May. Despite what Mr Tee asserted, the terms of reference are clearly articulated on page 3 of that report. The introduction to the terms of reference states:

> To ensure the board continues to operate effectively and is able to respond to current reforms and shifting demands, Mr Ian Callinan, former High Court judge, will be engaged to …

The third term of reference is:

> provide options for increased transparency and board decision making in Victoria.

As Ms Pennicuik knows from having read the report and cited parts of it in her contribution to the second-reading debate, Mr Callinan has given significant consideration to that matter, including visiting the New South Wales State Parole Authority, viewing how it operates and noting its practices and procedures. He has concluded that in order to respond to that term of reference for increased transparency in the way the board operates, its operating documents should be made public. Mr Callinan has also recommended that details of serious crimes committed by parolees be made publicly available in a de-identified form so that the public can have access to that information.

I am advised that once the bill passes we will be able to access data in relation to offending against this provision.

Clause agreed to; clauses 4 to 6 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

PLANT BIOSECURITY AMENDMENT BILL 2013

Introduction and first reading

Received from Assembly.

Read first time for Hon. P. R. HALL (Minister for Higher Education and Skills) on motion of Hon. G. K. Rich-Phillips; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Hon. P. R. HALL (Minister for Higher Education and Skills), Hon. G. K. Rich-Phillips tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the charter act), I make this statement of compatibility with respect to the Plant Biosecurity Amendment Bill 2013.

In my opinion, the Plant Biosecurity Amendment Bill 2013, as introduced to the Legislative Council, is compatible with the human rights set out in the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill amends the Plant Biosecurity Act 2010 to provide for certain debts due to the state under the act to be a charge on land. The bill also amends the act to ensure that related notices are provided to the prescribed owner/s of relevant land.

Human rights issues

The bill does not engage any human rights protected under the charter act. I therefore consider that this bill is compatible with the charter act.

Hon. Peter Hall, MLC
Minister for Higher Education and Skills
Minister responsible for the Teaching Profession

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

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

That the bill be now read a second time.

Incorporated speech as follows:

The Plant Biosecurity Act 2010 is the key legislative framework supporting the government's role in protecting Victorian plant industries from pests and diseases, and in facilitating the timely movement of produce to local, interstate and overseas markets.

The act makes provision for the Department of Environment and Primary Industries to direct a landowner to take action to address a plant pest or disease risk that poses a threat to neighbouring crops. If the landowner does not comply with the direction in a specified time, the department can carry out the direction to address the biosecurity threat to neighbouring plant crops. The cost of actions undertaken by the department may be charged back to the non-compliant landowner at the minister's discretion.

The cost of complying with these directions can be high, and this legislation provides an effective tool to protect our vital plant industries and their domestic and international market access. Industries like horticulture are worth more than $2.6 billion to the state and national economy with Victorian horticulture exports valued at $479 million in 2011–12.

This bill provides an additional option for the department to recover costs following government intervention to address a biosecurity threat where there is non-compliance by a landowner with a direction under the act.

This bill provides the option to place a charge on the land, if the non-compliant landowner cannot pay the debt incurred by the department. This option for recovering the debt is limited to a landowner failing to comply with a direction under three key sections of the act that can be used to address pest and disease threats, including those caused by neglected orchards and abandoned crops.

The charge will only be placed on the land as a final step following a transparent process whereby the landowner will be given time to pay the debt before any charge is placed on the land. This charge creates an additional option for cost recovery in the event of transfer of the land in question. This charge would be ahead of first mortgagees such as financial institutions, but not ahead of other statutory charges such as land tax or unpaid local government rates.

In particular, this bill will provide certainty that the government can take action to address a biosecurity threat and recover costs that will protect the viability of Victoria's plant industries.

I commend the bill to the house.

Debate adjourned for Mr LENDERS (Southern Metropolitan) on motion of Mr Tee.

Debate adjourned until Thursday, 12 September.

OPEN COURTS BILL 2013

Introduction and first reading

Received from Assembly.

Read first time for Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) on motion of Hon. G. K. Rich-Phillips; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation), Hon. G. K. Rich-Phillips tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter act'), I make this statement of compatibility with respect to the Open Courts Bill 2013.

In my opinion, the Open Courts Bill 2013, as introduced to the Legislative Council, is compatible with the human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

Consolidation of existing general statutory suppression order powers of courts and VCAT

The bill consolidates in one act the existing general statutory powers of the Supreme Court, County Court, Magistrates Court, Coroners Court and the Victorian Civil and Administrative Tribunal (VCAT) to make suppression orders and closed-court orders and harmonises the grounds on which these orders can be made. These general statutory powers are in addition to existing powers under specific statutory regimes.

Under part 3 of the bill, the Supreme, County and Magistrates courts and VCAT will have power to make a proceeding suppression order, namely an order that prohibits or restricts the disclosure of a report of a proceeding or any information derived from a proceeding, where such an order is necessary:

to prevent prejudice to the proper administration of justice; or

to prevent prejudice to national or international security; or

to protect the safety of any person; or

to avoid undue distress or embarrassment to a party or witness in criminal proceedings involving a sexual offence or family violence; or

to avoid undue distress or embarrassment to a child witness in criminal proceedings.

The Coroners Court and VCAT can also make a proceeding suppression order on additional grounds (reflecting their existing powers):

VCAT can do so for any other reason in the interests of justice.

The Coroners Court can do so if publication would be contrary to the public interest.

Part 4 re-enacts the existing powers of the County Court and the Magistrates Court to make suppression orders in relation to information that is not a report of proceedings or derived from proceedings, albeit on a more limited set of grounds for the Magistrates Court.

Courts and tribunals will have a general statutory power to make closed-court orders on the same grounds on which they can make proceeding suppression orders (part 5).

The Supreme Court also retains its inherent jurisdiction to make suppression orders.

The bill also introduces provisions to require suppression orders to specify their duration and apply to only that information which is necessary to achieve the purpose of the order. The bill also confirms the courts' and VCAT's existing obligations to only make orders where they are satisfied that the grounds for making them have been established, and to publish reasons for decision where reasons are otherwise required by law, subject to editing if necessary to comply with a suppression order.

Presumptions in favour of disclosure and hearings in public

In order to promote the principles of open justice and the free communication of information, the bill also applies a presumption in favour of disclosure of information to which all courts and tribunals must have regard in determining whether to make a suppression order.

Courts and tribunals will also be required to apply a presumption in favour of hearing a proceeding in public in determining whether to make a closed-court order.

These presumptions do not apply to specific statutory regimes for suppression or closed-court orders.

Human rights issues

Charter act s 24 — the right to a fair hearing

The presumptions in favour of disclosure of information and hearing proceedings in public introduced by the bill promote the principles of open justice and the free communication of information and are consistent with the right to a fair and public hearing set out in section 24(1) of the charter act. The provision confirming the obligation to publish reasons for decision promotes the requirement in section 24(3) of the charter act that all judgements or decisions made by a court or tribunal in a criminal or civil proceeding must be made public unless otherwise permitted by law.

The power to make closed-court orders under part 5 of the bill is also consistent with the qualification permitting closed courts in section 24(2) of the charter act.

The grounds on which suppression and closed-court orders can be made are strictly limited and designed to serve the legitimate and important ends set out in parts 3, 4 and 5. These include avoiding prejudice to the administration of justice or Australia's security interests, protecting a person's safety, and protecting parties and witnesses in certain criminal proceedings from distress or embarrassment. Such powers will be exercised by an independent court or tribunal subject to the presumption in favour of disclosure. Accordingly, even if these powers may limit the qualified right to having a matter decided by a court or tribunal after a public hearing contained in s 24 of the charter act, these limitations are reasonable and justifiable under s 7(2) of the charter act.

Charter act s 15 — the right to freedom of expression

Section 15(2) of the charter act provides that every person has the right to seek, receive and impart information. In my opinion, the bill is compatible with this right.

The bill promotes the section 15(2) right through the presumptions in favour of disclosure and hearings in public.

The right to freedom of expression is subject to the internal limitations in section 15(3) of the charter act, which provides that the right is subject to lawful restrictions, which are reasonably necessary to respect the rights and reputation of other persons or for the protection of national security, public order, public health or public morality.

In my view, the limited grounds on which suppression orders and closed-court orders can be made under the bill are either within the internal limitations of the right in section 15(3) or are reasonable limitations of the right under s 7(2) of the charter act.

Charter act s 13(a) — the presumption of innocence

Section 25(1) of the charter act provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law. The bill makes it an offence to knowingly or recklessly contravene a suppression order, and provides that, in the absence of evidence to the contrary, a person to whom a court or tribunal has electronically transmitted notice of the order is taken to be aware of the existence of the order.

Notice of the making of a suppression order is routinely provided to news media organisations and legal practitioners through electronic transmission by the courts and tribunals. In the absence of other evidence, it is reasonable to assume that a person to whom notice of an order has been sent will be aware of the existence of the order. An accused is only required to present or point to evidence to the contrary, and if they do so the prosecution will still have to prove that the accused knew the order was in force, or was reckless as to whether an order was in force, beyond reasonable doubt. Accordingly, I consider that this provision is compatible with the right to be presumed innocent.

Edward O'Donohue
Minister for Liquor and Gaming Regulation
Minister for Corrections
Minister for Crime Prevention

Second reading

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I advise that the bill was amended in the Legislative Assembly. The Attorney-General moved amendments to this bill to: clarify the circumstances where a court can make a proceeding suppression order when necessary to prevent prejudice to the proper administration of justice; create a new requirement for a person who applies for any suppression order to, generally, give three business days advance notice of that application to the other parties and to the court or tribunal and for media organisations to be notified of such applications; clarify that only a 'complainant', usually a victim, and 'witnesses' — and not the accused — can seek a suppression order on the grounds of undue distress or embarrassment, rather than any party to a criminal proceeding involving a sexual offence or family violence; and provide greater guidance when an offence involves family violence in practice.

These amendments were agreed to by the Legislative Assembly and have been incorporated into the bill that is now presented to the Legislative Council. I move:

That the second-reading speech be incorporated into *Hansard*.

Motion agreed to.

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

That the bill be now read a second time.

Incorporated speech as follows:

The Open Courts Bill 2013 reinforces the primacy of open justice and the free communication of information in relation to proceedings in Victorian courts and tribunals.

The bill consolidates and reforms the general statutory powers for the Supreme, County, Magistrates and Coroners courts and VCAT to make suppression orders and closed-court orders. It creates general presumptions in favour of disclosure of information and of holding hearings in open court; presumptions to which courts and tribunals must have regard

when considering whether to make a suppression order or a closed-court order under the powers in the bill or in the exercise of the Supreme Court's inherent jurisdiction.

In addition to these presumptions, the bill provides that orders made under the powers in the bill can only be made in specified limited circumstances where there is a strong and valid reason for doing so.

This bill is an important part of the government's reforms to strengthen the Victorian justice system. Open justice demonstrates publicly that laws are being applied and enforced fairly and effectively. Open justice also promotes personal responsibility. Unless there is good reason to the contrary, the community is entitled to know what is being said in court where there are allegations that the conduct of an individual or organisation is in breach of the law. When an individual or organisation acts contrary to law, they should expect to be held accountable, not only to judges and magistrates, but also to the community.

The bill was framed having regard to the model Court Suppression and Non-publication Orders Bill endorsed in 2010 by the Standing Committee of Attorneys-General. However, the bill applies a more rigorous standard for making suppression orders in Victoria.

In particular, as the commonwealth has also done, the bill omits the open-ended and poorly defined general 'public interest' ground that was included in the model bill. Instead, the bill preserves the existing grounds for VCAT and the Coroners Court to make suppression orders, reflecting the particular considerations relevant to those jurisdictions.

The bill will operate as an exclusive source of general statutory powers for the courts other than the Children's Court, and for VCAT, to make suppression and closed-court orders. The bill will exclude the operation of common-law or implied powers to make these orders, except for the inherent jurisdiction of the Supreme Court. The bill does not affect other legislation containing subject matter specific powers to make suppression and closed-court orders.

The Supreme Court will retain its powers to make suppression and closed-court orders in the exercise of its inherent jurisdiction, but subject to the presumptions in favour of disclosure and hearings in public and to the procedural requirements set out in part 2 of the bill.

The bill also addresses two recent and significant court decisions. These decisions distinguish between orders relating to information disclosed in court proceedings and orders relating to other information not arising from proceedings that might be suppressed, for example, because it could prejudice a future case.

The bill also distinguishes between these two types of orders. Part 3 consolidates the general statutory powers to make 'proceeding suppression orders' relating to information derived from proceedings. Part 4 consolidates and reforms the existing powers of the County Court and Magistrates Court to make suppression orders which relate to information that is not derived from proceedings (such as information about the identity or character or prior convictions of an accused) which have not been presented to a court but if made public could prejudice a fair trial or, in the case of the Magistrates Court, could endanger the safety of a person. The Supreme Court can also make such orders in its inherent jurisdiction.

Clause 16 in part 3 specifies the grounds on which the Magistrates, Coroners, County or Supreme courts or VCAT may make a 'proceeding suppression order', which is an order relating to a report of a proceeding or information derived from a proceeding. Such an order can only be made where it is necessary to do so in order to prevent prejudice to the proper administration of justice, to prevent prejudice to national or international security, to protect the safety of any person, to avoid undue distress or embarrassment to a party or witness in criminal proceedings involving a sexual offence or family violence or to avoid causing undue distress or embarrassment to a child who is a witness in a criminal proceeding.

In the case of an application before VCAT, the tribunal may also make an order to avoid the disclosure of confidential information the subject of a certificate under the VCAT act or for other reasons in the interests of justice. These distinct powers for the making of an order by the tribunal reflect the diverse matters on which VCAT adjudicates, including applications involving health and other personal information made under lists such as the guardianship list and the human rights list.

Similarly, the Coroners Court will retain its power to make a proceeding suppression order in the case of an investigation or inquest into a death or fire if the coroner reasonably believes that such an order is necessary because publication would be likely to prejudice a fair trial or be contrary to the public interest. This discretion seeks to balance the public's interest in the information presented to a particular coronial inquiry with considerations including the right to privacy of individuals or families that may be identified in a proceeding.

Part 4 of the bill broadly preserves the existing powers of the County Court and Magistrates Court to make suppression and similar orders relating to information not arising from proceedings. However, the grounds on which the Magistrates Court may make such orders is limited to situations where the order is necessary to prevent prejudice to the administration of justice or to avoid endangering the safety of a person. In making these orders the courts must have regard to the presumption in favour of disclosure, which, in this context, strengthens and promotes the principle of free communication of information.

The bill also does not change existing subject-specific statutory regimes governing the making of suppression or closed-court orders in specific jurisdictions — for example, the regime governing matters in the Children's Court that are brought under the Children, Youth and Families Act 2005 and the specific suppression powers that apply to proceedings under the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997.

As is currently the case, the grounds for the statutory powers of the courts and VCAT to make proceeding suppression orders are also the grounds for the making of closed-court orders under clause 28. The power to make closed-court orders will also operate subject to a presumption in favour of hearing proceedings in open court. Similarly to the presumption in favour of disclosure, this reinforces the primacy of open justice in the conduct of court proceedings.

Importantly, the bill also introduces a number of procedural requirements intended to ensure that orders are only made where necessary and are of appropriately narrow scope and duration. These requirements, contained in part 2 of the bill,

will apply to suppression orders made both under the bill (parts 3 and 4) and in the exercise of the Supreme Court's inherent powers to make similar orders.

Where such an order is made, the information that is restricted from disclosure by the order must be limited to that which is necessary to achieve the purpose for which the order is made. The information to which the order relates must also be clearly stated in the order and the order must be limited to achieving the purpose for which it is made.

Another key change from current practice is that orders must be restricted in their duration. A court or tribunal may only make an order for a fixed or ascertainable period, or until the occurrence of a specified future event. If there is a possibility that the future event will not occur, the order also must contain an expiry period that cannot be longer than five years.

In some circumstances, it will be appropriate to make an order that is in force only until the completion of a criminal trial and the exhaustion of any appeal rights. In other situations, particularly if the order protects the privacy of an individual or their personal or medical records, it may instead be necessary to make an order by reference to a specified future event such as the relevant person's death.

The bill will also require a court or tribunal to be satisfied on the basis of sufficient credible information that the grounds for making a suppression order are established. This will reinforce the need for the court or VCAT to carefully consider the basis for making an order in any given case.

The bill expressly reinforces that the common-law obligation on courts to publish reasons for their decisions continues to apply, while recognising that reasons may need to be published in edited form to comply with any relevant suppression order.

Free reporting by the media of what is happening in Victoria's courts is vital to the community's right to know. The bill provides that news media organisations may appear and be heard by a court or tribunal on an application for an order. This will allow media organisations to present in court when they wish to contest an application for the making of an order. These organisations, together with other relevant persons, are also given express statutory rights to seek review of orders that are made.

In those circumstances when it is necessary for a court or tribunal to make an order, it is fundamental that the media and the public comply with the restriction on the disclosure of information. To deter persons or organisations from engaging in conduct that violates an order, it will be an offence to contravene an order if the person knows or is reckless as to the existence of the order. In the case of a proceeding suppression order or an interim proceeding suppression order, where a court or tribunal has electronically transmitted notice of an order to a person or organisation, they will be taken to be aware that the order is in force in the absence of evidence to the contrary.

The power for a court or tribunal to make an interim proceeding suppression order restricting or prohibiting material from publication or other disclosure is also included in the bill. Interim orders serve to prevent the publication of sensitive material in anticipation of a court or tribunal making a substantive ruling. Where an interim order is made, the court or tribunal must then determine the substantive application as a matter of urgency.

This bill establishes a clear, fair and effective regime that reinforces the importance of open justice and confines exceptions to those limited circumstances where exceptions are justified.

I commend the bill to the house.

Debate adjourned for Ms MIKAKOS (Northern Metropolitan) on motion of Mr Tee.

Debate adjourned until Thursday, 12 September.

CHILDREN, YOUTH AND FAMILIES AMENDMENT BILL 2013

Introduction and first reading

Received from Assembly.

Read first time for Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) on motion of Hon. G. K. Rich-Phillips; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation), Hon. G. K. Rich-Phillips tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter act'), I make this statement of compatibility with respect to the Children, Youth and Families Amendment Bill 2013.

In my opinion, the Children, Youth and Families Amendment Bill 2013, as introduced to the Legislative Council, is compatible with the human rights set out in the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

This bill makes various amendments to the Children, Youth and Families Act 2005 (CYFA) and other acts, including amendments which:

confer powers on the Children's Court to conduct child protection proceedings in a less adversarial manner;

provide that children are not required to attend court in family division matters unless they choose to;

set out the standard of proof required in child protection matters.

Human rights issues

Section 17(2) of the charter act provides that 'every child has the right, without discrimination, to such protection as is in

his or her best interests and is needed by him or her by reason of being a child'.

Section 24(1) of the charter act provides that a party to a civil proceeding has the right to have the proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. Article 12 of the Convention on the Rights of the Child (to which Australia is a party but which is not implemented in the charter) also requires that the child has an opportunity to participate by having their views ascertained and taken into account — see *ZN v. YH* (2002) 167 FLR 366 at [112]-[113].

The bill provides that in any proceeding before the family division, a child is not required to attend court unless the child expresses a wish to attend, the court orders that the child attend, or the CYFA requires that the child attend. At present, the CYFA mandates a child's attendance in many cases, meaning that children above the age of about five years are required to attend court within 24 hours of a child's emergency removal from their home.

Notwithstanding that as a result of the bill a child may not attend court, the CYFA contains many provisions which ensure children's meaningful participation in proceedings. Many provisions of the CYFA require the views and wishes of children to be ascertained and taken into account in decision making under the act. Sections 8 and 10 of the CYFA require decision-makers — including child protection workers and judicial officers — to have regard to the best interests of the child, the need to protect the child from harm and to protect his or her rights and promote his or her development when taking any decision and to give appropriate weight to the child's views and wishes.

The bill also confers powers on the Children's Court to conduct child protection proceedings in a less adversarial manner, including the power to actively direct, control and manage the conduct of proceedings. These powers will be exercised by a competent, independent and impartial court in the course of a fair and public hearing within the meaning of section 24 of the charter act. There is no reason to think that these powers will limit the right to a fair hearing under section 24. Rather they will promote that right by facilitating the child's views being heard and will promote the right of children to protection in their best interests under section 17(2).

Edward O'Donohue, MLC
Minister for Liquor and Gaming Regulation
Minister for Corrections
Minister for Crime Prevention

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

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

That the bill be now read a second time.

Incorporated speech as follows:

The bill implements further important reforms announced in the *Victoria's Vulnerable Children — Our Shared Responsibility Directions Paper*, to make the legal system more 'child focussed'.

The *Protecting Victoria's Vulnerable Children Inquiry* (inquiry), tabled in Parliament in 2012, affirmed the role of the Children's Court as a specialist jurisdiction that makes important decisions in relation to children and young people's safety. However, the inquiry also found a court environment can add to the trauma and harm experienced by vulnerable children and young people.

Currently, children and young people are required to physically attend the Children's Court for child protection proceedings. This can be a very frightening and confusing environment for children. The government is amending the existing legislation to remove this requirement so that children will no longer be required to attend court unless they wish to do so or if the court considers it necessary. This reform will align the Children, Youth and Families Act 2005 with similar legislation in most other Australian jurisdictions.

Child protection workers will explain to children what is involved in attending court, ascertain whether they wish to attend and, if they choose to attend, familiarise children with what will occur on the day. When the child chooses not to attend, child protection workers or delegated case managers will continue to facilitate the child's participation in decision making and arrangements will be made for the child to give instructions to a lawyer away from the court building where necessary.

When children do attend court, 'less adversarial trial' principles will strengthen the Children's Court's ability to utilise less formal court proceedings and will encourage respectful communication between parties, and minimise distress and confusion for children. Consistent with the inquiry's recommendation, principles are modelled on those of the Family Law Act 1975.

The bill will also empower the family division to hear intervention order matters involving adults where a related child protection proceeding is on foot in the family division. This will allow one court to oversee legal proceedings, ensure consistency between orders and reach decisions based on the whole picture of the family circumstances.

In addition, the bill makes a range of technical amendments and clarifies that the standard of proof applicable in the family division of the court is on the balance of probabilities.

The amendments made by this bill are a further significant step in reforming the protection of Victoria's vulnerable children. They will improve the experience of children involved in child protection proceedings and support the court in making proceedings less adversarial and more conducive to being able to achieve outcomes in the best interests of the child.

I commend the bill to the house.

Debate adjourned for Ms MIKAKOS (Northern Metropolitan) on motion of Mr Tee.

Debate adjourned until Thursday, 12 September.

CATCHMENT AND LAND PROTECTION AMENDMENT BILL 2013

Introduction and first reading

Received from Assembly.

Read first time for Hon. P. R. HALL (Minister for Higher Education and Skills) on motion of Hon. G. K. Rich-Phillips; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Hon. P. R. HALL (Minister for Higher Education and Skills), Hon. G. K. Rich-Phillips tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the charter act), I make this statement of compatibility with respect to the Catchment and Land Protection Amendment Bill 2013.

In my opinion, the Catchment and Land Protection Amendment Bill 2013, as introduced to the Legislative Council, is compatible with the human rights set out in the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill amends the Catchment and Land Protection Act 1994 to:

1. clarify responsibility for the management of noxious weeds and pest animals on roadsides;

2. provide for the introduction of a roadside weed and pest animal management plan to be prepared by municipal councils; and

3. make other minor and technical amendments to the principal act.

These amendments primarily relate to the powers and responsibilities of municipal councils rather than the rights and responsibilities of individuals.

Human rights issues

The bill does not engage any human rights protected under the charter act. I therefore consider that this bill is compatible with the charter act.

Hon. Peter Hall, MLC
Minister for Higher Education and Skills

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

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

That the bill be now read a second time.

Incorporated speech as follows:

The bill will provide clarity on responsibility for weeds and pest animal control on roadsides, thus assisting in wider enforcement programs, and thereby contributing to an election commitment to improve enforcement.

Roadsides provide a ready means for weeds and pest animals to spread, both onto the immediately adjoining land and more widely. In addition, weeds and pest animals, especially rabbits, can cause significant damage to the roadsides. Proper management of infestations on roadsides is therefore essential to prevent unacceptable damage to agriculture, infrastructure and the rural environment.

The Catchment and Land Protection Act 1994 had been generally understood to make the landowners adjoining local roads responsible for managing most noxious weeds and established pest animals on roadsides. Uncertainty arose about this interpretation following questions raised by the Road Management Act 2004 on the definition of roads and roadsides and councils' responsibilities. Current responsibilities for control of noxious weeds and established pest animals on municipal roads are unworkably fragmented, with the Secretary of the Department of Environment and Primary Industries, municipal council and adjoining landowner all sometimes having responsibilities, depending on the category of weed and whether the particular length of roadside land is Crown land or vested in the municipal council.

Since 2004, the government has not enforced any requirement to manage roadside weeds or rabbits on adjoining land-holders. Instead, the Department of Primary Industries has provided funding as grants for councils to voluntarily undertake weed and rabbit control activity on municipal roadsides. More generous support was announced in 2012 via a program administered by the Department of Planning and Community Development. Reliance on voluntary participation by councils in control of weeds and pest animals is not satisfactory as a long-term arrangement, because effective management requires certainty of sustained action and because it does not address the legitimate demand from rural landowners to be told who is actually responsible for these matters. Lack of workable arrangements for roadsides has impeded efforts to enforce proper weed management in problem areas.

In June 2010, the then Minister for Agriculture established a Roadside Weeds and Pest Animals Working Party to conduct an independent review to identify a consensus position that will provide for effective and efficient future management of invasive plants and animals on roadsides. Working party members were drawn from the Victorian Farmers Federation, Municipal Association of Victoria, three rural councils, the Department of Primary Industries and the former Department of Sustainability and Environment, now the Department of Environment and Primary Industries.

The key feature of the working party's recommended approach was that municipal councils should be required to provide some level of weed and rabbit control on roads that they manage, with the extent of works defined by individual

local plans. The intention was to consolidate management functions by making the municipal councils solely responsible. This approach has advantages in improved operational efficiency, facilitating local community input and assisting integration with other road management activities.

The bill makes municipal councils the landowner of municipal roadsides for the purposes of the Catchment and Land Protection Act 1994, but allows for their responsibility to be limited to the preparation and delivery of a plan for the management of regionally prohibited weeds, regionally controlled weeds and established pest animals on rural municipal roads. Specifically, the bill amends the Catchment and Land Protection Act 1994 to require (when requested) a municipal council to prepare and submit to the minister a plan for the management of regionally prohibited weeds, regionally controlled weeds, and established pest animals on rural municipal roads within the municipal district of that council, if the minister declares that the municipal district is one to which the requirement applies.

The program of measures set out in a plan must:

(a) support any weed and pest animal management programs being undertaken by landowners in the municipal area; and

(b) protect the infrastructure and environmental value of roadsides.

An approved plan would prevent any notices being issued to require municipal councils to undertake further roadside weed and pest control works. In the unlikely event that a council failed to carry out the management specified in its plan, the bill provides for approval of the plan to be revoked, after which enforcement measures can be applied in the same way as for other landowners.

Where 'the minister' is referred to, this means the Minister for Environment and Climate Change or the Minister for Water, as these ministers are jointly and severally responsible for the administration of the Catchment and Land Protection Act 1994.

The bill provides much-needed certainty to an aspect of weed and pest animal management where there has been confusion for far too long. The bill recognises the fact that councils, as the managers of local roads, are best placed to deliver effective and efficient control on roadsides. The expectation of what councils will provide is to be clearly set out in plans that will also allow councils to plan future years' work. Above all the intention is to match the level of management of roadside weeds and pest animals to the priorities of the local community so that the work done by other landowners is backed up by action on roadsides.

I commend the bill to the house.

Debate adjourned on motion of Mr LENDERS (Southern Metropolitan).

Debate adjourned until Thursday, 12 September.

SUCCESSION TO THE CROWN (REQUEST) BILL 2013

Introduction and first reading

Received from Assembly.

Read first time for Hon. D. M. DAVIS (Minister for Health) on motion of Hon. G. K. Rich-Phillips; by leave, ordered to be read a second time forthwith.

Statement of compatibility

For Hon. D. M. DAVIS (Minister for Health), Hon. G. K. Rich-Phillips tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the Succession to the Crown (Request) Bill 2013.

In my opinion, the Succession to the Crown (Request) Bill 2013, as introduced to the Legislative Council, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The key objective of the bill is to facilitate uniform changes to the laws relating to royal succession across Australia, consistent with changes made to that law in the United Kingdom. This will ensure that the Sovereign of Australia is the same person as the Sovereign of the United Kingdom.

The bill implements the decision of the Council of Australian Governments. The bill will request that the Parliament of the commonwealth enact, under section 51(38) of the Australian constitution, an act to change the law relating to royal succession and royal marriages. The bill also makes consequential amendments to certain acts.

The proposed changes will provide that:

there will be no priority for male heirs over female heirs;

marriage to a Roman Catholic will no longer disqualify an heir from succession; and

the Sovereign's consent to marriage will only be required for the first six persons in the line of royal succession.

Human rights issues

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

Right to recognition and equality before the law

The bill promotes the right in section 8 of the charter act.

Section 8 of the charter act establishes a series of recognition and equality rights. The right to recognition as a person before the law means that the law must recognise that all people

have legal rights. The right of every person to equality before the law and to be entitled to the equal protection of the law without discrimination means that the government should not discriminate against any person and the content of all legislation ought not to be discriminatory.

Clause 5 of the bill includes a request to the Parliament of the commonwealth to enact an act in the terms, or substantially in the terms, set out in schedule 1. Section 6 of the proposed commonwealth act set out in schedule 1 to the bill provides that in determining the succession to the Crown, the gender of a person born after 28 October 2011 (United Kingdom time) does not give that person, or that person's descendants, precedence over any other person (whenever born). In this way, the bill facilitates changes to relevant laws relating to the rules of royal succession to remove discrimination on the basis of gender.

Item 1.1 of schedule 2 to the bill makes a consequential amendment to section 9A(1)(b) of the Crimes Act 1958, which provides for the offence of treason, to replace the reference to 'son' in relation to the heir apparent of the Sovereign with 'child'. The amendment will ensure that the offence of treason applies, whether the heir apparent is the son or daughter of the Sovereign. This promotes the right to recognition before the law regardless of gender in section 8 of the charter act.

Freedom of thought, conscience, religion and belief

Section 14 of the charter act provides that everyone has the right to freedom of religion, including the freedom to have or adopt a religion or belief of that person's choice.

As outlined above, clause 5 of the bill includes a request to the Parliament of the commonwealth to enact an act in the terms, or substantially in the terms, set out in schedule 1. In particular, section 7 of the proposed commonwealth act removes the disqualification from succeeding to the Crown or from possessing it arising from marrying a person of the Roman Catholic faith. Part 1 of schedule 1 to the proposed commonwealth act makes related amendments to certain acts consistent with this approach. This facilitates changes to relevant laws to remove the bar on succeeding to the throne by reason of marrying a person of Roman Catholic faith and therefore promotes the right in section 14 of the charter act.

Conclusion

I conclude that the Succession to the Crown (Request) Bill 2013 is compatible with the Charter of Human Rights and Responsibilities Act 2006.

Hon. David Davis, MLC
Minister for Health
Minister for Ageing

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

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

That the bill be now read a second time.

Incorporated speech as follows:

The Succession to the Crown (Request) Bill 2013 is a landmark step in the constitutional history of Victoria, and Australia.

The bill facilitates uniform national changes to the laws of royal succession, consistent with changes to those laws in the United Kingdom. The bill will ensure that the Sovereign of Australia is the same person as the Sovereign of the United Kingdom.

The bill includes a request to the Australian Parliament to enact, under section 51(38) of the Australian constitution, an act to provide that:

there will be no priority for male heirs over female heirs;

marriage to a Roman Catholic will no longer disqualify an heir from succession; and

the Sovereign's consent to marriage will only be required for the first six persons in the line of royal succession.

Across the Commonwealth of Nations, leaders of the realms, which comprise the 16 nations of whom the Queen is head of state, have agreed to these proposed changes to the rules of royal succession. This bill forms an important part of the process for effecting the changes in Australia and implements the April 2013 decision of the Council of Australian Governments. All other states have agreed to make a similar request to the Australian Parliament under section 51(38) of the Australian constitution. The bill also makes necessary consequential amendments to the Victorian Crimes Act 1958 and the Imperial Acts Application Act 1980.

When the Australian Parliament enacts its legislation, in the terms, or substantially in the terms, set out in schedule 1 to the bill, it will put an end to the current priority of male heirs over female heirs in the line to the throne. This is appropriate in our modern society.

I am sure honourable members will join me in congratulating the Duke and Duchess of Cambridge on the birth of their son. Nonetheless, for the future, the changes in this bill will mean that royal succession will not be dependent on a person's gender, so that an older daughter will no longer be overtaken by her younger brother in the line of succession.

The bill also facilitates changes to relevant laws to remove the bar on succeeding to the throne by reason of marrying a person of the Roman Catholic faith. These existing laws, which discriminate in this way, will be appropriately amended. Finally, the federal legislation will repeal the Royal Marriages Act 1772 insofar as it applies as a law of Australia and limit the requirement to obtain the Sovereign's consent to marriage to the first six persons in line to the throne.

Succession to the throne in each of the realms across the commonwealth is governed by both common law and statute. While each realm shares the same monarch, the procedure for effecting the changes to the rules of royal succession across the commonwealth varies between the realms. The bill is based on a model approach developed under the auspices of the Council of Australian Governments. The approach taken in the bill, namely the cooperative state request and commonwealth consent scheme, relying on section 51(38) of the Australian constitution, has been informed by advice from solicitors-general of the Australian jurisdictions.

Importantly, I advise the house that clause 4 of the bill clarifies that the enactment of this legislation or the subsequent commonwealth legislation is not intended to affect the existing independent relationship between the Sovereign and the state of Victoria.

Section 5 is a key provision of the bill. This section sets out the Victorian Parliament's request to the Australian Parliament under section 51(38) of the Australian constitution to enact legislation in the terms, or substantially in the terms, set out in schedule 1 to the bill. Schedule 1 to the bill includes the proposed federal legislation to make the changes for Australia. These provisions confirm that the commonwealth's power to enact its law-making changes relies directly on the state request. This approach preserves an important role for the states in facilitating and requesting the changes, which recognises and reinforces Victoria's unique and independent relationship with the Crown.

Section 6 of the proposed commonwealth act set out in schedule 1 to the bill provides that in determining the succession to the Crown, the gender of a person born after 28 October 2011 does not give that person, or that person's descendants, precedence over any other person, whenever that person was born. The date of 28 October 2011 is the date when the 16 commonwealth realms came to this agreement at their meeting in Perth. This is consistent with the equivalent provision in the United Kingdom Succession to the Crown Act 2013.

The bill provides that a person will not be disqualified from succeeding to the Crown or from being the Sovereign due to their marriage to a Roman Catholic. Part 1 of schedule 1 to the proposed commonwealth act makes related amendments to certain acts consistent with this approach. This remedies an antiquated position at law, which discriminates against people on the basis of their religion.

The bill also limits the requirement for the Sovereign's consent to marriage to the first six persons in line to the throne. This directly links to the relevant provision in the United Kingdom Succession to the Crown Act 2013. The proposed federal legislation repeals the Royal Marriages Act 1772 of Great Britain and provides that marriages void under that act on the basis that the consent of the Sovereign was not obtained prior to the marriage are to be treated as never having been void, subject to certain conditions. This applies for all purposes except those relating to the succession to the Crown.

Section 12 of the proposed commonwealth act provides a valuable safeguard for the states in the process of effecting the changes. It confirms that the commonwealth legislation may be expressly or impliedly repealed or amended only at the request or with the concurrence of all state Parliaments.

Finally, the bill also makes necessary consequential amendments to the Victorian Crimes Act 1958 and the Imperial Acts Application Act 1980.

I commend the bill to the house.

Debate adjourned on motion of Ms PULFORD (Western Victoria).

Debate adjourned until Thursday, 12 September.

ADJOURNMENT

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

That the house do now adjourn.

Southern Metropolitan Region level crossings

Mr LENDERS (Southern Metropolitan) — The matter I raise tonight is for the attention of the Minister for Public Transport, Mr Mulder. In my electorate of Southern Metropolitan Region there are roads crossing the railway line to Dandenong. They include Grange Road, Carnegie; Koornang Road, Carnegie; Murrumbeena Road, Murrumbeena; and Poath Road, Murrumbeena. I invite the minister to visit these roads with me, as my reading of the V/Line and Metro Trains Melbourne timetables this afternoon showed 241 trains crossing through these four level crossings.

Mrs Coote interjected.

Mr LENDERS — To take up Mrs Coote's interjection, the RACV is saying that in some cases on some days the boom gates are down for more than 30 minutes on some of these lines.

I raise this matter for the attention of the Minister for Public Transport because the proposal from Premier Napthine to build a bigger, better, super-duper $12 billion port at Hastings will add numerous trains to the line to Dandenong, and these trains, in addition to the 241 trains already using the line and going through these four stations, will impact on the many people in Bentleigh and Bentleigh East who need to drive north to get to jobs.

Mrs Coote interjected.

Mr LENDERS — Because our transport goes east–west. The extra trains will slow down peak hour beyond the half-hour for the people of Bentleigh and Bentleigh East as they seek to go through these four congested level crossings on their business.

I seek from the Minister for Public Transport that he come with me — and given Mrs Coote's interest in this, I would be delighted for her to also join me — firstly, to view these level crossings and, secondly, to calculate what the millions of containers that are meant to go from Western Port onto the line to Dandenong at Officer and pass through these four rail crossings will do to traffic congestion for those good people of Bentleigh and East Bentleigh who cross these four railway line intersections. I urge the Minister for Public Transport, and Mrs Coote, to accompany me to view

this situation and to then give me the data on how many more trains will be going through these congested level crossings once the port of Hastings is operational and all the congestion relief is going into a tunnel at Clifton Hill.

The ACTING PRESIDENT (**Mr Ondarchie**) — Order! I am not clear whether Mr Lenders seeks action from the minister or is asking Mrs Coote to join him.

Mr LENDERS — I am asking the Minister for Public Transport to accompany me, and I am inviting Mrs Coote to join the minister and me at these crossings.

Foodbank Victoria

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Community Services, Mary Wooldridge. It follows on from a visit we both made to the headquarters of Foodbank Victoria in Yarraville last week.

Mrs Coote interjected.

Mr FINN — As Mrs Coote so correctly points out, Foodbank Victoria is an extraordinary organisation. It is an independent, not-for-profit organisation that aims to deliver nutritious, healthy food to individuals and families experiencing hardship. Foodbank Victoria has had more than 80 years experience and is the state's oldest and largest food relief organisation. It sources and distributes donated food and provides emergency relief to Victorians through a network of more than 450 community organisations, including welfare agencies, schools and local resource centres. During the 2011–12 financial year, Foodbank Victoria distributed over 6.9 million meals across the metropolitan, regional and rural communities of Victoria. As I am sure the minister is aware, Foodbank Victoria is also part of the state government's disaster response and recovery plan to distribute emergency aid in times of crisis.

Foodbank Victoria's vision is very simple: healthy food for all. I am sure that is something that every member of this house will agree is very admirable. The purpose of Foodbank Victoria is to source and distribute healthy food to community organisations to assist Victorians experiencing hardship. This particular organisation brings together from across Victoria a wide variety of people of goodwill who are committed to helping their fellow man who may be going through some tough times. I have seen firsthand the amounts of food that are distributed on a daily basis, and it is quite breathtaking. Those who have not had the chance to see how Foodbank Victoria operates should really take the opportunity if it ever arises. Of course the demand for Foodbank Victoria's services is forever on the increase, and that is the reason I raise this matter this evening.

I know the minister is familiar with Foodbank Victoria, as she has visited the organisation on a number of occasions, and I ask her to direct the officials in her department to liaise with Foodbank Victoria to determine the needs of that organisation with a view to bringing the sort of assistance to Foodbank Victoria that it brings to people during hard times.

School bus services

Ms PULFORD (Western Victoria) — The matter I raise on the adjournment this evening is for the Minister for Public Transport. Following a review of school bus routes by the minister and his department, I have been receiving correspondence from the residents of Kaniva, including a copy of a letter from West Wimmera Shire Council addressed to the principal of Kaniva College and the members of the college council. That letter has also been forwarded to the minister's office, and a copy has been sent to the member for Lowan in the other place, who is the Minister for Sport and Recreation, Hugh Delahunty. Among other things, the letter describes the dramatic effect the changes to the bus route will have on five families and that it will leave two families without a bus run.

I am advised that there has been minimal to no consultation with the community and that changes to the bus service were made without any input of local knowledge. It would not surprise me if these routes were considered and developed solely with the use of Google Maps.

West Wimmera Shire Council has told me that cutting bus routes in Kaniva will lead to a loss of local jobs at the school and the bus company, which for a community the size of Kaniva is a matter of great concern. Some of the consequences include considerable disruption to students, particularly those in their final years of secondary school, and a couple of year 12 students may have to change schools to complete their Victorian certificate of education year.

I ask the minister to join me in visiting Kaniva and travelling the route with locals so that perhaps the situation could be reviewed with some better local knowledge. If that is not possible, perhaps some representatives from the department could visit so they can see firsthand the consequences of their actions.

Ararat–St Arnaud Road bridge, Crowlands

Mr RAMSAY (Western Victoria) — My adjournment matter is for the attention of the Minister for Roads, the Honourable Terry Mulder. The matter I raise is in relation to work on the Crowlands bridge over the Wimmera River on Ararat-St Arnaud Road. Like many parts of western Victoria, the January 2011 floods had a significant impact on roads and bridges in my region. I congratulate the minister and the Napthine government on the quick response and the repair work done, particularly in my electorate of Western Victoria Region, over a vast rail, road and bridge network where significant damage was done. There has been a very quick response and rebuild. I note that just recently the federal coalition made a funding commitment of $300 million for a bridges renewal program. I congratulate the federal coalition on that announcement.

Last year, together with a number of community members, I stood on the Crowlands bridge with the then mayor of Pyrenees Shire Council, John Quin, staring down at a huge black hole in the middle of the bridge. At that time we speculated on how long it would take to repair the bridge. The minister announced $3.6 million to repair the bridge. I congratulate the community that uses this bridge on being very patient, and work is being done. My request of the minister is, given the patience shown by this community, given the commitment that has been made and that even though there has been community access using a Bailey bridge, that the minister report to the house on the completion date for the Crowlands bridge and when the community which requires access will be able to use the new bridge.

Watergardens railway station

Mr MELHEM (Western Metropolitan) — My adjournment matter is for the attention of the Minister for Public Transport, and the action I seek is for the minister to investigate the dangerous state of the car parking facilities at Watergardens train station and for the facilities to be improved in both quality and quantity. Upon this matter being brought to my attention, I was shocked to see the state of the existing car parking facilities. Because of the extreme lack of capacity of the car park that forms part of Watergardens station, daily commuters are having to park in a nearby gravel car park. The parking bays are completely unmarked. The surface of the area is merely loose gravel and is often reduced to mud. Worst of all, however, is that more often than not the car park is so congested that the entry and exit is reduced to barely one car width. At its worst the way in and out is completely blocked by cars.

It is hard enough after the daily grind to get home in time to pick up your kids. People should not have to endure dangerously darting through cars, or worse. In correspondence on the matter Metro Trains Melbourne has made it obvious to me that it is not interested in the issue. It said that under the partnership between itself and Public Transport Victoria (PTV) any upgrades or improvements to the network infrastructure fall under the jurisdiction of PTV. It is clear that this is part of a greater issue — that is, the complete neglect of public transport infrastructure by this slash-and-burn government.

It is about time this government started responsibly investing in the future of this state. The matter I raised yesterday in relation to the Caroline Springs railway station is one of the reasons car parking capacity at Watergardens is inadequate; so many people in the region are using Watergardens because there are no other stations around. I call on the minister to investigate the dangerous and inadequate state of car parking facilities at Watergardens station and for the facilities to be improved in both quality and quantity.

Greens Creek flood recovery funding

Mr O'BRIEN (Western Victoria) — My adjournment matter is for the attention of the Deputy Premier, who is also the Minister for Regional and Rural Development. I seek assistance from the minister in advocating for a group of farmers in the Greens Creek area who are applying under the national disaster relief and recovery arrangements scheme, which was thankfully, and eventually, approved for the district recently. The affected area is near Stawell and Joel Joel in the upper Wimmera catchment area in my electorate of Western Victoria Region.

In December 2011, within a period of a few hours, localised rainfalls of up to 140 millimetres were recorded. That resulted in losses for land-holders that they are still dealing with today. My colleagues from Western Victoria Region, including Mr Ramsay and Mr Koch, have advocated for them and share their concerns. The rain event wiped out hundreds of kilometres of fencing and destroyed many head of stock on 108 farms.

Greens Creek, a farming district in the upper Wimmera catchment, was highly impacted by the storm event. Northern Grampians Shire Council records indicate that 14 individual farm enterprises in Greens Creek were significantly affected in December 2011. The council

has a concern that a conflict may exist in the way the district postcode for the Greens Creek area is recognised. This may have left several flood-impacted primary producers outside the eligible boundary. I commend the work of Greg Little and all the councillors and staff of the Northern Grampians Shire Council for raising these issues with me and with the federal government.

As the postcode 3387 is the recognised postcode for addressing properties in Greens Creek, I request the minister advocate that this postcode be added to the list accepted by Rural Finance Victoria as eligible. With the impact of the flood damage and the cost of the repair needing to be evidenced as part of the eligibility for a grant contribution, making this common-sense adjustment would not create scope for a flood of illicit claims, but it would hopefully remove uncertainty for this very worthy group of western Victorian farmers. It would be unfortunate for this group of primary producers to make application but then be deemed not eligible due to an anomaly. I look forward to working with the minister and his department to support our primary producers in this important area of the shire and to provide them with as much assistance as they need in seeking to recover from the tragedy of those floods.

IBM Ballarat

Mr SOMYUREK (South Eastern Metropolitan) — The matter I raise is for the attention of the minister in the chamber, the Minister for Technology, Gordon Rich-Phillips. It concerns lay-offs at IBM in Ballarat. Last week the minister was reported in the *Age* as saying that his department was working closely with IBM to manage scheduled lay-offs at its Ballarat facility. I ask the minister to clarify what he means by the term 'managing' scheduled lay-offs, what assistance the department has been providing to IBM to manage these lay-offs and what assistance the government has provided to these workers.

Emergency response system

Ms CROZIER (Southern Metropolitan) — Congratulations, Acting President Ondarchie, on today becoming a grandfather for the third time.

The adjournment matter I raise this evening is for the attention of the Minister for Police and Emergency Services, Mr Wells. On a recent study tour to Israel organised and sponsored by the Australia-Israel and Jewish Affairs Council, I along with my parliamentary colleagues had a fascinating experience. I take this opportunity to especially thank the executive director, Dr Colin Rubenstein, for his efforts in coordinating the Rambam Israel Fellowship program that we were part of.

Our group was given an insight into Israel's economy, security issues, agricultural industry, health and the political system. We visited many sites, including, in relation to the health system, an office of the Save a Child's Heart organisation and the Hadassah hospital in Mount Scopus, Jerusalem. The Hadassah medical organisation is world renowned for a number of capabilities. We were given an excellent overview of those capabilities by the hospital's medical director, Dr Osnat Levtzion-Korach.

During our tour I was particularly interested to further understand the emergency response by the hospital for large-scale casualties in the event of a terrorist or rocket attack and also responses to biological attacks. Dr Levtzion-Korach explained the immediate emergency response of dealing with casualties who had been subject to biological attack and also the hospital's management in the event of receiving large numbers of casualties after a terrorist or rocket attack.

I was particularly interested in an emergency response system known as the ADAM system. The system is a national system whereby in the instance of mass casualties those casualties are identified by photograph or personal identification and that information is then loaded into a data system. All hospitals and municipalities have access to the system so that if someone presents at either a hospital or emergency area looking for their family member or friend, social workers and emergency personnel can immediately search the database and locate the person. In the event that there is no data, the missing person's description may be entered into the system. The intention is to match descriptions and names from all places within Israel.

For Israelis the reality that a biological or other form of aggressive attack may occur in their country is well understood. As we know, residents of Tel Aviv are being supplied with gas masks as we speak. Australia is obviously quite different geographically from Israel, and we do not face the reality of what Israelis contemplate on a daily basis. However, I do not believe we should be complacent about such events not happening within Australia or Victoria. In saying that, we also have different emergency situations such as bushfires and floods that our emergency services have to respond to.

My request of the minister is that he make contact with the appropriate personnel managing the ADAM system

and investigate whether there may be an opportunity to implement a similar system in Victoria that would assist with any large-scale emergency with mass casualties.

The ACTING PRESIDENT (**Mr Ondarchie**) — Order! I thank Ms Crozier for her warm wishes on the birth of my grandchild today. I appreciate them.

Crime rates

Ms MIKAKOS (Northern Metropolitan) — My congratulations also, Acting President, on the birth of your new grandchild.

My matter this evening is for the attention of the Minister for Police and Emergency Services. It relates to the rise in the rate of crime, particularly on senior Victorians. The latest Victoria Police crime statistics show that Victoria's statewide crime rate has risen by 3.4 per cent but crime against seniors has risen by an alarming 14.3 per cent. Crime rates have risen for the third year in a row, with significant increases in crime across most categories.

I am particularly concerned that senior Victorians are now more vulnerable than ever before with people aged over 60 being increasingly the target of crime. The statistics released by Victoria Police show that in the 12 months to June for people aged 60 and over there was a 70 per cent increase in the number who were murdered, a 77.8 per cent increase in the number of abductions, a 17 per cent increase in the number of assaults and a 6.7 per cent increase in the number of rapes.

I refer the minister to comments made by Chief Commissioner of Police, Ken Lay, at the Public Accounts and Estimates Committee hearing on 16 May, where he admitted the budget cuts were having a negative impact on policing. He said:

> There is no doubt at all that there has been a challenging time for us in relation to our finances. There have been occasions when we have actually reshaped our business to meet some of those challenges.

This was a very frank admission by the Chief Commissioner of Police that the Napthine government's slashing of $100 million from the Victoria Police budget and its sacking of 400 staff members is having a massive impact on front-line policing that is leaving senior Victorians more exposed and the broader community more vulnerable.

The government's so-called tough on crime agenda is therefore only rhetoric. The community is increasingly at risk, and in each reporting period since this government came to office we have seen crime rates rising, which compares to 12 years of crime rate reductions under Labor. The specific action I call for is for the minister to put in place specific strategies to provide for senior Victorians to be safer and less likely to be victims of crime and to ensure that Victoria Police is adequately resourced and that there are more police on the beat rather than the government having to move prisoners on rotation from one set of police cells to another because of the shortage of prison beds we face at the moment.

The ACTING PRESIDENT (**Mr Ondarchie**) — Order! I thank Ms Mikakos for her good wishes.

Ambulance services

Mr TARLAMIS (South Eastern Metropolitan) — Acting President, I also add my congratulations. The matter I raise today is for the Minister for Health, and the action that I seek is for him to take immediate action to resolve the ambulance crisis and open hospitals beds to fix the problem of ramping at Frankston Hospital's emergency department. Over recent weeks and months the crisis impacting our ambulance services and the impact of the cuts to the health system by this government, as well as ramping at Frankston Hospital's emergency department, have been widely circulated in the media, yet in April the Minister for Health, David Davis, and the member for Carrum in the other place, Mrs Donna Bauer, cut the ribbon at the opening of the new Chelsea ambulance station. In the accompanying media release of Sunday, 14 April, the minister promised:

> … Chelsea residents facing life-threatening medical emergencies now had even better access to ambulance services with this new 24-hour ambulance station.

The minister went on to claim that the new station was:

> … a welcome boost to paramedics who are now even better equipped to respond to … emergencies in and around Chelsea.

Sadly these statements were little comfort for a local Bonbeach family who only a month and 10 days after the minister's announcement called 000 and expected an ambulance to attend their four-month-old son, who was choking and experiencing breathing difficulties. Faced with a potentially dangerous situation involving a young baby the 000 operator rightly assured the distressed parents that an ambulance had been dispatched and was on its way, yet no ambulance came. For 90 minutes the distressed parents waited for an ambulance to arrive. The family subsequently received a phone call from a paramedic advising them of delays with the system and offering over-the-phone assistance.

Fortunately for the family the baby's breathing improved. The paramedic advised the stricken parents to take their son to a local emergency department or doctor as there would be a substantial wait for an ambulance to arrive.

Whilst the family involved in this horrible incident is grateful to the paramedics who supported them throughout this frightening ordeal, they are rightly appalled at this failure of the ambulance service under this government. The family is also, and I will quote them directly, 'appalled at the ongoing disrespectful treatment of the paramedics and unfair offers throughout their EBA negotiations'. They rightly point out that the health of a young baby can deteriorate quickly. Had the baby's breathing not returned to normal, the consequences for this family could have been devastating.

I therefore call on the Minister for Health to take immediate action to fix the ambulance crisis, not just in Carrum, where this incident occurred, but across the state, where instances like this are occurring much too frequently. The constant and repetitious claims about so-called funding amounts that are clearly not materialising or addressing the crisis mean nothing to waiting patients or hardworking paramedics and are clearly not good enough; neither are the claims of record funding when patients cannot even be guaranteed an ambulance will arrive when they need one. Given the escalating ambulance crisis and the government's election promise to 'fix the problems', it is about time the health minister did just that and stopped blaming others for his lack of action.

Responses

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I too extend my best wishes to you on becoming a grandfather again, Acting President.

I refer to the matters raised this evening. Mr Lenders raised a matter for the Minister for Public Transport. Mr Lenders spoke about four grade separations in his electorate and expressed concern that under this government there will be more trains travelling through his electorate on the Dandenong line. I would have thought that would be a good thing, but Mr Lenders apparently does not see it as a good thing.

Mr Lenders has raised the issue of four intersections in his electorate where he has expressed the view there should be grade separations. I will say to him that in the last two and a half years this government has invested more in grade separations and started more grade separations than the previous government did in 11 years. If Mr Lenders saw those four grade separations as so important in those 11 years, perhaps he could have started those grade separations while he was a minister in the previous government.

I will pass that matter on to the Minister for Public Transport, but I think it is a little late for Mr Lenders to be concerned about grade separations in his electorate when he previously had the capacity to do something about it. As I said, this government has done more in grade separations in two years than the previous government did in 11 years.

Mr Finn raised a matter for the Minister for Community Services with respect to Foodbank Victoria, and I will pass that on to the minister.

Ms Pulford raised a matter for the Minister for Public Transport with respect to school bus routes, and I will pass that on.

Mr Ramsay raised a matter for the Minister for Roads with respect to the Crowlands bridge near Ararat, and I will pass that on to the minister.

Mr Melhem raised a matter for the Minister for Public Transport with respect to the Watergardens railway station car park, and I will pass that on.

Mr O'Brien raised a matter for the Minister for Regional and Rural Development regarding natural disaster relief and recovery arrangements funding for flood recovery in the Stawell region, and I will pass that on to the Deputy Premier.

Mr Somyurek raised a matter for me in my capacity as Minister for Technology. He spoke about potential job losses associated with the IBM facility at Ballarat. I would say to Mr Somyurek that the Victorian government has had a long association with IBM at Ballarat, which is one of the great success stories in taking high-value tech-related jobs into regional Victoria, over the best part of two decades. While Mr Somyurek might want to talk about negatives around that project, this government is committed to working with IBM and indeed working with other rural job providers to grow our workforce in regional Victoria. Over the last three years we have seen the ICT workforce in this state increase by over 3000, which we think is a good thing.

Increasingly we are seeing jobs being located in regional Victoria, and last week I was delighted to be with the Premier in Bendigo for the announcement of a SharePoint factory, in association with La Trobe University in Bendigo, which will create 150-odd jobs in Bendigo. Likewise, we have seen investments with

IBM and now Federation University Australia in Ballarat that create jobs in regional Victoria. We recognise that an international company like IBM is all the time changing its job profile at various sites. It is a major employer in Victoria, employing thousands of people here, and the government is proud to work with the company and will continue to work with the company on investment both in regional Victoria and elsewhere in Victoria. Unlike Mr Somyurek, we are not going to talk down that investment; we will talk up what has been achieved.

Ms Crozier raised a matter for the Minister for Police and Emergency Services with respect to an incident alerting system that she witnessed in Israel. She called on the minister to investigate that system, and I will pass that on.

Ms Mikakos raised a matter for the Minister for Police and Emergency Services, basically with respect to crime statistics. She had a bit of a wander through a whole lot of issues and quoted a whole lot of statistics and allegedly quoted the Chief Commissioner of Police from the Public Accounts and Estimates Committee hearings. What I would say to Ms Mikakos is that this government has invested and is investing in community safety. We are seeing the rollout of 940 protective services officers (PSOs), which those opposite oppose. But the community has embraced them, and they are now being rolled out across the state and have been very well received by the community. We will not be lectured by Ms Mikakos and those opposite about the resourcing of Victoria Police. This government is very proud of the resources it is putting into Victoria Police and the results it is getting from rolling out programs like PSOs.

Mr Tarlamis raised a matter for the Minister for Health. Again, it was a bit of a wide-ranging discussion, which basically came back to Mr Tarlamis complaining about the health system and ambulances in particular. I would say to him, as the Minister for Health has said repeatedly, that this government is investing in the ambulance service. As the minister has said, this is a mess the government inherited — the failed merger of Rural Ambulance Victoria and the Metropolitan Ambulance Service — —

Mr Tarlamis interjected.

Hon. G. K. RICH-PHILLIPS — Mr Tarlamis seeks to use what he says is an individual case of an ambulance matter in Carrum. I will not comment on the particular case Mr Tarlamis used in his adjournment matter. However, from the many cases that the Leader of the Opposition in the Assembly raised with the Premier over a series of question times in that house earlier in the year, it is very evident that not all cases the opposition is using are in fact as they are portrayed. I will not comment on the claims Mr Tarlamis has made in this particular case, but I will reflect on the cases that were put up in the other place to the Premier which did not reflect the claims that were made by members of the opposition.

In terms of the funding of the health system, as the Minister for Health has repeatedly said in this chamber, this government has provided a record level of funding for the health system and will continue to do so. I will pass the matter on to the health minister, and I am sure he will have some comments for Mr Tarlamis as well.

In terms of written responses to adjournment matters, I have responses to five adjournment matters previously raised by members.

The PRESIDENT — Order! I bring to the attention of those members of the house who are still with us and those who are still in their offices something that we would all be very pleased about. I extend congratulations to Mr Ondarchie on the safe arrival this afternoon of his third grandchild, a grandson. Congratulations, Mr Ondarchie.

The house stands adjourned.

House adjourned 5.16 p.m. until Tuesday, 17 September.