PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Thursday, 29 May 2014

(Extract from book 7)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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(from 17 March 2014)

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

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

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

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

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

Rural and Regional Committee — (*Council*): Mr D. R. J. O'Brien. (*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.

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

Parliamentary Services — Secretary: Mr P. Lochert

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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The Hon. P. R. HALL (to 17 March 2013)

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Mr D. R. J. O'BRIEN (from 17 March 2013)
Mr D. K. DRUM (to 17 March 2013)

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Atkinson, Hon. Bruce Norman	Eastern Metropolitan	LP	Lovell, Hon. Wendy Ann	Northern Victoria	LP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Melhem, Mr Cesar [2]	Western Metropolitan	LP
Broad, Ms Candy Celeste [9]	Northern Victoria	ALP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Coote, Mrs Andrea	Southern Metropolitan	LP	Millar, Mrs Amanda Louise [4]	Northern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	O'Brien, Mr Daniel David [8]	Eastern Victoria	Nats
Dalla-Riva, Hon. Richard Alex Gordon	Eastern Metropolitan	LP	O'Brien, Mr David Roland Joseph	Western Victoria	Nats
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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 [7]	Eastern Victoria	Nats	Ronalds, Mr Andrew Mark [6]	Eastern Victoria	LP
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Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Lenders, Mr John	Southern 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
[5] Resigned 3 February 2014
[6] Appointed 5 February 2014
[7] Resigned 17 March 2014
[8] Appointed 26 March 2014
[9] Resigned 9 May 2014

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Thursday, 29 May 2014

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

PETITIONS

Following petition presented to house:

Phillip Island medical facility

To the Legislative Council of Victoria:

Dear Dr Napthine, Premier of Victoria

We the undersigned respectfully request that you present this petition to the Legislative Council of Victoria to allocate, as a matter of urgency, sufficient resources to provide, through a staged process, a 24-hour, 7-day public service medical facility on Phillip Island.

By Mr RONALDS (Eastern Victoria) (7443 signatures).

Laid on table.

ECONOMY AND INFRASTRUCTURE LEGISLATION COMMITTEE

Impact of carbon tax on health services

Mrs COOTE (Southern Metropolitan) presented report, including appendices and transcripts of evidence.

Laid on table.

Ordered that report be printed.

Mrs COOTE (Southern Metropolitan) — I move:

That the Council take note of the report.

At the outset, I would like to note that this is the third report of the Economy and Infrastructure Legislation Committee for the 57th Parliament, and I congratulate everyone on the committee for their collaborative approach to not only this inquiry but all of the inquiries the committee has presented to this Parliament.

I put on the record my praise for the people who were involved in the preparation of this report I have tabled today. I thank my deputy chairperson, Jaala Pulford, very much indeed. I thank Cesar Melhem, who made a very good contribution; Johan Scheffer, who stepped into the very big shoes of John Lenders when he stepped down from the committee halfway through the inquiry; Greg Barber, who made a valuable contribution, as members would expect; Bernie Finn, who is a robust member of our committee; Simon Ramsay, who was a great contributor; Damian Drum, who is now a minister but was a member of the committee for a considerable time; and our newest recruit, Danny O'Brien, who came in at the end with a very good contribution — I thank him very much indeed. However, the greatest praise goes to Keir Delaney, our secretary, and Annalies McEvoy, our research assistant, because without their support we would not have been able to present such a comprehensive report.

On 6 February the committee advertised the terms of reference for the inquiry on the parliamentary website and, members will be pleased to know, through the committee's Twitter account — we are very modern on this committee! — with submissions to be received by 28 February. The committee wrote to 300 individuals and organisations, but only 17 submissions were received. We interviewed several witnesses. I know other members are keen to speak on this report, and I am sure they will speak in detail about what the committee learned. I would particularly like to thank the Department of Health, which provided a comprehensive overview of the impact of the carbon tax on hospitals in Victoria.

Something in this report I would like to speak about, and I am glad we will have the opportunity to speak about it at other times, is appendix A, which is quite detailed. It starts on page 25 and it shows the carbon tax payments in 2012–13. I note that the reporting is somewhat different and it is hard to establish exactly what the carbon payments were for many hospitals, but I encourage members to have a good look at that appendix, because they will find it enlightening.

One of the findings of the inquiry was that health services in Victoria have made significant improvements in energy performance. I congratulate the Minister for Health for encouraging our health services to be vigilant about their carbon usage. Some of the energy efficiency initiatives we have seen in our health services over the last 10 years have included the installation of more efficient lighting, lighting controls — for example, motion sensors in infrequently occupied rooms such as storerooms — variable speed drives for fans or pumps, newer and more efficient air conditioning plants, air conditioning controls such as time controllers that switch equipment off after hours, and the improvement of the maintenance of building systems. By reading this list quickly, I may have made it sound like there has not been a huge set of changes, but the department has made very big changes incrementally, and it is to be congratulated on that.

In the past there has been a Greener Government Buildings program, and there is now going to be an Efficient Government Buildings program. Our recommendation is:

> That the Department of Treasury and Finance notes the importance of improving energy efficiency in Victorian hospitals and ensures that hospitals are given priority in the implementation of the new Efficient Government Buildings program.

Finally, I think in the context of the reference that we were given, notwithstanding an increase in federal to state health funding in 2012–13, the committee believes the former federal government's carbon tax has been an additional burden on our health system since it was introduced in July 2012.

Once again, I would like to thank very much the committee and the executive that supported us. I think this was a very collaborative approach, and I want to thank everyone who was involved in it. I think it showed our house in its best light, and I congratulate everyone involved with it.

Ms PULFORD (Western Victoria) — I, too, would like to make some comments on this report. At the commencement, I wholeheartedly endorse Mrs Coote's comments about the contribution of committee members and committee staff. It is important to note that the impact of the carbon tax on Victorian hospitals in 2012–13, which the committee identified to be in the order of $13.5 million, is smaller than the increase in federal to state funding in the same year. The contribution this report makes to the public discourse can really be nailed in 44 words, found on page v of the report under the heading 'Finding and recommendation'. Finding 1 reads:

> Health services have made significant improvement in energy efficiency performance.

Recommendation 1 is:

> That the Department of Treasury and Finance notes the importance of improving energy efficiency in Victorian hospitals and ensures that hospitals are given priority in the implementation of the new Efficient Government Buildings program.

This report is a magnificent example of the priorities of the Minister for Health and the way in which he goes about his business. The inquiry was conducted by the legislation committee, not the references committee; of the economy and infrastructure committee, not the legal and social issues committee. We received a submission from Environment Victoria that summed it up pretty well by saying:

> In our opinion, the terms of reference for this inquiry are farcical.
>
> …
>
> It appears to us that this inquiry is a political stunt, unbecoming of the Legislative Council and the respected process of parliamentary inquiries.

It is very important to note that the imposition on Victorian hospitals of the new national health partnerships agreement is ten times greater than that of the carbon tax — 25 800 elective surgeries compared to 2700.

Mr FINN (Western Metropolitan) — I commend Mrs Coote on her chairing of the committee. There were a number of challenges, to say the very least, and she carried out her task expertly, as we would expect of somebody with her expertise in the parliamentary field. I have to say that I went into this committee thinking that we might be in for a fair bit of conflict — almost physicality at times — but it did not quite work out that way. There were a number of people sitting around the table with a divergent range of views on the climate change scam, but in the end we came to the view that we probably could agree to a degree, and to that extent we did agree.

One thing that became very clear to me during the course of this committee inquiry was that yes, the carbon tax is hurting the health industry, and yes, the carbon tax is taking money away from patients. It is taking money away from sick people to go wherever it is that they put the carbon tax these days. If the federal Parliament is fair dinkum about looking after the people of Australia, one of the very first things it will do after the change in Senate numbers at the end of June is to scrap this heinous tax. It is a tax on everything, it achieves nothing, and to think that any government would impose a tax that hurts sick people is just extraordinary. It actually hurts people in hospital.

Mr Barber — That is called the Medicare co-payment!

Mr FINN — No, that is not the Medicare co-payment at all. Mr Barber and the greenies over there are happy to spend billions of dollars trying to prevent something that is not actually happening, but they are upset about $7. I commend the report, and I commend the members of the committee.

Mr BARBER (Northern Metropolitan) — I greatly enjoyed my service on this committee, not least of all because I got to work again with Mrs Coote, who will be leaving Parliament soon, so it was my last opportunity to do so. Parting is such sweet sorrow.

When this committee started we already knew the impact of the carbon tax on hospitals — 0.1 per cent added to their cost base. Mr Finn just attempted to paint that as a heinous thing while promoting, as he did yesterday in debate here, that $7 should be charged for each individual upon each visit to the doctor.

Mr Finn interjected.

Mr BARBER — On a point of order, President, Mr Finn by interjection just accused me of lying, and we know that is out of order and disorderly in this place.

The PRESIDENT — Order! I think Mr Finn's remarks were discourteous, if nothing else, on the basis that Mr Finn has already made a contribution on this matter and has put his proposition and Mr Barber is quite entitled to put his. I ask Mr Finn to desist from that sort of commentary at this point. Mr Barber is to continue and have 20 seconds added to his time.

Mr BARBER — Thank you for your protection, President.

However, a number of new facts came to light during the course of this inquiry, and that certainly reinforces the old adage — and the Minister for Health should be aware of it — that you should never start an inquiry unless you already know the result.

We got an enormous number of submissions from those who create jobs and develop prosperity whilst helping governments, and for that matter the private sector, to be more efficient in their use of energy. It appears from the latest data that the public health system's energy efficiency program, while having achieved some good results in the past, has stalled, and with unfortunate timing the government has downgraded what used to be called the Greener Government Buildings program. It saw that word 'green' and immediately had to get rid of it. It is now called the Efficient Government Buildings program. However, that program has to bid competitively for capital with every other call on the government's budget, including the building of a giant $18 billion road tunnel.

It is unfortunate that in the realm of energy efficiency, where there are true win-win-wins in relation to costs, the environment and efficiency, the government is downgrading its efforts. That was brought to light during this inquiry by a number of organisations that have put considerable investment into building up their businesses. However, the rug has been pulled out from underneath them by the government through a range of cuts to programs that are otherwise essential.

Mr RAMSAY (Western Victoria) — I would also like to join my fellow committee members in thanking Mrs Coote for her chairing of this committee. Unlike Mr Barber, though, I am not ready to wheel her out of the chamber just yet. There might well be another opportunity for her to chair an inquiry.

In relation to the inquiry, it was pleasing to see a bipartisan approach to a decision that indeed the carbon tax had a significant impact on health — —

Ms Pennicuik interjected.

Mr RAMSAY — My apologies to Ms Pennicuik; I should have said there was a multipartisan approach to an agreement that the carbon tax had a significant impact on health services right across Victoria, and the recommendations of the committee reflect that.

I thought it was a useful inquiry to demonstrate the impact that the carbon tax is having and the financial burden that many of our health services have had to carry in relation to that tax. We are looking forward to a swift passage through the Senate of legislation to abolish the carbon tax midyear. Hopefully there will never again be a need to have an inquiry such as this about a tax put on us, primarily by the Greens, which has had a significant impact on businesses right across Australia and particularly, in relation to this reference, on health services across Victoria. I congratulate the committee on its multipartisan approach to determining that the carbon tax placed a significant financial burden on health services.

While I am on my feet, I take this opportunity, as part of this reference, to congratulate the many health services which are incorporating energy-saving devices within their services. I note this given that next week we are going to see a gas-fired bioenergy facility replace the traditional coal-fired energy systems at the Beaufort Hospital.

Mr MELHEM (Western Metropolitan) — I join Mrs Coote and the other speakers in thanking the committee staff for the tremendous work they have done. I also acknowledge that the committee members have worked reasonably well together. But I will repeat what I said at the first meeting of the committee in relation to this: the reference itself was a waste of time. It was simply because the Minister for Health wanted to find someone else to blame for his failure to do his job.

Mr Ramsay interjected.

Mr MELHEM — That is a fact. The impact of the carbon tax was $13.5 million in a budget of over $12 billion, of which half went back to the federal

government, so it was about $7 million. It is good to acknowledge that federal governments have increased funding by somewhere in the order of $240 million.

I turn now to post the carbon tax and how the five major hospitals will fare under the Abbott federal government. The impact of the carbon tax last year on Melbourne Health, for example, was $973 000, and in 2014–15 it will lose $10.5 million. The impact of the tax on Northern Health last year was $420 000, and it will lose $4.76 million in 2014–15. The impact of the tax on Colac Area Health last year was $65 000 or thereabouts, and it will lose $327 000 in the new budget. The impact of the tax on Western District Health — —

Hon. D. M. Davis — On a point of order, President, I do not believe the data in the table the member is reading from is accurate or authoritative data. I think he has made it up. I do not believe it is pertinent to the inquiry report that has just been tabled, and I think the member has deviated into different territory.

Ms Pulford — On the point of order, President, the health services the member is referring to are the five health services from across Victoria that chose to provide evidence to the committee about the cost of the carbon tax to their business. It is absolutely germane to the report.

The PRESIDENT — Order! I ask Mr Melhem for the source of the table he is reading from.

Mr MELHEM — It is an analysis done by the opposition room on the impact of the tax. I am sure the minister has the resources to do his own research.

The PRESIDENT — Order! I know where it is coming from.

Hon. D. M. Davis — Further to the point of order, President, this is not pertinent to the inquiry report that has just been tabled and to which this take-note debate relates.

Ms Pulford — Further to the point of order, President, it is absolutely pertinent to the report. The report is about the impact of federal government decisions on the costs incurred by Victorian hospitals. Earlier in the debate I was not pulled up when I made the exact same point. I think Mr Melhem should be able to finish talking about the fifth of the five hospitals. It is a terrible shame that the Minister for Health is seeking to deny the house information on his obsession about the relativities of the impact of the carbon tax on Victorian hospitals.

Hon. D. M. Davis — Further on the point of order, President, it is a different set of figures that the member is employing there and they have no standing or status.

The PRESIDENT — Order! In terms of the document Mr Melhem is reading from, is this an analysis that has been done on the report?

Mr MELHEM — No.

The PRESIDENT — Order! I would have real concern if the opposition room had analysed the report before the report had been tabled. That would be my greatest concern.

I do not intend to uphold the point of order; I intend to allow Mr Melhem to continue with his contribution. I am not in a position to tell members what they should and should not say. I accept that I have a responsibility to maintain relevance, but I am certainly not in a position to verify documents that members read from. As a courtesy to the house, and obviously in the interests of the integrity of members, it is important that those documents are authentic and that where possible they are referenced. It is unfortunate that Mr Melhem did not reference what document he was reading from, which meant that the minister took issue with some of the figures. It is quite likely that all three parties in this place would have quite different statistics and interpretations.

The reason I intend to allow Mr Melhem to continue is that other speakers raised other aspects in terms of cost impacts on hospitals that were, by inference, greater than the cost impacts of the carbon tax. I think that is the point they have been trying to make. On the other hand, Mr Finn made some similar comments outside what I would regard as the scope of the report, but I also thought they were fair in terms of putting his view of the report in the context of some broader issues. I do not have a problem with that material being pursued, but clearly it is a matter of debate. Members have the opportunity to use another mechanism if they wish to pursue the remarks Mr Melhem put to the house today. The government could also seek to have that document tabled. Whether or not Mr Melhem is prepared to table the document — it was prepared by the opposition room, so it is probably an in-confidence document for the party — that opportunity would be available.

Hon. D. M. Davis — President, further to your comment — and in a sense a point of order — there is no tradition in this house of requiring the tabling of documents, but members are able to make documents available if they wish. Mr Melhem may wish to make that document available.

The PRESIDENT — Order! Mr Davis is quite right; there is no tradition to require or compel documents to be tabled, but there have been requests for documents to be tabled on many occasions. At any rate, as I said, this is probably a working document of the opposition, so its members probably do not wish to table it on this occasion.

Mr MELHEM — I want to clarify the notional share of the Abbott government's cuts. For Western District Health Services, the impact of the carbon tax is $130 000 — —

Hon. D. M. Davis — On a point of order, President, earlier I distinctly heard the member say that these are specific cuts to services, and he has just indicated that these are notional cuts to services. I would argue that an actual cut is a very different thing from a notional cut, and therefore the two things he said are inconsistent. He may wish to correct his earlier statements.

Mr MELHEM — On the point of order, President, the minister is splitting hairs. He will have a chance to refute that.

The PRESIDENT — Order! From my point of view this is a matter of conjecture and debate. It is not a point of order; it is not a problem with our processes. It is a matter of debate.

Mr MELHEM — In my remaining 17 seconds, the impact of the carbon tax on the last health service I was going to quote was $403 000, and it will be affected next year by $2.26 million in cuts.

Finally, if the minister was so concerned about the impact of the carbon tax, he should have raised that matter with the federal government at the time and got the whole sector exempted.

Hon. D. M. Davis — I did!

Mr MELHEM — You did not in your letters.

Motion agreed to.

PAPERS

Laid on table by Acting Clerk:

Auditor-General's reports on —

Access to Services for Refugees, Migrants and Asylum Seekers, May 2014.

Accessibility of Mainstream Services for Aboriginal Victorians, May 2014.

Professional Standards Act 2003 —

Law Society of Western Australia Scheme, 17 April 2014.

Victorian Bar Professional Standards Scheme, 17 April 2014.

Western Australian Bar Association Scheme, 17 April 2014.

Statutory Rules under the following Acts of Parliament:

Building Act 1993 — No. 37.

Electricity Safety Act 1998 — No. 36.

Subordinate Legislation Act 1994 — No. 38.

Survey Co-ordination Act 1958 — No. 39.

BUSINESS OF THE HOUSE

Adjournment

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

That the Council, at its rising, adjourn until Tuesday, 10 June 2014.

Motion agreed to.

MEMBERS STATEMENTS

State and federal budgets

Mr SOMYUREK (South Eastern Metropolitan) — Like many Australians I was mortified by the federal government's drastic and unnecessary budget cuts. This government talks about increasing the nation's prosperity, but it has either cut funding to vital government agencies or abolished them altogether. I am particularly concerned about the government's cuts to science, innovation and learning. The Abbott federal government has cut funding to the Australian Institute of Marine Science, the Australian Nuclear Science and Technology Organisation, and, significantly, the Commonwealth Scientific and Industrial Research Organisation.

According to the government this will save $146.8 million but will cost us valuable research into science, technology and innovation. These cuts prove that the Abbott government's musings about moving away from our traditional manufacturing base to high-tech industries is simply hollow rhetoric.

Released earlier this month, the Napthine budget was a missed opportunity for the Napthine government to support the Victorian manufacturing sector, and it was certainly a slap in the face to that sector, which was hoping for support from the budget, given that the

automotive sector went south, in essence, during the last financial year. The Napthine government claims that the panacea for the decline of our manufacturing sector and auto industry is infrastructure investment. However, the problem is that in the 1500 pages — —

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

East–west link

Mr FINN (Western Metropolitan) — The wall has come crashing down. The crumbling facade Labor has long displayed — that it actually cares about the western suburbs — has been smashed. Labor's decision to oppose stage 2 of the east–west link, the western link, is the equivalent of giving the bird to every resident of Melbourne's west. Faced with a government, the Napthine government, that is actually doing things for the west, the ALP has turned its back and walked away.

Labor has said to the residents of Yarraville, Footscray and the inner west that it does not care about the truck problem that has plagued them for decades, which will finally be solved by the building of the western link. It has told residents of Werribee, Caroline Springs, Hoppers Crossing, Tarneit, Laverton and surrounds that it is more than happy for them to sit in traffic until they rot. There will be no solution to congestion on the West Gate Bridge under any Labor government. Labor has given up all pretence of supporting the western suburbs. We have known for years that it was a sham anyway. Thank God we have a government, the Napthine government, that has done more for Melbourne's west in the past three months than Labor did in three generations.

Health funding

Mr MELHEM (Western Metropolitan) — The Napthine government has already decided to invest double the amount in prison beds than it will in hospital beds in this state budget. Now the Abbott federal government is placing a $7 tax on seeing a GP. Under the watch of the Napthine government Melbourne's west has experienced the greatest increases in elective surgery wait times at the top three hospitals in the west — Sunshine Hospital, Western Hospital in Footscray and Williamstown Hospital. Now people in Melbourne's west are being asked to pay more on top of waiting longer. It is unacceptable.

Further, the Abbott government has signalled in its federal budget that it is going to pull $80 billion in funding not only from health but also from education. Melbourne's west only got 1 of the 12 proposed schools in the state budget. Victoria University is currently slashing staff, with plummeting TAFE enrolments. It is clear that the priorities of Premier Napthine and Prime Minister Abbott are not in the west, yet the Premier is making a lot of noise and spending a fair bit of time in the west and making a lot of empty promises. The Premier should show that he is genuine about fighting this disastrous federal budget. All we have seen up until now from the Premier is staged media appearances and fake calls for tough discussions at the Council of Australian Governments. Instead of that those opposite should choose to direct funding into health and education in this state, reverse the $1 billion worth of cuts to TAFE and increase funding to health in this state now, not just in the future.

Renewable energy target

Mr BARBER (Northern Metropolitan) — I was pleased but surprised to read, almost as I walked in here this morning, that the New South Wales government, in its submission to the federal government, is backing the full 41 000-gigawatt-hour renewable energy target. We know the development of renewable energy is good for the environment and jobs, particularly in regional Victoria, and it is interesting to note the words of the New South Wales submission:

> It is the case that there are differing assessments of the impact of the RET on consumers. Nonetheless it is recognised that for customers the scheme has headline costs associated with the price of certificates, offset by benefits through avoided higher wholesale electricity prices.

The question I am asking myself is: if the New South Wales Premier gets it, when will we see the Premier of this state put a similar submission to the federal government in support of the renewable energy target? Unfortunately the Premier has too many MPs in his party room who do not support the development of renewable energy, and the Premier will not take them on.

Wind and solar are the big job and wealth generators in regional Victoria — especially in the Premier's own electorate but also in places like Geelong and Ballarat. Leaving the existing 41 000-gigawatt-hours target as is will mean jobs in renewable energy will be secured, and a number of wind farm projects that are on hold will get up and running. It is time for the Premier to tell the Prime Minister that Victoria's future is in clean energy and not in dirty old coal.

Sons of the West

Mr ELSBURY (Western Metropolitan) — I rise this morning to congratulate the Western Bulldogs on taking a lead on men's health through their Sons of the West campaign in conjunction with western suburbs councils and community health providers. I was pleased to be able to participate in the campaign launch at Whitten Oval on Sunday last week. It was great to see so many men taking up the opportunity to have a health check, participate in healthy cooking demonstrations and find out about the services available to men in the west.

East–west link

Mr ELSBURY — I have a message for Labor members who claim to represent the west: get out of the way. The construction of the second stage of the east–west link is vital for the continued growth and prosperity of the western suburbs. While some members of the ALP have in the past beaten their chests, sought to get petitions signed and rented mobile billboards with messages against this government in support of the construction of stage 2, the fact remains that the Liberals are building the east–west link and Labor opposes it, along with its Greens mates. Those members who once shouted for it, like Cesar Melhem; Marsha Thomson, the member for Footscray in the Assembly; and Wade Noonan, the member for Williamstown in the Assembly, are now silent.

Western suburbs schools

Mr ELSBURY — I would like to pick up on Cesar's claims about education in the west — —

The PRESIDENT — Order! We do not use first names; it is Mr Melhem.

Mr ELSBURY — My apologies. I would like to pick up on Mr Melhem's claims in this house earlier on about schools in the west. In this budget a new school has been proposed, as have second-stage constructions at two schools and refurbishments at two further schools.

State and federal budgets

Ms MIKAKOS (Northern Metropolitan) — The Premier and the Prime Minister have joined forces to declare war on some of the most vulnerable and disadvantaged members of our community. Seniors in particular have been unfairly targeted. Not only has the Abbott federal government increased the retirement age to 70 but it has reduced the way the pension will increase in the future so that its value will decrease over time. Despite an election promise to fix the cost of living, the Napthine government has slugged Victorian pensioners more for car registration, public transport and public housing rents. It has done nothing to address the cost of pensioners' utilities. Tony Abbott has also axed funding for concessions. The Napthine government has neglected the provision of essential services that seniors rely on, such as our health system, which is in crisis, and it has now embarked on a massive sale of our public aged-care facilities.

One of the most shocking things in the federal budget is the attack on Medicare and universal health cover. This is shameful. The $7 GP tax will unfairly impact on pensioners and low income families. They will be paying this every time they have medical tests done. This will drive more and more people to visit hospital emergency departments, which are already in crisis. The Abbott government's petrol tax will impact on the ability of pensioners and families to balance their household budgets.

Young people are also being targeted with massive increases in the cost of going to university, and people under 30 will have to wait six months before they can access unemployment benefits. These measures will hurt young people in our state, which has the highest youth unemployment rate in mainland Australia, thanks to the Napthine government's cuts to TAFE, the Victorian certificate of applied learning and education generally. Only Labor will fight against these unfair attacks on Victorians, because only Labor understands how difficult life is for Victorians under both state and federal coalition governments.

Bendigo Hospital

Mrs MILLAR (Northern Victoria) — Last week I was in Bendigo for a number of key events to mark that great city's recent rejuvenation. The sense of excitement is palpable in Bendigo at this time, and last week's events showcased how true this is.

Last Tuesday, with the Minister for Health, David Davis, I was on site at the new Bendigo Hospital for the naming of the fourth and final crane. With us was beautiful nine-year-old Victoria Scicluna, who was born in this hospital and who named the crane after her stillborn sister, Lucy. This was both a moving and an inspiring day.

Work on the new Bendigo Hospital is progressing rapidly. There are now three levels of the new hospital being built simultaneously. To date, around 15 000 square metres of concrete has been poured, with

around 180 workers on site each day. Construction is on track and is expected to be completed by the end of 2016.

Part of the Bendigo Hospital project has been the opening of the new Art Series hotel — the first in regional Victoria — which I was proud to officially open on behalf of Minister Davis last Thursday. The Schaller Studio — which is named after renowned Australian artist Mark Schaller, whose glittering canvases fill the foyer and rooms of this hotel — will be the partner hotel for the Bendigo Art Gallery, the success of which has been central to Bendigo's swelling civic pride and success in recent years.

Annie North Women's Refuge

Mrs MILLAR — On Friday morning I was proud to join the Premier, the Minister for Housing, Wendy Lovell, and the Minister for Sport and Recreation, Damian Drum, for the announcement that $3 million in funding will be allocated for the planning and construction of Annie North Women's Refuge via the department of housing's departmental processes to provide support, protection and temporary accommodation for women and children who are victims of domestic violence in Bendigo and across the wider region of northern Victoria. Only the coalition government is building a better Bendigo.

Family violence

Mr EIDEH (Western Metropolitan) — I rise today to express my disappointment at the Napthine government's new budget, which clearly ignores the needs of women and children exposed to family violence.

I was shocked to learn that among all crimes committed, family violence dominates the crime statistics in our state, and in particular the western suburbs. I was disappointed to learn that Women's Health West, a not-for-profit organisation which provides family violence response services throughout my electorate, has not been provided with additional funding to cope with the increase in new clients seeking assistance. This additional funding request was submitted for funding in the budget, but has been overlooked by the government.

Extreme family violence has been directly linked to an increased chance that a woman or child may be killed or severely injured. Yet the government has made no room for additional funding for family violence services. I am horrified that a government would let down so many defenceless and vulnerable children, the majority of them primary school aged. All children, whether in the western or eastern suburbs, deserve to have easy access to counselling and support.

If vital services such as these are not properly funded, how will our state support the increasing number of children exposed to family violence? I urge the government to get its priorities right and to realise that family violence outreach services such as Women's Health West need more funding to meet the increase in demand.

Maryborough

Mr D. R. J. O'BRIEN (Western Victoria) — I speak today on two important matters related to the Maryborough community in western Victoria. Recently I visited Maryborough with the Minister for Local Government, Tim Bull, to speak with the Central Goldfields Shire Council. Maryborough is a vibrant regional hub and is also known for its imposing railway station. Maryborough is also known in more recent times for an innovation program named Go Goldfields.

This program is proudly supported by $2.5 million in Victorian government funding. It is aimed at breaking the acknowledged connection between social disadvantage and educational disadvantage. Highlights of the program include expanded speech pathology services through the Maryborough District Health Service. I commend that health service board, including Cr Wendy McIvor, who has done a fantastic job in relation to that service and also in relation to children's literature, for which she is an advocate.

There is also a need for learning, and that is why I would welcome a follow-up visit by Minister Bull to look at the public library facilities in Maryborough, which require attention and funding, about which Wendy McIvor has also been in discussions with me.

This follows a visit by Minister Bull and The Nationals candidate for Ripon Mr Scott Turner to the Creswick Library, which also received increased funding. I could not attend due to Public Accounts and Estimates Committee duties, but over the past three years the coalition government's $17.2 million Living Libraries infrastructure program has delivered funding to 45 library services.

I look forward to Minister Bull visiting the important community of Maryborough.

Australian Labor Party

Mr ONDARCHIE (Northern Metropolitan) — Recently we have heard the federal Leader of the Opposition, Bill Shorten, suggest that the Labor Party reform itself into a member-based party instead of being a union-based party. This is a commonsense Johnny-come-lately move, and the Victorian people should ask themselves why the Labor Party is lagging so far behind. The Victorian Liberal Party, a conservative party, modernised to allow free and open preselections some years ago. Our party saw the changing nature of the Australian polity and moved with it, while the vested interests of the Labor Party saw an erosion of their power base and moved against it.

Those opposite had the gall to criticise the Liberal Party for having free and open preselections earlier this year where candidates were able to run and party members who met reasonable minimum standards were able to choose who they preferred, a practice that is in line with democracy's best traditions and that we are proud of. We all know the backroom dealers and union heavyweights will oppose this. It remains to be seen whether the Construction, Forestry, Mining and Energy Union (CFMEU) and company will sink this proposal; we all know the lengths they will go to to preserve their power base.

The Johnny-come-latelies of Australian politics call themselves a progressive party, yet their party structures are reminiscent of the Stone Age. I welcome the Labor Party trying to rid itself of its union shackles, but the people of Victoria should be highly offended by the contempt those opposite show for free and open preselections, and the support for vested union interests that infects the Labor Party to this day. What is Daniel Andrews, the Leader of the Opposition and member for Mulgrave in the Assembly, going to do? We all know that Labor is spelt C-F-M-E-U.

The PRESIDENT — Order! I know Mr Ondarchie was trying to keep an eye on the time, but it is a courtesy to the Chair for members to direct remarks to this end of the chamber rather than to Mr Finn.

Mr ONDARCHIE — I apologise; I was looking at the clock.

The PRESIDENT — I was aware of that, which is why I did not say anything earlier, but an occasional glance my way would have been appreciated. I feel deprived otherwise.

VICTORIA POLICE AMENDMENT (CONSEQUENTIAL AND OTHER MATTERS) BILL 2014

Second reading

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

Ms PENNICUIK (Southern Metropolitan) — In my contribution to the debate on the Victoria Police Amendment (Consequential and Other Matters) Bill 2014 on Tuesday I foreshadowed that I would be moving some amendments. I had in fact given notice of a motion to allow, when the bill goes into the committee stage, the committee to have the power to consider the amendments I circulated on Tuesday. For the benefit of members, the main amendment would be to insert new clauses to follow clause 4. This would amend the Victoria Police Act 2013 to maintain the principle that the state is liable for all police torts but to remove section 74(2) from the principal act which provides:

> The state is not liable for a police tort if … the police tort was serious and wilful misconduct by the police officer or protective services officer who committed the police tort.

This would mean the state would be liable for all police torts whether or not the conduct was serious and wilful misconduct. That would bring us into line with the commonwealth under the Australian Federal Police Act 1979, with New South Wales under section 213 of the Police Act 1990 in that state and with Queensland under section 10(5) of its Police Service Administration Act 1990. In the three largest jurisdictions in the country apart from Victoria the state is liable for all conduct of police and protective services officers whether or not the conduct was serious and wilful misconduct. It is interesting to note that where police act in good faith or the equivalent the state is liable in every jurisdiction. In Victoria we have tried on two occasions — as I mentioned on Tuesday — to amend the police act to bring us into line with the commonwealth, New South Wales and Queensland with regard to this.

In his second-reading speech on 16 October last year the Minister for Police and Emergency Services, Mr Wells, stated that the bill:

> … protects police and PSOs from the unnecessary stress of being named in lengthy court proceedings in the circumstances where these members were just doing their job.

About serious and wilful misconduct he said:

> This means that serious misconduct by police which is deliberate, which extends beyond recklessness, or culpable or gross negligence and which is done with a knowledge that risk of injury or loss may occur, may fall within the concept of serious and wilful misconduct.

In effect the changes in the bill preserve the status quo in Victoria, but the only change it makes is that the plaintiff would take the action against the state in all cases in the first instance. The changes in the bill bring that about.

The minister's reference to 'extends beyond recklessness, or culpable or gross negligence' really brings home the point that the state is liable for all police torts but will make itself not liable in the case of that type of conduct. The argument that I put is that leaves the person who has been the recipient of that conduct with no access to justice or compensation.

The Flemington and Kensington Community Legal Centre has put together an analysis regarding the new provisions in the police act and asks whether they go far enough. As members would be aware, the centre has represented many members of the public who have been on the receiving end of improper conduct or misconduct at the hands of police and has been in the courts with regard to action taken by and racial profiling by police. That issue has been acknowledged by the Chief Commissioner of Police, Ken Lay, as one that needs to be dealt with.

The centre has put together an analysis of this issue with regard to police torts under the new act. The analysis says the changes to the principal act streamline the process for victims of police torts and that the claim must be made against the state and not against individual officers. The victim can join individual officers to the claim only where the state raises the defence that it is not liable for the police tort because the conduct giving rise to the tort was serious or wilful misconduct, or, if proven, the tort would not be a police tort. If the state successfully runs a defence that it is not liable because the police officer's conduct was serious and wilful, then it cannot recover its costs from either the victim or the police officer defendant under section 78 of the Victoria Police Act 2013. The legal centre states:

> If a police officer is found personally liable for the tortious action (which would be the case where the state is successful in its defence that the impugned conduct was serious and wilful misconduct), the victim has to exhaust all avenues to recover any costs and damages awarded to them against that officer (section 79);
>
> However, where a victim has exhausted all avenues in trying to recover any costs and damages awarded to them, the minister must pay an amount (not exceeding the actual costs and damages awarded) to the victim if the victim is 'unlikely' to recover the amount from the officer who committed the tort.

The Victorian system is deficient when compared with those of the commonwealth, New South Wales and Queensland. I submit that this bill provides us with an opportunity for reform. In terms of the analysis made by the Flemington and Kensington Community Legal Centre, between the United Nations Human Rights Committee and the passing of this bill lies a critical window to influence legislative change. I refer to the United Nations Human Rights Committee's decision regarding the case of Corinna Horvath, which I have previously raised in regard to this issue. The amendment I will put forward would apply to any person who found themselves in a similar situation. I urge all parties to support it.

The analysis of the Flemington Kensington Community Legal Centre asks what the reforms mean practically, and it puts forward this scenario:

> A victim is awarded damages against a police officer, for tortious conduct amounting to serious and wilful misconduct. The state successfully pleads the defence that it is not liable. What would happen under the new act? Theoretically … the following is plausible:
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> > The victim is required to use their own money, or rely on pro bono assistance, to pursue the officer for the damages and costs awarded against them (which could take many months, or possibly years). In the interim, the legal representatives that assisted them with the primary action will not receive payment and the victim will not receive compensation.
> >
> > The officers may declare themselves bankrupt —

which has happened; it happened in the case of Corinna Horvath —

> At that point, arguably, the minister would be satisfied for the purposes of section 79(2) that the victim has exhausted all avenues to recover the damages/costs awarded and they are unlikely to recover the amount from the liable officer — and may give the victim an ex gratia payment of an amount of money not exceeding that awarded to them.
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> (But is not clear whether this leaves the victim open to receiving a lesser amount than that actually awarded to them.)

There is a window of opportunity here to bring the Victorian principal act up to speed with those of the commonwealth, Queensland and New South Wales, for example. In fact on 22 April this year the United Nations Human Rights Committee made a ruling on the case of *Horvath v. Australia*.

I have read through that decision. The case of Corinna Horvath is very disturbing, and people can read the document for themselves. It outlines what has happened to Ms Horvath over the last 18 years since 9 March 1996, the day on which the incident with the police occurred, and outlines Ms Horvath's struggles for compensation through the County Court, the Court of Appeal and then the United Nations. To this day Ms Horvath has still not been compensated for what happened to her.

On 9 March 1996 the police went to Ms Horvath's home. She was tackled to the ground and punched in the face. Her nose was broken, and having been rendered senseless she was handcuffed and, while still bleeding, taken away and lodged in a police cell. The judge in the County Court said that it was a 'disgraceful and outrageous display of police force in a private house' and that it was characterised by 'excessive and unnecessary violence wrought out of unmeritorious motives of ill will'. Ms Horvath was granted compensation by the County Court of around $270 000, but that was knocked out by the Court of Appeal because we are still operating under section 123, 'Immunity of members', of the Police Regulation Act 1958. The new police act has not come into force. Section 123 states:

> (1) A member of the force or a police recruit is not personally liable for anything necessarily or reasonably done or omitted to be done in good faith in the course of his or her duty as a member of the force or police recruit.
>
> (2) Any liability resulting from an act or omission that, but for subsection (1), would attach to a member of the force or police recruit, attaches instead to the state.

Under section 123 the state is only liable for police torts done in good faith. It is difficult for a person to make claims for the most egregious injuries or damages in cases where they have been subject to what the minister himself has referred to as 'culpable or gross negligence', and in many cases compensation has never been granted, or such people have not been able to obtain it and consequently obtain justice.

Obviously the vast majority of police officers do not engage in gross negligence or reckless behaviour, but occasionally some do. Members of the public can be injured, and that can affect their lives. That has been the case for Corinna Horvath for the past 18 years, and she has not been compensated for the injuries she received.

In its analysis the Flemington and Kensington Community Legal Centre indicated that it is unlikely under the new act that a victim like Corinna Horvath would receive any compensation for police torts committed wilfully. A victim will still be forced to pursue individual officers for damages and costs awarded against them. This can be a lengthy, expensive and exhausting process, and we are talking about somebody who is already injured. Once that process has been exhausted, the legislation provides that the state will step in and ensure that a victim receives an amount of compensation and will not recover moneys from the officers involved by way of an ex gratia payment. It is unclear to what lengths the victim must go before the state will step in, but one good thing in the legislation is that a victim will not be exposed to the state's legal costs if the state successfully argues the defence that the officer alone is liable because the tortious conduct was so gross.

I have read through the decision of the United Nations Human Rights Committee, and it includes the position put by Ms Horvath and the position put by the state — in this case Australia. It is very interesting reading, but it is also very concerning and disturbing to read about what happened to Ms Horvath and what she has suffered and endured over the past 18 years. The major conclusion of the United Nations Human Rights Committee is:

> In accordance with article 2, paragraph 3(a), of the covenant, the state party is under an obligation to provide the author with an effective remedy, including … adequate compensation. The state party is also under an obligation to take steps to prevent similar violations in the future. In this connection, the state party should review its legislation … to ensure its conformity with the requirements of … the covenant.
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> Bearing in mind that, by becoming a party to the optional protocol, the state party has recognised the competence of the committee to determine whether there has been a violation of the covenant or not and that, pursuant to article 2 of the covenant, the state party has undertaken to ensure to all individuals within its territory or subject to its jurisdiction the rights recognised in the covenant and to provide an effective and enforceable remedy when it has been determined that a violation has occurred, the committee wishes to receive from the state party, within 180 days, information about the measures taken to give effect to the committee's views. The state party is also requested to publish the present views, and to have them widely disseminated … in the state party.

The phrase 'within its territory' could refer to the states and territories of Australia, which are also subject to the covenant.

In effect that United Nations Human Rights Committee decision indicates that the state of Victoria does not have an effective remedy in the case of Corinna Horvath and in similar cases, and the committee has asked that the legislation be amended. The amendment I propose would bring the Victorian act into line with commonwealth legislation and that of New South Wales and Queensland so that the state would be liable

for all torts against police and protective services officers. The state could then also recover from those police officers the costs of compensation.

I hope the other parties will take the opportunity that this bill presents. I understand that the Victoria Police Amendment (Consequential and Other Matters) Bill 2014 contains 226 pages of consequential amendments. The bill itself does not make any substantive amendments except to provide for the publishing of reasons by the police board, but it does provide us with this opportunity that the Parliament could take.

In the Australian Senate on 13 May Senator Gavin Marshall made a very long speech about the United Nations decision and the injustices suffered by Corinna Horvath. He called on the Victorian government to ensure that its legislation is amended to make it clear that the police are liable for all torts against police officers and protective services officers. That is very interesting. I note that the last time I put this amendment forward Mr Tee commented — and I paraphrase him; he may correct me — that this is an issue that needs to be looked at seriously. Let us look at it seriously now and fix up this anomaly in the Victorian act.

I was also very interested to read that Senator Marshall said:

> I again call on the state government of Victoria to create an independent body to investigate complaints against police and to have the power to prosecute police for their misconduct. This may involve expanding the scope and budget of IBAC.

That is interesting because I have put forward motions in this Parliament for the establishment of an independent body to investigate police misconduct so that the police are not investigating themselves. That is largely the current practice, and at the IBAC briefing I attended yesterday it was confirmed that the majority of complaints IBAC has heard are complaints against police. Of course that is because it has, for all intents and purposes, taken over the role of the former Office of Police Integrity, and some of that body's cases were ongoing. IBAC confirmed that the majority of complaints it handles are complaints against police but that it refers many of them, if not most of them, back to the police, so we still have a situation where the police are investigating themselves in relation to complaints made against them.

This is an issue which concerns the public. The public does not believe it is a good state of affairs for the police to be investigating themselves, and it supports the idea of an independent body to investigate police. In fact the former director, police integrity, made a recommendation to Parliament that an independent body be set up to investigate serious injury and deaths 'associated with police contact' — those were the words that were used. We still do not have that, despite Senator Marshall saying that he is again calling for it, although I was not aware that he had called for it before. He said in his speech that unfortunately his colleagues in the state Parliament have not hitherto supported that call, but hopefully they will change their position.

In addition to changes to the police act to make it very clear that the state is responsible for police torts, we also need to set up a completely independent body to investigate deaths and serious injuries as a result of police contact. I have mentioned before in this Parliament that similar bodies exist overseas. They are independent of the police, and where there is a death or serious injury involving police contact they in fact take over the scene. They come in, rope off the scene and take control of the witnesses, including police witnesses. That is not done by police. That means that the police themselves are not in any way involved in interviewing witnesses who could be police witnesses. That is done by an independent body. That is best practice, and that is what we should be aiming for.

The bill itself, as I said, is 226 pages of consequential amendments — changes to the statute with regard to aligning terms in the new and old acts. However, the bill provides us with this opportunity to consider this amendment to the police act before it comes into force at the end of this year.

Mr FINN (Western Metropolitan) — I rise this morning to very warmly support the Victoria Police Amendment (Consequential and Other Matters) Bill 2014. It is almost taken as a given these days that those on the extreme left of politics in this country, and in most other places, hate the police. In fact they detest the police. What we have heard from Ms Pennicuik this morning and what we heard from her on Tuesday merely confirms that. We heard an array of insinuations, semi-accusations and quasi-allegations against the police, and I have to say that pretty much sickens me. I happen to have a lot of time for Victoria Police. I have many friends in Victoria Police. I know the commitment they have towards this state and the people of this state, and I believe we should give them the support they deserve.

I have long said that members of Victoria Police deserve not only the resources but the authority to do their jobs.

Mr Tee interjected.

Mr FINN — Would Mr Tee, from the extreme left that I referred to just a moment ago and a member of the Construction, Forestry, Mining and Energy Union (CFMEU), not have a vested interest in nobbling the police? Here he is arcing right up because the police stand up to his thug mates in the unions while they are doing their job — the police, not the unions, I hasten to add — and he is not happy at all. We know what has happened.

I sat in silence, perhaps to my shame, while Ms Pennicuik degraded and ran down Victoria Police. I get up here and after less than 2 minutes of praising Victoria Police and saying we should support them a senior member of the Labor Party in this state is trying to howl me down. Does that not tell us all we need to know about what would happen if the Labor Party ever became the government in this state again?

I have to say that I fear for the future of individual police officers if the Labor Party were to become the government, because what we have seen on the streets in recent times is pretty despicable. We have seen almost professional hooligans taking to the streets, assaulting police, assaulting innocent individuals, spitting, kicking, punching and involving themselves in all manner of violence against the police.

Mr D. R. J. O'Brien interjected.

Mr FINN — They did punch a horse. That would probably upset the Greens more than them punching the police.

As somebody who has been subjected to the sort of violence police are subjected to too regularly, I have considerable sympathy for police and their ability to do their job. I have asked a number of police, 'Why don't you put these people in their place? Why don't you defend yourselves? Why don't you defend innocent people on the streets from these hooligans, these lunatics of the extreme left?'. They have said to me straight out, 'We are afraid of doing our job'. That is because there are what can only be described as 'professional litigants' from various community legal services around the place who are very happy to drag any police officer at all into court. They get some joy from dragging police officers through the legal system because they see that as a blow against the police and against authority as they see it in this state and in this country.

I believe that we as a Parliament and as a community have an obligation to give our police officers the authority and the power they need to do their job properly, and what we have heard from Ms Pennicuik in this debate only undermines the position the police hold in our society. God help us if we did not have the police! I fear to think where we would be if that thin blue line did not exist. I fear to think what would happen if those outstanding men and women of Victoria Police were not out there protecting us every day and putting their lives, or certainly their safety, on the line in many instances to do their job.

I have said in the house before that it should be remembered that when we get up in the morning and go to work there is a fair chance we are going to return. If we were betting individuals, we would put money down that we will return safely. When police leave their homes at whatever time of the night or day their roster might require, there is no guarantee that they will return. That is no guarantee that they will survive that shift. Every police officer in this state carries that burden with them. They do an extraordinary job when you consider that they have to put that thought out of their minds to do their jobs, and we have seen over a period of time brave police officers who have been killed in the course of duty — some by professional criminals. I suppose to a degree that is just an extension of the thought processes espoused by the extreme left in their hatred for the police.

When I see police being spat on, punched, kicked and having objects thrown at them and I see the restraint they are showing I say to myself, 'That should not be'. Our police officers deserve better than to be treated in that way, and I think they should be given the full authority to deal with those people who are treating them in that way. I think it is an obligation of this Parliament to give them the power and the authority to do their job properly and to protect us all in the way they do.

I will not go on for a long time in this debate, but I want to express my admiration once again for Victoria Police. Every now and again you come across a bad egg. There are bad eggs everywhere. Is that not right, Mr Leane? But when we find bad eggs in the police force there is nobody who is more enthusiastic about dealing with those bad eggs than the police themselves. I find that individual police officers have enormous pride in what they do. They have enormous pride in Victoria Police and they have enormous pride in the responsibility they have to the people of this state, so when they find a bad egg in their own ranks there is nobody who is more enthusiastic about dealing with that bad egg than those police officers themselves.

Mr D. R. J. O'Brien interjected.

Mr FINN — There are many bad eggs in the CFMEU — perhaps one is sitting over there, Mr O'Brien. Sometimes I have to sit here and listen to those from the extreme left bagging our police and making insinuations and quasi-allegations against them, and I have to say that is something I will not tolerate.

Speaking of tolerance, it is interesting that those on the extreme left, the same people who bag the police non-stop and go onto the streets and assault police in a way that is quite despicable, then turn around and preach tolerance. They turn around and say that we have to put up with what they do. Tolerance is all very well and good, but we should not tolerate our police being assaulted. We should not tolerate our police being used as punching bags by lunatics on the streets. That is not on. As long as I am in this Parliament I will speak up to protect the police against the people who do that.

As I said, I have been involved in situations where I have seen that happen. I have seen these people assault the police; I have seen these people assault innocent individuals going about their lawful duties. That is something that we as a Parliament — —

Mr D. R. J. O'Brien interjected.

Mr FINN — It is a disgrace, Mr O'Brien. It is very much a disgrace. I hope that as a result of this bill the Parliament will make a very clear public declaration that we will not tolerate that sort of behaviour in Victoria. That is not on. If you want to carry on like that, get out of the state. We are not going to allow people, politically motivated or otherwise, to treat police or any other individual in the way they have been treated in recent times during violent demonstrations on the streets of Melbourne led by extreme left-wingers.

We must draw a line in the sand on this, and we must make a very clear and strong declaration of our support for Victoria Police. This bill and the principal act go some considerable way towards doing that. But I rise largely to let the men and women of Victoria Police know that they have my admiration and support, and I know they have the same from the government.

Mr LEANE (Eastern Metropolitan) — I rise to speak on the Victoria Police Amendment (Consequential and Other Matters) Bill 2014 and to follow Mr Finn's passionate address to this chamber. I agree with some of the sentiments he has expressed — that is, that Victoria Police and rank and file police deserve to be supported by any government and any party that is involved with this chamber.

In saying that, Mr Finn's pure approach — the purity of the support he is giving to Victoria Police — has to be unpacked to some degree. When it comes to the support that he and his government give Victoria Police and that they say Victoria Police deserves, it has not been reflected in funding in recent times. The government has cut funding to Victoria Police. If the Napthine government's support for Victoria Police were as pure as Mr Finn would have us believe, then we would not have seen the series of cuts to Victoria Police's funding that we have seen over the life of this government.

The pure and passionate support for all members of the police is of course subjective, particularly when it comes to Mr Finn and his party. But when it comes to police officers who become chief commissioners of police, we have seen a series of commissioners undermined by this government, one after the other, starting with former Chief Commissioner of Police Christine Nixon. Commissioner Nixon was subjected to all sorts of attacks by individuals in the Napthine government and she moved on. We then come to Simon Overland, and this is when we found the government's support for Victoria Police was far from pure and unrelenting. What a murky, ugly event was the undermining of Simon Overland. Let us look at the names of some of those who were involved in that issue.

We can start with the previous Parliamentary Secretary for Police and Emergency Services, the member for Benambra in the Assembly, Mr Tilley. We then go to the Deputy Premier, Peter Ryan, who apparently knew nothing at the time. The next name is that of Peter Ryan's adviser, Mr Weston, and then we go all the way to the Premier's chief of staff at the time, Tony Nutt. There was a whole-of-government belief that Simon Overland was no good — and trust me, that was not the ALP's position. The Liberal-National party position was that Simon Overland was no good. But the only individuals who had the courage to fulfil their party's position and express that view openly were Mr Tilley and Mr Weston, and they were Nutted.

The only person who was vocal about the issue and survived that whole event was Mr Finn. Mr Finn kept his position; he stayed where he was. He did not get demoted or sacked. He is in exactly the same position now as he was in then. Mr Finn could stay but Mr Weston and Mr Tilley had to cop it in the neck.

We then had the murky situation outside the gates of the MCG, of all places — a place that some of us hold in such high esteem as the symbol of Melbourne and the symbol of Victoria. Tony Nutt was sent to speak to Mr Weston and to say to him, 'Don't worry about

what's going on. Don't worry about IBAC. We set IBAC up so it won't nab us. IBAC is never going to be about us. You'll be right'. That all came to light, and then what happened? Nutt got sacked. Nutt is one of the people affected by this whole-of-government approach. Those opposite said Overland was no good, and because we know they are all oingy boingy about knights and because the then deputy commissioner, Ken Jones, is a knight — he is a Sir — they said he would be better than Overland, so we went through this process.

As I have said time and again, if people have a position and they are prepared to publicly put that position, even if I disagree with them, I have respect for those people. In that process I had respect for Mr Tilley and for others who were actually open about their positions. But all of a sudden this morning Whispering Ken was no good. We all love Chief Commissioner of Police Ken Lay. All sides of politics and all people in the community have a lot of respect for Ken Lay. Having dealt with him, I think he is super. I reckon he is a great chief commissioner, and he has been a great member of the police force for a long time, old Whispering Ken — —

Mr D. R. J. O'Brien — I agree.

Mr LEANE — That's good. The Nationals have moved away from the Liberal Party. That is good — good for you! Sometimes you should flex your muscles. In this case you should flex your muscles, because all the members of the Liberal Party caucus were given an essay by Mr Tilley. Mr Tilley was given some homework, and he wrote an essay and gave it to every member of the Liberal Party caucus — and all of a sudden Whispering Ken is no good because he had the audacity to air an opinion about policing that the Liberal Party does not like. The Liberal Party's policy is that there should be a police officer on every corner.

Whether we agree with him or not, Ken Lay is in a position that should be respected. He came out with a different policy to what has been aired by this government, and all of a sudden he is no good. We are writing essays. I feel sorry for any future Chief Commissioner of Police if this government is still around in a few months — we will see. Why would you put your hand up for the job? After Whispering Ken was necked, why would anyone want to put their hand up? Anyone would know that while members of the Liberal Party continually say, 'Respect the force', the party has shown on numerous occasions that it is a serial offender in terms of getting rid of police commissioners who do not agree with their policies.

It is interesting that today we continue the debate after these revelations have come out. I feel sorry for Mr Lay having been put in this position. We saw what happened to Overland — —

Mr Tee — Gone!

Mr LEANE — We saw what happened to Milne.

Mr Finn interjected.

Mr LEANE — All of a sudden Ken Lay, of all people, is put under the gun because he will not do exactly what they want him to do. He is an independent person. He should be doing the right thing by policing in Victoria, but because he will not do what the Liberal Party wants him to do, he is under the gun.

We have had this series — Milne, Overland, Ken — and we have all the figures involved again. Ryan is not involved anymore because he got moved sideways. He was a police minister who knew nothing; he claimed to not even know what his adviser was doing. Of course he knew what his adviser was doing. He was trying to say he did not know what his parliamentary secretary was doing. Of course he knew what his parliamentary secretary was doing. Those two guys were the ones who copped it in the neck, and he got moved sideways to be the minister for something — he probably got the title of minister for not being the minister for police. He is no longer involved. But now we see the same people are coming to the surface again. Bill Tilley is writing an essay on Ken Lay. The same people who did a number on Overland are coming to the surface.

All of us in this house should support Ken Lay, a good police commissioner. It is a shame that one party has decided that the commissioner is not doing what they want and has gone on another vendetta. It is a sad day for Victoria and a sad day for Victoria Police.

Motion agreed to.

Read second time.

Instruction to committee

Ms PENNICUIK (Southern Metropolitan) — I move:

> That contingent upon the Victoria Police Amendment (Consequential and Other Matters) Bill 2014 being committed, it be an instruction to the committee that they have the power to consider an amendment and new clauses to amend the Victoria Police Act 2013 in relation to the liability for tortious conduct by police and protective services officers.

In my contribution to the second-reading debate I outlined at length the purpose of my motion, so I will

not reprosecute it all here. The Victoria Police Amendment (Consequential and Other Matters) Bill 2014 is basically 226 pages of consequential amendments and does not make substantive amendments to the Victoria Police Act 2013, an act which has not yet come into effect. I wish to make a substantive amendment to that act to insert new clauses into the act to make it very clear that Victoria Police would be responsible for all torts against police and protective services officers (PSOs), whether or not the actions taken by those police or PSOs were in good faith and whether or not they involved serious or wilful misconduct by those police or PSOs. The reason for that is to bring it into line with other jurisdictions — the commonwealth, New South Wales and Queensland — which provide that the state is liable for all police torts.

As I said in my contribution, the main reason is that where the tort involves serious or wilful misconduct and possibly serious injury to a member of the public, unlike in cases where members of the public can take action against police for actions that are undertaken by police in good faith and result in injuries to members of the public, the state takes on the liability. It is in the most serious cases where under the Police Regulation Act 1958, and clearly to a large degree under this bill — although the process is a bit more streamlined — members of the public are left to carry the can, if you want to put it that way, for the conduct of those police because the state can say that, due to the actions of the police being classed as serious misconduct, it divests itself of liability. It is not ideal to have the matters involving the most serious conduct and the most serious injuries resulting in members of the public being unable to get justice or compensation.

I regard Mr Finn's contribution as a bit of a rant. However, he did say that the police should be given the authority and powers they need to do their job. I agree. In fact they are given quite extensive authority, powers and weapons to do their job, but they should be accountable for the use of them. I do not think anyone in this chamber would say that they should not be accountable. They are armed and they have the power of arrest et cetera. The police have significant authority and powers to do their job. They need to be accountable for the use of those. As I have made clear, I do not believe the majority of police overstep or overuse their powers, but it is a fact that some do. That cannot be denied. In his rant Mr Finn said there are some bad eggs. That is exactly what he said. If a person suffers an injury, however, as a result of serious and wilful misconduct by the police, the police should be liable for that. That should be the case, as it is in other jurisdictions in this country.

I do not understand why the Liberal Party is making such a big deal of this. This is the situation in the commonwealth jurisdiction, in New South Wales and in Queensland. It is not something unusual. It is something that we should put in place in Victoria. In fact the Victoria Police Act 2013 that we are putting in place makes the police less like the independent officers that they used to be and brings them more into line with modern industrial relations practices that apply across the workforce, and other employers are vicariously liable.

There is no reason why Victoria Police should not be liable for all police torts. That is all this amendment seeks to do. There is no reason that can be put forward to say it should not be liable. It should not be up to a member of the public to wear the consequences of a rare case where police overstep their powers and authority. It should be up to the police to deal with that in terms of recovering compensation from that member, taking disciplinary action against that member or charging that police officer or protective services officer with a criminal offence if that is what they have committed. There is no point pretending this does not happen; it does happen. It is my contention that the police should be liable for all police torts. That is what this amendment will achieve. It would enable police to recover any compensation costs and to take action against that police officer. I know that most police support this.

Mr Finn — You've asked them, have you?

Ms PENNICUIK — Yes, I have. They support it because it is fair and it is just. I moved my notice of motion to allow the committee to consider this amendment.

Mr TEE (Eastern Metropolitan) — I want to briefly outline the opposition's position on this motion. The issue that Ms Pennicuik raises is indeed a very serious and important one. It is an issue that was dealt with when the Victoria Police Act 2013 was introduced as a bill. Ms Pennicuik moved an almost identical amendment during the debate on that bill. As I understand it, the amendment deals with the negligence of a police officer. Where a police officer is negligent and someone is injured as a result of that negligence, the state and not the police officer can be sued and damages can be recovered from the state of Victoria. The issue that the Victoria Police Act dealt with concerns circumstances in which serious and wilful misconduct of a police officer outside their duties — when they were out on a frolic of their own — results in a person being injured.

The 2013 act provides that in those circumstances it is the police officer who is responsible for any damages, but it also provides in, I think, clause 79 that if the police officer is unable to pay, then compensation is payable by the state. As I understand it, that is the position that was settled by this Parliament as part of that legislation. This bill before the house today is about making consequential amendments. It does not alter the principles the Parliament established in the 2013 act; it principally updates language across the statute book. As the title suggests, the bill enacts consequential amendments to tidy up some of the provisions set out in the Victoria Police Act 2013.

What Ms Pennicuik wants to do today through this motion is revisit an issue that was debated in the 2013 legislation. Our position now is the same as it was then. The issue Ms Pennicuik raises is an important one. It is a serious issue that is worthy of further consideration, and it is an issue the opposition would be interested in exploring, but not as an amendment to a consequential bill that effectively deals with language and the tidying up of language. To do it in this way at one level trivialises an important issue. It is not the way we ought to legislate. We owe it to ourselves and to the public to have a more considered process that says that if we are going to overturn a very longstanding principle, we need to understand how to do that properly and what flows from that. What are the consequences that will emerge if we operate in that way?

We do not support the motion because we do not think this bill is an appropriate vehicle to amend an important and longstanding principle, notwithstanding the fact that we are interested in considering reform in this area. That is not to say that we support the motion; we think the issues Ms Pennicuik raises are important issues that are worthy of debate but not as part of this bill. As I said, the motion is not appropriate because of the very limited scope of this bill. It is not the right vehicle to try to relitigate an issue that was settled in discussion on the previous bill in 2013. We will not be supporting Ms Pennicuik's motion.

Hon. M. J. GUY (Minister for Planning) — I will not be so weak, incoherent and insipid as Mr Tee has just been in his speech; I will be straightforward. This government will not be supporting Ms Pennicuik's motion for a damn good reason — that is, the Greens' vendetta against law enforcement officials in this state is obscene. We on this side of the chamber are sick to death of listening to the Greens roll into this chamber and find every mechanism possible to have a go at Victoria Police and protective services officers. As a consequence, we will not be supporting this motion. I do not agree with what he said, but at least when Mr Leane got up he was straightforward and I understood what he meant. I do not agree with it, but I understood what he meant and when he got to the point I understood the arguments he presented. Again, I do not agree with them, but at least he got up and made a point. From the contribution of the shadow Minister for Planning, Mr Tee, I am not sure if the Labor Party is in favour of this motion or not. I got this weak, half-hearted response — 'Maybe we're against it, maybe we're not. Maybe we think it's poor legislation, maybe we don't. Maybe it was like this when we were in government'.

Are those opposite against the motion or not? If they are voting for it, then they support it. If they are voting against it, then they do not support it. Through you, Acting President, I say to the Labor Party that its members should not try to come into this chamber and record in *Hansard* that they are going to vote against it, but with a nudge and a wink to their coalition buddies the Greens say, 'We still love you! We really are in favour of your motion, even though — nudge-nudge, wink-wink — we're not going to vote for it'. What a completely obscene lot of rubbish! Those opposite should at least have the courage to come into this chamber and say that they do not support the motion, like the government has said.

At least with the Greens, for all their craziness and all their complete idiocy when it comes to their vendetta against law enforcement officials in this state, we know where they stand. At least we know that they hate law enforcement officers and everything they try to accomplish in this state. I say again: Mr Leane's speech might be something I do not agree with, but I know where he stands. However, the presentation we just heard that said nudge-nudge, wink-wink to the Greens — 'We really back you, but we won't vote for the motion' — was quite ridiculous. I am not surprised. Given the riots and the violence we have seen associated with the Construction, Forestry, Mining and Energy Union, it is not surprising that the only member of that union in this entire Parliament would come in and give a nudge-nudge, wink-wink speech to the Greens and say, 'We really back you, but we're not going to vote for it'. What a lot of rubbish!

Let me be clear in my conclusion. The coalition government will not be supporting the motion of Ms Pennicuik — no ifs, no buts. We do not agree with it. We do not agree with her position on this bill. We do not agree with the stand she is taking. We do not agree with her presentation. It was a presentation that was laced with distrust and dislike for the people who enforce the law in this state. I have no idea who

Ms Pennicuik expects to call if there is an act of violence on the streets or if, God forbid — and I mean this sincerely — something were to happen that is against the law to someone she might know or love or respect or if there is something she might witness. Is she going to call Victoria Police, the people who are trying to protect all of us in this state, and then in her day job walk into this chamber and try to undermine the job they do, try to put them down, try to belittle them and try to have a go at people who are officers on the front line of Victoria Police or on the front line of some of those G20 riots or activities in City Square we saw, where people have in the past thrown water balloons full of urine and other substances at serving law enforcement officers? That is a disgrace.

I find it unbelievable that as members of this chamber we cannot together find ways to support those people who are on the front line facing violence from people who are behaving in such a manner. As a consequence the government will not support this motion. We are astounded that the Labor Party cannot say whether it is opposing or supporting this motion, why its views cannot be black and white or clear as a bell. Instead, as I said, the ALP has provided some kind of weak and insipid response. We do not know where the Labor Party stands on this, given one speaker is quite clear and another one is giving a wink to the Greens. The coalition government opposes it and opposes it strongly.

Ms PENNICUIK (Southern Metropolitan) — I am disappointed that the ALP will not support the motion to allow a member to take a bill into a committee stage. It is basically an in-principle motion that a member be allowed to try to amend a bill. It does not mean that the ALP has to support the amendment or that anybody has to support the amendment. It is to allow a member with an opportunity to put the amendment.

I have to agree with Mr Guy that it was a bit of a flip-flop response from Mr Tee. If any member wished to do what I am wishing to do today, which is to exert their democratic right to put an amendment, the Greens would support that, whether or not they supported the actual amendment. This motion is not about the amendment; it is about the ability to put the amendment. Parties can then make their view known about the amendment.

Mr Tee also said, 'We dealt with this when we talked about the bill back in 2013'. We certainly did. It was in fact a similar amendment, if not exactly the same amendment, that I put at that stage. However, the point I made in my contribution is that we have since had the judgement from the United Nations Human Rights Committee with regard to the Corinna Horvath case. It made it clear that Corinna Horvath should be compensated for damages that she suffered as a result of police conduct back in 1996, and that the state legislation should be amended to make sure that no citizen in Victoria is put in the same position that she has been put in or suffers what she has suffered over the last 18 years.

I am completely disappointed with all the contributions from Liberal Party members, and particularly the response the minister has just provided. The minister's response went to alleging that the Greens want to have a go at the police and at protective services officers. That is not the case. The Greens support the police and protective services officers in their duties. We do not support people who throw things at police or in any way attack police.

It is possible to both support the police in their work and to support members of the public who may be assaulted by the police from time to time. It is not an attack on police to realise that occasionally police have overstepped the mark and assaulted citizens. I am astounded that members of the government do not support citizens. They are not willing to support citizens who suffer injury on the rare occasions when police overstep the mark. The government should be able to see both sides of the story here and support both the police and citizens of Victoria who want to make a claim against police if they have suffered an assault by police. I am able to do both. I support the police and protective services officers in their work. I do not support them being assaulted by members of the public. In a situation where a police officer has assaulted a member of the public, I support that member of the public being able to get just compensation. The two can go hand in hand. They are not mutually exclusive.

I do not understand why the government wants to run this line instead of talking about substantive issues. At no time has any government speaker gone to the substantive issue. They have tried to make out that what I am putting is some crazy position when in fact it is in the legislation of the commonwealth of Australia and the legislation of Queensland and New South Wales. It should be in the legislation of Victoria. That is all I am saying. Everybody should be supported and compensated justly if they suffer an injury. They should not be made to jump through a whole lot of hoops in that regard.

It is a simple proposition. The police should be liable for police torts. That cannot be argued against. No proper argument has been put by the ALP or the

government against that position. It is the correct position. It is the one that should be adopted.

Mr Tee cannot support the motion. He tells me it is worthy of consideration; he told me that last time. I would like to know when the ALP is going to consider this proposition that I am putting forward, which is to look at the legislation that exists in other jurisdictions which protects citizens, and to make the state actually liable as it should be.

House divided on motion:

Ayes, 3

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

Noes, 33

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

Motion negatived.

By leave, proceeded to third reading.

Third reading

Motion agreed to.

Read third time.

CRIMES AMENDMENT (PROTECTION OF CHILDREN) BILL 2014

Second reading

Debate resumed from 8 May; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Ms MIKAKOS (Northern Metropolitan) — I rise today to speak on the Crimes Amendment (Protection of Children) Bill 2014. Whilst the Labor opposition does not oppose the bill, it has serious concerns with clause 4, and I will outline those concerns shortly. The bill seeks to amend the Crimes Act 1958 to insert two new offences in relation to the sexual abuse of children, including failure by a person in authority to protect a child from sexual abuse, under clause 3; and failure to disclose a sexual offence committed against a child under 16 years, under clause 4. It also makes a number of consequential amendments to other acts.

It is important to understand the context of this bill. Prior to the last election the coalition announced a policy of creating so-called failure-to-protect laws, being laws that require adults who have custody or care of children to take action if they know or believe a child is being abused. At the time family violence advocates and victims strongly objected to this announcement as they saw it as encouraging the blaming of victims and demonstrating a failure to understand the complexity of family violence.

In February 2012 the *Report of the Protecting Victoria's Vulnerable Children Inquiry* was tabled in this Parliament. The inquiry was chaired by the Honourable Philip Cummins. The report advised caution about failure-to-protect laws in the context of family violence and instead recommended that the Crimes Act 1958 be amended to create a separate reporting duty for a member of a religious organisation who has a reasonable suspicion of physical or sexual abuse of a child within their organisation. The Cummins report found that non-abusing parents are themselves very often the victims of family violence, as well as their children, and may not be in a position to protect their children. Justice Cummins noted that:

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

Subsequently the Family and Community Development Committee handed down its report entitled *Betrayal of Trust — Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations*, better known as the *Betrayal of Trust* report. I have previously spoken about the *Betrayal of Trust* report in this house, and I again commend the government for undertaking this inquiry, which — together with the royal commission into child sexual abuse, which is currently under way — has finally shone a light on an issue that was for many years swept under the carpet. None of us could help but be shocked by the daily revelations in the media of abuse and cover-up by religious authorities. I again thank and pay tribute to the victims who came forward and gave evidence to this inquiry, and I thank all the committee members, for whom listening to this evidence I am sure would have been extremely harrowing.

The Family and Community Development Committee made 15 recommendations, most of which have not yet been implemented. Three of the recommendations relate to changes to the criminal law. One of them was to introduce a broader grooming offence to recognise that, in addition to the primary or intended victim of the substantive offence, parents and others can also be victims of grooming conduct. This offence was passed into law in the Parliament only a few months ago with the support of the opposition. The committee also recommended the creation of two other new offences. The first was the introduction of a new child endangerment offence to cover behaviour in situations where a person in authority is aware of and consciously disregards a substantial and unjustifiable risk, and where their acts or failure to act places a child in a situation that might harm them. The other offence was to amend section 326 of the Crimes Act to provide that a person who fails to report a serious indictable offence involving abuse of a child will be guilty of an offence.

It is important to note here that despite making these recommendations, the Family and Community Development Committee stressed that the government should be:

> … mindful that while the recommendations have been considered in their application to the criminal abuse of children within non-government organisations, if implemented they may become of general application. In consequence, in drafting any legislation there needs to be consideration of any unintended implications for other groups and individuals.

That is in the section from page xliii, which is headed 'Inquiry recommendations'. Given that the committee's terms of reference and therefore its evidence related to child abuse in religious and other non-government organisations, the committee did not make any recommendations about what category of individuals, such as non-abusing parents and carers, should be subject to this offence and under a legal duty to report.

I turn now to clause 3 of the bill, which proposes a new offence for a person in a position of authority within an organisation that has children under its care, supervision or authority who fails to protect a child from sexual abuse. The organisations that would fall under the scope of this clause would include churches, religious bodies, hospitals, schools, out-of-home care services, sporting clubs, youth organisations and any type of government agency. Any offence under clause 3 only applies when a person in authority knows there is a substantial risk that a person associated with the organisation will commit a sexual offence against a child and they negligently fail to reduce or remove that risk.

There is an important distinction to make here between clauses 3 and 4 of the bill. A clause 3 offence applies where somebody actually knows; it is not enough that they had a reasonable belief. In practice clause 3 would operate in a situation where a person in authority simply moves an offender, or someone who poses a substantial risk to a child, to another place within that organisation. It would also apply where someone in authority at the new location becomes aware of such a person's history and fails in their duty to take steps to remove or reduce that risk.

We know from evidence heard by the parliamentary inquiry that priests were moved around after abuse complaints were made to avoid their being brought to justice, so I think this offence squarely reflects the evidence that the committee heard and is an appropriate response. The maximum penalty for this offence is five years imprisonment. We know there has been much harm done as a consequence of people in authority failing to respond to things they knew about and concealing the truth. The parliamentary committee noted that a child endangerment provision would make a significant contribution to Victoria's legal framework to protect children at risk. This is why the Labor opposition wholeheartedly supports this clause and this offence being introduced.

I turn now to clause 4 of the bill, which proposes a new offence of failure to disclose sexual offences committed against a child under the age of 16 years. This offence is not limited to the abuse having occurred within an organisation, and I think we can safely assume that its most likely context will be within the family unit. This offence applies specifically to a person over 18 who has information that leads them to a reasonable belief that a sexual offence has been committed against a child and requires that person to disclose that information to a police officer as soon as it is practicable, unless they have a reasonable excuse for not doing so. The maximum penalty for a breach of this offence is three years imprisonment.

Under the bill a reasonable excuse includes where the person fears on reasonable grounds for the safety of any person, except the perpetrator, were they to disclose information to police, and where the failure to disclose information is a reasonable response in the circumstances. A reasonable excuse is also triggered where a person believes the information has already been disclosed; the information came from the victim, who is now over 16 years of age, unless they have an intellectual disability, and they have requested that it not be disclosed; or the information is privileged and confidential under the Evidence Act 2008 — for example, where the information is provided by way of

religious confession. This offence extends beyond people in authority — for example, it includes parents, family members, such as an older sibling, and may even include neighbours. If information known by any of these people is not disclosed to police, that conduct will constitute an offence.

By contrast, if the information is obtained by religious confession, for example, there is no obligation to report it. Let us be very clear about this. This particular offence says that if you are a mother and you have a reasonable belief that your child is being abused, then you are criminally liable if you do not report it. But if you are a priest and have actual knowledge that a child has been abused because you were told about this in the confessional, then you have no legal obligation to report it.

The second-reading speech describes this new offence as a community-wide legal duty to report information about child sexual abuse. Of course we all want child sexual abuse to be reported; however, we know that in the real world things are a little bit more complex. Labor's concerns with regard to clause 4 of the bill centre on whether introducing this offence will make matters better or worse in practice. There is absolutely no doubt that we support doing everything possible to prevent and respond to the sexual abuse of children. There has been much said in the media about this offence, and many different points of view have been put across, particularly those expressing strong opposition to clause 4. I will put some of those views on the record.

As I said earlier, the Cummins report advised caution about a failure-to-protect offence in the context of family violence and recommended instead that the Crimes Act be amended to create a separate reporting duty for a member of a religious or spiritual organisation who has a reasonable suspicion of physical or sexual abuse against a child within their organisation. The inquiry identified a range of risks and adverse consequences that could arise if such failure-to-protect laws were to be introduced. Justice Cummins noted that efforts to acknowledge that, for victims, putting an end to family violence is not as simple as walking away could be undermined by laws that criminalise non-protective behaviour by vulnerable parents. It is important that we give some weight to the esteemed views of Justice Cummins in this significant report.

In addition to the warnings issued in the Cummins report, a joint letter was sent to government members in both houses from the Federation of Community Legal Centres, Domestic Violence Resource Centre Victoria, Domestic Violence Victoria, the Aboriginal Family Violence Prevention and Legal Service, the Women's Domestic Violence Crisis Service, inTouch Multicultural Centre against Family Violence, the Women's Legal Service Victoria, No to Violence Male Family Violence Prevention Association, Women With Disabilities Victoria, the Victorian Women's Trust Ltd and the Victorian Centres against Sexual Assault. These are all highly regarded organisations that work with victims of family violence and sexual abuse in our community. Their concerns need to be acknowledged and given some considerable weight. In their submission the organisations raise serious concerns about a failure-to-protect offence in the context of family violence and/or sexual abuse. It is important that these views are seriously considered by the government.

Some of the views articulated are that women should feel supported to come forward and report abuse and not fear that they themselves will be prosecuted, sent to jail or have their child removed from their care. This was also noted in the Cummins report on page 360. There is a concern that, should failure-to-protect legislation be introduced, it:

> … might have a dampening effect on help-seeking behaviour and the reporting of abuse.

Labor believes we have come a long way in the conversation about family violence, only to go back to what constitutes outdated victim-blaming attitudes. In Victoria family violence is a factor in over half of substantiated child protection cases. Of the 15 child death cases reviewed in the *Annual Report of Inquiries into the Deaths of Children Known to Child Protection 2013*, family violence was a factor in 12 of them — that is, in 80 per cent of cases. I refer to page 35 of that particular report.

Given the strong correlation between child abuse and family violence, there will be a high likelihood that under this clause mothers would be criminally liable to report any reasonably held belief of abuse occurring in circumstances where they themselves are also victims. The exemption that is provided for in the legislation refers to reasonable fears of safety. In a family violence context this fails to encompass the complexity of situations and why women may find it difficult to report or flee a situation.

There may be other forms of duress present, such as emotional or financial control and factors such as mental illness, drug and alcohol addiction or even a mother's own childhood trauma that might impact on reporting. There are myriad practical reasons for a woman not being able to report or leave an abusive situation, including the availability of or lack of safe

alternative accommodation. What would happen to a woman who waited until she had somewhere safe to go with her children before she felt comfortable to report? Would she have committed an offence?

We are all aware of the enormous public interest and media coverage of family violence in the past few months. Some cases are so horrific that they have shocked our nation. One such case was the murder of Luke Batty by his father in Tyabb in February this year. I am sure we all heard the furious response of Luke's mother, Rosie Batty, towards news co-host Joe Hildebrand's comment recently that there was no excuse for women who stayed with an abusive partner not reporting child abuse.

There was the case of Fiona Warzywoda, who was allegedly stabbed to death by her long-term de facto partner after attending Sunshine Magistrates Court to seek an intervention order, and the tragic deaths of two young girls, killed by their father in Watsonia at Easter. This is why Daniel Andrews, the Leader of the Opposition and member for Mulgrave in the Assembly, had the wisdom and foresight to say that we need to have Australia's first royal commission into family violence. We need to find the causes, some answers for prevention and a way to repair what is a broken system. This is tackling the hard issues in our society. We would be spending the money on a royal commission, because this issue is a blight on our society. If we can save a life, whether it be the life of a woman or child, from a similar fate in the future, then it will be worth every single dollar.

The answers will not be easy; this is a complex issue. In the context of family violence or sexual abuse, the issue of reasonableness under clause 4 is complex. It would be inconceivable to most people, including jurors considering such matters, unless they have personal experience. Labor understands that the Children, Youth and Families Act 2005 already provides for an offence for a person who has a duty of care in respect of a child to intentionally fail to take action that does or is likely to result in harm to the child.

Labor takes the view that the sexual abuse of children is one of the most abhorrent crimes and can have a devastating and lifelong impact on survivors. We must consider the consequences, intended or otherwise, of any legislative approaches to deal with this issue. We have given this matter lots of reflection, we have taken on board the concerns expressed by Justice Cummins in his significant report and we have taken on board the concerns raised by the many experts who work with women and children who have been the victims of family violence and sexual abuse. We have come to the view that we do not believe clause 4 is the best way to protect children from abuse.

We take the view that clause 4 should be withdrawn and subjected to intense public consultation. We know that stakeholders have called for clause 4 to be redrafted to target only organisations and those in positions of authority within them, as suggested in the Cummins report itself.

Labor supports measures that protect children but will be guided by the experts and those who have experienced these devastating crimes. This is why I foreshadow that I will be moving a number of amendments that will have the consequence of deleting clause 4 from this bill. I ask for the amendments to be circulated to members.

Opposition amendments circulated by Ms MIKAKOS (Northern Metropolitan) pursuant to standing orders.

Ms MIKAKOS — I point out that both the government and the Greens have been provided with advance notice of these amendments and have had the opportunity to consider them. These are identical in nature to amendments that were moved by Mr Pakula, the member for Lyndhurst in the other place, and have the effect of deleting clause 4 and making other consequential amendments.

I ask government members to give serious consideration to these issues. These are very complex and challenging issues that all of us as legislators are being asked to consider here today. I ask members to take on board the concerns raised by Justice Philip Cummins in his significant report and to take on board the heartfelt and very robustly expressed views of those experts in the field who have raised some very serious and significant concerns in respect of how clause 4 would operate in practice.

I thank members for their civility during the course of my contribution. I thought most of the debate in the other place was conducted in a very dignified manner. I certainly hope the remainder of the debate in this place will be conducted in a similar vein.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Aged-care facilities

Ms MIKAKOS (Northern Metropolitan) — My question is directed to the Minister for Ageing. I note that it has been reported that the Department of

Treasury and Finance recently conducted an audit of all surplus government land with a view to selling it off. Given the minister's focus is now to sell off Victoria's public aged-care facilities, will he rule out the sale of any existing land in the aged-care land bank during the 2014–15 financial year?

Hon. D. M. DAVIS (Minister for Ageing) — The member made a number of assertions in her introduction that are incorrect. The government is expanding its spending on country aged-care services. The member will be aware that this year's budget contains funding for the Boort hospital which will see a new facility built there, including 25 aged-care beds. She will have also seen the news releases that went out on budget day indicating the increased spending the government is putting forward to strengthen the provision of aged care in country Victoria and in particular money put out that will see additional support provided to public aged-care providers to enable them to undertake works that will lead to increases in commonwealth payments.

The new arrangements put in place by the previous federal government reward public and private services when facilities are upgraded and improved in certain measurable ways. The government has put a number of these into place to ensure that a series of country services lift their capital position and do that in a way that will attract additional support as per the commonwealth arrangements.

From time to time the government will make decisions about how it allocates its property portfolio, and that applies across all areas of government. For example, Gordon Rich-Phillips has taken a number of steps across government to ensure that our land is used most productively, and my department would be prepared to work with his department on these matters. As to whether there is any specific proposal, I am not aware of any proposal of the kind the member referred to.

Supplementary question

Ms MIKAKOS (Northern Metropolitan) — The minister is not aware of any proposal, but he has not ruled out the potential sell-off of any land bank sites during this financial year. I ask: other than the one site in Geelong, has the government acquired any further sites for the aged-care land bank during its term?

Hon. D. M. DAVIS (Minister for Ageing) — The member noted the Croatian aged-care group that has sought support from the government, having got no response at all from the previous government. In opposition the coalition made a commitment to provide resources for that group to have sufficient land to enable it to build an ethno-specific provider of services that would cater for the Croatian community. I understand that community money will be put into that process as well. As the member said, using an old school site in Geelong, the government has been prepared to support that Croatian aged-care project to the tune of $2 million of support for that land transfer.

Ms Mikakos — On a point of order, President, I asked the minister whether during this term the government had acquired any site other than Geelong. Given the minister has about 3 seconds left, I ask him to respond to the question I asked, which was: has there been a single site acquired other than the one in Geelong? The minister has failed to respond.

The PRESIDENT — Order! Members cannot use a point of order to re-ask their question. The minister nominated Geelong and he is talking about Geelong, so from my point of view, whilst I might also be concerned that he is not addressing the specific question, his response is apposite to the question that was asked, and I cannot direct him as to how he answers it. Perhaps in the remaining 3 seconds he may provide Ms Mikakos with the answer she is looking for.

Hon. D. M. DAVIS — My concern is that if there were a change of government in November, Labor would revert to form.

Ambulance officers

Mrs COOTE (Southern Metropolitan) — My question is for the Minister for Health, David Davis. Can the minister update the house of any recent developments in the ambulance union enterprise bargaining agreement (EBA)?

Hon. D. M. DAVIS (Minister for Health) — I thank Mrs Coote for her question and for her long-term advocacy for health services in Southern Metropolitan Region in particular, but let me be quite clear about the point of this EBA process that is continuing. I will update the house on matters around the EBA process. I note that there was a conciliation discussion at the Fair Work Commission on 23 May, and a further conciliation is listed for 5 June, so I welcome the fact that talks are continuing. I note that on 6 May Justice Richard Tracey of the Federal Court of Australia approved consent orders confirming the hardline ambulance union's undertakings not to proceed with a number of — —

Mr Lenders — On a point of order, President, I seek your guidance. We have had a number of points of

order on this minister making reference to details of EBAs. Previously you have ruled that if it is a detailed issue, that is a concern, and if it is a general issue, it is not. I put it to you that what the minister is doing is not only detail but he is now also talking of Federal Court orders. I put it to you that we have now gone to the next step of what is sub judice. Previously anything that deals with a court order or an injunction has been held to be sub judice, with some qualifications. I seek your guidance — now or on notice — as to whether the minister can refer to injunctions and orders from a court and remain within the scope of the sub judice rules.

Hon. D. M. DAVIS — On the point of order, President, it is clearly within the realm of the Parliament to look at actual consent orders provided by a court in a public hearing, in an open forum. These are matters of public knowledge, and I am providing that information to the chamber. It would be extraordinary for the chamber not to be able to be told of something that is already in the public domain.

Mr Leane interjected.

The PRESIDENT — Order! In respect of the point of order, I make the observation that at the stage where a court issues orders the matter has clearly moved beyond the sub judice provisions, insomuch as the court has deliberated on the matter before it and has reached a determination. In that sense I do not believe that Mr Davis has offended the sub judice provisions.

I heard Mr Leane's interjection that this potentially sets a precedent in terms of the answering of questions, and indeed it does. As I have said to ministers on previous occasions, and I reiterate now, where ministers provide detailed explanations of an enterprise bargaining agreement negotiation, for instance, they need to tread warily because I would not be in a position to protect them from further evaluation of those agreements and processes if they had already established a knowledge and a position of those agreements in detailing ongoing negotiations or the circumstances relating to those agreements.

The minister is aware of my view on this from previous occasions, and no doubt he will take that into account as he continues with his answer. However, I again indicate that I think this matter has moved beyond our sub judice provisions because it is now at the stage of a determination of the court, and that only comes at the end of the deliberations. The issue for us in terms of Parliament's impact on courts is whether we would affect their deliberations. Clearly in this case we are well past that.

Mr Lenders — On a further point of order, President — and this is not pertinent to this question time, so for that reason I ask you to take it on notice — obviously it is the right of any party, in this case in the Federal Court, to appeal to the full bench of the Federal Court and then appeal to the High Court of Australia. I ask you to consider this for future reference. Again, in this case there is no evident appeal. However, I put it to you respectfully that that interpretation would arguably rule out the sub judice provisions for the two levels of potential appeals, were they to occur. This is a moot point for this question time, but I ask you to take it into consideration.

The PRESIDENT — Order! I thank Mr Lenders, and I will consider that further. My view — on the run at this point — tends to be that Parliament cannot anticipate an appeals process. At the moment we are in a position where a determination has been issued, and I think members of the Parliament are therefore in a position to discuss these matters. They cannot be constrained on the basis that there may be an appeal.

Further, in recent standing orders and rulings by the chair we have changed some of our position on sub judice in terms of the way Parliament looks at the proceedings of courts. In terms of further steps that might be taken in an appeals process, what I would be saying to you as well is that it would very much depend, almost on a case-by-case basis, on the nature of the appeal and whether Parliament's commentary on that appeal would be likely to have any effect on the determination or deliberations of the court. In fact the higher the court goes, probably the less their Honours would be persuaded by proceedings in this place. It would be a case of looking at those matters in some detail at the time. Their Honours are fairly protective of their positions.

Hon. D. M. DAVIS — My purpose in advising the house of these matters is that the hardline ambulance union was seeking to impose a series of new bans and new actions that would have potentially impacted on patients. Some of those actions were resisted by Ambulance Victoria in the court and those consent orders were approved; in other words, the union has stepped back from a number of them. The government, through Ambulance Victoria, also sought to resist a number of new bans and limitations that were proposed. Ambulance Victoria was directly concerned about a number of these actions on patients. Let me be quite — —

Mr Jennings — That is a good precedent — the government did!

Hon. D. M. DAVIS — The government was concerned, because if the air ambulance fleet were grounded, that would have a significant impact on patients. I was very concerned — and I am happy to express this to the wide world — that the new bans would impact on our air ambulances. That is a matter of public good, It is a matter of concern for the minister and the government. However, the union wanted to persist with its bans, and it gave notice to Ambulance Victoria that it was going to introduce them. But the union did make some serious mistakes which later came to light. It is very clear that the union has had to back down. It has had to step back from its mistaken course to impose these new bans. I welcome the fact that it has now stepped back, at least temporarily, from the — —

An honourable member interjected.

Hon. D. M. DAVIS — I would not want to see bans imposed that would in any way impact on air ambulance services. I think Ambulance Victoria and the government have every right to be concerned when a union ban could impact on air ambulance services. The union has now stepped back from those bans, but it may well seek to renew those steps. I think it is an irresponsible union that is pursuing a massive industrial claim — more than $1 billion is what it seeks, despite Ambulance Victoria, with the government's support, putting on the table a very fair pay offer of a $1500 sign-on bonus, 6 per cent up-front and two further tranches of 3 per cent. That amounts to 12 per cent, a significant pay rise in this day and age, but not as much as the $1 billion-plus claim that the union is pursuing. I have to say that the union — —

The PRESIDENT — Order! Time, Minister.

Questions interrupted.

DISTINGUISHED VISITORS

The PRESIDENT — Order! I take this opportunity to extend a very warm welcome to some visitors in the gallery. They are part of a delegation from the Congress of the Republic of Peru, which is led by Mr Carlos Bruce Montes de Oca, president of the Peru-Australia Parliamentary Friendship League. Also with the delegation is Mrs Lourdes Alcorta Suero, vice-president of the Peru-Australia Parliamentary Friendship League. I extend a very warm welcome to you all. We are delighted to have you visit our Parliament, and I trust that the discussions you have with some of our people are fruitful. I also acknowledge that Geoff Barnett, a former officer of the Parliament, is accompanying the delegation.

QUESTIONS WITHOUT NOTICE

Questions resumed.

Mentone Gardens aged-care facility

Ms MIKAKOS (Northern Metropolitan) — My question is to the Minister for Ageing. I refer the minister to his answers yesterday in question time in response to the issue of Mentone Gardens. The liquidator has advised me that the minister wrote to him on 13 November last year seeking a copy of his report, which he provided to the minister's department. Despite the liquidator writing to the minister on 13 March and 20 April this year outlining the difficulties he was experiencing in obtaining a response to his FOI request, he is yet to receive a response from the minister. In a letter he gave me yesterday he notes that he has:

> … reasonable grounds to question whether the above requests for details of my investigations are in good faith in circumstances where I am unable to obtain timely responses from the Department of Health.

If the liquidator thinks that the minister's department is not acting in good faith, will the minister now direct his department to release the relevant documents to the liquidator, as requested?

Hon. D. M. DAVIS (Minister for Ageing) — I certainly do not accept the premise. I make the point that the FOI process is conducted by the department, and I do not intend to interfere in the FOI process. Ms Mikakos might regard that as a satisfactory way forward, but I do not. If that is Ms Mikakos's standard, I think she should step back from it because it is a mistake to interfere in the FOI process in the way she is outlining.

Supplementary question

Ms MIKAKOS (Northern Metropolitan) — The minister said yesterday:

> My department has worked as closely as possible with the relevant authorities that are responsible, firstly, for the administration, and later, for the liquidation of this facility. My department will continue to cooperate.

Given the lack of response and the refusal to provide FOI documents, will the minister ensure that his department does everything possible to ensure that the circumstances leading to the collapse of Mentone Gardens are fully investigated by the liquidator, including provision of the documents he is seeking?

Hon. D. M. DAVIS (Minister for Ageing) — I am not sure whether the member did not quite understand

my response. There is a Freedom of Information Act 1982 which lays out a set of rights and privileges and any request would be assessed by the department in the normal way against the criteria in the FOI act. For example, one of those criteria would be about personal information and particular matters surrounding individuals. I would imagine that the department would, quite properly, assess matters in those ways.

Ms Mikakos — This is the liquidator.

Hon. D. M. DAVIS — I am sorry, but there is obviously a proper process that the department would undertake. I have to also say that this is a complex area. The liquidator has a set of processes, and I know that in a different context the department actually sought documents from the liquidator and the liquidator would not provide those documents to the department, so I think there is a challenge — —

The PRESIDENT — Order! Time, Minister.

Ordered that answers be considered next day on motion of Mr LENDERS (Southern Metropolitan).

The PRESIDENT — Order! I make the observation that it is unusual to have a liquidator's letter introduced into Parliament and raised as part of a question process. It is not just about the obligations of the state government; there are also implications for the Australian Securities and Investments Commission in particular in terms of the liquidator's processes. There are some concerns about process here that everybody needs to be mindful of. Nonetheless, the question was valid, and I will not comment any further. It is difficult terrain when we introduce comments from a liquidator who has — and we are talking about sub judice — a set of legal obligations to proceed. The question was acceptable from my point of view because what Ms Mikakos was referring to was simply the availability of documents to the liquidator, and I think that was fair as a question.

Responsible Gambling Awareness Week

Mr D. R. J. O'BRIEN (Western Victoria) — My question is to the Minister for Liquor and Gaming Regulation, the Honourable Edward O'Donohue, and I ask: can the minister inform the house about Responsible Gambling Awareness Week and any events being run by the Victorian Responsible Gambling Foundation to support informed and responsible gambling choices?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I thank Mr David O'Brien for his question and his ongoing interest in responsible gambling measures. The coalition government is a leader when it comes to responsible gambling and fostering a culture of responsible gambling in our community. I note the question from Mr O'Brien about Responsible Gambling Awareness Week, which is this week, and I had the pleasure on Monday at Federation Square, in conjunction with the Victorian Responsible Gambling Foundation, to launch Responsible Gambling Awareness Week. It was a fantastic function. Members of the foundation were there, including David Southwick and Tim McCurdy, the members for Caulfield and Murray Valley respectively in the Assembly. I thank the CEO, Serge Sardo, and the foundation for their leadership this week.

It was terrific to also have John Walter, chair of the Responsible Gambling Ministerial Advisory Council, members of industry, members of community groups, members of sporting groups and clubs, and a range of other stakeholders in attendance. The chair of the Victorian Commission for Gambling and Liquor Regulation, Bruce Thompson, was there as well. More than 100 people were there on Monday, which was fantastic.

Responsible Gambling Awareness Week is an opportunity to raise awareness of the benefits of taking a responsible approach to gambling, particularly as the gambling environment is changing rapidly. It is an opportunity to educate about responsible gambling, understand the risks to the community and encourage informed decisions by members of the community. The face of gambling is changing. Digital technology is more accessible, and there is an increase in advertisements for sports betting. This event reinforces the importance of educating the community so that people can make informed choices. In that context, on Monday the foundation launched its Gambling and the Workplace initiative, which encourages employers to be aware of emerging trends in technology relating to gambling.

Mr O'Brien asked about events associated with Responsible Gambling Awareness Week. I am very pleased to advise him that there are over 70 events taking place this week across Victoria. I am informed that this is approximately double the number of events that took place last year. Whether it is in workplaces, sporting clubs, gaming venues or in the home, and whether it is work colleagues, friends or family, I join the foundation in encouraging Victorians to support each other and to support responsible gambling.

I want to put particular emphasis on the word 'awareness'. It is about getting the message out to the community, informing the community about the

challenges associated with the changing gambling landscape and environment and informing members of the community about their choices. In that context the foundation ran several advertisements in the *Herald Sun*, and I congratulate it on the awareness raising it has done in the community. It would appear that the shadow minister for gaming and racing, the member for Lyndhurst in the Assembly, Mr Pakula, is critical of this awareness raising. He has tweeted about the resources available to the foundation — the record $150 million — appearing to question this investment. Is Mr Pakula foreshadowing that Labor will cut funding to the foundation? Is he foreshadowing greater ministerial direction for the independent foundation?

Mr Lenders — On a point of order, President, the minister has concluded, but it has nothing to do with government administration for him to speculate on what another party might do after an election. I would have asked you to sit him down, but he has done that all by himself.

The PRESIDENT — Order! I concur.

Kindergarten funding

Ms MIKAKOS (Northern Metropolitan) — My question is for the Minister for Children and Early Childhood Development. As the minister knows, there is a lot of community anxiety around her federal colleagues' lack of certainty in respect of funding for the 15 hours of kindergarten beyond this year. A number of councils are also very concerned about this matter. Knox City Council is a direct provider of preschool services to approximately 1400 four-year-old children each year across 30 sites in its municipality. In a letter to me dated 16 May, Knox council states that the loss in federal funding and a return to 10 hours of kinder funding will mean:

> … a very real possibility that Knox City Council will need to reduce preschool service hours and/or raise preschool fees to an unsustainable level for families from January 2015 and beyond.

I ask: what will the minister do to ensure that families in the city of Knox are not adversely affected by this move back to 10 hours?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — This is a question about a hypothetical situation. The member is putting a position that has not yet been decided. We should go through the history of the national partnership to see why we are in this position today. The reason is that when the national partnership expired last year, despite there being a line on page 3 of the national partnership agreement to the effect that following the national partnership there would be an ongoing national agreement for the funding of the 5 hours of kindergarten provision, the former federal Labor government reneged on that agreement. It did not provide an ongoing national agreement for the 5 hours of kindergarten that is funded by the federal government. Instead it put in place an 18-month extension to the national partnership, subject to a review.

As the shadow minister knows, that review is not yet complete. We are expecting a draft report of that review in June, and it will not be until the review is complete that we will know what the result of future federal funding is. What we do know is that the federal budget in May included contingency funding. It was not for publication, but there is contingency funding in that budget. But there has been no decision on the future of this national partnership. It is subject to a review process that was put in place by the former federal Labor government, so I am not about to speculate on a hypothetical situation.

Supplementary question

Ms MIKAKOS (Northern Metropolitan) — The minister has written to kindergarten providers about this matter that she is claiming is hypothetical, and she knows very well that the money is not in the federal budget papers beyond this year. I refer her also to Banyule City Council. At its meeting on 19 May the council made an assessment of what the return to 10 hours means for its local community. It has assessed it as a potential 129 per cent increase in fees, which will make kindergarten unaffordable for families in its municipality. I ask: what will the minister do to ensure that families in the city of Banyule are not adversely affected by a move back to 10 hours of kindergarten?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — The shadow minister's supplementary question is again about a hypothetical situation. I am not about to deal in hypotheticals until we know the outcome of the review of the national partnership agreement. The shadow minister referred to a letter that I wrote to councils. Yes, I wrote to councils confirming that the state government will fund their full share of kindergarten funding for next year. It is a full share that the state has always provided and will continue to provide, which is our 10 hours of funding. As far as the 5 hours of federal funding goes, we are subject to a review that was put in place by the former Gillard federal government. When the result of that review is known we will know the future of federal funding.

Annie North Women's Refuge

Mrs MILLAR (Northern Victoria) — My question is to my good friend and colleague the Minister for Housing, the Honourable Wendy Lovell. Can the minister inform the house of any recent developments in the housing portfolio to support vulnerable women experiencing family violence?

Hon. W. A. LOVELL (Minister for Housing) — I thank the member for her question and her ongoing interest in those in our community less fortunate than ourselves. The Victorian coalition government is committed to preventing and responding to family violence. Our budget this year included $124.4 million over four years for Victoria's commitment to the national partnership agreement on homelessness. This investment will provide certainty to the sector and to services that have been funded under the national partnership agreement on their state funding over the next four years. This funding is vital to supporting those people who are homeless or at risk of becoming homeless and also to providing continued support for women and children who are escaping domestic violence.

Last Friday, together with Mrs Millar, Mr Drum and our candidates in the Assembly seats of Bendigo East and Bendigo West, Greg Bickley and Jack Lyons, I was delighted to announce $3 million in funding for a new refuge to be run by the Annie North organisation in Bendigo. Annie North provides services for women and children who are experiencing family violence, and it also runs a three-bedroom refuge in Bendigo currently. This new facility will expand on the numbers. It will double the capacity of the service and provide more appropriate refuge for women and children who are escaping domestic violence in Bendigo. The site that has been chosen for the new facility is well located in close proximity to a primary school and a shopping centre, and it has good access to public transport. It will provide not only the vital support these women need but also the services they need to re-establish their lives after they have escaped domestic violence.

Bushfire management overlay

Mr TEE (Eastern Metropolitan) — My question is to the Minister for Planning. It relates to the government's announcement addressing issues concerning the bushfire management overlay (BMO). The public is used to previous commitments from the government to fix the problem. In December last year the ABC reported that the government would make the changes by early this year, in February this year ABC News 24 reported that the government changes would be implemented in March or April and in April this year at a community cabinet meeting the minister said the changes would be implemented by May this year, and yet none of these time lines have been met. Yesterday there was another promise in the minister's media release that the changes would be 'implemented shortly'. Why should anyone believe the minister's most recent promises to fix the BMO when he has consistently failed to deliver on his previous commitments?

Hon. M. J. GUY (Minister for Planning) — It is either that or a choice of a government led by Lurch, Uncle Fester and Wednesday. This government has made some commitments around the BMO which are sound, solid and well-thought through. In the announcement I made on Tuesday I clearly said that the government had announced what it was going to do and that it had allocated the money that will be used straightaway. Mr Tee might want to learn about the planning system; it actually takes time to go through a gazettal process once a Victorian planning provision amendment is put in place, and that will take about two to two and a half weeks.

Supplementary question

Mr TEE (Eastern Metropolitan) — This issue is one the government has been aware of since the red tape commissioner gave the government the report some seven or eight months ago. We know that banks are foreclosing, and we know that relationships are being impacted upon by these delays. Can the minister assure us today that the changes will be implemented within three weeks — I think that is what the minister's answer was — and can he explain why it has taken so long as he has had the red tape commissioner's report since November last year?

Hon. M. J. GUY (Minister for Planning) — It is hard to believe the Australian Labor Party would urge some sort of approach of throwing caution to the wind when dealing with bushfire recommendations.

Mr Tee interjected.

Hon. M. J. GUY — Mr Tee would not be aware, but we have actually been talking about the issue around Kate Cotter's group for a lot longer than that. It has taken a lot longer than that because, unlike Mr Tee, when we make planning changes, we get them right. That is why we are going to get them right, and that is why we have worked with the committee and with the community on these bushfire recommendations, as opposed to Mr Tee, who would not even know where to start on a gazettal process.

The announcement has been made, the money is there and once the amendment is signed, the gazettal process will be forthcoming, and that is, as I have said, a clear matter of weeks — a process that is straightforward and that will be honoured.

Commonwealth Games

Mr RAMSAY (Western Victoria) — My question is to the Minister for Sport and Recreation, the Honourable Damian Drum. Could the minister inform the house what the government is doing to support our Commonwealth Games athletes?

Hon. D. K. DRUM (Minister for Sport and Recreation) — I thank Mr Ramsay for his question. This morning, along with the Premier, Denis Napthine, I had the opportunity to welcome to Parliament House some current and former athletes. Perry Crosswhite, CEO of the Australian Commonwealth Games Association, was here along with chef de mission Steve Moneghetti — it is a great title for a boy from Ballarat, and his role will be a very important one. With him were some athletes who will be making their way to Glasgow: Richard Colman, who will compete in the 1500-metre wheelchair event and hopefully the men's wheelchair basketball team; Melissa Tapper, table tennis; and Brooke Stratton, long jump.

The announcement today is that the coalition government is going to contribute $450 000 to Commonwealth Games athletes. It is necessary that government supports these athletes whenever it can and as generously as it can with travel and accommodation costs so that the athletes can concentrate on their job — that is, to compete.

Australians and Victorians can expect a successful Commonwealth Games in Glasgow. I am sure that when the athletes are on the dais, accepting their medals and tasting victory, they will think back to their hard work, training, sacrifice, disappointments and overcoming those disappointments, and think about all those who supported them, such as coaches, family members and others.

As the state government today makes a $450 000 announcement at the very end of our supporting procedures, we can look back at the work that has gone into the development of many of these athletes across the state. We cannot just turn up two months out from the games, offer a little bit of money and expect success. The real support from this government for these elite athletes who are going to go off and represent our country comes from the continued, day-to-day investment in organisations such as the Victorian Institute of Sport. Continued significant investment in the Victorian Institute of Sport has led to many of these athletes working their way through to representing, firstly, their regions, then their state and now their country. There is also significant support through the state sporting associations, the academies of sport throughout metropolitan Melbourne and also the regional academies of sport.

A large part of what we are doing is building grassroots sporting facilities to engage these young people in the very first instance. We are also investing in high-end, high-quality sporting facilities, enabling these elite athletes to compete in the very best of conditions. I am sure that everyday Victorians will marvel at the success of our athletes in Glasgow. They will feel justly proud of their performances.

Whether or not these athletes are successful with gold medals or medals of other colours, many athletes such as Melissa Tapper, who last represented this country in the Paralympic Games and has now moved into the able-bodied team, which is an amazing achievement, will have achieved dramatic success just by making these teams, and we wish them all the best.

Health funding

Ms HARTLAND (Western Metropolitan) — My question is to the Minister for Health. The federal coalition government has announced that it will terminate the national partnership agreement on preventive health effective from July this year. This agreement was to provide $236 million in 2014–15 for initiatives such as community-based healthy lifestyle programs, promoting physical activity and healthy eating for children, health promotion in workplaces and much more. These programs, as the minister would know, are critical for reducing the prevalence of chronic diseases. Can the minister clarify how much the Victorian government stands to lose from the termination and whether the government will be digging into its surplus to fund the ongoing delivery of these critical programs?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for her question and for her commitment to preventive health in this area. Like her, I see significant value in the program and the way the program is operating in Victoria. The Healthy Together Victoria program is being run in 14 council areas around the state and has received international accolades for its focus and attention. I can indicate that when the diabetes conference was here there was enormous interest in the mechanisms that the Victorian government, in partnership with local government and

the commonwealth, was employing to tackle many of the lifestyle issues that are involved.

I indicate to the chamber that the state government has engaged directly with the commonwealth on these matters and is seeking reconsideration of a number of these matters given that this particular approach in Victoria has been undertaken in the form of a research trial with matched areas, proper control groups and proper independent evaluation and oversight. This is a little different, I might add, from most approaches to preventive health care. It has been set up in a very particular way to measure and establish as definitively as possible the positive impacts in each of these areas.

What I would say to the chamber and to Ms Hartland is that the government understands the importance of these areas. That is why it has put a great deal of effort into the mechanism of establishing this program. It is seeking significant discussions with the commonwealth, and I can confirm that those discussions are ongoing.

Supplementary question

Ms HARTLAND (Western Metropolitan) — It would appear that the federal government does not have any concern about preventive health. The minister did not actually answer the two questions I posed. Will the government actually take up and bridge the funding gap if the federal government, in its absolute disregard of preventive health, decides not to continue funding this project?

Hon. D. M. DAVIS (Minister for Health) — I will answer this question in parts. The state government is determined to put a very clear case to the commonwealth about the importance of this trial and the way it has been constructed. That dialogue is continuing.

The second point is on the broader matter of preventive health. I am not sure that the model that had been established nationally was the best one, but I am very determined to see that a significant preventive health effort continues nationally. I will be putting to the health ministers council some detailed suggestions as to how that may be progressed.

Frankston Hospital

Mrs PEULICH (South Eastern Metropolitan) — My question is also directed to David Davis, the Minister for Health, and I ask: will the minister update the house on the recent progress of the $80 million building project at Frankston Hospital?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for her question and for her strong advocacy, along with Mr Rich-Phillips, for Frankston Hospital and for health services through the south-east of the metropolitan area. Frankston Hospital is a very important hospital. It is a hospital that our government has given a significant amount of attention to. Two major upgrades have been funded in successive budgets, totalling $81 million in funding with a small federal component as well. But largely the 68-bed unit, which is two — —

Mr Lenders — On a point of order, President, I seek your guidance. Ms Lovell in question time today was saying that any reference to federal funding was hypothetical. Certainly a number of ministers have been saying, when they have been asked questions about federal funding, that the budget is hypothetical. Now Mr Davis is talking about federal funding in answer to a question about state administration. I seek guidance from you as to when it is hypothetical to refer to federal funding and when it is state administration. We have had in this question time now a number of occasions when that distinction has mattered. I seek guidance as to when it is acceptable.

Hon. D. M. DAVIS — On the point of order, President, the small component of federal funding in this project is a capital funding component, and it has been funded in addition to two state components, the much larger components. The $81 million comprises of $76 million of state funding and $5 million of federal funding. They are being built as one block — one unit, concrete going all the way up — and they will be infilled in a steady way. I am just trying to clarify for the member that this is a very real point, and this is a capital project I am talking about.

Mrs Peulich — On the point of order, President, in relation to Mr Lenders querying Ms Lovell's answer, that was in response to a review that is currently taking place. To speculate on the outcome of that review was in effect hypothetical.

Mr Lenders — Further on the point of order, President, in response to the Leader of the Government, I thank him for the information on the point of order, but my question still remains. The $5 million in federal money and whether it is capital or recurrent is still a consequence of the federal budget, and that was the substantive point in my point of order. A minister has said that you cannot answer questions on the budget as a hypothetical. Here a minister is answering a question on a hypothetical matter regardless of whether it is capital or recurrent.

Hon. D. M. DAVIS — Further on the point of order, President, it is not a hypothetical matter. We have the money. The project is being built. You can actually touch the concrete. It is not hypothetical at all.

Hon. W. A. Lovell — Further on the point of order, President, in the question that was put to me it was stated that there was no future funding in the federal budget. The federal budget actually contains contingency funding that is not for publication. The reason the question was hypothetical is that it is subject to the outcome of a review, not subject to the outcome of the federal budget.

The PRESIDENT — Order! The point of order is quite a good one in the sense of establishing the position here. I suggest to members that under the standing orders we do not encourage hypothetical questions in any way, because the answers are of limited use to members of the house if they are in response to something that clearly might never happen.

In the context of a lot of the federal budget issues that might be raised by way of questions following the budget as published, I do not believe they are necessarily hypothetical questions. They are questions that can legitimately be put to a minister provided that they are framed in such a way that they do not speculate on but seek information in the context of what might happen if funds do not come through. It is not hypothetical, because the federal government has a budget, and it is a legitimate question to ask, 'If you don't get that money, what will you do?'. That is not hypothetical; that is a legitimate question. What will you do if the money does not come through? Ministers have relied on the fact that the Senate might change the budget, and that is fair enough. On that day, if that happens, then we can ask another question as to what they will do or not do, but it is legitimate to ask what will happen if the money is not forthcoming. That is not hypothetical.

In the case of the question put to Ms Lovell, that ventures more into a hypothetical position because, as Mrs Peulich pointed out in her point of order and as Ms Lovell reinforced, the matter at issue there is that there is a review. Therefore it is not possible for the minister to anticipate what might come out of that review or how the program might be abandoned, expanded, modified or whatever. There are too many options for that situation, and it is quite different to a budget provision or non-provision that is clear in the federal budget that came down. The review takes the question to Ms Lovell into a more hypothetical area, so I am supportive of that.

Obviously in the context of other questions I also am not in a position, as I have said previously, to direct ministers how to answer. If ministers rely on the fact that something might be hypothetical in their response, then obviously members might take issue with that, and I can make a determination at that time. But, as I said, I believe it is quite legitimate to ask questions in the context of what I have described. That is certainly the position I would be taking in the chair. However, because there is clearly a review in the case of the question to Ms Lovell, that takes it into another area, as both Mrs Peulich and Ms Lovell have indicated. In the context of the question before us at the moment, the minister is really saying there is no hypothetical position here because the money is actually there, it is a small component and it is capital that has been funded.

Hon. D. M. DAVIS — I am proud of what the government is doing at Frankston. The $76 million state component and the $5 million federal component are turning around the fact that the previous government was not prepared to invest in Frankston Hospital in the way that was required. The emergency department was clapped out and run down. We are building a brand-new big one — a good one. This is going to make a big difference to the people in the south-east and down on the Mornington Peninsula. I know the member for Hastings in the Assembly has been a very strong advocate for this hospital as well and a very strong advocate for these upgrades.

We are building a 68-bed component — two 32-bed wards and four more intensive care beds — which will add to the capacity there. There is a very significant increase — $76 million of state money. There is nothing hypothetical. I know Mr Tarlamis is not here today, but he asked me a question about when it is going to start. I gave him a document showing the diggers at work. He obviously never drove past the hospital to see the diggers digging and building the new hospital capacity at Frankston. That is the kind of hypothetical I am noting from Labor Party members. They do not even visit their own electorates and do not understand the progress on major health infrastructure in their electorates, unlike Mrs Peulich and Mr Rich-Phillips, who are very strong advocates for Frankston.

I also want to pay tribute today to the turnaround in performance that has occurred at Frankston Hospital. I am very proud of what has been done at Frankston Hospital by the staff, particularly the emergency department staff, through the whole-of-hospital approach that has been adopted there. Let me give some examples. The ambulance patient transfer within 40 minutes is an important benchmark, the figures for which were not released or reported on by the previous

government. It has lifted over the past 12 months from 58.9 per cent to 86.3 per cent — a very significant improvement. The 90th percentile time to treatment for all emergency department patients has fallen from 83 minutes to 23 minutes — a very significant improvement. This has occurred in the face of a significant increase in numbers of people going to the emergency department — 14 243 in the first quarter of 2013 to 15 645 in the first quarter of 2014. There is a very significant turnaround in the face of significantly increased patient flows.

For example, if you look at category 1 patients in the emergency department, you see 100 per cent of them are treated in time, and that it is an important point. The improvement in overall performance can be shown by one simple fact: the number of emergency department patients with a length of stay greater than 4 hours has fallen from 126 to 0. That emergency department and its staff are doing very good work, and I pay tribute to them. What stands in stark contrast to that good work is the naysaying and carrying on from the opposition, given the fact that it thinks this is hypothetical. I say one thing that is not hypothetical — the huge infrastructure at Frankston — —

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

Sitting suspended 12.57 p.m. until 2.03 p.m.

CRIMES AMENDMENT (PROTECTION OF CHILDREN) BILL 2014

Second reading

Debate resumed.

Mr D. R. J. O'BRIEN (Western Victoria) — It is with great pleasure that I rise to speak on the Crimes Amendment (Protection of Children) Bill 2014. This is a very significant bill. It results from lots of work by many people over a number of years, including victims, other submitters and ultimately the committee, which involved parliamentarians, the secretariat and others who contributed to the production of the Family and Community Development Committee's report entitled *Betrayal of Trust — Inquiry into the Handling of Child Abuse by Religious and other Non-Government Organisations*.

As a member of the committee I was honoured to be part of that process. It was a difficult report for us all, as has been canvassed, but I proudly stand here now as a member of the Parliament as the government and the Parliament continue the process of implementing the recommendations. For that, I commend the Attorney-General's department and the government as whole, as well as the members of Parliament who have spoken to the bill in a heartfelt way in both houses. I include Ms Mikakos's contribution, although for reasons I will explain the government remains committed to the bill in the form it is in now. I understand that the concerns raised by many of the submitters that Ms Mikakos referred to are genuine concerns, and I will touch on that shortly. The spirit in which Ms Mikakos conducted the debate that we have just had again complements the work of the committee and the victims who reported to it. We have succeeded in conducting this debate in a civil manner and with decorum.

It is the *Betrayal of Trust* report that I initially wish to commend and go to. Firstly, a part of the report that I did not see as a member of the committee was the chair's foreword. I note that the chair is in the chamber. Of the many people who have summed up the essential issues and the reasons these recommendations are so important, with great respect to the chair, she has put it as well as anyone. I will quote two paragraphs from the foreword to place it on the record and to remind the Parliament as we debate this bill what this legislation arose from. On page 4 the chair says:

> The criminal abuse of children involves extremely serious breaches of the laws of our community. Those who engage in it, or are in positions of authority and conceal such offences, should be dealt with under the criminal law. Non-government organisations must be expected to adequately protect children in their care and respond to any allegations of criminal offences by reporting to the police and relevant authorities. Victims should have access to appropriate avenues to pursue justice for the harm they have suffered. Our recommendations reflect these essential principles.
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> To inform our recommendations, we ensured we heard from individual victims and their families regarding their personal experiences, insights and suggestions for reform. We also wanted to provide a genuine opportunity for their experiences to be publicly acknowledged on behalf of the people of Victoria.

In that regard the committee heard from victims and their families, and the recommendations very much reflect our consideration of those contributions, hearing from other parties, including the institutions where in many instances the abuse had occurred under their cloth. It is of critical importance that many of those institutions involve significant family connections. It is not easy to separate a religious institution from the concept of family. Religious institutions in their many guises, whether run according to the values of Christianity, Judaism, Jehovah's Witnesses or other religions, have extremely close connections with priests, rabbis, deacons, rectors or other elders who are members of families. You cannot necessarily simply

say, 'Well, that was a report that related to child abuse just in non-government institutions, separate from child abuse as it affected the family'.

That is why, on the principal matter of debate, where in a sense the Labor Party has departed from the thrust of the recommendations of the committee in its *Betrayal of Trust* report, it is important to remember that child abuse is abhorrent and that mandatory reporting of child abuse needs to be urged wherever it occurs, including within the family, be that part of a non-government or religious organisation or be it in a secular or any other family.

That does not mean that there are not careful protections in the bill. The protections cover family violence, which is also abhorrent. Other members of Parliament and I have spoken about that and supported the budgetary measures that this government has taken across the whole of government to say, as was outlined by the Minister for Community Services, the Attorney-General and others, that violence and so-called family violence — or domestic violence or whatever you wish to call it — are absolutely unacceptable. The debate on this bill, to the extent that there is a debate, calls on members of Parliament such as me, in considering the legislation, to reconcile and balance the need to protect vulnerable people in our community, be they children or victims of family violence and those in control of children. For the reasons I will go to and from what the Attorney-General has said in the Assembly, it is my clear belief that this bill has struck the right balance in providing that protection for children but, where necessary, also for people who are in a vulnerable situation in relation to reporting.

Turning to the bill, the two key provisions of the bill establish two new offences. The first is a failure by persons in authority to protect children from a sexual offence. Clause 3 inserts new section 49C in the Crimes Act 1958. The second new offence is a failure to disclose a sexual offence committed against a child under the age of 16 years, which is provided for by clause 4 inserting new section 327 in the Crimes Act 1958.

It is noted that the first offence — failure by persons in authority to protect children from sexual offences — is itself a significant measure and one that is not opposed. It has the strong support of even those persons who have concerns in relation to the other offence. I note in this regard that I have been the recipient of a letter dated 23 March, co-addressed to Mr Drum and Mr Danny O'Brien, from various authors, including the Federation of Community Legal Centres, the Domestic Violence Resource Centre Victoria, Domestic Violence Victoria, the Aboriginal Family Violence Prevention and Legal Service Victoria, the Women's Domestic Violence Crisis Service of Victoria, inTouch Multicultural Centre against Family Violence, Women's Legal Service Victoria, Family Legal, No to Violence Men's Referral Service, Women With Disabilities, the Victorian Women's Trust and the Victorian Centres against Sexual Abuse forum.

I understand those groups wrote to us as members of The Nationals in this house. I wholeheartedly agree with the first part of the letter because it indicates support for clause 3 in its present form, being the very important provision to criminalise a failure by a person in authority to protect a child from child abuse. The groups take exception to clause 4. In relation to the offence described in clause 3, the five-year maximum penalty for that offence is an important statement of the serious approach the government takes in regard to covering up offences that have occurred and moving paedophiles from one parish, or other place, to another.

Clause 3 is a significant clause. The definition of relevant organisations is broad. It includes churches, schools, sporting groups, government agencies, out-of-home care services and any organisation that cares for or has supervision over children. Another reason it is important is that it is a careful consideration of recommendation 23 of the *Betrayal of Trust* report. It will apply if the child was in Victoria at the time the substantial risk occurred or if the sexual offence, or some element of it, was at risk of occurring in Victoria. Importantly, national and international organisations that operate in Victoria will also be covered by the offence.

One of the significant leadership decisions that was taken by then Premier Baillieu to appoint the Family and Community Development Committee to conduct the inquiry that resulted in the *Betrayal of Trust* report — a decision which was criticised at the time — clearly demonstrates how Victoria has led the way against what are sometimes very powerful religious organisations. We have seen since then in Australia the commissioning of other reports in other states, including the royal commission, and also actions by the United Nations at the highest levels in relation to the Vatican and the Catholic Church.

The evidence that was heard and the admissions that were obtained by the committee from leaders of the Catholic Church have been widely heard. It is important to note that the majority of the committee's recommendations and findings, and certainly the ones relating to this legislation, were based on admissions that church leaders, sometimes reluctantly, ultimately

made to the committee about the failings of their organisations. That is why cover-ups, which will be prevented by the introduction of this important clause in this bill, just cannot happen again. They were a betrayal of the victims, their families and the wider community. The Honourable Justice Marks said that child abuse is a degenerate crime against the whole of society.

Given the time and the fact that other members wish to speak on the bill I should to turn the offence described in clause 4. Where any person over 18 has information that leads them to form a reasonable belief that a sexual offence has been committed in Victoria against a child under 16 by another adult, the person will be guilty of the offence if they fail to disclose that information to the police as soon as possible, unless — and this is the important part — they have a reasonable excuse for not disclosing the information.

There are specific exemptions to the offence set out in the legislation which I intend to summarise and turn to. The most important is the reasonable excuse exemption for not disclosing the information. I should say at the outset that it is up to a court or jury to determine whether a person has a reasonable excuse. The bill provides some guidance. It provides that a person has a reasonable excuse under proposed section 327(3) if that person fears for the safety of any person other than the person reasonably believed to have committed or been involved in the sexual offence and where failure to disclose is a reasonable response in the circumstances, or if the person believes on reasonable grounds that the information has already been disclosed to the police by another person.

An important reminder to those figures in authority — because defences have sometimes come to the failure to disclose — the bill makes it clear that it is not a reasonable excuse to fail to disclose information only because the person is concerned for the perceived interests of any organisation or of the person reasonably believed to have committed or been involved in the offence.

This raises the concern that has been raised in the letter that the failure to disclose will capture mothers who are victims of family violence. Let it be said that this is not a matter on which Nationals MPs form a different view from our coalition partners. I am the government MP who has the honour of being the lead speaker for the government after the second-reading speech. I stand here as a proud member of the government, and I can say absolutely that The Nationals are 100 per cent behind this legislation, as are, I am sure, all other government members. I witnessed the debates that occurred in the lower house, including the very considered and reasonable response that was put by the Attorney-General to the concerns that have been raised.

I have taken the time to consider those concerns, including the cases that have been cited. They include the cases of *Campbell v. State* in Wyoming in 2000 and *State v. Williams* in New Mexico in 1983. The concern is that the 'reasonable grounds' defence, although it exists in the bill, will not be applied under this legislation. With the greatest respect, I say to the authors of the letter that the American cases are different cases to the situation under the bill. They are obviously in American jurisdictions. Furthermore, they do not apply the same standards of proof that would be applicable to this defence as a defence at law to a criminal obligation. It is a critical distinction because, contrary to what may have been the impression from the letter — that is, that the victim will bear the onus of proof — the legal onus will remain on the prosecution to prove all elements of the offence beyond reasonable doubt, including that the defence of fear on reasonable grounds is not present.

It is sometimes said that there is an evidentiary onus for those grounds to be raised. That will be clearly raised in circumstances involving the investigating police, the Director of Public Prosecutions when they consider the case and ultimately the courts and the judges who consider the case. The protections have been carefully considered and drafted by the Attorney-General in response to the situations genuinely raised by these groups I have listed in the letter and which were raised by Ms Mikakos in her contribution. They have been genuinely considered by this government.

Faced with the effect of the Labor Party's proposed amendment, which would be to remove the obligation to report at all, as has been said by the Attorney-General, we stand by this legislation, which is there to protect women, children and families. We stand by it because it places an obligation on all those who are aware of child abuse to report it as a crime to the police. The bill very carefully considers exemptions in a situation of so-called family violence where there is a genuine fear, including the sorts of circumstances that are set out in those American cases to which I referred.

I have considered not only the cases but an academic work by Heather Skinazi entitled *Not Just a 'Conjured Afterthought' — Using Duress as a Defense for Battered Women Who 'Fail to Protect'*, which was published in the *Californian Law Review*. It calls for the sorts of standards of proof that are in this legislation to protect against the situation in the American cases. Looking, for example, at the case of *Campbell v. State*, the situation there was effectively a common-law

defence of duress for crimes that were said to have been committed by the defendant, who had legitimately raised battered woman syndrome, as it was called in that case. As stated on page 509 of my copy of the report on that case:

> The burden of demonstrating the elements of such a defence is upon the defendant.

That is precisely the opposite situation to that provided for by this bill where the legal burden of proof remains on the prosecutor to prove all elements beyond reasonable doubt. For those reasons I stand here as a very proud former member of the Family and Community Development Committee, a very proud member of the government and as a Nationals member who is 100 per cent behind this bill.

As a member of the upper house, if I had genuine concerns about this legislation after considering the letters and the detailed cases, I would say so. The absolute truth of the matter is that I do not have concerns. This is a very well-considered clause, and I do not have any desire to vote it down. I note that the Attorney-General said that if there were any reasonable amendments to the wording proposed by those on the other side, they may have been considered, but none came from the other side, which has chosen to try to vote down the whole clause. That would fail to protect children. It would betray the trust that was placed in the Family and Community Development Committee and in this Parliament. It would be an unacceptable outcome.

I hope I have explained my position clearly. I am happy to undertake any further discussions with anyone at any time about the differences between the American cases that were cited and the situation that applies here. I commend Ms Crozier and other committee members involved in that inquiry: Mrs Coote, a member for Southern Metropolitan Region in this place, and Nick Wakeling, Frank McGuire and Bronwyn Halfpenny, the members for Ferntree Gully, Broadmeadows and Thomastown in the Assembly. Bronwyn Halfpenny's concerns in relation to this area are genuine, and they were made well known to committee members in her speech.

Nevertheless, I have absolute confidence in the Attorney-General's very considered legislation and am confident that those genuine concerns will be given effect to in the operation of this legislation. It is for the benefit of children and will protect our children. The bill will also protect vulnerable families and therefore deserves the support of the house. I commend it to the house.

Ms HARTLAND (Western Metropolitan) — I rise to speak on behalf of the Greens on the Crimes Amendment (Protection of Children) Bill 2014. This bill amends the Crimes Act 1958 by inserting two new offences in relation to sexual abuse of children. The first offence is failure by a person in authority to protect a child from sexual abuse, and the Greens wholeheartedly support this aspect. The second is failure to disclose a sexual offence committed against a child aged under 16 years. The Greens have significant concerns about this aspect, and in a moment I will outline the reason for those concerns.

To begin with, I would like to talk about the broader context in which this bill has come forward. The 2012 Cummins inquiry identified concerns regarding criminal child abuse. Its report recommended that a formal investigation be conducted into the process by which religious organisations responded to criminal abuse of children by religious personnel within their organisations. In response, the Victorian government announced a joint investigatory Family and Community Development Committee inquiry. As I said on the day that the parliamentary committee report was released, I think it is one of the finest reports that has been presented in this house. The work was excellent, and from having read the transcripts I can only imagine how difficult it was for the people who had to sit through that process, as well as for the victims and their families.

This inquiry investigated responses to criminal child abuse by all non-government organisations that interacted directly with children, including religious organisations and recreational, sporting, child-care, education, community and other child-related services and activities operated by non-government organisations. Through the course of this inquiry and the royal commission that is now under way we have heard appalling stories of abuse. The people we should be able to trust most — revered religious organisations and community leaders — have betrayed the community beyond belief. It has been revealed that churches, most notably the Catholic Church, education institutions such as Yeshiva College and formerly highly respected organisations such as the Salvation Army have denied, hidden and failed to come forward with cases of abuse not just in the long-distant past but in recent years. As many members in this chamber have said, this behaviour is disturbing and indecent and must be criminalised. I can only imagine the shock, the horror and the despair that this abuse has caused within the community.

Many religious and non-religious communities have been stunned and outraged to find abuse has occurred

within their own religious or community organisations — communities they have been involved in and had great faith in. The experience of criminal child abuse has profound and lifelong consequences for the physical, psychological and emotional wellbeing of victims. For parents of children who were abused while in the care of a trusted organisation, it is a betrayal beyond comprehension.

Quite clearly the victims of this horrific abuse must have justice. The *Betrayal of Trust* report is the outline of the committee inquiry. In recent weeks the government has presented its formal response to the report. The government supports a range of recommendations and has outlined how it intends to implement its response. My concern is that there is a number of absolutely critical recommendations to which the government has given only in-principle support, and it has indicated it may wait for the outcome of the royal commission before acting upon them. Victims cannot be expected to wait for years for the report of the royal commission before they see action. I suggest that we have to remember that the Irish Commission to Inquire into Child Abuse took some 10 years before it released its final report. I am concerned that critical actions in relation to redress have not been decided upon, and plans for moving forward and time lines associated with these have not been outlined. I am more than happy to be corrected by government speakers, but at this stage that is what I see.

Specifically in relation to recommendations 26.1 and 26.2, the government has provided no plan of action with respect to requiring religious organisations and other institutions to become incorporated legal structures capable of both having insurance and being sued by their victims. The government has not adequately responded to recommendation 26.4 in relation to amending the Wrongs Act 1958 to hold organisations accountable by placing a legal duty on them to take responsible care to prevent criminal child abuse. It has not responded adequately to recommendation 27.1 in relation to specifying in the Victims of Crime Assistance Act 1996 that no time limits should apply to applications for assistance for victims of criminal abuse in organisational settings.

Lastly, I do not believe the government has adequately responded to recommendation 28.1 in relation to the functions of the Victims of Crime Assistance Tribunal.

All these recommendations relate to proper redress for victims. We need appropriate and decisive action in relation to redress. Those who have been abused should not be forced to wait for years to start progressing in this area. We owe it to them to act swiftly. I also think the government owes it to the people who did the work to bring forward this committee report to take seriously the incredible work that was done and the spirit in which it was done. I call on the government to provide an outline of the actions it plans in relation to these recommendations and to bring forth legislation to address them.

I now move to the specific intention of this bill. This bill addresses recommendations 23.1 and 23.2 in the *Betrayal of Trust* report, namely, recommendation. As I earlier indicated, the Greens strongly support the provisions in this bill that criminalise the neglect or failure of persons of authority in organisations to reduce or remove substantial risk that a child will become a victim of sexual abuse. This is critical to the redress situations about which we have heard so often, where allegations or evidence of abuse are denied, ignored or responded to in the most unhelpful ways by organisations, such as moving abusive priests or workers to different locations only to have them reoffend at the next place.

The second objective of this bill is to criminalise failure to disclose child sex offences to the police. The penalty is three years imprisonment. The failure-to-disclose law could apply to anyone over the age of 18 years who is not exempt. This means that the non-abusing parent, who might also be the subject of abuse themselves, could be prosecuted under this law. In contrast, priests who hear confessions relating to abuse possibly perpetrated by their fellow priests will still be exempt from reporting it.

We have received submissions and letters from a range of expert organisations in relation to this section of the bill. These organisations include the Women's Legal Service Victoria, the Federation of Community Legal Centres Victoria, the No to Violence Men's Referral Service, the Domestic Violence Resource Centre Victoria, Women with Disabilities Victoria, Domestic Violence Victoria, Women's Health West, Aboriginal Family Violence Prevention and Legal Service, inTouch Multicultural Centre against Family Violence, Family Law Legal Service and the Victorian Centres Against Sexual Assault. To say the least, this is a very eminent list of organisations that agree that the failure-to-protect laws will not protect children from violence and abuse.

I will outline the reasons for these organisations not supporting the failure-to-protect law. Firstly, there is no evidence to suggest that the failure-to-protect law is necessary or that it will lead to increased reporting of abuse. In fact it could have the opposite effect with less reporting by non-abusing parents or less seeking of help

by non-abusing parents as they may fear being jailed themselves. This concern was also identified in the Cummins report. The Protecting Victoria's Vulnerable Children Inquiry identified a reduction of referrals to child protection services after similar laws were introduced in South Australia and the UK.

Secondly, there are likely to be unintended consequences of the failure-to-protect law. It has the potential to unintentionally cause more harm to children — for instance, by incarcerating the non-abusing mother for failure to protect the child and by leaving the child in the care of the perpetrator or the state.

Thirdly, these expert organisations believe the law is misconceived, as it does not adequately recognise the dynamics and complexities of family violence and it could be detrimental to women and children experiencing family violence. In particular, the legislation fails to take account of the powerful barriers to women leaving an abusive relationship or reporting that abuse. I remind the government that last year alone 29 women died as a result of family violence, and there were some 60 000 cases of family violence reported to police. The number of unreported cases is unknown, but that number gives us an idea of just how prevalent family violence is. Those women need our protection, not punishment.

Fourthly, these organisations argue that the failure-to-protect law will have a disproportionate and discriminatory impact on women who are themselves the victims of family violence. The discriminatory effect of the proposed law will be further exacerbated for women with disabilities, Indigenous women and women from culturally and linguistically diverse communities, who face additional barriers to reporting.

Finally, these organisations argue that the failure-to-protect law incorrectly allocates responsibility. It fails to place emphasis and direct law reform on ensuring that the perpetrator, not the victim, bears the responsibility for violence. This may have a negative impact on recent family violence reforms. In particular, it is inconsistent with the Victoria Police family violence code. It may also be inconsistent with Australia's National Plan to Reduce Violence against Women and Their Children, to which Victoria is a signatory.

All these points were contained in a submission provided to the government as early as 2011. The submission provides detailed evidence to back up these concerns. I will not go into this evidence as I know all parties have received this submission.

The Greens agree with the concerns outlined by these expert organisations. We do not support the failure-to-protect law due to the risk that it will only worsen the impact of abuse on mothers and children. The government has attempted to reduce the negative impact of the failure-to-disclose law by providing that a person may have a reasonable excuse for failing to comply — that is, if the person fears on reasonable grounds for the safety of any person, and this is a reasonable response in the circumstances. However, we do not feel that this provides adequate protection for non-abusing mothers.

There is evidence from other jurisdictions to suggest that because a reasonable excuse is a subjective notion to be defined by a jury, some non-abusing mothers have been imprisoned as a result of such laws. Even if a mother is not convicted, the emotional stress of having to endure such a court case would be immense and would impact on any child in her care. Allowing for a reasonable excuse does not negate the arguments presented against the failure-to-protect law. While this bill was a response on behalf of the government to the *Betrayal of Trust* report, the terms of reference of the inquiry related to organisations not individuals. Thus the intention of the relevant recommendations, which do not specify whether they apply to organisations or individuals, are not entirely clear and the Greens do not support the government's interpretation of them.

Importantly, the Greens note that the *Report of the Protecting Victoria's Vulnerable Children Inquiry*, the Cummins report, expressed clear concerns about the risks and adverse consequences that could arise if a failure-to-protect law were introduced. As a consequence, while recommendation 47 of that report called for a new reporting duty within the criminal justice framework, it proposed that such a duty be restricted to a minister of religion or a person who holds an office within an organisation that has regular contact with children and young people.

For all these reasons, the Greens do not support clause 4 of the bill which relates to persons failing to disclose sex abuse. Furthermore, I must express my deep concern that despite the government being aware since 2011 of the concern and opposition of expert organisations to failure-to-protect laws, and despite it being aware since 2012 of the concerns expressed by the Protecting Victoria's Vulnerable Children Inquiry, it has proceeded with this provision. It is also deeply concerning that the government did not consult with opposition parties on the drafting of the bill; it only provided a briefing to stakeholders after the bill was first read.

A number of the organisations I have been referring to have given me a long chronology regarding this issue around consultation. I am not going to read it into the record, but their evidence that they were not consulted about this bill is quite convincing. When you consider that these organisations work on the front line of family violence every day, you would think that the government would seek advice from them. There was no opportunity for the organisations that work on family violence and child abuse cases on a daily basis to provide their opinion in respect of the provisions as they are laid out in the bill. This is despite those organisations having written to the government on numerous occasions since 2011, including in December 2013 — three months before the bill was introduced.

This is an incredibly important piece of legislation. Unfortunately it is damaged, as I have just outlined. I would like to see the recommendations in this wonderful report taken up and implemented by the government, because that is the only way we can pay respect to the people who have been damaged over many years due to institutional abuse.

Mr EIDEH (Western Metropolitan) — I rise to make a contribution to the debate on the Crimes Amendment (Protection of Children) Bill 2014, a bill which takes an extremely important step towards protecting those who are most vulnerable in our state. It is our duty as elected representatives in this Parliament to ensure that we take the lead in ridding our communities of abhorrent child abuse. That is why I was happy to speak on the Crimes Amendment (Grooming) Bill 2013 and why I am happy to speak on this legislation. In my opinion, these are very positive steps towards protecting children against abuse. I thank my parliamentary colleagues in the Assembly for their contributions to the debate on the bill and for expressing their views about clause 4.

The bill amends the Crimes Act 1958 by inserting two new offences in relation to the sexual abuse of children, including failure by a person in authority to protect a child from sexual abuse, which is inserted by clause 3, and failure to disclose a sexual offence committed against a child under 16 years, which is inserted by clause 4. Whilst we on this side of the house do not oppose the bill, we propose an amendment to clause 4.

Clause 3 of the bill makes it an offence for a person in a position of authority in an organisation that has children in its care, supervision or authority to fail to protect a child from sexual abuse. A person is considered to have authority if the position he or she occupies in an organisation has the power to protect children by reducing or removing any risk that may be facing the child. Organisations can include churches, out-of-home care services, sporting clubs, schools, government agencies et cetera. The offence also extends to persons in positions of authority who may be aware of any risk of a person in their organisation committing an act of abuse towards a child — for example, a person may be charged with this offence if they knowingly move a person who poses a risk to children to another area within their organisation. The bill makes it law that persons in authority have a responsibility to ensure the safety of children in their care, and their failure to provide that care can lead to a maximum penalty of five years imprisonment. We support this. We believe in protecting children, and we believe that it is not okay for an organisation to turn a blind eye to child abuse.

Clause 4 targets any person over the age of 18 who is aware of or has a reasonable belief that a sexual offence has been committed against a child. The clause makes it mandatory for them to disclose that information to a member of the police force as soon as humanly possible unless they have a reasonable excuse for not reporting. Failure to do so will result in a three-year prison sentence.

We on this side of the house are very concerned about the impact of clause 4, particularly because many stakeholders have called for it to be redrafted to target only organisations and those in positions of authority within them, as was suggested in the Cummins report. These stakeholders have raised their concerns about the failure to protect in the context of family violence and/or sexual abuse. These people confront these terrible and damaging situations every day, and the government has overlooked these very real and very serious considerations. The concerns include a woman's fear of being prosecuted, sent to jail or, even worse, having her children removed from her care if she reports. We must amend this clause to ensure that these women feel supported and protected when they come forward and report and not experience more fear than they may already be confronting.

We on this side of the house support measures that seek to protect the safety and wellbeing of children, as I am positive every single member of this Parliament does. But we will be guided by the experts and those who have experienced these devastating crimes to ensure that we know the very best ways to achieve our mission. Clause 4 is not the best way to protect children from abuse and should be withdrawn. I hope the government consults with these groups to make these very important changes.

Ms CROZIER (Southern Metropolitan) — I am very pleased to rise and speak in the debate on the

Crimes Amendment (Protection of Children) Bill 2014. I want to acknowledge and thank all those members who have contributed to the debate so far because, as has been highlighted, this is an incredibly important bill. I would like to acknowledge the contributions of my fellow former Family and Community Development Committee members Mr O'Brien and Mrs Coote, who I note is in the chamber and will also be speaking in this debate. I thank them most sincerely for the enormous contributions they made to the work we conducted over 18 months, culminating in the report I tabled in this place last November. At the time I tabled the report I said:

> From the evidence we heard, the devastating effects of the crime of child abuse were clearly evident, in many instances with life-altering implications. The criminal abuse of children is a fundamental breach of the values of our community. It involves unlawful physical assaults, sexual abuse offences and the criminal neglect of children.

The legislation we are debating today is a direct response to the recommendations the committee put forward. I thank Ms Hartland for her acknowledgement of the committee's work. However, I was incredibly heartened by the swift action of the Attorney-General, who within a month of me tabling the report on behalf of the committee introduced a new offence of grooming, so the suggestion that the government has not acted quickly enough in relation to these important matters needs to be corrected. Can I also say that we did look into the considerable concerns that were put before the committee throughout the entire process, and we heard from hundreds and hundreds of people, whether they came before us in public hearings or through written submissions. In many instances they were family members of children who had been abused.

This bill contains two new offences relating to the failure to protect a child from a sexual offence and the failure to disclose a sexual offence against a child to police. On page 496 of our report we make our position pretty clear. Under the heading 'Universal responsibility to report a serious crime' the report states:

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

We go on further in this chapter to talk about the implications of this and why we made the recommendation to amend the Crimes Act 1958 to create an offence of failing to report a serious crime.

The first part of this bill deals with the failure by a person in authority to protect a child from a sexual offence. We heard of many instances where that had occurred, and I am very pleased that the Attorney-General has, I think, got the balance right in relation to this issue. He has also got it right in the next part of the bill, which deals with the failure to disclose a sexual offence committed against a child under the age of 16 years. Again I go back to the point in the report where we say that 'every member of society has a moral and ethical responsibility'. We need to be sending a very clear message to the community that crimes against children are completely unacceptable. We need to be sending that message very clearly and very strongly, and I think we are endeavouring to do that through the introduction of this legislation.

I note that some concerns have been expressed by various members of the community in relation to instances of domestic violence and those women who fear for their own safety or that of their children. I think this bill understands and respects those concerns. Again I say that I think the Attorney-General has got it right. The bill contains provisions relating to reasonable grounds, if you like — that is, the government expects that the reasonableness of a person's actions will be carefully and fairly assessed. Therefore if someone thinks that they or a child is at risk, they would not be committing a crime by failing to disclose.

I think that is pretty well laid out, but I do understand that there are members of the community who are very concerned about the rise in domestic violence. I would like to place on the record at this point in time the work of the Minister for Community Services, Mary Wooldridge, in relation to this issue throughout the term of this government.

In relation to that issue, more than $95 million has been allocated in the 2014–15 budget to support the action plan to address violence against women and children. This was launched in October 2012, and since 2011 more than 6000 mainstream and family violence specialist workers have been trained under the Family Violence Risk Assessment and Risk Management Framework, which provides a standardised, transparent approach to identify family violence and manage associated risk factors.

More than $15 million has been dedicated to supporting the community crime prevention program, including $2.4 million for early intervention and prevention of violence against women and children in Koori communities. There has been spending of $3 million to double the number of places in court-directed men's behaviour change programs and the creation of 1000 new places in men's behaviour change programs with

$2.1 million in funding across four years to break cycles of violence and reduce recidivism.

They are just a handful of actions the minister has taken. I note the calls from the opposition. Unfortunately I did not hear Ms Mikakos's contribution to this bill because I was engaged in another important event in the Parliament. However, I heard her call for a royal commission into domestic violence. When the committee inquiry was announced, the then Leader of the Opposition in the Assembly, Daniel Andrews, was caught saying that it was the wrong sort of inquiry and that it should be a royal commission. Mr Andrews admitted that he got it very wrong — and rightly so.

I know the Minister for Community Services, Mary Wooldridge, has been speaking with people in the sector, and I am sure she is aware of most of the groups that Ms Hartland was referring to. She said that not once while she has been minister has anyone suggested to her that we need a royal commission, and quite rightly so, because a royal commission costs tens of millions of dollars. Surely to goodness it is more effective to put that money directly into services to deal with this issue. The minister has been very proactive and has done a tremendous job in carefully considering the issue. As I said, she has put a significant amount of funding into Victoria's action plan to address violence against women and children as well as investing in other necessary front-line services.

This legislation is strengthening our laws to protect children. I know other members of the government are very serious about the protection of children, and they are the most vulnerable members of our community in many instances. I am very proud to be part of a government that had the courage to undertake an inquiry of such significance. At the time it was not viewed as being such a courageous and wise decision, but I think in hindsight everybody has understood the work we undertook and the enormous impact we have had in exposing the issue to the Victorian and Australian community.

I commend the Minister for Community Services, the Attorney-General and others for their work on this piece of legislation. It will further protect children and send a very strong message to the Victorian community that sexual abuse against children is a crime which should not be and will not be tolerated. That is what this legislation is doing. I commend the bill to the house.

Mrs COOTE (Southern Metropolitan) — It is very rare in this place that all parties make a profound difference to a piece of legislation; that they speak on it with compassion and understanding, recognising and respecting the differences in opinion. That is the debate we are having here today. I acknowledge the contributions from Ms Mikakos and appreciate and thank her for her understanding. In fact she said that she hoped this would be a debate full of respect and understanding. I obviously dispute her amendments, but I respect her for the thought she has put into them.

It is likewise with Ms Hartland. I know how much thought she has put into this legislation. She understands the work that was done by the committee and the importance of what we are dealing with here today. I understand also that she has listened to the various aspects raised by the community sector, and as part of my contribution to the debate I will explain why we came to the decisions we came to.

We have just heard from the chair of the Family and Community Development Committee's inquiry into the handling of child abuse by religious and other non-government organisations, Ms Crozier. I think everyone would acknowledge her leadership and the professionalism she displayed in conducting that committee. It will go down in the annals of the Parliament as one of the better pieces of work we have seen. I also acknowledge my parliamentary colleague, David O'Brien, who was on that committee with me. It was very difficult, but it has been very pleasing to come out the other side and see the legislation implemented.

I remind the chamber of what we have done. As has been pointed out today by Ms Hartland, there are 15 recommendations in the committee's report. Of those 15 recommendations, 3 have already been put into law because of the work we have done. I remind members what they are. There is a new grooming law which prohibits any communication with a child or the child's parents or carers which is intended to facilitate engaging the child in a sexual offence. There is a new offence for people who hold a position of responsibility who fail to protect the child from sexual abuse when they know someone associated with their organisation poses a risk of sexually abusing children, and a new offence for individuals who fail to inform police if they know that a child has been sexually abused.

I am concerned about the views of the Greens and the Labor Party on this bill, which does two things. Clause 3 inserts new section 49C entitled 'Failure by person in authority to protect child from sexual offence' into the Crimes Act 1958, and clause 4 inserts new section 327 entitled 'Failure to disclose sexual offence committed against child under the age of 16 years' into the same act.

Both the Greens and the Labor Party have taken a glass half full approach to this, which is a great pity because I think we have come a long way. As the chair of our committee, Georgie Crozier, said in her contribution, there has been a swift reply from the government. The government considered the report and all its recommendations, and it supported them all within a very quick time frame, which is very pleasing.

However, I want to talk about the issue of a welfare versus criminal approach. We spent a lot of time debating whether this was a welfare or a criminal issue. The Cummins report talked about this very issue. Philip Cummins said it needed to be looked at and discussed. I can assure the chamber that that is precisely what we did. It was a question of whether child abuse should be an issue that is dealt with through the Department of Human Services (DHS), with support in place and a welfare-type approach, or whether it warranted a criminal approach. We came down very heavily in favour of it warranting a criminal approach. This is very important and is reflected in the legislation we are debating today.

I turn now to mandatory reporting. We heard from various people that mandatory reporting was okay and all we needed to do was extend it. However, we found that mandatory reporting is not a clear-cut scheme. People do not appreciate what mandatory reporting is and the extent to which it protects people. On page 486 of our report, *Betrayal of Trust*, we say:

> The committee received evidence that shows there is a great deal of confusion about mandatory reporting laws in Victoria and how these laws might operate to protect children from criminal child abuse in an organisational setting. Much of the confusion seems to stem from the fact that mandatory reporting to child protection authorities is often confused with compulsory reporting of a crime to police.

We spent a lot of time looking at this issue.

I remind the chamber about Daniel Valerio. Daniel Valerio was a little boy; I think he was 18 months old. His face haunts us all — I see Ms Hartland nodding. Daniel Valerio was bashed to death by his mother's partner. I still see the little face that appeared on the front pages of all our newspapers day after day, the great big brown eyes and huge bruises. People knew that Daniel had come to the attention of the authorities because of his bruises, but there was no formal reporting mechanism in place at that time. In 1993 the then Kennett government made changes to the Children and Young Persons Act 1989, which made reporting by prescribed professionals to child protection services mandatory if they suspected a child was being abused. That little face haunted all of us and became the face of mandatory reporting. At the time I was working for the Minister for Community Services and we were inundated with people reporting child abuse. We had no idea it was as widespread as it was. Yes, I would agree that some of it was vexatious, but on the whole there was a lot of merit in what was being reported. However, mandatory reporting in 1993 versus what we are dealing with in 2014 shows that as a community we have all come a very long way. The legislation we are putting in place clarifies these issues and deals with us as a community. It is a community responsibility, make no mistake. It is not a welfare issue; it is a criminal issue. It must be reported to the police. This bill makes that very clear. There will be no misunderstanding once this legislation passes today. It is very important that the community knows that child abuse is unacceptable. It is a criminal offence, and it has to be dealt with.

We give an enormous amount of support to families in crisis. I too praise the Minister for Community Services, Mary Wooldridge, and the Attorney-General for taking a whole-of-government approach to family violence. It is an issue on which this government can proudly hold its head high, because family violence is of concern to us all. The current Chief Commissioner of Police, Ken Lay, has made this his own cause. But we need to give police the tools to make certain that it happens properly and that our community is accountable — and that is precisely what we are doing today.

I know other speakers wish to make a contribution to the debate. Once again I say what an honour it was to have worked on a committee such as the Family and Community Development Committee and to have had responsibility for the development of the *Betrayal of Trust* report. Those of us in this chamber and in the Legislative Assembly are the legislators. We are the ones who can make a difference in the future. I commend the bill.

Mr D. D. O'BRIEN (Eastern Victoria) — I rise to make a very brief contribution to the debate on this bill. I endorse wholeheartedly the comments made by Mrs Coote in her very good contribution to this debate, and in many ways I endorse her comments about Ms Mikakos and Ms Hartland and all our colleagues in the other place. The protection of children is one of the fundamental reasons we exist as legislators. If our society cannot protect its most vulnerable residents — that is, children — then we are in a difficult place. I strongly support this bill.

The main reason I rise to speak on this bill is to respond to a letter that my colleague David O'Brien referred to

earlier. He, the Honourable Damian Drum and I received a letter from a number of domestic violence groups in Victoria raising concerns about clause 4 in particular. I place on the record that I have noted those concerns and I reiterate some of the things that David O'Brien spoke about in his contribution. In short, these groups, and there are a number of them — Domestic Violence Victoria, Women's Domestic Violence Crisis Service, the Victorian Centres Against Sexual Abuse forum — have written to us asking that we oppose this bill. I will not be doing so, because although I acknowledge their concerns, on reflection and after having looked at the bill I do not think that those concerns are valid. They particularly relate to the issue of women who are also the victims of family violence. Concerns have been raised, and raised by previous speakers as well, that a person who is a victim of family violence may be prosecuted under this legislation.

I make it clear that there is no obligation to report the abuse of children where it would not be reasonable for a person to do so because of a fear for their own or another person's safety. If a person who is prosecuted raises fears for their safety as the reason for not reporting, the burden will be on the prosecution to prove beyond reasonable doubt that this was not the case.

I note, as David O'Brien mentioned earlier, the examples that were given of similar situations in the United States. I do not believe they are valid, in particular because of the requirement for the prosecution to prove beyond reasonable doubt that there were no fears for that person's life. I acknowledge the concerns that have been raised with us by these groups and by the opposition and the Greens. I understand where they are coming from and I do not question their motives for raising these fears, but I believe, as Mrs Coote has outlined, that it is critically important that we in this Parliament protect as best as we possibly can the most vulnerable people in our society — that is, children.

As Mrs Coote mentioned, the story of Daniel Valerio is one that is sadly etched in the memories of us all. Sadly, there are numerous other children that we are equally concerned about. It is those little faces and very sad lives that we are legislating for.

It is critically important that the government respond to the *Betrayal of Trust* report. As has been said, excellent work was done by the committee chair, Ms Georgie Crozier, my colleague Mr David O'Brien and the other members of the committee. This is one of the best things the Parliament has done, as everyone before me has said. Obviously it was before my time in this place. This bill is one part of the response to that report.

I certainly support the bill, and I support clause 4. Knowing and understanding the motivations behind the amendments that have been proposed, I will not be supporting them. It is important for us to continue to support and protect the most vulnerable in our community. I will be supporting the bill as it stands, and I commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I seek leave for Mr David O'Brien to join me at the table.

Leave granted.

The ACTING PRESIDENT (Mr Elasmar) — Order! My understanding is that Ms Mikakos is proposing a number of amendments to the bill. They all relate to the proposed omission of clause 4, concerning a new offence of failure to disclose a sexual offence committed against a child under the age of 16. Ms Mikakos has proposed minor consequential amendments to earlier clauses. I understand that Ms Mikakos is seeking to postpone consideration of clauses 1 to 3 to enable her to speak to her substantial amendment 6 to clause 4.

Clauses 1 to 3 postponed.

Clause 4

Ms MIKAKOS (Northern Metropolitan) — The amendment is straightforward; it simply seeks to omit clause 4 from the bill. All the other amendments are consequential to this.

I thank the government and the Greens for agreeing to this process, the same process as was undertaken in the other place. It is essentially designed to ensure that we have a discussion and a vote to test what is effectively the substantive amendment standing in my name today rather than having the testing of the amendments occur on the inconsequential and minor addition of one word, as would have otherwise been the case by virtue of amendment 1 standing in my name. I am grateful to the other parties for agreeing to this. I also express my appreciation for the respectful way this debate has been conducted in this place today. I believe we are all

striving to act in the best interests of children and the wider community, but we have a difference in point of view when it comes to this fundamental issue.

I do not want to go over all the issues I have raised in my contribution to the second-reading debate. Suffice it to say that in his significant report on protecting vulnerable children Justice Cummins identified significant difficulties with failure-to-protect laws in the context of family violence. He noted that efforts to acknowledge that for victims, putting an end to family violence is not as simple as walking away could be undermined by laws that criminalise non-protective behaviour by vulnerable parents.

We also had a significant number of expert organisations that work in the family violence and sexual abuse areas write a joint submission to the government indicating their serious concerns that the clause would be counterproductive in that it would drive reporting underground. That is the last thing we on this side of the house want to see. We want to ensure that if we have legislation like this, it does what it is intended to do and that it does not make the situation worse in practice. This is what we are concerned about here.

In the *Betrayal of Trust* report members of the Family and Community Development Committee stressed that their recommendations needed to be considered against any unintended implications for other groups and individuals. We are concerned that that is exactly what is going to happen — that there will be the unintended consequence of mothers being fearful of having their children taken away from them and of being prosecuted and that this will actually mean that there will be less rather than more reporting of abuse.

Some very strong points of view have been put to us by these expert organisations that have concerns that women will not be inclined to come forward. We think it is important that women be supported to come forward and report abuse and that they not fear that they themselves will be prosecuted, sent to jail or have their child removed from their care. We have come to the view that if the government is not prepared to consult further with the expert stakeholders, we are left with no recourse other than to seek to remove this clause, which we are concerned would do more harm than good.

With those words I encourage members to reflect on this amendment. I understand that the government is very determined to proceed with this bill, but I hope it will give some thought to reviewing the operation of this clause in due course. If the clause has the unintended consequences that are very much feared, I hope those opposite will further reflect on it and come back to this Parliament in the future to address those issues.

Ms HARTLAND (Western Metropolitan) — The Greens will be supporting Ms Mikakos. For all the reasons I have already outlined in my contribution I think it is an important move to make, and Ms Mikakos has summed up very well why we need to do this.

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — Let me begin by echoing the comments made by Ms Mikakos and thanking contributors to this debate. It is a very challenging area, and it follows the release of the *Betrayal of Trust* report by chair Georgie Crozier and the other members of the Family and Community Development Committee. They did an outstanding job. The clause we are dealing with implements a recommendation made in that report.

As Ms Mikakos flagged, the government will not be supporting her proposition. The government believes clause 4 should stand part of the bill. In today's debate we are informed in a more detailed way than we sometimes are during the second-reading debate or consideration by the committee of the whole. If members review *Hansard* from the other place and read the contributions from the member for Lyndhurst and other members of the opposition along with contributions from the Minister for Mental Health, Ms Wooldridge, the Attorney-General, Mr Clark, and other members of the government, they will see the very clear perspectives of the opposition and the government. I note the perspective of the Greens, as articulated by Ms Hartland in her contribution to the second-reading debate.

In her contribution to debate on clause 4 Ms Wooldridge spoke about coming from the perspective of the child. She summed up the perspective of the government articulately and clearly. I note her comments and the comments of the Attorney-General about the consultation they have personally had with some of the stakeholders and experts Ms Mikakos referred to who work in the area of family violence and sexual assault. Whilst we in government respect the views of the opposition and those stakeholders, we believe that clause 4 should stand part of this bill, and appropriate qualifications through the reasonable grounds test have been built into clause 4.

In response to the final point made by Ms Mikakos, I believe Minister Wooldridge addressed this point in her contribution in the other place. Once a law is passed the government always stands prepared to consider its

implementation and feedback about its operability. We often see legislation in this place designed to improve the operation of a particular statute once the learnings from its operation in practice are available. I draw members' attention to Minister Wooldridge's contribution on that point and to the debate that took place in the Assembly around these matters.

The government is coming from the perspective of the child — the victim. Based on that and the reasonable grounds test that is built into clause 4, we believe the balance is appropriate and therefore that clause 4 should stand part of this bill.

Mr D. R. J. O'BRIEN (Western Victoria) — I wish to make a quick contribution on another matter relating to clause 4. It is an important matter that needs to be placed on the record. It relates to an issue that has been raised in the wider debate involving the role of the confessional. It should be noted that, as per the committee's recommendations, the operation of the confessional is not presently sacrosanct in that every single confession is inviolate from scrutiny. The Family and Community Development Committee made this clear at page 501 of volume 2 of its report. Section 127(1) of the Evidence Act 2008 says:

> A person who is or was a member of the clergy of any church or religious denomination is entitled to refuse to divulge that a religious confession was made, or the contents of a religious confession made, to the person when a member of the clergy.

That is the exemption, but subsection (2) says:

> Subsection (1) does not apply if the communication involved in the religious confession was made for a criminal purpose.

The report says:

> The committee considers that the current exemption in s.127(2) of the Evidence Act 2008 provides an appropriate check on the potential abuse of any communication in a religious confessional setting made for a criminal purpose. The operational effect would be that where a religious confession of criminal child abuse is made for the purposes of seeking assistance in concealing that crime, the exemption will not apply.

Then on page 9 of the bill, proposed section 327 says:

> (7) A person does not contravene subsection (2) if —
>
> …
>
> (b) the information referred to in subsection (2) would be privileged under Part 3.10 of Chapter 3 of the **Evidence Act 2008** …

I note that the public debate that has occurred in some quarters has been, in a sense, misinformed by the failure of the present exemptions in relation to the confessional to be placed on the public record and in the debate. Because it is a matter of much importance to me as a former member of the Family and Community Development Committee, I wanted to confirm that it was the committee's view that the present confessional exemptions in section 127 of the Evidence Act work well because purported confessions made for the purpose of seeking assistance with a crime will not be privileged. I thank the committee for that indulgence.

Ms HARTLAND (Western Metropolitan) — I am quite confused by what has just been said, because during our briefing on this legislation we asked specifically about this matter, and we were told that the confessional was exempt. I am not sure whether that is what Mr O'Brien did or did not just say.

Mr D. R. J. O'BRIEN (Western Victoria) — The confessional is exempt except if the confession is made for a criminal purpose. That is the current law, which will remain in place after this bill is passed. That is why I wanted it placed on the record. I am not sure what happened in Ms Hartland's briefing, but I thought it was important that those matters be placed on the record. It is section 127 of the Evidence Act as it is presently drafted. The bill does not change that.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! Any related question should be addressed to the minister, and the minister should answer.

Ms HARTLAND (Western Metropolitan) — Am I clear on this — the confessional has not been exempted?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — The present exemptions, as currently detailed in the Evidence Act, are unchanged by this legislation.

Ms HARTLAND (Western Metropolitan) — So the confessional is not exempt?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — There is an exemption in section 127 of the Evidence Act. Let me read out the section:

> **127 Religious confessions**
>
> (1) A person who is or was a member of the clergy of any church or religious denomination is entitled to refuse to divulge that a religious confession was made, or the contents of a religious confession made, to the person when a member of the clergy.
>
> (2) Subsection (1) does not apply if the communication involved in the religious confession was made for a criminal purpose.

There is a carve out to the general exemption when the confession is made for a criminal purpose. That is the existing legislation, and if this legislation passes the house, these new criminal offences will apply to subsection (2).

Ms HARTLAND (Western Metropolitan) — I have just one more question. I am sorry; it is just that this is not what we were told in our briefing, and that is why we spoke to it in the debate. If a priest goes to another priest and divulges in confession that they have abused a child, that information that is related to the confessional priest can be used, so that priest should report that abuse?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I was not in the briefing provided by the department, but I presume that the advice Ms Hartland was provided with detailed that the legislation that is before the house today does not change section 127 of the Evidence Act and that the general rule, as articulated and as I stated before, has a carve out in subsection (2) where the privilege relating to religious confessions does not apply if the communication involved in the religious confession was made for a criminal purpose. Without going into specific examples, because they are hypothetical, each case will turn on its own facts. If the confession were made for a criminal purpose, then that exemption articulated in section 127(1) of the Evidence Act may not apply.

Ms HARTLAND (Western Metropolitan) — I am going to try one more time. A priest goes to another priest in the confessional and divulges that he has abused a child. Would that priest then be required to report that abuse of the child?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — The test as it currently stands in the Evidence Act is unchanged by this bill, but of course these new criminal offences will also apply to the consideration of the exemption. The case Ms Hartland cites depends upon section 127(2) of the Evidence Act, which says, for the sake of repetition:

> Subsection (1) does not apply if the communication involved in the religious confession was made for a criminal purpose.

For a court determining the situation Ms Hartland poses today the question would be, 'Was the confession made for a criminal purpose?'. Of course I cannot provide a blanket yes or no answer to Ms Hartland's question, because that would be a matter for determination by a court. As I say, this section of the Evidence Act is not being changed by this legislation, but we are creating new criminal offences to which section 127 would apply.

Ms HARTLAND (Western Metropolitan) — I am going to try one more time. Is the minister telling me that if a priest goes to another priest in confession and admits that he has abused a child, that priest does not have to report that abuse?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — Ms Hartland is seeking a yes or no answer from me. I cannot provide that because the test as it currently exists in the Evidence Act would apply. Each situation would turn on its own facts, and a court would have to determine whether subsection (2) applies. If the court determines that it does — in other words, that the confession was made for a criminal purpose — then maybe the shield of the confessional would not apply, but again I cannot give a yes or no answer to the question posed because it is hypothetical and would turn on the facts of each and every particular case. Again, I make the point that the Evidence Act as it currently applies will also apply to these new criminal offences.

Ms HARTLAND (Western Metropolitan) — So a woman who does not report abuse and who is in an abusive situation may end up in jail for not reporting that abuse, but a priest who receives this evidence in the confessional may be exempted from being charged if that priest has not reported it to the police?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — Again, the situation that Ms Hartland proposes is hypothetical. As has been stated by numerous government members during the second-reading debate, and as I said in response to Ms Mikakos regarding clause 4, the government believes that with the reasonable grounds carve-out that is provided we have an appropriate balance.

In relation to priests and the confessional, I can only reiterate what section 127 of the Evidence Act 2008 says, which I have read into *Hansard* on several occasions.

Committee divided on clause:

Ayes, 19

Atkinson, Mr	Millar, Mrs
Coote, Mrs	O'Brien, Mr D. D. (*Teller*)
Crozier, Ms	O'Brien, Mr D. R. J.
Dalla-Riva, Mr	O'Donohue, Mr
Davis, Mr D.	Ondarchie, Mr
Elsbury, Mr (*Teller*)	Peulich, Mrs
Finn, Mr	Ramsay, Mr
Guy, Mr	Rich-Phillips, Mr
Koch, Mr	Ronalds, Mr

Lovell, Ms

Noes, 15

Barber, Mr (*Teller*)	Mikakos, Ms
Eideh, Mr (*Teller*)	Pennicuik, Ms
Elasmar, Mr	Pulford, Ms
Hartland, Ms	Scheffer, Mr
Jennings, Mr	Somyurek, Mr
Leane, Mr	Tee, Mr
Lenders, Mr	Tierney, Ms
Melhem, Mr	

Pairs

Drum, Mr	ALP vacancy
Kronberg, Mrs	Viney, Mr

Clause agreed to.

Postponed clauses 1 to 3 agreed to; clauses 5 to 9 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

BUDGET PAPERS 2014–15

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I move:

That the Council take note of the budget papers 2014–15.

Mr TEE (Eastern Metropolitan) — I welcome the opportunity to make a contribution to the debate on this year's budget. It came just before the federal budget, which will clearly have a major impact on the Victorian budget. It is worth just mentioning the federal context in which this budget is placed, because you really cannot have one without the other. In particular it is worth noting and being reminded of the savage cuts that you get when you have this horrendous combination of Liberal state and federal governments working hand in glove to decimate Victorians' way of life and their access to services. That is what we see emerging this year with two complementary budgets that are devastating.

We have seen that the federal budget's $80 billion cuts have resulted in $20 billion going from Victoria. That is $20 billion that will need to be found in Victoria for future budgets. This is going to have an enormous impact, not just on the state's bottom line but also on the quality of services and education. It is becoming very clear to Victorians that you simply cannot afford to have Liberal governments at both federal and state levels, because that combination is clearly a recipe for the decimation of services.

We have seen out of the federal budget a $3.79 billion gutting of the education portfolio — nearly $4 billion taken out of education. That will have a massive impact. It is clear that you need to have a counterbalance to that, and it is also clear that only Labor at a state level will be able to provide any resistance to that sort of onslaught. We have seen education decimated as well as the health budget. Funding agreements that were reached with the previous government will now be wound back. Some $50 billion will be stripped away over eight years via the federal budget from our hospital funding agreements. There has been no resistance to that at the state level, other than — to be fair — the state minister indicating that he made a phone call to the federal minister to express Victoria's position. But I do not think anyone here has any confidence that it was any more than a token effort by the state Minister for Health. There is no doubt that when it comes to the impact that this budget will have, the state and federal Liberal governments are working hand in glove.

The budget is a disaster in that broad context. It is a disaster having a federal and a state Labor government — Liberal government, sorry.

Hon. W. A. Lovell — It is a disaster to have federal and state Labor governments.

Mr TEE — Minister Lovell talks about disaster. The minister might think there is some joy in having $20 billion taken out of the state budget. She might think there might be some reasoning or justification for a $4 billion education cut. She, as a Victorian Liberal, might be able to stand there and justify that impact on Victoria, but on this side of the house the Labor Party does not see any justification for such an extreme measure. It is only Liberal Party members, such as the minister, who would see any reason for justifying any conduct which will have such a draconian impact on Victorians' education and health systems. I welcome the minister's contribution, via interjection, to the debate. I welcome her support for the federal Liberal government and for its decimation of health and education services in this state. You do not need to look very far to see the impact that the federal budget is having on Victoria.

The other concern you have when you look at the state budget is seeing what Victoria has been reduced to after nearly four years of a Liberal government. Our economy in Victoria is pretty much on a go-slow path.

It is growing at 1.6 per cent, compared to a decade average of 2.6 per cent. The economy is growing at 1.6 per cent when the national average is 2.6 per cent. After nearly four years of Liberal government in Victoria, the economy is stagnating.

If you look at gross state product (GSP), you see that Victoria's GSP fell per capita last year; and Victoria and Tasmania are the only states that saw a fall in GSP per capita last year. Not only do we have an economy that is growing at less than the national average but we are seeing our gross state product going backwards, and Victoria is the only mainland state where that is happening. What we are seeing under this government after nearly four years is an awful economic record. The people who are hurt most by nearly four years of Liberal government are families with members looking for jobs.

If you compare this government's record with that of the previous government, you see a startling contrast. The Labor government had about 61 000 jobs created in its last term, and in the last budget of the Labor government 80 000 jobs were created. In contrast, the most recent labour force statistics show that since 1 July 2013 Victoria has lost 16 400 jobs in seasonally adjusted terms. Instead of growing jobs, which is what occurred under the last government, we are seeing the loss of jobs right here in Victoria. That is an appalling outcome for Victorian families and for people finishing their schooling, higher education, apprenticeships and TAFE courses who just cannot find a job because the job market is shrinking under this government. It is not moving ahead; it is going backwards.

For exhibit A in terms of the worst excess of this government, you need look no further than the loss of a whole industry under its watch. We have seen car manufacturing under the state Liberal government literally close down — the whole industry. That is a shocking achievement. The impact that this will have has been well articulated. Around 200 000 jobs will be lost nationally, and most of that will be felt right here in Victoria. With the closure of car manufacturing we will see close to 100 000 jobs lost under this government. That will have an impact on the unemployment rate, which the budget shows is going to increase to 6.25 per cent in 2013–14 — a slight increase on the current level, but an increase nonetheless. As I said, the biggest impact when the economy is grinding to a halt and jobs are going backwards is on young people finishing their education and looking for work. That is why we have seen youth unemployment sitting at 20 per cent.

There is no good news in the budget, and there is certainly no good news coming out of the Liberal government in Canberra. We are seeing further cuts to services. We have seen an economy that is going backwards when it comes to jobs. We have seen growth in Victoria which is much less than the national average. As a contrast to that, we also see in this budget and under this government a massive increase in fines and fees; they are going through the roof. There will be $1.4 billion from vehicle registration fees, which is nearly $800 million more than when this government came to office. That is $800 million more out of the pockets of Victorian families at the very time when many of them cannot find jobs. Unemployment is going up, the number of jobs is falling and youth unemployment is sitting at 20 per cent, and yet families are about to pay $800 million more in vehicle registration fees. There is also another $784 million in fines, which is $225 million more than when this government came to office.

I note the new tax coming through planning permits. It is not just indexation, although it will be indexed. It is a new tax on all planning permits for construction costs over $1 million, and it will raise $17 million from 2015. That tax will go to supporting a bureaucracy. We are going to see $10 million from that allocated to a new planning authority. It is a tax on construction — effectively on construction jobs — taken to provide for a new bureaucracy. It is a very concerning, skewed logic that applies in this budget.

I want to briefly mention some of the infrastructure projects that have been identified in the budget. It is worth contrasting the proposal that this government has in terms of the Melbourne rail link with that which had been developed by the former government. The Labor Party has a vision for a Melbourne Metro that would double the size of the city loop and add five more stations. It would basically mean that in peak hour you would not need a timetable. We have a vision for connecting Melbourne's academics and students, its university heart, to the rest of the city. This budget has all but thrown that out of the window. What we see here is the dumping of Metro rail in this budget and instead having a model which will axe four new stations that have been planned. It will axe the model that Infrastructure Australia effectively said was shovel-ready. Lord Mayor Robert Doyle, former leader of the Liberal Party, has predicted a 100-year catastrophe. It is a recipe for commuters to face a public transport nightmare morning and night. We have got a transport proposal for a tunnel which is effectively going nowhere.

We are concerned at this dramatic change of plan when it comes to the Melbourne Metro. Instead of a plan that has been rigorously tested and effectively approved by

Infrastructure Australia, we have got a model with no business case; the government itself has said that it has got no business case. I think we were all gobsmacked when the Minister for Planning said on ABC radio that this Metro rail plan had been worked up on the back of an envelope and had no business case. This is simply a desperate attempt to appear to care about public transport in a context where the government has got no track record. Government members have no record of delivery when it comes to public transport. Instead we see this half-baked idea around the Melbourne city rail tunnel, which would be a disaster.

As I work through the budget what I see that concerns me is that after four years in office the government has failed to deliver on any of its transport commitments. In the lead-up to the last election the then Leader of the Opposition, Ted Baillieu, the member for Hawthorn in the Assembly, made a commitment to fund the Doncaster rail project; he declared that he would build it. We do not hear that anymore. There is no commitment in this budget to Doncaster rail; that promise has gone, as has Rowville rail. We all remember Avalon rail, another big promise made in the lead-up to the last election, but again there is nothing at all in this budget in terms of progressing that project in any substantial way.

Does anyone remember Southland railway station? It was a big part of this government's campaign to get elected. Now all we see is a proposal to put in a concrete slab at Southland. Much was also made of level crossing upgrades, yet when we have a look at this budget and at the record of this government, we see that when it comes to grade separations only two projects will be completed in the term of this government.

Mrs Coote — Two more than you.

Mr TEE — Mrs Coote says it is two more — two in four years. In 11 years the previous government completed 12; this government will have done 2. If we look at this budget, we see that in the next term of office this government is projected to complete three. The total will be less than half of what the former government achieved in 11 years. It is a bit like the Victorian economy — it is on a bit of a go-slow.

Let us have a look at some of the other issues this government trumpeted when in opposition and in government. This government promised a design for Federation Square East and asked industry to develop the design and come up with a way forward for Federation Square, but four years on there is nothing. The government has sat on the submissions for nearly 12 months and has produced nothing. It was a promise — a newspaper headline — to get elected, but in government, as this budget shows, there is no commitment to have any vision, to do any planning or to provide any kind of a way forward for that site.

Let us have a look at the project to relocate the Melbourne Markets to Epping. An additional $39 million had to be allocated for construction. Recently the Minister for Major Projects appeared before the Public Accounts and Estimates Committee and spoke about the fact that there will be a 10-month delay that will cost up to $600 000 per month. He also spoke about the transition fund that was put in place to help stallholders relocate to Epping. The fact is that $9.2 million from that fund has been swallowed up in legal fees, not 1 cent of which is going to help the transition of stallholders to Epping.

Unfortunately there is not much that is positive in the budget at all. There is not much for Victorian families. We see government members putting their hands into the pockets of Victorian families and increasing fees and fines.

It is even worse for people living in regional Victoria. The infrastructure projects in the budget, such as they are, are all focused on Melbourne, and people in regional Victoria are justified in their concern that regional Victoria has been abandoned. Regional Victoria received 4 per cent of the state's total infrastructure funds — 4 per cent! Melbourne received 25 times more than regional Victoria.

Mrs Coote interjected.

Mr TEE — No, Mrs Coote, he will not refute that, because — —

Honourable members interjecting.

Mr TEE — You are not going to be able to refute it because this is your budget. Your budget shows 4 per cent. Regional rail was the Labor government's project. About 4 per cent of the state's infrastructure budget is going — —

Honourable members interjecting.

Mr TEE — Have a look at the regional and rural Victoria budget information paper, page 4, which shows $1.2 billion in regional infrastructure out of a purported $27 billion. The facts stand out. They are what they are, and you cannot refute the fact that just 4 per cent of — —

Hon. G. K. Rich-Phillips interjected.

Mr TEE — Let me give you the figures: $27 billion in infrastructure.

Hon. G. K. Rich-Phillips interjected.

Mr TEE — The minister might think that spending just 4 per cent on infrastructure outside of Melbourne benefits all of Victoria, but I reckon regional Victorians would disagree. I think regional Victorians would like to see infrastructure in regional Victoria. They would like to see jobs in regional Victoria. I do not think they want to see just 4 per cent — —

Mrs Coote interjected.

Mr TEE — I am just telling you what is in the budget. You can argue all you like, but the budget figures are the budget figures. They stand up; they are what they are. It is your budget. I did not make up the figures. The figures are the figures.

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Ramsay**) — Mr Tee will speak through the Chair. The minister will desist.

Mr TEE — I am not sure on what basis those opposite are arguing with their own budget figures. Their own budget figures show $27 billion of infrastructure. Their own budget figures show $1.2 billion in regional infrastructure. Those are their figures, and I do not know on what basis they want to dispute their figures. If they do the maths, they will see that is 4 per cent of their allocation. It is on page 4 of the regional and rural Victoria budget information paper. It is what it is. I find it very difficult to understand on what basis those opposite want to contradict their own budget.

I will spend a moment talking about planning, an important part of the budget we would think. In particular I want to focus for a moment on the Plan Melbourne strategy, which is a part of — —

Mrs Coote interjected.

Mr TEE — It might be a good plan, but it is certainly not a plan supported in any way by this budget. It does not get any priority in this budget and it is not a plan in which the government has any stake. If it is a good plan, it is not a plan that the Minister for Planning was able to convince the Treasurer was worth funding. It is a plan that the planning minister has been talking about for an enormous amount of time. He does a lot of that; I think he has put out 19 media releases on Plan Melbourne, talking about it being a long-term vision, about it being a 40-year plan for growth and about the extensive level of consultation that has gone into it. But if you were one of that group of Victorians who participated in the development of Plan Melbourne, you would certainly have been very disappointed when you saw the level of commitment this budget makes to Plan Melbourne.

You would certainly be disappointed at the process Plan Melbourne has gone through. It has been a long consultation process, which the minister has trumpeted in media release after media release, as he does, and then at the end of it he rewrote the plan in his own image. He also forced into the plan the east–west tunnel that nobody wants and is not value for money. As a result of that, five of the six members of the ministerial advisory committee which was charged with conducting the consultation resigned because they did not want a political document. They wanted a document that is good for Victoria and good for Victorians, but they did not get that. Instead the minister's office came in and rewrote the plan.

As if that were not bad enough, if you look at the budget papers, you see that of the 114-odd initiatives identified in Plan Melbourne only 2 are funded — the national employment clusters and the activity centres. Again, I am not disputing the fact that they may be very worthy projects that deserve support, but what about the other 112 initiatives? What about the other initiatives in the budget that have been worked up by the ministerial advisory committee as part of the Plan Melbourne strategy? I am not referring to the ones the minister and his office rewrote but the other initiatives that are worthy. I am not referring to the rewrite that put the east–west tunnel in but the other initiatives that have gone through the process and that are worthy of consideration. Mrs Coote might think that the *Plan Melbourne — Metropolitan Planning Strategy* is a worthy document, but this budget certainly does not treat it with any degree of respect. Government members may shake their heads, but 2 out of 114 is a dismal failure. Those who participated in creating the Plan Melbourne strategy would be very disappointed that this budget has treated the strategy in such a cavalier way, and that the government has dismissed it in this way.

The minister has said that this is a 40-year vision for Victoria, but it has certainly been put on the backburner. Victorians would be disappointed by that and by the government's failure to justify its decision. A little over $2 million has been allocated in the first year, and that moves up to nearly $3 million in the out years of the budget. It is certainly not a priority for this government.

As I said at the start of my contribution, this is a budget that reflects the times. We have Liberal governments at both the state and federal levels working hand in glove to rip out services. We have seen that in relation to health and education. It is certainly a budget that regional Victorians would rightfully feel they have been left out of almost completely.

Mr Koch interjected.

Mr TEE — Mr Koch may dispute it, but I am just indicating what the figures are in the budget. I am reflecting on the statistics and numbers that this government has put in the budget. I am not saying anything other than that if you read the budget papers, you find that 4 per cent of infrastructure has gone to regional Victoria. Members on this side of the house do not think that is a sufficient share of the budget for regional Victoria.

Mr Koch interjected.

Mr TEE — I will not respond to the interjection, but I will conclude by saying that there are no winners in relation to this budget. There are no winners when you have the Liberal Party in charge at both the state and federal levels.

Mr Finn interjected.

Mr TEE — Mr Finn may talk about the western suburbs, but the people living in the western suburbs will be as hurt as everyone else by the $4 billion that has been taken out of health funding. Those people will be as hurt as everyone else by the $20 billion — —

Mr Finn interjected.

Mr TEE — Mr Finn may say to families in the western suburbs who are looking for a school and who have to cop part of a $20 billion hit to education that this is the best ever budget. Families who have observed that the cost of car vehicle registration is going up, that funding for health services is going down and that education has been gutted by the federal government would not agree with Mr Finn. Those families would not see this as the best ever budget. I certainly do not see — —

Mr Finn — What about the St Alban's level crossing? There is another one.

Mr TEE — Mr Finn should compare the government's 3 level crossings with the former government's 12. Let us have a look at those figures again. The government has cut $3.8 billion out of the education budget and $50 billion over eight years from the health budget. All of that is gone. The government's performance will be measured by longer queues to get into health centres. Because of the measures in this budget, people in the western suburbs will not be able to see a doctor, they will not be able to get their children into schools and they certainly will not be able to get any public transport. This is the budget that Mr Finn has described as the best ever for the western suburbs. I do not think that parents who are looking for a doctor for their kids will agree with Mr Finn, and I do not think that parents who are looking for a school to send their kids to will agree with him either. When the impact of this budget and the impact of having a federal Labor — —

Mr Finn interjected.

Mr TEE — When the impact of having federal and state Liberal governments washes through, families will see the comments of Mr Finn as being very disappointing. The gap between the comments of Mr Finn and the reality is like a canyon. The residents of the western suburbs would be appalled that Mr Finn is a champion of that level of cuts to their health services. They would be appalled that Mr Finn is a champion of governments at both federal and state levels that have made this level of cuts to education services.

We on this side of the house stand up for families, including those living in Mr Finn's electorate. We know that Mr Finn stands hand in glove with Prime Minister Tony Abbott. He has described this as the best ever budget. I do not think that would reflect people's experiences in the real world. We are very concerned about how this budget will impact Victorians and Victorian families, and particularly Victorian families in regional Victoria.

Mrs COOTE (Southern Metropolitan) — I have to start by making reference to a comment Mr Tee made in his contribution. It is a Freudian slip if ever there was one. Mr Tee said, 'It is a disaster when you have state and federal Labor governments working together'. Let me tell you, that is what we are suffering from. That is why this budget is such a success, because of the failures over several years of state and federal Labor governments. Mr Tee has absolutely shown himself up for what he lacks. I agree, it must have been particularly difficult for him to find something bad in this budget, because this is a good news budget.

I was going to use my contribution to talk about my electorate and the very many things in this budget that are beneficial to Southern Metropolitan Region. However, Mr Tee made a great song and dance about

rural Victoria, and I would like to refer to some budget figures myself to explain just how well off rural areas are under the budget Treasurer O'Brien brought down with Premier Napthine and the Assistant Treasurer, Gordon Rich-Phillips. This is a budget to be proud of. This is a budget about which members of the coalition can hold up their heads in honour and say to the people of Victoria, 'We have done this for you'. Mr Tee does not even want to hear what I have to say. He is leaving the chamber. He does not want to know what the figures say about rural and regional Victoria. He is fleeing. He does not want any criticism.

Mr Tee interjected.

Mrs COOTE — Mr Tee has decided to stay. I am pleased that he has because I would like to talk about some of the things that are helping rural Victoria.

Let us look at some of the figures. There is $362 million for the Princes Highway west duplication program. Last time I looked, Princes Highway west is actually in rural Victoria. Perhaps Mr Tee does not know where that is. What else have we got? There is $73 million for the Latrobe Regional Hospital redevelopment. That is a regional project, and the people of the Latrobe Valley will certainly understand what they are getting. There is $28 million for the Barwon Health North facility, another project for the rural areas. The Shepparton courts precinct has been allocated $73 billion, another bonus for regional Victoria. Bendigo Aquatic Centre will receive $15 million. We have put $40 million towards another really practical measure, thanks to the Assistant Treasurer, who is also the Minister for Technology — that is, free wi-fi on V/Line trains to address mobile phone black spots. This is a practical, pragmatic change for people in rural Victoria. They are going to notice an enormous difference, and they will be exceedingly pleased when they realise what benefits this has. In another bonus for rural Victoria, $86 million is being provided to renew the intersection on the Calder Highway at Ravenswood near Bendigo.

Mr Tee got it wrong. I could go on and on because he got so much of this wrong. Let us have a look at the $27 billion we are spending on infrastructure. We are doing some extraordinary work, including the Melbourne rail link, the Cranbourne-Pakenham rail corridor project, the east–west link, new schools and school upgrades. As I said, I was intending to spend the bulk of my speech talking about my own area, but I just had to correct some of the misinformation propagated by poor Mr Tee. He really could not find very much to say, so he had to hope there was no-one here to pick him up on it. He said it himself — in his own words, 'It is a disaster when you have state and federal Labor governments working together'. Mr Tee was right.

I would like to talk about some of the great stuff in the budget for Southern Metropolitan Region, and I would like to start with Albert Park. In Albert Park we have the construction of the new underground Domain and Fishermans Bend railway stations as part of the new Melbourne rail link project. This is extremely important. Much has been made of the Montague precinct by people who do not live there, who do not understand what is happening and do not understand how important this particular hub is going to be. It is a great step forward, and I am thrilled to know that Montague station will be constructed.

Most importantly, I am particularly pleased with the $5.5 million to purchase the former Circus Oz site to cater for the growth of Albert Park College. Albert Park College is a phenomenal success, and I have to put on the record my greatest praise for the principal, Steve Cook, and his entire staff, who do an extraordinary job with very talented students led very ably by school council president, Dominic Grounds. They realised that the school is bursting at the seams and that they needed to have an off-site campus for year 9. I have to take some credit for this — it was in fact my suggestion to look at the disused Circus Oz site on Bay Street, not far from my office. The reality would be to have it as an arts-science precinct, something that would in fact be very useful to the community as well. It is a fantastic site; however, it needs about $1 billion in repair work to get it up to a condition in which the school can operate.

Martin Foley, the current member for Albert Park in the Assembly, got it wrong. He came out and said that the Labor Party had put $1.5 million into the Circus Oz site. What the Labor Party forgot to factor in is that the site is not owned by the Department of Education and Early Childhood Development, and therefore it had to be bought from Arts Victoria. This is what had to happen, and we have put those funds into this budget. I am particularly pleased and excited, as is the school community and the Albert Park community, that this is going to happen. It will happen very quickly. The money is going to flow through, and we expect it will be ready early next year. That will enable the school to put an extra 150 people on site, which is an extraordinarily beneficial thing for all residents of Albert Park and their children.

There is also $5 million in this budget to complete planning and site preparation for the proposed South Melbourne Primary School. Once again there has been a contention that the Liberals are all talk, that we never do anything. This is putting our money where our

mouth is. We are putting our money right on the line. It will cost $5 million to prepare this site, to get the plans up and to begin the process, and we have provided that money — not the Labor Party but the Liberal-Nationals coalition. This funding is for a P–7 school that we are absolutely crying out for. Port Melbourne Primary School is a victim of its own success and is bursting at the seams. This will alleviate a lot of the pressure in that area. I have to say how pleased I am with the budget for Albert Park, which builds on the excellent work we have already done in that area.

In Bentleigh there is the $2 billion to $2.5 billion Cranbourne-Pakenham rail improvement project, which will include the removal of Koornang Road, Carnegie, and Murrumbeena Road, Murrumbeena, level crossings. As I have previously said in this place, the RACV has identified the Murrumbeena level crossing as the worst railway crossing in the state. It has taken the Treasurer, Michael O'Brien, and his excellent team to come up with the solution to this problem, which is the removal of these rail crossings. This will be extremely well received, as will the removal of the North Road, Ormond, level crossing as part of a $475 million level crossing removal blitz.

The zone 1 and 2 travel for the price of a zone 1 ticket will save daily commuters into the city around $1200 a year. I have stood on those railway stations with Elizabeth Miller, the member for Bentleigh in the Assembly — an excellent local member — listening to the people and their concerns, and they were overjoyed when they heard this. This is going to make an enormous difference.

Mr Leane interjected.

Mrs COOTE — Mr Leane can laugh, but let me tell him — Mr Leane, a fat cat sitting in here on the front bench, does not have to think about $1200 a year, but the people on that line in Bentleigh certainly do, and they were overjoyed. A further $21 million is being provided to build Southland station, and there is $8 million to redevelop the Moorabbin reserve, improving community access and safety.

Turning to education, there is $7.8 million to rebuild Coatesville Primary School, plus $3.5 million to redevelop Valkstone Primary School, once again putting education at the forefront of what the Liberal Party considers important. In the Burwood Assembly electorate there is $10.5 million for new classrooms, learning areas, a gymnasium and administrative areas at Ashwood Secondary College, and $8 million is being invested in a new Metropolitan Fire Brigade station at Glen Iris. Going back to schools, there is $6 million for the redevelopment of Ashburton Primary School.

I could go on and on talking about the highlights for my electorate in this budget. It recognises what the public has been saying to us. It recognises the tension points they have had, and it is not just talking about it and paying lip service to the issues, it is actually putting money on the table. I would like to congratulate the Treasurer, Michael O'Brien, on his first budget. It was an excellent budget. I would like to also congratulate the Assistant Treasurer, Gordon Rich-Phillips, for the assistance he gave, as well as the whole finance team.

However, it is Dr Denis Napthine, our Premier, who is leading the charge in rural and regional Victoria and metropolitan Melbourne and making quite certain that people know about this budget and recognise it for the good that it will do for future Victorians. I commend the budget.

Debate adjourned on motion of Mr BARBER (Northern Metropolitan).

Debate adjourned until next day.

ADJOURNMENT

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

That the house do now adjourn.

Youth employment

Mr MELHEM (Western Metropolitan) — My adjournment matter is for the Minister for Employment and Trade, Louise Asher. Youth unemployment is at breaking point in Victoria. Under the Napthine coalition government the youth unemployment rate in Victoria has become the highest on the mainland at 20 per cent. More than 50 000 jobs have been lost under this government. The *Age* reported on 11 May that a report by the Department of Education and Early Childhood Development has revealed that approximately 10 000 students in years 9 to 11 drop out of education each year. Additionally, 6000 drop out within 12 months of transferring to the vocational education and training system.

The Napthine government has overseen the greatest gutting of vocational education in this state's history — $1 billion has been pulled from our TAFEs in sheer disregard for young people. An estimated 2000 TAFE staff have lost their jobs and numerous campuses have been closed. Melbourne's west experienced the cuts disproportionately. Victoria University lost about

$40 million a year in funding — alongside Swinburne University of Technology, it was the highest cut experienced by any individual TAFE provider.

Those opposite me also scrapped the apprenticeship completion bonus. They also slashed the allocation for the Victorian certificate of applied learning in the 2011 state budget, with $48 million in funding for coordinators gone. Now this government has cut the Victorian youth employment scheme. Traineeships in the program have been reduced from 450 to 280 and funding has been slashed from $4500 to $500 per traineeship. Under this government we are seeing a generation of youth who will be relegated to entrenched unemployment. This government wants to forget about a generation of people. I call on the minister to reverse the Napthine government's decision to cut the youth employment scheme.

Maryborough Library

Mr RAMSAY (Western Victoria) — My adjournment matter tonight is for the Minister for Local Government, Tim Bull. I would like to thank the minister for accepting my invitation to meet with a number of councils in Western Victoria Region some weeks ago, including the shires of Moorabool, Ballarat and Hepburn, to discuss a range of issues relating to priority projects, differential rates and councillor code of conduct guidelines. Importantly, the minister was also able to meet farmers from Balliang and Ararat who are seeking a fairer and more equitable rate burden that does not discriminate against farmers.

But I was especially pleased to accompany the minister to the Creswick Library with the Liberal candidate for the Assembly seat of Ripon, Louise Staley, to see firsthand the need to upgrade and improve library facilities at Creswick. I am pleased to see that the Shire of Hepburn has submitted an application under the public libraries funding program, which provides $17.2 million over four years in funding support to public libraries across Victoria.

However, the matter I raise with the minister tonight was brought to me by Louise Staley. She indicated that, like Creswick, the beautiful historic town of Maryborough is seeking support for its public library through a funding application. I invite the minister to accompany me to Maryborough to inspect the library with Louise Staley and Maree Stephenson, general manager of the Maryborough Library, to see where the government might be able to assist.

Mentone Gardens aged-care facility

Mr LENDERS (Southern Metropolitan) — The matter I raise in the adjournment debate tonight is for the attention of the Minister for Ageing, David Davis. I am disappointed that the minister is not here, because I have turned up three nights in a row this week to ask him this question and he has not been here.

Hon. G. K. Rich-Phillips — We have six ministers.

Mr LENDERS — Mr Rich-Phillips says there are six ministers, but the gravity of this adjournment item should come to the fore. It relates to the Mentone Gardens aged-care issue that Ms Mikakos has raised in this house on a number of occasions, including today. I have met with some very impressive residents from that facility who are not whingers. They are people who have seen their livelihoods affected and who have been seeking some redress from the system.

The Minister for Ageing said during a debate in this house in 2010 that this was an issue of urgency, an issue he cared about and an issue that needed redress and regulation. In the Mentone Gardens area there are now 32 people who have lost up to $400 000 in bonds. I have a list of correspondence here from residents, and there are a number of them who want answers to a series of questions about how this bond money has been absconded with, but they particularly want some interest and some empathy from government.

There are some letters here from Mr Alan Lorraine, a 91-year-old who has lost $400 000. He has sent a series of letters to the department with requests for information, and at every stage of the way all he has received is a four-sentence reply from the Minister for Ageing's chief of staff saying, 'We are looking at the matter and giving it consideration'. That is the nature of the replies. There is a string of correspondence on a lot of serious issues, and these constituents of mine are getting exactly the same response as we hear in this house from the minister when he gets up and says, 'I have a question on notice. I will take it into account'. The government is saying, 'We will look into it' et cetera. There is not a skerrick of empathy for elderly people who have lost $400 000 deposits. It is just a paper-shuffling exercise.

The action I seek from the minister tonight is that he take seriously the issues concerning Mentone Gardens. The specific action I seek is that he meet with the surviving residents — of the 32 who were in trouble a few years ago, a number have died. I ask him to bring some of his departmental people with him and that they listen to the residents' issues to try to find an answer for

these very real elderly people. These residents are distressed and anxious. They feel they are hitting a brick wall with a minister who, to them, does not appear to care, does not appear to listen and does not show any empathy. Mr Alan Lorraine will, as I said, organise and facilitate a meeting.

For the residents this is a serious issue that has happened in the twilight years of their lives. The action I seek is that the minister come with me to meet these real people in his electorate.

Caroline Chisholm Society

Mr ELSBURY (Western Metropolitan) — I raise a matter for the Honourable Mary Wooldridge, Minister for Mental Health, Minister for Community Services and Minister for Disability Services and Reform. The matter covers all those portfolio areas plus a few others. I hope the minister can liaise with other relevant ministerial areas.

Last year in the house my parliamentary colleague Mr Bernie Finn raised the matter of the Caroline Chisholm Society. Mr Melhem also raised this matter earlier in the week. It relates to a truly remarkable organisation which provides a great number of community services, being the Caroline Chisholm Society.

The society's website states:

> Established in 1969, the Caroline Chisholm Society is a charitable organisation, both privately and government funded, and is non-denominational. The society offers support to pregnant women and parents with children up to school age. The society provides a range of programs for families in need, including counselling, housing, material aid and in-home family support. The families that the Caroline Chisholm Society works with are typically lacking in wider social and family supports and are very grateful for the practical, emotional and financial supports the society can offer.

The society is seeking to improve its service delivery by building a new base of operations at 997 Mount Alexander Road, Essendon. I and a retinue of members of Parliament, including Bernie Finn, went along to 997 Mount Alexander Road, which is a former mower shop that the society is using to good effect. The society is providing prams for families finding it difficult to find a decent pram, food packages, clothing — and the list goes on for the many things this organisation assists with. Counselling services are also very important, and the society is able to provide those across the western suburbs and in Caroline Springs.

I ask the minister to work with her department and the Caroline Chisholm Society in exploring opportunities for the state government to assist in the development of the society's new offices in Essendon. It is well worthwhile supporting this organisation, which for many years has been supporting the community in the western suburbs.

Maternal and child health services

Ms MIKAKOS (Northern Metropolitan) — My matter is for the Minister for Children and Early Childhood Development, and it relates to the Napthine government's review of maternal and child health (MCH) services in Victoria. The maternal and child health service and its nurses provide an absolutely invaluable service to Victorian families. The government's review has been under way for more than a year, with little to show for it but a light-on-detail proposed future directions consultation paper that was released in March this year following a HDG Consulting Group report to government dated 24 July 2013. That report recommended introducing funding models that support a so-called diversified workforce.

In response to a question on this issue that I asked the minister on 19 February, the minister failed to rule out any changes to the existing qualification requirements for maternal and child health nurses. The Australian Nursing & Midwifery Federation (ANMF) and, I imagine, others who work with young children, will be concerned if what is proposed is to remove the requirement for staff in this service to be qualified nurses. The consultation paper contains a number of positive, broad, overarching principles for possible future service directions, including building the capacity and confidence of the MCH workforce, but little on exactly how these objectives would be achieved.

I note the ANMF is concerned at the lack of detail within the consultation paper, and in particular it is concerned about the further development of the MCH workforce. There is nothing in the state budget for building up the maternal and child health workforce. In a newsletter sent to its members the ANMF states that it is disappointed the consultation paper does not include detail that would otherwise describe the nature of these possible future service directions. The ANMF was initially advised by the department that further information would be forthcoming with details of what was proposed within each of the broad aims of the consultation paper. However, I have subsequently been advised that the department has reneged on this commitment and will not be providing any further details nor will it extend the deadline for submissions, which is tomorrow.

I call on the minister to advise when this review is expected to be completed and, in the context of that, rule out once and for all that there will be any changes to Victoria's maternal and child health service that would see a decrease in qualification requirements for maternal and child health nurses.

Smoking regulation

Ms HARTLAND (Western Metropolitan) — My adjournment matter is for the Minister for Health. The minister will be aware that in the absence of a statewide ban on smoking in outdoor dining and drinking areas, local councils have been forced to go it alone on this important health reform. Baw Baw Shire Council was the first to act. Recently the Melbourne City Council has taken steps to introduce a smoking ban in alfresco dining lanes. Causeway Lane was made smoke free from 1 October 2013 as a trial. That trial concluded on 31 March and on 13 May the evaluation report was presented to council. As part of the evaluation, restaurants, their patrons and residents were surveyed.

The report found that the ban was successful in stopping smoking at cafes, although some passers-by still did smoke, perhaps not realising it was a smoke-free area. The majority of respondents interviewed were in support of the continuance of the smoking ban in Causeway Lane. In fact the researchers found just under half of the respondents surveyed already thought smoking was prohibited in outdoor dining areas, indicating a wider awareness of smoking bans and a knowledge that smoking in such areas is undesirable.

Early during the trial some cafe businesses believed they had lost business as a result of the ban. In all but one case the business was recovered across the period of the ban. All save one cafe business interviewed would like to see a continuation of the ban. Occupants of the Causeway Building were in favour of the ban, and some indicated it had improved their environment markedly. On the basis of these findings the council has agreed to not only continue the smoking ban in Causeway Lane but to extend it to six more outdoor dining areas across the city by June 2015. The great success of this initiative proves that a smoking ban in outdoor dining areas is both acceptable and desirable. The finding that it has not impacted negatively on cafe businesses mirrors findings in other states that venues are not negatively affected by such bans.

The Napthine government should be ashamed that local governments have been forced to go it alone on this issue due to the absence of Victorian government leadership. Last week South Australia locked in its ban on smoking in outdoor dining areas for July 2016. While South Australia had previously announced its intention, it has now made a firm commitment leaving Victoria well and truly behind the rest of the pack. I ask the minister when he will commit to making outdoor dining and drinking areas smoke free.

City of Moreland security cameras

Mr ONDARCHIE (Northern Metropolitan) — My adjournment matter this afternoon is for the Honourable Edward O'Donohue in his capacity as the Minister for Crime Prevention. I ask the minister for an update on the Moreland City Council CCTV project. Members will recall that this government provided $250 000 to Moreland City Council to install CCTV cameras in Sydney Road, Brunswick, following the September 2012 tragic death of Jill Meagher in Hope Street, Brunswick. Just last Friday night a 21-year-old woman was sexually assaulted in the same street. On 10 May two incidents occurred in that area when two young women were grabbed from behind, dragged into a side street and indecently assaulted.

The local police are up in arms and awaiting the installation of the cameras. The traders are asking where the CCTV cameras are and what the council is doing about it. I would like to learn from the minister why Moreland City Council has failed to install the nine security cameras that we provided funding for over a year ago. I am told the council only released the call for tender in January of this year — 16 months after the Jill Meagher tragedy. My call to the minister is for an update on where we are with this CCTV camera project with the council and that he hold the council to account.

Local learning and employment networks

Mr LEANE (Eastern Metropolitan) — My adjournment matter is for Martin Dixon, the Minister for Education, and it concerns the 31 local learning and employment networks across the state. These networks work with secondary schools to support young people in getting job ready and helping them get into their future careers, along with supporting many other local youth programs connected to secondary schools and other worthwhile causes. Unfortunately it appears that the federal government has cut funding for the networks. The state government financially supports these programs to some degree, but not to the degree that the federal government did. I ask the minister to meet with representatives of the networks to see what extra support he can offer to keep this important work going.

Unfortunately since the Victorian certificate of applied learning coordinators have ceased to be funded, along

with an awful lot of other programs that used to be in the secondary school system, the local learning and employment networks have picked up all the slack, so it is important that the minister does whatever he can to make sure the networks continue to exist after this year, when the federal funding ceases.

Ann Nichol House

Ms PULFORD (Western Victoria) — The matter I wish to raise is for the attention of the Minister for Ageing, Mr Davis, and it relates to an issue of great concern to me, the member for Bellarine in the Assembly, Lisa Neville, and to my colleague Jenny Mikakos, who has also raised this issue with the minister in this place. It relates to Ann Nichol House, an aged-care facility with 60 beds in Portarlington which is run by Bellarine Community Health. It has a great history, having been built initially with funds from the local community, local builders who donated time and materials and also the support of the Percy Baxter Charitable Trust.

Ann Nichol House was handed over to Bellarine Community Health as it was felt that it would always run it as a not-for-profit community aged-care facility. Bellarine Community Health has now indicated its intention to sell it to a private operator. The facility sits on Crown land that has been set aside for the purposes of aged care. Bellarine Community Health is the current committee of management for the land. If it sells the facility, the government must agree to transfer the management of the land and make the new owners the committee of management. It is not for Bellarine Community Health to sell the land as it is Crown land, as I indicated.

Through letters, emails and a petition of over 1500 signatures that the member for Bellarine tabled in Parliament, the community has called on the minister to not transfer the land until, at the very least, proper consultation has occurred. Ms Neville has raised this matter in Parliament, as I indicated, along with Ms Mikakos, and indeed the local council has moved a motion that the minister not transfer the land. Unsurprisingly, the minister has responded in a political way and has refused to provide members of the community with the comfort they need on this issue. He has refused to listen to the community and enable proper discussion about the transfer of land.

The action I seek from the minister is that he provide the community of Portarlington with a guarantee that he will not sell the Crown land to any potential private buyer of the facility.

Responses

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — A number of members raised matters this evening. Ms Pulford and Mr Lenders both raised matters for the Minister for Ageing, and I will pass those on.

Mr Ondarchie raised a matter for the Minister for Crime Prevention.

Ms Hartland raised a matter for the Minister for Health.

Ms Mikakos raised a matter for the Minister for Children and Early Childhood Development.

Mr Elsbury raised a matter for the Minister for Mental Health in her multiple related portfolios.

Mr Ramsay raised a matter for the Minister for Local Government.

Mr Melhem raised a matter for the Minister for Employment and Trade.

I will pass those matters on. I have written responses to a further eight outstanding matters on the adjournment.

The PRESIDENT — The house therefore stands adjourned. I extend my appreciation to the clerks and other people who have supported the Parliament this week. We are hoping for a speedy recovery for our two clerks who have been absent this week.

House adjourned 4.51 p.m. until Tuesday, 10 June.