

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Tuesday, 27 May 2014

(Extract from book 7)

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

By authority of the Victorian Government Printer

The Governor

The Honourable ALEX CHERNOV, AC, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

(from 17 March 2014)

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

Legislative Council committees

Privileges Committee — Ms Darveniza, Mr D. Davis, Mr Drum, Ms Lovell, Ms Pennicuik, Mrs Peulich and Mr Scheffer.

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

Legislative Council standing committees

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

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.

Environment and Planning References 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.

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

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

Participating member

Joint committees

Accountability and Oversight Committee — (*Council*): Mr D. R. J. O'Brien and Mr Ronalds. (*Assembly*): Ms Kanis, Mr McIntosh and Ms Neville.

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

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

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

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

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

Family and Community Development Committee — (*Council*): Mrs Coote. (*Assembly*): Ms Halfpenny, Mr Madden, Mrs Powell and Ms Ryall.

House Committee — (*Council*): The President (*ex officio*) Mr Eideh, Mr Finn, Ms Hartland, Mr D. R. J. O'Brien and Mrs Peulich. (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Mr Blackwood, Ms Campbell, Ms Thomson, Mr Wakeling and Mr Weller.

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

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

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

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

Rural and Regional Committee — (*Council*): Mr 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.

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE COUNCIL
FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

President: The Hon. B. N. ATKINSON

Deputy President: Mr M. VINEY

Acting Presidents: Ms Crozier, Mr Eideh, Mr Elasmr, Mr Finn, Mr Melhem, Mr D. R. J. O'Brien, Mr Ondarchie, Ms Pennicuik,
Mr Ramsay, Mr Tarlamis

Leader of the Government:

The Hon. D. M. DAVIS

Deputy Leader of the Government:

The Hon. W. A. LOVELL

Leader of the Opposition:

Mr J. LENDERS

Deputy Leader of the Opposition:

Mr G. JENNINGS

Leader of The Nationals:

The Hon. D. K. DRUM (from 17 March 2013)

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

Deputy Leader of The Nationals:

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

Mr D. K. DRUM (to 17 March 2013)

Member	Region	Party	Member	Region	Party
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
Darveniza, Ms Kaye Mary	Northern Victoria	ALP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Davis, Hon. David McLean	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Davis, Mr Philip Rivers ⁵	Eastern Victoria	LP	Pakula, Hon. Martin Philip ¹	Western Metropolitan	ALP
Drum, Mr Damian Kevin	Northern Victoria	Nats	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Petrovich, Mrs Donna-Lee ³	Northern Victoria	LP
Elasmr, 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
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tarlamis, Mr Lee Reginald	South Eastern Metropolitan	ALP
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
Leanders, 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

CONTENTS

TUESDAY, 27 MAY 2014

TURKEY MINE COLLAPSE AND SOUTH KOREA FERRY DISASTER	1563
NATIONAL RECONCILIATION WEEK AND NATIONAL SORRY DAY	1563
RESIGNATION OF MEMBER <i>Ms Broad</i>	1563
ROYAL ASSENT	1563
JOINT SITTING OF PARLIAMENT <i>Victorian Responsible Gambling Foundation</i>	1564
ABSENCE OF CLERK AND DEPUTY CLERK	1564
QUESTIONS WITHOUT NOTICE <i>Health funding</i>	1564, 1565, 1566 1567, 1568, 1569, 1570, 1571
<i>Plan Melbourne</i>	1567
<i>Early childhood facilities</i>	1569
<i>Country football and netball program</i>	1571
<i>Smoking regulation</i>	1571, 1572
<i>Information and communications technology</i>	1573
QUESTIONS ON NOTICE <i>Answers</i>	1574
PETITIONS <i>Duck season</i>	1574
<i>Boral Western Landfill</i>	1574
SCRUTINY OF ACTS AND REGULATIONS COMMITTEE <i>Alert Digest No. 6</i>	1574
<i>Annual review 2013</i>	1574
PAPERS	1574
BUSINESS OF THE HOUSE <i>General business</i>	1575
MEMBERS STATEMENTS <i>Puppy farms</i>	1576
<i>Nudging Anglican Parishes to Prevent Violence against Women</i>	1576
<i>Anzac Day</i>	1576
<i>Victorian Indigenous Honour Roll</i>	1576
<i>Voices against Violence</i>	1576
<i>Cats Don't Smoke</i>	1577
<i>Family violence</i>	1577, 1579
<i>Alyssa Gamble</i>	1577
<i>Leadership against violence</i>	1578
<i>Local government funding</i>	1578
<i>Geelong Work and Learning Centre</i>	1578
<i>European Union</i>	1579
<i>Fire services property levy</i>	1579
<i>Health funding</i>	1580
LEGAL AND SOCIAL ISSUES LEGISLATION COMMITTEE <i>Reference</i>	1580
CONSUMER AFFAIRS LEGISLATION AMENDMENT BILL 2014 <i>Second reading</i>	1584, 1589
<i>Committee</i>	1593
<i>Third reading</i>	1597
DISTINGUISHED VISITORS	1589
LOCAL GOVERNMENT (BRIMBANK CITY COUNCIL) AMENDMENT BILL 2014 <i>Second reading</i>	1597
<i>Third reading</i>	1603
CORRECTIONS AMENDMENT (SMOKE-FREE PRISONS) BILL 2014 <i>Second reading</i>	1603
<i>Committee</i>	1611
VICTORIA POLICE AMENDMENT (CONSEQUENTIAL AND OTHER MATTERS) BILL 2014 <i>Second reading</i>	1616
ADJOURNMENT <i>Community services</i>	1620
<i>East Gippsland timber industry</i>	1621
<i>Poker machines</i>	1622
<i>Family violence</i>	1622
<i>Operation Newstart</i>	1623
<i>East-west link</i>	1623
<i>Latrobe Valley coal resources</i>	1623
<i>National sex offenders register</i>	1624
<i>School buses</i>	1624
<i>Responses</i>	1625

Tuesday, 27 May 2014

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 2.04 p.m. and read the prayer.

TURKEY MINE COLLAPSE AND SOUTH KOREA FERRY DISASTER

The PRESIDENT — Order! I place on the record the sympathy of this house for two countries that have suffered tragedies recently. The two matters I refer to are the mining disaster in Turkey and the ferry disaster in South Korea. The Turkish and South Korean communities in Victoria are very vibrant and have contributed a great deal to the advancement of our state and country. We stand with them and share their grief as a result of those tragedies. In sadly recognising those two tragedies I am sure I speak on behalf of all members of this place. In recent weeks our thoughts and prayers have been with the families involved in the tragedies suffered by those two nations.

NATIONAL RECONCILIATION WEEK AND NATIONAL SORRY DAY

The PRESIDENT — I also mark National Reconciliation Week and acknowledge National Sorry Day. National Reconciliation Week was first celebrated in 2006 as part of the Reconciliation Australia program and was launched by former Prime Minister John Howard and Professor Mick Dodson to mark the 40th anniversary of the 1967 referendum. I am sure many members have been involved in a range of commemorative events throughout this week. What is significant is that the event is moving into new ground in terms of recognising the slogan that has been adopted for this year, which is, 'Let's walk the talk'. I note, for instance, that Swinburne University has developed a reconciliation action plan which will be launched on 29 May and looks to improving educational opportunities for our Indigenous people.

At the risk of mangling some of the names, it is important to recognise all of the various Aboriginal groups throughout Victoria who contribute so much to our state and who are no doubt very mindful of the importance of this week. I will run through the various groups. As I said, I will mangle some of these names, so I hope they will forgive me: Nyeri Nyeri, Latji Latji, Daddi Daddi, Wati Wati, Wemba Wemba, Barrapa Barrapa, Yorta Yorta, Bangerang, Kwat Kwat, Dhudhuroa, Monaro, Bidawal, Gunnai/Kurnai, Boonwurrung, Wurundjeri, Taungurung, Wathaurung, Keeray Woorroong, Gunditjmara, Djab Wurrung, Jardwadjali, Dja Dja Wurrung, Wergaia and Wotjobaluk.

In terms of all of those Indigenous Victorians, we in this place extend our thoughts to them today in this National Reconciliation Week and trust that we as a Parliament can do justice to some of their needs and aspirations. We look forward to their participation in our processes and to the advancement of Victoria, moving hand in hand with the Indigenous people of our state.

RESIGNATION OF MEMBER

Ms Broad

The PRESIDENT — Order! The Governor has written to me the following:

I write to advise that the Hon. Candy Broad, MLC, called on me today and handed me her letter of resignation as member of the Legislative Council for Northern Victoria Region, effective from today. It seems that section 27A of the Constitution Act 1975 requires a joint sitting of the Council and Assembly to fill this vacancy.

I have advised the Premier, the Speaker and the Leader of the Opposition in like terms.

I enclose a copy of Ms Broad's letter for your records.

This is signed by the Governor on 9 May.

The resignation from Ms Broad reads:

I write to formally advise you that as of 9 May 2014, I resign as the member for Northern Victoria in the Legislative Council of the Parliament of Victoria.

I understand that under section 30 of the Constitution Act 1975, my resignation will take effect immediately.

It has been an honour and a privilege to represent the people of Melbourne North Province and the Northern Victoria Region in the Victorian Parliament for the past 14 years.

It has also been an honour to serve as a member of the executive council for seven years variously as Minister for Energy and Resources, Minister for Ports, Minister for Housing and Minister for Local Government.

The letter is signed by Ms Broad, again on 9 May.

ROYAL ASSENT

Message read advising royal assent to:

13 May 2014

Corrections Amendment (Further Parole Reform) Act 2014

Honorary Justices Act 2014

Sale of Land Amendment Act 2014

State Taxation Legislation Amendment Act 2014

Transport Legislation Amendment (Further Taxi Reform and Other Matters) Act 2014.

JOINT SITTING OF PARLIAMENT

Victorian Responsible Gambling Foundation

The PRESIDENT — Order! I have a further letter to convey to members of the house. This one is from the Honourable Edward O’Donohue as the Minister for Liquor and Gaming Regulation. It reads:

Elected member of the board of the Victorian Responsible Gambling Foundation (foundation)

The Victorian Responsible Gambling Foundation Act 2011 provides for three members of the board of the foundation to be elected jointly by the Legislative Assembly and Legislative Council from members of those houses.

On 28 March 2012, a joint sitting of the Legislative Assembly and Legislative Council elected Mr Tim McCurdy, Mr David Southwick and Mr Ian Trezise to the board of the foundation.

Mr Trezise recently tendered his resignation from the board of the foundation which was accepted by the Governor in Council on 20 May 2014.

I would be grateful if arrangements could be made for a joint sitting to occur, at the earliest time that is convenient for both chambers, to elect a parliamentary member to the board of the foundation to fill the vacancy created by the resignation of Mr Trezise. I am writing similarly to the Speaker of the Legislative Assembly and will send a copy of this letter to the clerks of each house.

The joint sitting is expected to be held in the next sitting week of the Parliament. At that time it is possible we will also have the Labor Party nominee to fill Ms Broad’s position. That will not occur this week.

ABSENCE OF CLERK AND DEPUTY CLERK

The PRESIDENT — Order! I also convey to members of the house that both the Clerk, Wayne Tunnecliffe, and the Deputy Clerk, Matthew Tricarico, are away on sick leave this week. We wish them both a speedy recovery, and we trust that the rest of the team, under the leadership this week of Andrew Young, will support the Parliament in the way we expect.

Hon. D. M. DAVIS (Minister for Health) — I think the chamber would join me in wishing Wayne Tunnecliffe and Matthew Tricarico the very best in terms of their recovery and hoping they are able to contribute further.

QUESTIONS WITHOUT NOTICE

Health funding

Mr JENNINGS (South Eastern Metropolitan) — My question is for the Minister for Health. During the last sitting week, the week of the Victorian budget, the

minister was asked in question time and at a Public Accounts and Estimates Committee hearing whether commonwealth funding had been secured for 326 subacute beds. The minister’s response was, ‘We hope it will be’. Given that it was not, when will those 326 beds close? Will it have been in 42 days on 1 July, which is when the Premier has indicated these cuts will take effect?

Hon. D. M. DAVIS (Minister for Health) — The chamber will understand the importance the government attaches to the commonwealth budget and announcements that are made in the commonwealth budget. Importantly, the state budget in Victoria was a very strong one in health, education and transport, and the state government has put in its share to ensure that we are getting a good outcome for our community, particularly — in the case of my portfolio — for our hospitals and health services. So it is with some disappointment that I indicate to the chamber — and I will have more to say on this — that the federal government’s budget was not in many respects to the liking of Victoria.

There are obviously changes to be made from 2017, and I will say something about those; there are obviously changes proposed in terms of a co-payment from 1 July 2015, which the state does not support; and I am obviously very concerned about the commonwealth’s decision not to renew the national partnership agreement on improving public hospital services, which has been important in funding additional capacity around the state. I note that that agreement was signed by the now Leader of the Opposition and the then Labor government. It was a time-limited agreement for four years, and I am very concerned about the impact — —

Honourable members interjecting.

Hon. D. M. DAVIS — The national performance agreement on improving public hospital services was actually signed by the previous government. The actual agreement was signed by former Premier John Brumby. John Brumby signed a four-year, time-limited deal with the then commonwealth government, and the four years finish on 30 June. We have made a strong representation to the federal government for the renewal of that partnership or for some mechanism to ensure that there is additional capacity put into the system to support those subacute beds around the state.

In addition to that, it is unclear what the final result is in terms of the national health reform agreement, and the interaction between those agreements is also an important point of the outcome because the calculations

are still being done. Neither the commonwealth nor the state has the final calculations because the Independent Hospital Pricing Authority made further determinations late last week which will also impact on the final outcome in terms of the main agreement between the commonwealth and the state. The final number on the main agreement is not known, and the commonwealth has indicated it will not renew the national partnership agreement funding for improving public hospital services. We are very concerned about that.

I have had a meeting with my federal counterpart — I have had several phone conversations with my federal counterpart — and I can indicate that state ministers will meet with the commonwealth minister in coming weeks — —

Mr Lenders — And he said, ‘Who’s David Davis?’.

Hon. D. M. DAVIS — I do not think he said that. I think he was very clear that he knew who was on the phone and that he knew I was standing up for Victoria. What is more, that stands in stark contrast to the toady-like behaviour on the other side of the chamber when, in 2012, \$107 million was cut from our hospital system by the then federal Minister for Health, Tanya Plibersek, and the then Prime Minister, Julia Gillard. The Labor Party and the Greens voted in favour of those cuts. They supported those cuts. It was an extraordinary decision to support the cuts put on Victoria.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — I am pleased that the federal minister has auditory recognition of the Victorian health minister. Could Mr Davis, though, help us to deal with the \$155 million cut to Victoria, which was part of the \$1.393 billion that has been cut by the Abbott government out of health in Victoria up to 2017? How can he possibly make up that shortfall and ensure that those subacute beds are maintained?

Hon. D. M. DAVIS (Minister for Health) — Unless the member’s ears are painted on, I will make it very clear to him: the final payments from the commonwealth to the states from 1 July 2014 to 30 June 2015 are not yet known because those figures are still being calculated — unless the member knows more than the commonwealth department and the commonwealth minister and our department here in Victoria. None of them know that. Let me be clear also that unlike when Tanya Plibersek made midyear economic and fiscal outlook (MYEFO) cuts, the minister who is in Canberra now actually made sure

that significant money was provided to ensure that there was no change in the funding for Victoria in the last financial year. He has also made it clear that additional support will be provided this year to ensure that the announcements made in the MYEFO and elsewhere are dealt with.

Health funding

Mr FINN (Western Metropolitan) — My question without notice is directed to the Minister for Health, and I ask: will the minister inform the house of the impact of the federal budget on Victorian hospitals and health services?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for his question, and I note his strong advocacy for Western Health and Mercy Health in his region and for a number of community health services that make such a significant contribution to health services in the western suburbs. I have to say that his advocacy stands in stark contrast to the behaviour of those on the other side. When cuts were made by Tanya Plibersek and Julia Gillard, members opposite supported them. Unlike them, Mr Finn has been advocating very strongly for his health services, as has this government. We are standing up for Victorian patients, unlike members of the Labor Party and the Greens who voted to support cuts. We are making very strong representations to the federal government.

Honourable members interjecting.

Hon. D. M. DAVIS — I have certainly met with the federal minister. I have had phone conversations with him, and I have made very strong representations on Victoria’s behalf. I have made my displeasure known in terms of a number of decisions made by the federal government.

The budget brought down recently by the federal government makes a number of significant changes beyond 2017 which are not welcome. The CPI and population-based adjustments that will apply after 2017 will not be sufficient to compensate the states and hospitals for the additional services that will be needed. I make no bones about it; from 2017 and that adjustment period there will not be sufficient resources under the commonwealth’s proposed formula. We have made that very clear to the commonwealth and will continue to advocate for Victoria.

From 1 July 2015 the commonwealth is proposing a co-payment on visits to GPs across the community. The government does not support that co-payment. We believe this is an unfortunate decision by the

commonwealth, a decision that will not see better community provision of services. It may well impact on the ability of GPs to provide services for those in need. We have also indicated that we would not take up any offer, if it were to come, to put a co-payment on our emergency departments. The government has been very clear that we do not support those proposals by the commonwealth at all.

I also make the point that the final aggregate commonwealth payments from 1 July are not yet known. We are very disappointed that the national partnership agreement on improving public hospital services, which provided subacute bed funding, is not being renewed by the commonwealth. We have made our views on that known, and we will continue to advocate very strongly to the commonwealth on that matter. But what is important to Victoria in particular is the aggregate outcome that we get from the commonwealth. That figure will be determined in coming weeks as the Independent Hospital Pricing Authority and the administrator and other officials at a commonwealth level put their positions forward. The state will advocate very strongly on behalf of Victorian patients and hospitals and will not be deterred in any way — unlike the Labor Party and the Greens who, when Tanya Plibersek and Julia Gillard cut funding to our hospitals, rolled over and agreed with them. We do not agree with reducing funding.

In terms of the national partnership agreement and the subacute beds, it is clear that it was a four-year agreement signed by the then Premier, John Brumby, and the then federal Labor leader. The two Labor leaders signed a time-limited agreement for four years. Notwithstanding that, the state, and other states I might add, believes that there should be some accommodation provided to make sure that there are sufficient resources provided by hospitals to maintain full capacity.

Health funding

Mr JENNINGS (South Eastern Metropolitan) — My question is for the Minister for Health. The minister and the Premier seem to be having difficulty reconciling the fact that \$1.3 billion has been taken out of the Victorian health-care system up to 2017. On some occasions the Premier says that they will take effect in 42 days time, and the minister rises today to say the cuts will not take effect until 2017. But in the horror health budget released by federal Treasurer Joe Hockey there were \$982 million of cuts taken out of Victorian hospitals in the national health reform agreement up to 2017–18. Can the minister confirm to the house that if that is the figure, that it is the equivalent of 185 000 surgeries being undertaken in

Victoria? That is a whole year, plus the removal of the waiting list; that is the size of the cut. For \$982 million, could the minister buy 185 000 surgeries?

Hon. D. M. DAVIS (Minister for Health) — I do not accept the premise of the member's question. The member does not understand what is occurring here in terms of the commonwealth budget. I am being very clear here. There are certain aspects of the federal budget that we strongly disagree with, and we have been strongly advocating for those matters. The final outcome in terms of aggregate result for Victoria in health is not yet known.

Honourable members interjecting.

Hon. D. M. DAVIS — No, it is not actually known. The calculations are not actually completed. Those calculations are being undertaken in my department as we speak. The commonwealth department is undertaking similar calculations, and it is the same all around Australia. The commonwealth government has made it clear that from 1 July it does not want to continue the subacute bed national partnership agreement. We are very disappointed with that, and we believe we should come to some accommodation on that matter. But we also know that the final result for public hospitals through the main health agreement has not yet been calculated. The estimates provided, or the guesses provided — —

Mr Jennings interjected.

Hon. D. M. DAVIS — A number of aspects of the federal budget have not been finally calculated. In the federal budget there is a commitment to growth, and that commitment to growth has been acknowledged far and wide by the Prime Minister and the Treasurer. I can indicate that the states will be putting their case to ensure that we get the very best outcome. I have indicated already that the state is not pleased about the discontinuation of the national partnership agreement on improving public hospital services that supported the subacute beds.

There is a need for further dialogue with the commonwealth to get the very best outcome. Unlike the Labor Party in the last period, when the former health minister, Tanya Plibersek, and the Prime Minister, Julia Gillard, cut \$107 million from Victorian hospitals, we are not supporting the decisions of the federal government. We are very much opposed to the discontinuation of the subacute bed national partnership agreement, and we have communicated that very directly and publicly. We have also indicated that we are strongly opposed to the proposals for co-payments.

There are a number of other aspects of the federal budget — in training and other areas — that I believe will not assist Victoria or indeed other states. The states and territories are as one in opposing certain aspects and are prepared to make their points very clear to the commonwealth minister at a forthcoming meeting of health ministers.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — I put to the minister that the commonwealth budget papers released by Joe Hockey identified \$982 million of cuts between now and 2017–18. Does the minister refute that figure? Does he refute that that figure could have purchased 185 000 surgeries in Victoria?

Hon. D. M. DAVIS (Minister for Health) — Just like the recent midyear economic and fiscal outlook decisions of the federal government, the federal minister was able to provide additional support to Victoria to ensure that the full impact of those decisions was not felt in Victoria, and a similar offer has been made again. My point to Mr Jennings and to the chamber is that the final outcomes for Victorian health care are not yet known. Negotiations are continuing. There are calculations that are occurring now — —

Mr Jennings interjected.

Hon. D. M. DAVIS — The member does not appear to understand what I am saying. There are still negotiations occurring, there are still calculations occurring and the commonwealth minister has directly offered additional support to smooth out any adjustments that are made. These points directly refute the claims made by the member.

Plan Melbourne

Mrs MILLAR (Northern Victoria) — My question this afternoon is to my esteemed colleague the Minister for Planning, the Honourable Matthew Guy. Can the minister inform the house of what action the Napthine government has taken to preserve and enhance Melbourne as a growing, livable and vibrant international city?

Hon. M. J. GUY (Minister for Planning) — I thank Mrs Millar for a very important question around the future sustainability and livability of our great capital city in Victoria — that is, Melbourne. Some time ago the government committed to reforming metropolitan planning policy, updating where we were from the days of Living Suburbs in the 1990s and Melbourne 2030 in the early 2000s, and providing a document that would

look back to a number of strategic metropolitan planning strategies over the last 30 or 40 years and provide a vision for our city that would be longstanding, long lasting and look at many of the positive initiatives of past strategies.

Plan Melbourne — Metropolitan Planning Strategy, which the Premier and I launched on 19 May, is a document that will do just that. Importantly, what we need to acknowledge as a state is that our population is growing, particularly in our capital city. Within 30 to 40 years Melbourne will be a significantly larger city than it is today — so much so that in western terms it will be one of the largest western cities in the world. We need to acknowledge that, we need to plan for that and we need to manage that growth well into the future. Simply relying on past strategies to guide us in how we are going to manage growth into the future is not going to be good enough for Melbourne, and it will not keep our position as one of the most livable cities in the world.

Plan Melbourne is a manifestation of many of the elements, as I said, of policies of the past that have worked, whether that is around open space, whether it is around a focus on activities areas or whether it is a focus, albeit with greater gusto, on urban renewal areas. It is also a strategy that has new elements factored into it for the first time: a permanent growth boundary around our city, a plan to build a state of cities to achieve regionalisation through a strategic planning policy, not just through a number of statements of previous governments, and the ability to identify those areas in a metropolitan strategy that are going to change and see urban renewal grow into the future.

Importantly, we acknowledge, as any government would, that to build a sustainable city of the future you need to have the infrastructure to match. The government has made no secret of the fact that it believes the east–west link needs to be built — not just stage 1 but stages 1 and 2. No sensible government would not acknowledge that building a piece of infrastructure like the east–west link stages 1 and 2, particularly around the logistics capital of Australia that is Melbourne, is going to be important — indeed essential — to maintaining our economic advantage into the future.

Further, we need to expand the capacity of our metropolitan rail network. This document certainly does that through the Melbourne rail link, through an airport link into the future, through the upgrade to the Pakenham and Cranbourne corridor and through complementing regional rail upgrades and the regional rail link into the future.

We have also identified those urban renewal precincts that I have talked so much about in this chamber — not just Fishermans Bend but E-gate, Arden-Macaulay and along key rail corridors as well. They are so important to growing a sustainable city into the future. National employment clusters in the areas of Monash, Latrobe, Sunshine, Dandenong South, East Werribee and Parkville are about bringing jobs and people together in the same area for the first time in state strategic planning policy. It is a simple but effective way forward to building a sustainable city.

Plan Melbourne is, as I said, about planning for the long-term growth of Melbourne. Planning policy — and I say this sincerely — is not a simple matter of a point of view; it is about building a better Victoria for the long term, not just the short term.

Health funding

Mr JENNINGS (South Eastern Metropolitan) — My question is for the Minister for Health. Sometimes when I ask the minister questions I feel as if I am in quicksand, so I would like us to just do an appraisal. Does the minister agree that the funding for the 326 beds has stopped? Does he agree and acknowledge that the \$7 co-payment exists? Does he agree that \$50 billion will be taken out of Victorian health after 2017? Does he dispute the \$100 co-payment for specialists and that \$1.3 billion will be taken out of Victorian health before 2017? All of these matters were embedded in federal Treasurer Joe Hockey's budget.

Mrs Peulich — How many questions is this?

Mr JENNINGS — It is one. Does the minister rule those things in and those things out?

Hon. D. M. DAVIS (Minister for Health) — The member went through a long list of items.

Mr Jennings — Five.

Hon. D. M. DAVIS — Yes, five. I agree with some and disagree with others. Let me be quite clear. We agree that the commonwealth has been clear that it does not want to fund again the subacute beds under the national partnership on improving public hospital services. It says the four-year agreement signed by two Labor governments is time limited, but the states have continued their advocacy for an adjustment package in that space. In terms of the co-payment, we have been quite clear that we do not support the co-payment and we certainly do not — —

Mr Jennings — It exists, though.

Hon. D. M. DAVIS — I understand that the commonwealth government is seeking that, but my own view is that it is unlikely to get through the Senate. Do you believe it will get through the Senate? Who in this chamber believes it will get through the Senate? I have to say I would not accept this as an outcome.

Honourable members interjecting.

Hon. D. M. DAVIS — I do not believe that the \$7 co-payment on GP practices will help deliver services at the level that is required. We do believe it will cause difficulty for patients — —

Mr Jennings interjected.

Hon. D. M. DAVIS — I am not a federal member of Parliament. I think it is transparent that I am a member of the state Parliament.

The PRESIDENT — Order! I realise that it is an adventurous budget that provokes considerable community discussion and provides significant opportunity for questions in this place, but those questions need to be put according to our processes. The minister is answering a question point by point at this stage, and I do not think the amount of interjection or indeed the extrapolation of what the minister's answers might mean is helpful. If they require clarification, then perhaps the supplementary question might explore that.

Hon. D. M. DAVIS — None of us can know what the fate of the co-payment will be in the Senate and whether it will be introduced as proposed on 1 July 2015. None of us can look into the future and know what will happen then. I can indicate that this government does not believe this is the best way forward given that governments for several decades have sought to enhance primary care. We do not believe this will assist. We believe it will drive patients towards emergency departments, but we have also been very clear that we do not support putting a co-payment on our emergency departments as proposed — —

Mr Leane interjected.

Hon. D. M. DAVIS — Some have asked me. I have said it publicly. I have said it far, I have said it wide, I have said it near and I have said it far. I can say it again if you would like, Mr Leane, but I have said we do not support it.

Then the member moved to 2017. The federal government has said that the agreement is gone after 2017. It is much changed now because it has already been indicated that the safety net — the guarantee — is

gone in the period leading to 2017, and that will impact on some states. We do not believe it will be material for Victoria. But the commonwealth has said that after 2017 it will index payments to the states according to CPI and population growth. We believe that underestimates the requirements in terms of services. With an ageing population, with a utilisation factor not included, there will be greater need for additional services.

Mr Jennings interjected.

Hon. D. M. DAVIS — No, we do not believe that the 2017 period and beyond will see sufficient indexation and sufficient resources provided to the states to deal with the demand that will confront our public hospitals in that period. I cannot be clearer. I am using plain English and speaking directly. We do not agree with that. We do not think it is in the spirit of the agreement. We think the agreement has been fundamentally altered. That is pretty clear.

In terms of other matters all around the deal, there are a whole series of announcements by the commonwealth government. They relate to the provision of other services both at the community level and in hospitals. We do not believe that most of these decisions will be of assistance to our patients in Victoria. Again, I have communicated these points to the commonwealth government directly. I have said it in the public arena. I have said it far, I have said it near; I have said it high and I have said it low. I do not know where else Mr Jennings wants me to say it, but I will say it again if he wishes.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — I couched my substantive question in terms of saying that I felt I was in quicksand, but it is pretty clear it is the minister who is on that terrain. The minister has indicated that he does not believe in co-payments existing or applying in public hospitals. Is he telling the chamber that there are no hospitals in Victoria where a co-payment is required if someone turns up to receive medical care?

Hon. D. M. DAVIS (Minister for Health) — What I have said is the announcements in the federal budget are not supported in this respect by the state government. I said the \$7 co-payments that are being put on GP services are not going to help our primary care system and they are not going to help our patients in Victoria, who are our primary concern. We also believe that this will put additional pressure on our emergency departments. Having said that, it is not clear

what the Senate will do in terms of the co-payments. There is a distinct possibility that the Senate will not support the co-payments. I know a number of major parties have already publicly indicated that they will oppose the co-payments. As the President alluded to before, I am not a member of the Senate. I do not have a vote in the Senate, but I am making my views very clear in this chamber that I do not think it will assist our patients or assist primary care, and it will not assist our public hospitals either.

Early childhood facilities

Mr ELSBURY (Western Metropolitan) — My question is to my good friend and colleague the Honourable Wendy Lovell, Minister for Children and Early Childhood Development. Can the minister update the house on recent announcements or projects for the children's facilities capital program?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — I thank the member for his question and for his ongoing interest in early childhood development. The coalition government's \$120 million investment in early childhood facilities is helping around 316 facilities throughout Victoria. Last week, together with Mr Elsbury, I made the announcement of a new grant of \$650 000 to co-locate a kindergarten at the Thomas Chirnside Primary School. In Wodonga I was joined by Bill Tilley, the member for Benambra in the other place, to announce that the Jamieson Court Preschool would receive an upgrade grant of \$350 000 and that the Berringa integrated community services hub in Bellbridge, in the shire of Towong, would receive \$75 000 towards its upgrade.

Since 10 May 14 major capital projects that are recipients of past grant rounds have opened, including the Ringwood Uniting Church Preschool, which was opened by Dee Ryall, the member for Mitcham in the other place, on 10 May. On Tuesday, 13 May, I opened a \$1 million extension to the Robyn Jane Children's Centre, together with the member for Seymour in the other place, Cindy McLeish. On 14 May Bunyip Kindergarten was opened by the Minister for Planning, and on that day he also opened the Henry Family Children's Centre in Pakenham. On the same day I was fortunate to open stages 2 and 3 of the Wangaratta Children's Services Centre and also to open the Yarrunga Primary School early learning centre on the site of the primary school — a great result for an organisation that does a fantastic job for disadvantaged people in the Wangaratta community.

On Thursday, 15 May, the Hopetoun Children's Centre was opened. On Thursday, 15 May, together with Kay Darveniza and The Nationals candidate for the Assembly seat of Shepparton, Greg Barr, I opened St Mel's Kindergarten in Shepparton. On Thursday, 15 May, the Swan Reach and District Preschool was opened by the Minister for Local Government, Mr Bull. On Monday, 19 May, Heidelberg Preschool was opened by me and the Liberal candidate for the Assembly seat of Ivanhoe, Carl Ziebell. On Tuesday, 20 May, the Birch Street Children and Family Centre was opened by the Minister for the Arts, Ms Victoria.

On Wednesday, 21 May, Box Hill North Primary School Kindergarten was opened by the Attorney-General, Robert Clark, and on Thursday, 22 May, Patterson Lakes Kindergarten Centre was opened by Dee Ryall, the member for Mitcham in the Assembly. Together with Andrew Elsbury, I had the great pleasure of opening the Amici-Westbourne Early Learning Centre at Westbourne Grammar School. This is a fantastic investment — a \$300 000 grant from the government and \$6 million from Westbourne Grammar School enabled the school to put that early learning centre on its site. This is a school that my family has had a long association with. My mother and my aunt were both students there, as were many of my cousins. I still have two cousins who are students there.

Our facilities are delivering great results for families right around Victoria. Increased places for children at kindergartens, upgraded facilities, consulting rooms for allied health professionals, maternal and child health services, family support services and spaces for playgroups are being provided because the coalition government is investing in early childhood facilities. More than \$6 million from the capital program was invested in the facilities that I have talked about today, and they generated further investment from the community — an additional \$10 million in investments from local government and community groups. Our \$120 million record investment is really delivering results for Victorian families.

Health funding

Mr JENNINGS (South Eastern Metropolitan) — My question is to the Minister for Health. After carefully listening to his answers to my previous questions, I ask the minister to clarify for the house whether in fact it is his position that he wants the \$7 co-payment in federal Treasurer Joe Hockey's budget to fail the Senate.

Hon. D. M. DAVIS (Minister for Health) — I am not sure if the member was listening carefully before, but I did go through this at some length. What I can indicate is that I am not a senator and I am not a member of the House of Representatives, therefore I will not personally have a vote. My own views are only the views of a health minister at state level.

The government's position is quite clear. We do not believe the \$7 proposed co-payment for GP services will assist our health system in Victoria. We do not believe it will make primary care stronger. We do not believe it will assist patients, and we do not believe it will assist our health services. What happens in the Senate is a matter, I would put to Mr Jennings, that is beyond his control, my control and indeed the President's control. What I can indicate clearly is that we do not believe the \$7 co-payment will assist our hospitals and our health services. It will not assist our patients.

States and our health systems have gone to considerable effort over many decades under governments of different political stripes in Victoria to strengthen the primary care system and to make sure that GPs are able to provide the widest range of services at the community level. We have sought to ensure that the pricing of those services is kept low where possible so that patients are able to access those services without excessive restriction, understanding that the costs in the tertiary sector in particular are much greater and that the applicability of services in the tertiary sector for many patients is not ideal.

In last year's budget we provided funding for refugee health to ensure that there was greater provision of services at a community and primary care level rather than having patients attend a tertiary service — Monash, Dandenong, northern and western health services, principally — for what were essentially primary care ailments and service needs. In those circumstances, to place additional costs on primary care will not make it easier for patients and it will not make it easier for our system. It will lead to higher costs for patients. It will lead to reduced access to services and to some diversion of services to our tertiary services, which are very costly and often not the most appropriate place to provide those services.

As I said before and as I have said a number of times — I have said it high, I have said it low, I have said it near, I have said it far, I have said it again and again — we do not support this decision. We do not control the federal budget or the federal Parliament. All I can do is make clear what my view is.

Mr Guy and I were talking a moment ago. We have young children, and we remember that from time to time we were offered green eggs and ham, Sam-I-Am, but no, I do not like green eggs and ham. My point here is that in this case I am saying no, we do not like the proposal from the commonwealth government on \$7 co-payments. We do not believe it will help our system, and we are opposed to putting co-payments on our emergency departments.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — Goodness help the health system in Australia if that is the level of contribution that is being made. Can the minister take the opportunity to make it crystal clear to us all, even if he cannot go so far as saying that he wants this revenue measure to fail in the Senate, that he will be urging his Liberal colleagues in Canberra to remove this \$7 co-payment from the revenue measures in the budget?

Hon. D. M. DAVIS (Minister for Health) — I have said to my Liberal colleagues interstate that we do not support this measure. They have equally said that they do not support this measure. I have also conveyed to the federal health minister directly that the Victorian government does not support this measure.

Country football and netball program

Mr RONALDS (Eastern Victoria) — My question is to my friend from The Nationals the Honourable Damian Drum, the Minister for Sport and Recreation. Could the minister inform the house how the Victorian coalition government's country football and netball program has contributed to the continual improvement of community sport and recreation facilities across the state?

Hon. D. K. DRUM (Minister for Sport and Recreation) — I thank Mr Ronalds for his question in relation to the football and netball grants that have been announced over recent weeks. Certainly we have been very active in recent weeks with the announcement of these grants, travelling all around Victoria and meeting representatives of many football and netball clubs from small communities that are extremely grateful for this program.

They are even more grateful when they realise that the program is not just state government money on its own being handed out to wherever a government believes it should be; this is a grant program which has \$9 million worth of state government money combined with \$750 000 from football groups and \$250 000 from

Netball Victoria. It is orchestrated, organised and assessed. All the projects are assessed by a separate group removed from government which is able to prioritise and then decide who the most worthy recipients are and which are going to be the highest priority projects around the state to receive these grants.

In Mr Ronalds's area in the last few weeks we have been able to announce that there is \$81 000 for the East Gippsland Shire Council to do some work on the Lucknow Recreation Reserve. Just last week we were able to go to South Gippsland shire and announce that we are going to inject money out of this fund into the Mirboo North Recreation Reserve. These announcements come on top of another announcement at Upper Pakenham. Brad Battin, the member for Gembrook in the Assembly, was there to talk about a project where the oval is going to have drainage put right through it and be landscaped. There is also Riddells Creek where a lighting project is going to be included in a changing room upgrade. There are additional netball courts at the Hepburn Recreation Reserve.

It is quite amazing to see how prominent upgrades of netball facilities are now becoming with many of these grants. Melton South Football and Netball Club has identified resurfacing and looking after some of the run-off areas around the netball courts as its no. 1 priority. The club has been the successful recipient of a grant to enable that resurfacing and to get extra run-off into its netball courts as well.

These grants have been very successful right around the state. They have been extremely well received. We were able to go to Ballan last week with Sonia Smith, The Nationals candidate for the Assembly seat of Buninyong at the upcoming election. She was able to look at that project along with the footballers and netballers there. It is more drainage work to enable that ground to be able to operate all year round, as opposed to the bog it becomes once there is a little bit of rain on that oval at Ballan.

Nearly \$1 million has been allocated across the state in this current round of grants. There have been some amazing projects. It is great to see a disproportionate push towards netball coming from the football clubs that are realising the importance of netball around country Victoria, and they are being backed up by this great program.

Smoking regulation

Ms HARTLAND (Western Metropolitan) — My question is for the Minister for Health. On Friday last

week, ahead of World No Tobacco Day, the Australian Medical Association awarded Victoria the Dirty Ashtray Award for the third year in a row. I understand that this is an all-time record. It was awarded to Victoria for being the only state that has failed to make outdoor dining and drinking areas smoke free and for its failure to fund tobacco control messages for key groups. In short, this is the worst performing government in Australia on tobacco control. My question for the minister is: what will the government do to ensure that it is not awarded the Dirty Ashtray for a fourth year in a row?

Hon. D. M. DAVIS (Minister for Health) — I know Ms Hartland is very closely connected with a number of people who are active in this space. Like her, I share a very strong commitment to ensuring that greater tobacco control measures are put in place. The state government has put many tobacco control measures in place. But there is a lack of transparency in the awards that are provided in this measure. There is a clear lack of transparency. When one goes to look for the criteria, one finds they are not immediately available online. The relevant groups were not able to provide the criteria to the state government.

An honourable member interjected.

Hon. D. M. DAVIS — That is right. That is an important point — the measures are not transparent. For example, last year we were told that we had failed because we continued to take tobacco donations as a political party. Unfortunately for the groups that were doing the examination here, that matter in the case of the Liberal Party has ceased. We also know that the Labor Party takes money from big tobacco unions and that they also vote on the Labor Party's preselections.

An honourable member interjected.

Hon. D. M. DAVIS — Yes, you have unions — that is right. We know that is not taken as a criteria for the matters around this award.

Then we learnt on the weekend that Philip Morris has been making donations to certain unions on the sly, without declaration. I note the federal royal commission on union slush funds is examining allegations that tobacco group Philip Morris helped bankroll a successful campaign backed by union whistleblower Cathy Jackson and federal Labor MP David Feeney. In one year tobacco donations are part of the criteria, but in the next year suddenly tobacco donations as a significant part of the criteria seem to have gone up in smoke.

What I would like from the Australian Medical Association — I have said this directly to it, and I have written to it about these matters — is that the criteria be published, put out publicly, so that people can see what the criteria are and to ensure that the criteria are applied even-handedly to political parties. If political parties get donations from tobacco unions and tobacco unions have votes on the preselections of those parties, that should be counted as a matter that relates to the performance of that jurisdiction. The Prime Minister made it clear that the Australian Liberal Party will not take donations from tobacco groups anymore. I welcome that decision, and I welcome the similar decision of the Victorian Liberal Party. Those matters appear to have evaporated as a criteria for those who are awarding this esteemed award.

On a matter more directly related to the member's question, the government has focused on getting good outcomes for communities. We have legislated in a number of areas to advance tobacco control. I indicate to the members of this chamber and the Parliament more generally that in those cases support for such legislation has generally been bipartisan. When we were in opposition Mr Drum led the way on a number of those areas. I welcomed his advocacy and the advocacy of a number of members in this chamber, including Ms Hartland for her advocacy in this area. The criteria should be fair and published for public perusal.

Supplementary question

Ms HARTLAND (Western Metropolitan) — That was the most extraordinary answer I have ever received from the minister. That was quite amazing. I asked a really simple question — how was the minister going to avoid getting the Dirty Ashtray Award — and he seemed to go through a whole range of different things that had no relation to it. Maybe if I reframe the question to see whether we can get an answer.

Mr Somyurek interjected.

The PRESIDENT — Order! The member is on her feet asking a question. Mr Somyurek owes her and the minister who is expected to respond to that question the courtesy of allowing them to be heard. It is most inappropriate to interject when people are posing those questions. I indicate to Ms Hartland that I will not watch the clock.

Ms HARTLAND — Can the minister explain to me the factors that constrain his government from coming forth with smoking reform in outdoor dining areas?

Hon. D. M. DAVIS (Minister for Health) — There is a presumption in the matter that there is something that constrains the government. The government has taken steady, reasonable and incremental steps across a number of different areas of tobacco control to ensure that there is better control of tobacco in a whole range of different venues. Most recently this has included the implementation of tobacco control with respect to a whole series of venues, including skate parks, pools, children’s playgrounds and sporting events. All of those have been very much welcomed by the broad community. The government will come forward with further steps in tobacco control when it is appropriate. We will come forward with further steps in tobacco control, one by one, item by item, making good sense and getting good outcomes for the community. It is important that those who make these awards are transparent in their criteria, that they provide that information publicly and that they judge different parties fairly and evenly.

Information and communications technology

Mr ONDARCHIE (Northern Metropolitan) — My question this afternoon is to the Honourable Gordon Rich-Phillips in his capacity as Minister for Technology. I ask the minister if he could inform the house of how the government’s updated ICT strategy is benefiting Victorians.

Hon. G. K. RICH-PHILLIPS (Minister for Technology) — I thank Mr Ondarchie for his question and his ongoing interest in the Victorian government ICT strategy. Last year I was very pleased to launch the first Victorian whole-of-government ICT strategy. This was in recognition of the challenges which existed within the use and delivery of ICT projects within Victoria.

In 2011 we saw the Auditor-General and the Ombudsman report on a range of ICT projects which had gone off the rails, a range of ICT projects which had exceeded their budgets by more than \$1 billion and a range of projects which were being delivered behind schedule as well as over budget. It was very evident to this government that we needed to take a different approach to the way in which ICT projects, and ICT generally, are deployed within government.

As part of the ICT strategy, which was launched in February 2013, we laid out a new framework for undertaking ICT projects, a framework which will require that projects first be considered with regard to what already exists within the public sector. If a particular department or agency is looking for customer relationship management software, it makes sense to

see what already exists within government before going and buying more. This is a framework which requires us to look at what we already have and to look at what is available off the shelf and from the marketplace, rather than going down the customisation path, as with programs like myki, and then, if the government does need to undertake a build, to do it in such a way that it can be piloted and then scaled across government if that is appropriate. Ultimately it would reduce the risk of undertaking projects in the way government has undertaken them in the past.

The rollout of the ICT strategy in February has been very successful for government. Coming up to 18 months since the launch of that strategy, we have seen a number of significant savings accrued around ICT contracts, with the renewal of ICT contracts at the same time as recognising that the marketplace for ICT has changed, opportunities have changed and opportunities for contestability have improved dramatically in recent years. We have seen the number of data sets released in the public domain from government exceed 2000 as a driver of development in the application community. We have seen the number of companies which can engage with the Victorian government in the provision of ICT services increase to more than 800 under the new eServices Register that this government put in place from 1 July last year. The ICT strategy version 2013–14 has been a great success for the Victorian government and a great success for the ICT industry.

Last week I was delighted to launch version 2 of the strategy, covering 2014–15, which continues the good work of my department in rolling out the existing ICT strategy and delivering the objectives which were set down under that strategy. But it goes further in recognising, again, that we are in a shifting environment with ICT and there are new opportunities for the marketplace.

The new strategy has a new focus on cloud technology, recognising the role that cloud computing is now playing in service delivery, in business and in industry and the role it can play in providing low-cost solutions for government. The strategy also recognises that consumer expectations have changed, that mobility changes and creates new opportunities for government in service delivery — virtually everybody now carries a geo-referenced smart device. The new ICT strategy spanning 2014–15 will take advantage of that ubiquitous nature of smart devices to ensure that we can improve service delivery, as Victorian taxpayers and Victorian citizens expect. The private sector is doing it, the Victorian government will do it, and in doing so we will create some new opportunities for the ICT sector in Victoria.

QUESTIONS ON NOTICE

Answers

Hon. D. M. DAVIS (Minister for Health) — I have answers to the following questions on notice: 9403, 9561, 10 053, 10 059, 10 064, 10 125, 10 134.

PETITIONS

Following petitions presented to house:

Duck season

To the Legislative Council of Victoria:

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

the illegal slaughter, during this and past duck shooting seasons, of protected species such as freckled ducks, grebes and black swans; and

the grievous wounding and discarding of ducks and other bird species in the name of sport.

The petitioners therefore request that you place a permanent ban on duck shooting in Victoria as it is in NSW, WA and Queensland.

By Ms PENNICUIK (Southern Metropolitan) (169 signatures).

Laid on table.

Ordered to be considered next day on motion of Ms PENNICUIK (Southern Metropolitan).

Boral Western Landfill

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the proposal by Boral to expand the capacity of the Western Landfill site at Christies Road, Ravenhall, which will have a long-term detrimental impact on surrounding communities.

The petitioners therefore request that the Minister for Planning, Hon. Matthew Guy, intervene to reject the proposal to expand the site, and ensure any decision by the Melton City Council that approves expansion is overturned.

By Mr MELHEM (Western Metropolitan) (1741 signatures).

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 6

Hon. R. A. DALLA-RIVA (Eastern Metropolitan) presented *Alert Digest No. 6 of 2014, including appendices.*

Laid on table.

Ordered to be printed.

Annual review 2013

Hon. R. A. DALLA-RIVA (Eastern Metropolitan) presented report, including appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Acting Clerk:

Crown Land (Reserves) Act 1978 —

Minister's Order of 28 February 2014 giving approval to the granting of a lease at Mordialloc-Mentone Beach Park Reserve.

Minister's Order of 1 May 2014 giving approval to the granting of a lease at Geelong Botanical Gardens and Public Recreation Reserve.

Minister's Order of 14 May 2014 giving approval to the granting of a licence at Queen Victoria Gardens and Memorial Statue Reserve.

Northern Melbourne Institute of TAFE — Report, 2013.

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

Ararat Planning Scheme — Amendment C29.

Banyule Planning Scheme — Amendments C80 and C102.

Boroondara Planning Scheme — Amendment C149.

Brimbank Planning Scheme — Amendment C128.

Campaspe Planning Scheme — Amendment C50 (Part 1).

Frankston Planning Scheme — Amendment C94.

Golden Plains Planning Scheme — Amendment C62.

Greater Bendigo Planning Scheme — Amendments C159 (Part 2) and C195.

Greater Dandenong Planning Scheme — Amendment C138.

Indigo Planning Scheme — Amendments C53 and C64.
 Maribyrnong Planning Scheme — Amendment C122.
 Melbourne Planning Scheme — Amendments C220 and C233.
 Moreland Planning Scheme — Amendment C151.
 Murrindindi Planning Scheme — Amendment C51.
 Port Phillip Planning Scheme — Amendment C140.
 Stonnington Planning Scheme — Amendment C200.
 Wellington Planning Scheme — Amendment C55 (Part 1).

Statutory Rules under the following Acts of Parliament:

Corrections Act 1986 — No. 25.
 Financial Management Act 1994 — No. 29.
 Magistrates' Court Act 1989 — No. 28.
 Prisoners (Interstate Transfer) Act 1983 — No. 26.
 Rail Safety Act 2006 — No. 30.
 Rail Safety National Law Application Act 2013 — No. 31.
 Road Safety Act 1986 — No. 27.
 Transport (Compliance and Miscellaneous) Act 1983 — Nos. 33 and 34.
 Transport (Safety Schemes Compliance and Enforcement) Act 2014 — No. 32.
 Victorian Civil and Administrative Tribunal Act 1998 — No. 35.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 15, 17, 18, 25 to 28, 30 to 35, 37 and 38.

Legislative Instruments and related documents under section 16B in respect of —

Ministerial Direction to Adult Education Institutions on Executive Remuneration under section 5.2.1 of the Education and Training Reform Act 2006.

Ministerial Direction MD141 — Special Religious Instruction in Government Schools under section 5.2.1 of the Education and Training Reform Act 2006.

Ministerial Order 749 — Structured Workplace Learning and Work Experience — Arrangement Forms and Travel and Accommodation Forms of 15 May 2014 made under the Education and Training Reform Act 2006.

Notice of amendments to Australian Rules of Harness Racing of 1 June 2014 made under the Racing Act 1958.

Victoria Police — Chief Commissioner — Report under section 96 of the Drugs, Poisons and Controlled Substances Act 1981, 2013.

Proclamations of the Governor in Council fixing operative dates in respect of the following acts:

Drugs, Poisons and Controlled Substances Amendment Act 2014 — 21 May 2014 (*Gazette No. S155, 20 May 2014*).

Emergency Management Act 2013 — 1 July 2014 (*Gazette No. S148, 13 May 2014*).

Gambling and Liquor Legislation Amendment (Reduction of Red Tape) Act 2014 — Remaining Provisions (except section 16) — 14 May 2014 (*Gazette No. S148, 13 May 2014*).

Rail Safety National Law Application Act 2013 — Remaining Provisions — 19 May 2014 (*Gazette No. S148, 13 May 2014*).

Summary Offences and Sentencing Amendment Act 2014 — Part 1 and Part 2 (except sections 5 and 6) — 28 May 2014 (*Gazette No. S155, 20 May 2014*).

Transport Legislation Amendment (Rail Safety Local Operations and Other Matters) Act 2013 — Remaining Provisions — 19 May 2014 (*Gazette No. S148, 13 May 2014*).

Transport (Safety Schemes Compliance and Enforcement) Act 2014 — Part 1, sections 157 and 158 — 18 May 2014; Remaining Provisions — 19 May 2014 (*Gazette No. S148, 13 May 2014*).

BUSINESS OF THE HOUSE

General business

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

That precedence be given to the following general business on Wednesday, 28 May 2014:

- (1) notice of motion given this day by Mr Lenders in relation to the impact of the federal budget on Victoria's health and education systems;
- (2) order of the day 11 for the consideration of a petition in relation to the Boral expansion of the Western Landfill site;
- (3) notice of motion 749 standing in the name of Ms Tierney in relation to funding for Victoria's TAFE system; and
- (4) notice of motion given this day by Ms Pennicuik in relation to political donations.

Motion agreed to.

MEMBERS STATEMENTS

Puppy farms

Ms PULFORD (Western Victoria) — Prior to the last election the Liberal and National parties promised to deal with puppy farms, but in April this year animal welfare groups and dog lovers across Victoria were dismayed, indeed horrified, to learn of the government's backflip and last-minute changes to the code of practice for the operation of breeding and rearing businesses. If Labor is fortunate enough to be on the government benches after the next election, it will reinforce the code, including breeding limits of five litters in the lifetime of a breeding dog and veterinary checks before and after breeding.

We will work with local government and the RSPCA to conduct a flying squad audit and inspection of puppy farms. We will provide the resources to ensure that these breeding dogs are not subject to lifetimes of misery, and we will restrict the ability of pet stores to sell dogs such that they need to be ethically supplied. The Premier had the opportunity to smash the puppy farm business model, and he has failed to do so.

Nudging Anglican Parishes to Prevent Violence against Women

Mrs COOTE (Southern Metropolitan) — Last Friday night I had the great honour of launching the Anglican Church's report entitled *Nudging Anglican Parishes to Prevent Violence against Women*. I congratulate the Anglican Diocese of Melbourne because its synod in 2011 endorsed the Anglican strategic policy for the prevention of violence against women, a proposal and background paper. Awareness of the prevalence of violence against women in the diocese was highlighted as long ago as 1994 in a report entitled *Public Face, Private Pain — The Anglican Report about Violence against Women and the Abuse of Power within the Church Community*.

Dr Ree Boddé, Anglican Diocese of Melbourne program director and the author of the report, is to be congratulated on an excellent report. It really highlights a number of issues. The term 'nudging' is very appropriate, because the Anglican Church has adopted the policy of a top-down, bottom-up approach to nudge this issue. Some of the cases spoken about in this report are particularly interesting. It is interesting to hear people saying that they were not certain it would relate to them. I congratulate the Reverend Philip Freier, the Anglican Archbishop of Melbourne, and all who were involved with this excellent report. I wish them the very best into the future.

Anzac Day

Ms TIERNEY (Western Victoria) — Anzac Day provides an opportunity to pay tribute to those who have been injured and those who have paid the highest price of all in representing Australia in areas of conflict around the world for over 100 years. It is a time for reflection and a time to think of grief-stricken families and the carers of those who have been injured. It is also a time to reconnect with the importance of peace and to remember that as human beings we have more things in common than that which divides us. Building common ground makes our communities more resilient, caring and thankful for what we have and less prone to jeopardise peace.

The ceremonies that many of us attended on 25 April were solemn — solemn in remembrance, solemn in pride and solemn in our commitment to each other to keep peace. I take this opportunity to thank all RSL members and volunteers for their efforts on Anzac Day, in particular the Geelong RSL sub-branch and the Portarlington and St Leonards RSL sub-branch for encouraging our local communities to come together on this very significant day to remember and reflect.

Victorian Indigenous Honour Roll

Ms TIERNEY — On another, yet not unrelated, note, I would like to acknowledge the Lovett brothers from Lake Condah, who were recently added to the Victorian Indigenous Honour Roll. Alfred, Leonard, Edward, Herbert and Frederick Lovett all fought on the Western Front in World War I, and all returned home safely. It has been noted by Britain's Imperial War Museum that no other record of military service by a single family matches that of the Lovett family.

I also take this opportunity to echo the sentiments expressed by the President earlier today in acknowledging National Reconciliation Week 2014 — 'Let's walk the talk'.

Voices against Violence

Ms HARTLAND (Western Metropolitan) — Last week I attended the launch of the Voices against Violence initiative. This research project has been led by Women with Disabilities Victoria in partnership with the Office for the Public Advocate and the Domestic Violence Resource Centre Victoria. It found that women with disabilities experience violence to a higher degree and for longer than women in the general population, with stereotypes of disability contributing to this preventable violence. The Voices against Violence research highlights that when sex

discrimination is coupled with disability discrimination, women with disabilities are at an elevated risk of violence. Evidence about the drivers of violence against women shows that the answer to preventing this violence lies in addressing the norms and behaviours that support rigid gender roles, gender stereotyping and gender inequality. The good news is that the norms and behaviours enabled by gender inequality can be changed.

I congratulate the groups on this project. This is such an incredibly important piece of research, and I encourage all members of Parliament to examine and understand this issue. I was moved to hear the women's stories. They reveal the depth of our failure as a society to provide a safe environment for women with disabilities and, following that failure, to provide a just and supportive response so that women are again safe.

Cats Don't Smoke

Ms CROZIER (Southern Metropolitan) — Quit Victoria, Healthy Together Geelong and the Geelong Football Club have teamed up to produce a really innovative phone app called Cats Don't Smoke. I had the pleasure of launching the app at the Geelong versus North Melbourne game on Friday night. It was a very good result as well, I might add. I have downloaded the app on my phone to see just how it works, and it is fantastic. It has clear messaging on the health effects for your body, the risks of smoking and tips on how to quit. It also has messages from the captain of the Geelong Football Club, Joel Selwood, the club's coach, Chris Scott, and CEO Brian Cook, which I believe will have a significant impact within the local community.

Smoking kills around 4000 Victorians each year. The smoking rates in Geelong are around 20 per cent, compared to the state average of 13.3 per cent. Clearly we need to do as much as we can to deter people from smoking and bring those rates down even further. With that aim in mind, the government has introduced legislation to ban smoking at all patrolled beaches, outdoor children's playgrounds, skate parks, public swimming pool complexes and sporting venues for under-age events. These newly designated no-smoking areas are sending a clear message to the community. This app does the same, and the Geelong Football Club has demonstrated great leadership in working with Healthy Together Geelong and Quit Victoria to develop such an innovative tool.

Healthy Together Geelong has done a tremendous job in engaging with over 50 000 members of its community in schools, early learning centres and workplaces to promote ways to improve health and

prevent chronic disease. I would particularly like to congratulate Chad Foulkes and his team on the work they have done not only with the Geelong Football Club but also with the wider Geelong community on what is an internationally recognised preventive health model and one that is already having a significant impact in the Geelong community.

Family violence

Ms MIKAKOS (Northern Metropolitan) — It is an alarming fact that three-quarters of all assaults against women happen in the home. It is also alarming that one woman is murdered by her current or former partner every week. We know that family violence is the leading contributor to death and disability in Australian women under 45. Of the 15 cases of child deaths reviewed in last year's *Annual Report of Inquiries into the Deaths of Children Known to Child Protection*, family violence was a factor in 12 of them.

Family violence costs our economy \$3.4 billion a year, and it constitutes 40 per cent of police work. This is why I am proud that Daniel Andrews referred to family violence as a national emergency — because it is. I am also proud of the fact that he announced that a Victorian Labor government will establish Australia's first royal commission into family violence. This royal commission will look into this issue from every angle in society, because violence against women and children cannot and will not be tolerated.

I was very disappointed that the Minister for Community Services, Mary Wooldridge, and the Minister for Women's Affairs, Heidi Victoria, chose to call this royal commission a waste of time and money. There has been enormous public interest and media coverage of family violence in the past few months, and it is clear that Victorians believe that enough is enough. We have seen the tragic death of Luke Batty, killed by his father in Tyabb in February. We have seen the killing of Fiona Warzywoda, who was allegedly stabbed to death by her long-term de facto partner after seeking an intervention order. We have also seen the tragic deaths of sisters Savannah and Indianna, killed by their father over Easter in Watsonia. We owe it to all these women and children to find the answers to preventing family violence.

Alyssa Gamble

Mrs PEULICH (South Eastern Metropolitan) — A few days ago my staff was joined by a young, intelligent and enthusiastic woman from the United States, Alyssa Gamble. Alyssa is a graduate of political science from the University of Utah. She has completed

two internships and is currently undertaking her third. She has a love of languages, which includes a study of Arabic. She hopes to continue studying languages and is passionate about social policy. I had the great pleasure of welcoming her to Victoria, and I also wish her a very happy 21st birthday.

Mr D. R. J. O'Brien — She's found the right office.

Mrs PEULICH — She certainly has found the right office, and she is an amazing young woman.

Leadership against violence

Mrs PEULICH — On another front, this afternoon a number of 90-second statements have been about violence. Whether it is domestic violence, violence in protest, violence in the community or criminal violence, violence cannot be tolerated and is unacceptable. Many of our messages have been pitched at the ordinary Joe Blow, but violence starts with role models in the community. My statement calls on significant leaders, including the Leader of the Opposition in the Assembly, Daniel Andrews, to say no to violence and the vilification of innocent people.

For example, the vilification of the first lady, Margie Abbott, by Tim Mathieson was absolutely objectionable, and the criticism of the Prime Minister's daughter for securing a scholarship back in 2011 went without comment from the Leader of the Opposition. The Leader of the Opposition has also remained deathly silent about the intolerance and violence of the Construction, Forestry, Mining and Energy Union's protests and about the endorsement of Geoff Lake for his state executive even though he was rejected as the candidate for the federal seat of Hotham. I call on the Leader of the Opposition to denounce violence in all its forms, including within his own party.

Local government funding

Ms DARVENIZA (Northern Victoria) — The freeze on the indexation of federal grants to local governments in Victoria has been described as a hand grenade for the bush. The \$134 million of funding that will be withdrawn from councils will hurt every ratepayer, with rural and regional communities being the hardest hit. This funding provides a core revenue stream for local government that helps pay for essential community services and maintain infrastructure.

While financial assistance grants will continue to be provided to Victorian councils, indexation of the payments will be frozen for three years commencing on 1 July. Cr Bill McArthur, president of the Municipal

Association of Victoria, said the grants would provide up to 27 per cent of the total funding for rural councils, so there will be a massive impact on rural communities. In my electorate, which extends across northern Victoria, a number of small rural councils will be among the hardest hit. The federal government is showing the same contempt as its state Liberal-Nationals counterparts when it comes to the issues affecting rural and regional communities. The Municipal Association of Victoria and all municipalities in Victoria have agreed to fight this measure handed down in the federal budget. I call on the state government to lobby its federal colleagues to reverse this freeze on indexation of the federal grants to Victorian councils.

Geelong Work and Learning Centre

Mr KOCH (Western Victoria) — Last Wednesday I was pleased to join students, staff and stakeholders at the Geelong Work and Learning Centre to celebrate the completion by students of the certificate II in warehouse and logistics. It was a privilege to represent my colleague and close personal friend the Honourable Wendy Lovell — who is passionate about the programs run by Northern Futures in Geelong — in making presentations to 15 students.

The training programs facilitated at Northern Futures are part of a much greater vision to help overcome disadvantage in Geelong's northern communities. Northern Futures provides means for people who would otherwise not have access to training to fulfil their ambitions of seeking employment. The Geelong Work and Learning Centre is part of a \$4.6 million program that includes centres at Ballarat, Carlton, Moe and Shepparton. The aim of the work and learning centre is to assist at least 1000 people find employment over four years.

The Geelong Work and Learning Centre has achieved some extraordinary results, with some 600 people accessing the centre, 717 training engagements being undertaken and 312 people being placed in employment, with 176 already in work for more than four months. I congratulate the students, many industry partners and all those involved in Northern Futures and the Geelong Work and Learning Centre. My thanks to Peter Dorling in his role as chairman, his executive officer, Lou Brazier, and her colleagues who have made Northern Futures and the work and learning centre a great success in Geelong.

European Union

Mr SCHEFFER (Eastern Victoria) — The European Union (EU) is now the largest foreign investor in Australia, with investments now worth \$1172 billion, or 29 per cent — up 13 per cent on 2012. So what happens there matters here, and that includes the EU parliamentary elections.

Local mainstream media focuses on votes in the United Kingdom and France, where the UK Independence Party and the French Front National respectively topped the polls. It is true that the UK Independence Party increased its vote by 11 per cent to 27 per cent, but overwhelmingly the parties that endorse EU membership are supported. In France Marine Le Pen's Front National Eurosceptic Party now holds 25 per cent of the French EU seats. The election results are represented as a sweeping victory for the Eurosceptics simply because they increased their vote, but this is only true in France and the UK. Pascal Lamy, a former director-general of the World Trade Organisation, pointed out on *Lateline* yesterday that there is no surge in Germany, Spain, Italy or Poland, and Eurosceptics overall will only have a maximum of 170 out of 780 seats.

In the Netherlands the anti-Islamic Eurosceptic right-wing party of Geert Wilders went backwards. Lamy did not go on to say that in order to promote their anti-European or anti-immigration reforms in the EU Parliament these disparate national groups will need to form voting blocs, and that under EU Parliament rule 25 MPs from seven countries are needed — a big ask, because these groupings are not united. While the anti-EU feeling is real and needs to be addressed, Europeans overwhelmingly remain supportive of the EU, the largest, most socially equitable and dynamic economy in the world that directly affects this country's prosperity.

Fire services property levy

Mr D. R. J. O'BRIEN (Western Victoria) — I warmly welcome the Victorian coalition government's decision to, firstly, introduce the long-awaited fire services levy and then to reduce the fire services levy rates from 1 July in the most recent Victorian budget. These reductions will generate real savings for households. Businesses and farmers are also big winners. The variable component of commercial fire levy rates has been cut by 19 per cent and the rate for farms will be cut by 22 per cent.

This important tax reform has moved the fire services charge from being part of insurance costs to it being

levied on property value, which will ensure that all Victorians contribute to the cost of funding our local Country Fire Authority and Metropolitan Fire Brigade fire services. The variable levy rate across all property categories will be lower than the 2013–14 rates, delivering real cost of living savings to all Victorians. This reduction has been hailed as fantastic by the Victorian Farmers Federation president, Peter Tuohey. The \$50 concession will continue to apply to eligible pensioners and veterans, benefiting over 400 000 Victorian households.

Since the implementation of the fire services property levy, a number of changes have been introduced to address concerns raised by various sectors. Some of these changes include the introduction of the single-farm enterprise, which operates where there are multiple parcels of farm land. A person may apply for an exemption to the fixed-charge component of the levy of \$200 for all but one of the titles.

The coalition government is delivering better funding for our fire services while increasing funding of the Country Fire Authority to about \$457 million. I congratulate the Treasurer, the Minister for Police and Emergency Services, the Deputy Premier and all members of the coalition who have long championed these outstanding reforms.

Family violence

Mr MELHEM (Western Metropolitan) — The level of violent crime, particularly family violence, reported by Victoria Police has risen every year. Everyone should be able to feel safe in their neighbourhood and in their homes.

Last week I had the opportunity to sponsor a free women's self-defence class, which was held at the Visy Cares Hub auditorium in Sunshine. Patricia Clarke of Safety Solutions, a qualified and accredited government trainer in martial arts and self-defence, ran the class, which gave individuals a perspective on personal safety and on developing a level of confidence through using and implementing safety. Over 40 women attended. Women of all ages were taught practical moves and offered advice on better defending themselves.

Some of the stories I heard during that night were horrifying. Last month's stabbing death of Fiona Warzywoda in Sunshine's CBD means that it is more relevant than ever for women to know self-defence techniques. Recent attacks have Victorians calling for better support for family violence victims and for new measures to be put in place to eliminate all violence

from our society, as well as measures to support victims and punish offenders.

I applaud the announcement by Daniel Andrews, the Leader of the ALP and Leader of the Opposition in the Assembly, on the need to establish a royal commission into family violence in early 2015. I hope it will look at what systems and what areas can be improved to make sure we stop family violence in this state.

Health funding

Mr EIDEH (Western Metropolitan) — I raise my concerns over a crisis in my electorate in which access to ambulances and hospitals is at breaking point. I have raised this issue numerous times in this house and urged the government to act urgently to support hospitals in the west, because we are seeing a significant increase in the number of inpatients which is not being matched with funding. This government continues to do nothing, despite the increase in demand due to the population in the west expanding daily.

The latest hospital statistics prove this. They also prove that ambulances are taking far too long to arrive. They prove that in extreme cases innocent people are paying the highest price — their lives. They prove that emergency patients are being crammed into hospital corridors instead of seeing doctors and being treated. They prove that our cherished loved ones who should be taken care of when in hospital are being forced to wait and as a result their health is further jeopardised.

The recent budget proves that this government does not have the health of Victorians on its priority list.

LEGAL AND SOCIAL ISSUES LEGISLATION COMMITTEE

Reference

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

That, noting the Australian Health Practitioner Regulation Agency 2012–13 annual report, particularly as it relates to the registration of pharmacists in Victoria, this house requires the Legal and Social Issues Legislation Committee to inquire into and report by 14 October 2014 on the role and opportunities for community pharmacy in primary and preventive care in Victoria.

Our community pharmacists are a very important group in the community. Every High Street in the state pretty much has a pharmacy, and generally these pharmacies are run by local people. There are of course some larger chains. Pharmacists are trusted and respected by the community as people who have a high level of tertiary

qualifications enabling them to provide strong support to their patients. They act primarily through the dispensing of medicines and advice, dispensing medicines primarily through prescriptions written by GPs and other specialists. Those prescriptions are filled by pharmacists, and support is provided by the federal government through the pharmaceutical benefits scheme, which is an important scheme. An opportunity is there for our pharmacists to play a significant and wider role.

Changes have been made where the pharmacist's role has been enhanced in some jurisdictions, particularly in Queensland and the Northern Territory, for the administration of vaccinations. There is also potential for an enhanced and wider management role, including in the post-acute setting and aged care, particularly in the country — that is, in rural and regional areas. Potentially there is also a wider role for them in reducing some pressures on our hospitals and emergency departments by providing advice and referrals that may be timely or appropriate. As pharmacists encounter patients they may well be in a position to provide them with useful advice about where they might seek further treatment.

Pharmacists are not only in the community setting but also in our major hospitals, both public and private, providing a very important service as hospital pharmacists, and on some occasions they are in our community health centres as well. This reference seeks to look at opportunities for community pharmacy in primary and preventive care in Victoria, drawing on what is available in other jurisdictions, particularly some of the other Australian states, as I have outlined.

I note that there is a lack of remuneration for any expanded service role, and that is something the committee may wish to examine. There is a range of views about the roles of pharmacists in these circumstances, and the role of the committee in this context is to look at the registration context, noting that the registration of pharmacists, like that of all health professionals, is aimed directly at securing public safety and ensuring that those who are registered provide safe and effective services in a way the community is able to feel confidence in. The Australian Health Practitioner Regulation Agency and our national registration arrangements do that, following on from the regime that previously operated in Victoria.

I note that the Victorian Pharmacy Authority provides regulatory arrangements relating to pharmacy premises. It is not my intention that this inquiry be fundamentally focused on the question of the role of pharmacy premises and so forth and the ownership of pharmacies.

There are longstanding debates about this. The Productivity Commission has had things to say about those matters and I am not, through this reference, seeking to relitigate or redebate those points that I regard as currently settled in the Victorian context. But it is fair to say that pharmacy faces some significant challenges in terms of workforce. A number of pharmacies are facing difficult times, and in that context, with a highly trained professional group that is well dispersed throughout the community, is trusted and can be relied upon by the community, and is registered with an appropriate level of oversight and regulation, there is the potential to ask what other activities pharmacists could undertake to contribute to the health system in our community.

I know a number of medical groups have divergent views, and I am not prejudging these matters in any way. I know that these groups — the Australian Medical Association in particular and others — will make their views known. In a sense this process would seek to see if through the registration arrangements there is any impediment to or other restriction on pharmacists doing more safely or trialling different approaches and different scopes in a safe way that would be consistent with their registration requirements and rules.

Community pharmacy could provide more personalised medication management services targeted to a cohort of older Victorians who are at risk of hospital admission or readmission and enable them to remain living independently for longer and with greater choice. That might be in the home or it could be in an aged-care service, so there may be some opportunities there, and I would be interested in the community's views in that context.

The issue of immunisation has been discussed in other jurisdictions. Internationally vaccination by community pharmacists has become commonplace, with experiences reported as overwhelmingly positive. Pharmacists commonly administer a range of vaccines in countries including the USA, Canada, the United Kingdom and New Zealand. As I said, these are being piloted in Queensland and the Northern Territory. The Pharmacy Board of Australia has now recognised that vaccination is within a pharmacist's scope of practice once guidelines and training requirements are established. As I understand it, this process is under way. In addition to increasing accessibility and reducing costs, the availability of pharmacist vaccinators may mean the risk of a major influenza pandemic is able to be managed more effectively. But I seek the community's input on a number of those matters.

The issue of avoidable hospital admissions is another area of interest in terms of the role pharmacists could play. Certainly when patients are discharged from a major facility the local pharmacist has, as has the local GP, a significant role to play, and the linkages and arrangements that can be struck in that context are important. The provision of certain advice about wound care may also be a role that pharmacists could play, and the role of referring and directing patients to other services is a critical one.

Accessible service delivery models in regional and remote areas are potentially also an important addition. A community pharmacist could facilitate initiatives such as telehealth. In some towns the pharmacist is a major service provider and in some cases virtually the only permanent service provider. In those circumstances the question is: what role could pharmacists usefully and safely play in the community's interest?

I think this is one of those references where a number of factors are aligning, including trials in other states and a desire by community pharmacists to extend or enhance their role in the provision of some primary and preventive health services which may well be efficient and safe. Equally there are significant financial challenges for the community pharmacy sector with the likelihood of reduced employment for both pharmacists and their staff. In those circumstances it may be that the pharmacy will play a greater role. The committee should look at this and examine what is in the community's interest, what is feasible and what reasonable steps could be taken in this area to weigh and balance the evidence that is put to it and seek some logical consensus which could inform government policy into the future.

Ms MIKAKOS (Northern Metropolitan) — I rise to indicate to the house that the Labor opposition will not be opposing this motion and the reference to this committee. However, we have a number of reservations. The first one relates to the fact that the government has chosen yet again to refer to an upper house committee a matter which is designed to ensure that the committee does not have to actually deal with some of the pressing issues facing Victoria. For example, the committee could do exactly what the Leader of the Government suggested in a recent sitting week — that is, go about its business as a legislation committee as set out in the standing orders and call the Secretary of the Department of Health to give evidence to the committee in respect of the department's annual report.

The committee could look at some of the many pressing issues facing Victoria's health system at the moment, including the crisis in our emergency departments, the crisis in terms of the growing number of people waiting for elective surgery in our hospitals or the ambulance crisis facing the state at the moment. There are many issues, the most recent being the implications of the federal government's cuts to the health budget and the impact this will have on our state hospitals and our state health system, which we heard about just today.

Yet the minister, who is also the Leader of the Government, has chosen not to give the committee such a reference, which would actually be timely and useful in terms of providing information and advice to government in respect of these issues. Instead he has chosen to give the committee what I think is a very innocuous reference in respect of pharmacies. Up until this point it was not clear what the minister wanted the committee to look at, given the reference only relates to the role and opportunities for community pharmacies in primary and preventive care.

The point I make is that up to this time the upper house committees have had 59 attempted references in total, of which only 11 were passed and 48 were defeated. The Legal and Social Issues Legislation Committee, of which I happen to be a member, has had sent to it only one bill that was passed by this house, and that related to a very non-controversial bill in respect of international wills. The government has chosen to send a reference to a committee which is chaired by a government member and on which it has the numbers rather than send this reference to the Legal and Social Issues References Committee, which would be the more appropriate place for a reference of this nature. We would be very supportive of any attempt to have the reference go to the Legal and Social Issues References Committee because that would be a more appropriate place for it.

Without disclosing the discussions that members of the committee have had around this reference, I believe that the reference itself leaves a lot to be desired. The minister, in his contribution to the debate on this motion, set out a whole lot of issues that he would like the committee to look at, yet all or some of those matters could have been explicitly set out in the terms of reference — for example, the minister referred to trials in other states, immunisation, the impact on regional areas and on aged care and a whole lot of other issues which could have been made part of the reference. This just demonstrates the haste with which this motion was cobbled together by the minister and

his office in order to give this committee some work to do.

We know that the government is keen to have the upper house committees meet. We had the absurd situation during the last sitting week where a meeting of this committee was called. There was no business when that meeting was called; it was called for the purpose of not allowing general business to be debated on Wednesday evening, to curtail debate and to have the house rise at the dinner break.

This is why we on this side of the house are extremely cynical when it comes to the minister's motivations. We have a hastily cobbled together motion when the minister could have put a proposition that he wished us to test with respect to the pharmacy sector and some proposed reform or change that he is prepared to consider. But of course the reference does not contain any proposition for reforms. It does not contain any prescriptive ideas in terms of what he would like us to consider. It is clear that this was designed to keep the committee busy and give it something to do so that it can meet on Wednesday evenings until the election is called. We are cynical about this for this reason.

Of course we all agree that pharmacists do a terrific job. I have needed to make frequent use of pharmacies over the last few days. They provide enormous support to many people in the community, particularly those with chronic illness and the elderly, who have many different health conditions. These are the people the minister and members of the government should be standing up for when it comes to the \$7 GP tax that their federal colleagues are imposing. We saw some feigned outrage from the Minister for Health earlier in question time when it came to discussing the implications of the federal health cuts. The best he could do was resort to quoting Dr Seuss and talking about green eggs and ham, which had all of us on this side of the house perplexed. We still have no idea what the minister was going on about in his contribution.

If the upper house committees are to do the job they were intended to do and if the government is to take them seriously, then it is important that government members give some thought to these references, provide greater guidance and clarity not just to committee members but also to the community more widely and the sector the reference relates to — in this case it is pharmacies — and actually put to them some proposed ideas for reform. The minister has not done that in this case. It is all about a very open-ended reference that is just intended to keep the committee busy. I hope the committee is able to do some good work through this reference, but we really have to

question the lack of thought the minister has put into the reference to this point. He has failed to outline in the reference any of the propositions and ideas he mentioned in his contribution today. Some of these matters could have been set out in the reference itself.

Ms HARTLAND (Western Metropolitan) — I am also somewhat surprised by this reference, mainly because it does not appear to be going to the appropriate committee. I will move an amendment later that this reference should go to the Legal and Social Issues References Committee rather than the Legal and Social Issues Legislation Committee. As I understand it, if you make a reference to the Legal and Social Issues Legislation Committee, you need to actually present legislation or it needs to refer to an annual report. The minister might be able to direct me, but I have read the Australian Health Practitioner Regulation Agency (AHPRA) annual report, and I cannot find a reference to community pharmacists in it. In his right of reply I would very much like the minister to direct me to the page in the AHPRA annual report that refers to community pharmacies.

What I found really interesting during the minister's contribution was that he talked at length about the idea of trialling vaccinations at pharmacies. I have done quite a bit of reading on this, and I know that it is occurring in England and has occurred in the United States. It is something we should be looking at. I would have thought that references to a committee, especially from a minister, should be succinct and have an achievable outcome rather than this incredibly vague, 'Let's look at what they might or might not be doing' reference that we have here, which is:

That, noting the Australian Health Practitioner Regulation Agency 2012–13 annual report, particularly as it relates to the registration of pharmacists in Victoria, this house requires the Legal and Social Issues Legislation Committee to inquire into and report by 14 October 2014 on the role and opportunities for community pharmacy in primary and preventive care in Victoria.

That is really vague. I agree with Ms Mikakos that this reference is about keeping the committee busy rather than doing beneficial work.

I also find interesting the number of references that have been attempted to be moved in this house that have been rejected by the government, as Ms Mikakos has pointed out, yet now we have an extremely vague reference that does not really say what we should or should not do. It is basically an attempt to keep us busy until October. If the minister had actually put forward a reference on the vaccinations that could be done by community pharmacies, that would have been a really

interesting thing to do, and it could have been helpful. This reference is extremely vague, and it is not necessary.

Greens amendment circulated by Ms HARTLAND (Western Metropolitan) pursuant to standing orders.

I move:

That 'Legal and Social Issues Legislation' be omitted with the view of inserting in its place 'Legal and Social Issues References'.

The clear reason why I am doing this is that the reference is not about legislation and what it is about is not in the annual report, so it should go to the references committee.

Hon. D. M. DAVIS (Minister for Health) — I thank members for their contributions. I indicate that the government will oppose the proposed amendment by Ms Hartland. It is entirely appropriate for the reference to go to the legislation committee. It relates directly to the registration of pharmacists, which is canvassed in the annual report. One of the 14 boards of the Australian Health Practitioner Regulation Agency (AHPRA) is the pharmacy board, and it is responsible for the registration of pharmacists at a state and national level.

Ms Hartland — What page was that?

Hon. D. M. DAVIS — I do not have the report in front of me, but pharmacists are registered by AHPRA, and these matters relate directly to the registration requirements and the work of that registration board.

In response to the idea that this is in some way a general reference, I note that it is about opportunities for community pharmacists, as opposed to hospital pharmacists or pharmacists employed in major public settings, and I have enumerated the opportunities for community pharmacists at length. I am pleased to see that both the non-government parties have indicated that they can see at least some areas of merit where they could add value in this area.

Pharmacy is a major professional group. It faces some significant challenges. If those in the non-government parties do not understand the significance of this group, that is disappointing. If they do not understand the significance of the primary care contribution that can be made by community pharmacists, that is very disappointing indeed.

The government will proceed with this reference. We believe it will provide useful information. As I said, I

have had discussions with the Pharmacy Guild of Australia, others in the pharmacy profession and community pharmacists more generally about these matters and about the opportunities. Ministers for health at a national level have discussed a number of these matters as well. I have pointed to trials and other arrangements available in both Australia and other jurisdictions that could be examined for potential use in Victoria. I would welcome the input of the committee on those matters.

House divided on amendment:

Ayes, 17

Barber, Mr	Mikakos, Ms
Darveniza, Ms	Pennicuik, Ms
Eideh, Mr	Pulford, Ms
Elasmar, Mr (<i>Teller</i>)	Scheffer, Mr
Hartland, Ms	Somyurek, Mr
Jennings, Mr	Tarlamis, Mr
Leane, Mr	Tee, Mr
Lenders, Mr	Tierney, Ms (<i>Teller</i>)
Melhem, Mr	

Noes, 19

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

Pairs

ALP vacancy	Ondarchie, Mr
Viney, Mr	Kronberg, Mrs

Amendment negatived.

Motion agreed to.

**CONSUMER AFFAIRS LEGISLATION
AMENDMENT BILL 2014**

Second reading

**Debate resumed from 8 May; motion of
Hon. M. J. GUY (Minister for Planning).**

Mr ELSBURY (Western Metropolitan) — It is a pleasure to rise this afternoon to speak on the Consumer Affairs Legislation Amendment Bill 2014. Some might describe this as a rather mundane piece of legislation, but it is very important that the mechanics of consumer affairs continue to work efficiently. This bill provides an opportunity to deliver a number of updates, corrections and changes to several pieces of legislation under the consumer affairs sphere of influence. They

include the Australian Consumer Law and Fair Trading Act 2012, the Motor Car Traders Act 1986, the Estate Agents Act 1980, the Funerals Act 2006, the Associations Incorporation Reform Act 2012, the Domestic Building Contracts Act 1995, the Sex Work Act 1994, the Fire Services Levy Monitor Act 2012 and the Retirement Villages Act 1986.

A large portion of this bill deals with the Australian Consumer Law and Fair Trading Act 2012. There are many measures dealing with debt collection, including the operation of debt collection, the employment of people to undertake debt collection work and the restriction of certain bodies corporate from engaging in debt collection. Under part 4.1 of the Australian Consumer Law and Fair Trading Act 2012 lies the legislative framework governing debt collection. Section 47 of that act will be amended to align the circumstances under which a body corporate may engage a debt collector with the circumstances under which a natural person can engage a debt collector, so a natural person and a body corporate will be able to enter into some debt collection under the same provisions.

This will create greater consumer protection as it will change the act so that bodies corporate, if they do not comply with certain rules and regulations, are restricted from engaging in debt collection. Such circumstances include where a body corporate has had its licence cancelled or suspended under the Private Security Act 2004 or where it has been found to have engaged in the physical use of force, harassment or coercion which breaches section 12DJ of the commonwealth Australian Securities and Investments Commission Act 2001, any such legislation in any state or territory or any other legislation the commonwealth government may have in place for such actions.

Section 47 of the Australian Consumer Law and Fair Trading Act will also be amended to allow the benefit of the doubt to a body corporate if it engages an employee who is not a fit and proper person to undertake debt collection services. In the past the issue has been that information about a person having their licence suspended under the Private Security Act has not been publicly available. That would normally preclude an individual from undertaking debt collection services. However, considering that this information is not publicly available, an employer or potential employer cannot verify if someone is actually a fit and proper person. Instead the onus will change so that if a body corporate learns that a person is a prohibited person, it will need to remove that person from those duties. This holds true so long as the body corporate exercised due diligence and good faith when employing

that individual. These are some major changes in the way that body corporate organisations can deal with debt collection.

We move on to another major part of the legislation, which involves several amendments to the Motor Car Traders Act 1986 including to provisions for the process of cooling-off periods. This will be streamlined to remove the paperwork involved in the three-day cooling-off waiver. What happened in the past is that after a person purchased a vehicle, they had a three-day cooling-off period in which to decide whether or not they wanted the vehicle. When they took delivery of the vehicle, they were handed a document which, if signed, would have waived their right to the cooling-off period.

This has created some confusion for people, as when you receive delivery of a vehicle you get a lot of paperwork. You could put your name on a lot of things, and all of a sudden you have just given away your right to the cooling-off period. We are changing the legislation to say that if you take the vehicle in the three-day cooling-off period, you are actually waiving your right when you take possession of the vehicle. This makes what you are doing very clear and concise. It is made very clear for everyone involved that the waiver is being made, and it also reduces the ambiguity of any claims around the cooling-off period made by someone who has purchased a vehicle.

We have also reduced the amount of record keeping that will be required for motor car traders; at the moment they are required to keep records for seven years. We are reducing that period to six years, which will mean documentation that would normally be sent to the director of Consumer Affairs Victoria, the Business Licensing Authority and the Motor Car Traders Claims Committee will then be kept for only six years rather than the currently required seven years.

The bill also amends the Motor Car Traders Act 1986 to remove from prospective purchasers the right to know the name and address of a vehicle's former owner. This protects the former owner's identity. It allows for someone to sell a vehicle through a licensed car dealer without having to disclose their name to a party they have never met before. I can tell you now that I would not be happy with someone being able to find out my name and address. When I sold a vehicle a few years ago I just wanted to get it off my hands and allow someone else to use it. The purpose of this change is to protect the privacy of the person who is divesting themselves of a vehicle.

Another amendment made by this bill provides that non-sales staff of motor car traders will no longer need

to provide a police check before starting employment. All customer service employees — which was the main basis upon which these people worked for car traders — had to have a police check, but this category included receptionists and those who sold ancillary products. Until now people who sold car mats or degreaser at a car dealership needed to have a police check before they could work at that car dealership. We have redefined a customer service employee as someone engaged in the buying, selling or exchanging of vehicles, which makes a lot more sense. This means that people who are engaged in the main part of the operation of a car dealership are subject to police checks but those who do the other jobs, such as reception or after-sales work, do not have to worry about that sort of impediment.

The Associations Incorporation Reform Act 2012 will be amended to require the secretary of an incorporated association to notify the registrar of incorporated associations within 14 days of their change of address. Added to this change, the committee of an incorporated association will be unable to initiate disciplinary action against a member who has raised a grievance on the same issue upon which the disciplinary action has been enacted.

The first amendment means the secretary will be able to be found and the situation rectified if something is going wrong with an incorporated association, whether it be another entity interacting with the association or a member of the association who needs to find the secretary of that association. Regarding the second point I made, it seems a bit silly that if I am on the committee of an incorporated association and someone brings forward a grievance against something that my association has done, I could vindictively come back and say, 'I will get you for this. I am going to suspend your membership by claiming that a disciplinary action needs to be brought against you just because you brought a grievance against my committee'. It makes a lot more sense for the good governance of these associations for us to be able to stop that sort of thing from happening.

Incorporated associations with annual revenue of between \$250 000 and \$1 million must have their annual financial statements reviewed by an independent accountant. Some associations require in their rules that their financial statements be audited. Indeed where there is a requirement within the rules of an incorporated association for an audit to occur, a financial statement review is not required. It is doubling the work and a lot of the costs, and we have to remember that a lot of these incorporated associations work for the benefit our community. A lot of them are

doing good charity work in the community and being able to put more of their resources into the pointy end of what they do would be of greater benefit to our community than forcing them to engage in a doubling of their red tape.

Appointments to the Estate Agents Council when there is a casual vacancy will be streamlined with an amendment being made to the Estate Agents Act 1980. The Real Estate Institute of Victoria (REIV) and the Australian Livestock and Property Agents Association (ALPA) have both indicated that where there is a single vacancy on the Estate Agents Council the burden of appointing a panel of eight is laborious for the REIV, and a panel of three is an issue for ALPA. Instead the REIV will provide four people and ALPA will provide two people for vacancies in their positions on the Estate Agents Council.

The Fire Services Levy Monitor Act 2012 will be brought into line with the requirements of the Australian Consumer Law and Fair Trading Act 2012 in relation to inspection and compliance powers and the service of notices and documents. Having these two pieces of legislation running in parallel will make it easier for people to understand what their requirements are under both pieces of legislation.

The creation of the funeral industry round table has surpassed the establishment of the Funeral Industry Ministerial Advisory Council, so the requirement in the Funerals Act 2006 for the establishment of the Funeral Industry Ministerial Advisory Council will be removed. Schedule 2 of the Domestic Building Contracts Act 1995 will provide a list of offences under which an infringement notice may be served as a result of this bill. Finally, an amendment will be made to section 17 of the Sex Work Act 1994 to allow for the advertising of administrative, security and support staff roles which assist the conduct of this line of business. The prohibition on advertising for sex workers remains in place.

A broad smear of legislative change has been put forward with this bill, covering a very broad range of activities in the consumer affairs portfolio. Each and every one of these changes is of vital importance to ensure that we continue to provide the people of Victoria with adequate protection in their day-to-day dealings with businesses, whether they be individuals or legal entities.

It is also very important that people are able to understand what their requirements are under the pieces of legislation under which Consumer Affairs Victoria conducts its work. This bill enables us to bring some

pieces of legislation into line with others as well as explaining more clearly the roles of each individual person within incorporated associations — that is, getting people to understand exactly what their roles entail so they are able to conduct their business properly without causing any harm to anyone they are dealing with in their day-to-day business.

With those few words, as the lead speaker from the government I look forward to this bill's passage as it provides a great deal of efficiency for the conduct of the consumer affairs portfolio.

Ms PENNICUIK (Southern Metropolitan) — The Consumer Affairs Legislation Amendment Bill 2014 is an omnibus bill that amends nine acts of Parliament. I will go through the amendments to those acts of Parliament briefly because Mr Elsbury has gone through them in quite a bit of detail — in fact more detail than is supplied in either the explanatory memorandum or the second-reading speech.

The first amendments are to the provisions in the Associations Incorporation Reform Act 2012, and they require the secretary of an incorporated association to notify the registrar of a change of address within 14 days, prohibit the committee from initiating retaliatory disciplinary action against a member who has already commenced a grievance process where both the grievance and the dispute relate to the same issue, and require financial statements to be independently reviewed unless the rules of the incorporated association already provide for audits.

Changes to the Australian Consumer Law and Fair Trading Act 2012 will clarify the powers of the director of Consumer Affairs Victoria to prohibit bodies corporate that have been found to have engaged in the use of force or harassment et cetera from undertaking debt collection. Changes to the Domestic Building Contracts Act 1995 will remove reference to redundant provisions. Changes to the Estate Agents Act 1980 will change the process for filling casual vacancies on the Estate Agents Council and will require that estate agents act 'honestly and reasonably' in transactions instead of 'fairly and honestly', which is the current requirement. The government says this will bring the provisions in line with the Sale of Land Act 1962, which has been applied in the courts in Victoria.

There are consequential amendments to the Fire Services Levy Monitor Act 2012. The bill repeals redundant provisions of the Funerals Act 2006 and makes amendments to the Motor Car Traders Act 1986 to provide that if a purchaser accepts delivery of a vehicle within the three-day cooling-off period, their

right to cool off is extinguished. We have some concerns with that provision. The bill makes technical amendments to the Retirement Villages Act 1986 and amends the Sex Work Act 1994 to remove the current prohibition on sex work service providers from advertising to employ administrative, security or other support staff for their businesses. The prohibition on advertising for persons to engage in sex work will, however, remain. This amendment accords with the recommendation of the Sex Work Ministerial Advisory Committee, as outlined in the second-reading speech.

The government claims that all these reforms have been made with stakeholder consultation. Indeed that may be the case. Members can certainly ask during the committee stage which stakeholders were consulted. I know, for example, that Justice Connect and the Consumer Action Law Centre have raised concerns about certain issues in the bill. I take the opportunity to say too that given there are several changes under this omnibus bill to the Associations Incorporation Reform Act, an opportunity is being lost to fix problems with that particular act — problems that were outlined by us and many others in the community regarding the original bill of 2012.

We raised many concerns in relation to that bill, and I note that Justice Connect has raised some of those concerns again with the government. Justice Connect is supportive of the changes in the bill regarding provisions relating to the disciplinary and grievance procedures under the Associations Incorporation Reform Act; the provisions clarifying that where a two-tier incorporated association undertakes a full audit of their financial statements in accordance with the rules, this will satisfy the requirement that a less onerous review be undertaken; and also the requirement for the secretary of an incorporated association to give notice to the registrar of a change to their address.

Mr Elsbury made the comment that many of the incorporated associations covered by this legislation are in fact voluntary organisations. At the time when the act came into the Parliament in 2012 we noted that many of the provisions in it would be difficult for voluntary associations to comply with, and those issues have been raised again by Justice Connect. It has recommended further amendments to the act, and these relate to issues that we have raised as well. A statutory right still needs to be introduced for members to call a general meeting. Section 78(2)(b) provides that a committee member can be removed from office by a special resolution; however, the act does not afford members a statutory right to call a general meeting where such a resolution could be passed.

Justice Connect recommends the inclusion of a reasonableness requirement regarding members' requests to access relevant documents to prevent, for example, vexatious requests by members to inspect incorporated associations' documents; the need to amend provisions regarding access to personal information on members' registers to ensure appropriate exemptions, and a mechanism for bulk restrictions; and they note that through their work in advising small-to-medium community organisations they are aware that some associations maintain inaccurate registers or include information on their registers that is not required to be kept, and in some cases the inclusion of that information may breach privacy laws.

Justice Connect also notes examples of incorporated associations where the fact of membership itself reveals sensitive information about members. For example, members of addiction or disability support groups would be revealed to have that disability or addiction through inspection of a group's register, so in addition to the inclusion of a provision in section 59 of the Associations Incorporation Reform Act that enables a member to apply to have access to the personal information on a register restricted, there should also be a bulk system of restricting access to the details of members on a register.

Justice Connect further recommends that Consumer Affairs Victoria undertake an education program targeted at smaller associations regarding the requirement to keep a register of members, those who are considered by law to be members of the association and information that is not appropriate to be included on a members' register.

It also recommends changes regarding the deemed application of model rules regarding appointment and removal of a secretary, formerly the public officer. This was canvassed quite a lot during the debate on the Associations Incorporation Reform Act in 2012. The changes made at that time meant the person formerly known as the public officer automatically became the secretary, and therefore of course a member of the committee. Justice Connect makes the point that many associations have not kept up with this provision, and it recommends that the bringing in of the new model rules, such as that a public officer not previously sitting on a committee becomes a secretary and is elevated to sit on the committee, should be explicitly delayed to allow groups to update their rules and appropriately manage this issue.

Justice Connect recommends ensuring consistency in grievance and disciplinary procedures under the act and

the model rules. The act contains both a disciplinary procedure and a grievance procedure, in sections 54 and 55, and both processes require that the outcome of a dispute or grievance be determined by an unbiased decision-maker. Justice Connect notes that the disciplinary procedure and the grievance procedure contained in the model rules do not provide for such reaching of an outcome by an unbiased decision-maker. This is inconsistent with the requirements set out in the act, and such inconsistency is confusing for groups which use the model rules with reference to the act and for groups which look to the model rules when writing their own rules. That inconsistency needs to be addressed.

Justice Connect also raises the issue of the need to simplify provisions in relation to ending an association's incorporation. There is quite a long list of problems with winding up incorporated associations, particularly if they are small ones basically conducted by volunteers. What Justice Connect is saying is that the perverse outcome of the overly complex cancellation and winding up administrative regime of the act is that many incorporated associations that have reached the end of their life are not formally cancelled or wound up. These non-operational groups simply stop operating but remain registered with Consumer Affairs Victoria. They likely contribute to the high number of associations that do not submit annual statements to Consumer Affairs Victoria each year, and to have such a system in place that is so rarely used is not in the interests of the regulator, which then administers groups that no longer operate, nor is it in the interests of the creditors the provisions are intended to protect.

Many of these issues were canvassed when the Associations Incorporation Reform Bill 2011 was debated in 2012. Many issues were raised with the changes to the Associations Incorporation Act 1981, and this bill could have dealt with some of those but does not. Clause 39 relates to the changes to the Motor Car Traders Act 1986 such that if a purchaser accepts delivery of a vehicle within the three-day cooling-off period, their right to cool off is extinguished. It is very difficult to see how that provision favours consumers. It is clearly more in favour of motor car traders. Without wanting to necessarily cast too many aspersions on motor car traders, certainly it is folklore that many people — probably including people in this room or people known to people in this room — have had less than satisfactory experiences with motor car traders on some occasions, particularly with motor car traders who deal with second-hand vehicles.

Mrs Coote interjected.

Ms PENNICUIK — Mrs Coote says politicians may now be rated even lower than second-hand car dealers. However, the point to be made here is that it is desirable to keep that three-day cooling-off period in place. Members realise that, after the purchase of a house, the purchase of a car is probably one of the most significant purchases people make, and when people enter a motor car dealer's establishment they might find themselves under some pressure to purchase a vehicle, which is why the cooling-off period was put in place — to give consumers the chance to think over the three days. It is three business days too; it does not include the weekend or public holidays. It gives consumers some chance to reconsider, if they need to, whether they are able to afford the vehicle and whether the vehicle is the appropriate vehicle for them and their family.

I have a letter from the Consumer Action Law Centre with regard to its submission to the regulatory review of the Motor Car Traders Act. It states:

Consumer Action is not convinced that a rise in unregulated methods of selling cars (mostly online), combined with a fairly stable number of licensed traders, makes a compelling case for reducing regulation on the licensed traders. There appears to be a strong case for capturing online car sales within the regulatory framework to ensure consumers enjoy protection from substandard or faulty products and services in the online and offline marketplace.

I am not sure how that is going to work in terms of this particular provision taking away the three-day cooling-off period. With regard to that particular issue, the Consumer Action Law Centre said:

Inclusion of the cooling-off information in the contract of sale would be a useful innovation and reduce the number of forms a trader is required to provide. Similarly, abolishing the right to waive these cooling-off rights is also sensible, and further reduces the number of forms to be filled in.

However:

The argument may be made that some purchasers want to drive away a vehicle on the day. Given the significance of the purchase, and the burden on the legal aid, courts and tribunal system that arises from shoddy vehicles purchased in haste, it is sensible to remove the impulse factor. Traders and consumers both understand that a motor vehicle purchase is a significant investment, second only in most cases to the purchase of a house, and should rightly require a short period of reflection. The return on this investment to the wider community is likely to be worth the minor inconvenience of the few days to wait to take possession of the vehicle.

The point to be made is that there is no case for removing this three-day cooling-off period. The three-day cooling-off period should remain whether or not possession has been taken of the vehicle. People who go to a motor car trader may take a vehicle for a test

drive — it might be a new or second-hand vehicle — but they may not have the opportunity to show it to their family. That three-day cooling-off period — even if they have the vehicle in their possession — enables that to happen. It does not necessarily mean that the motor car trader will have no sale; it might be that the particular vehicle is not the vehicle that the person wants and that they purchase from the trader a different one that is more appropriate. I am not convinced that just putting that on the contract of sale is going to be good enough for consumer protection. Many consumers have problems with contracts of sale, particularly those who do not have English as a first language, so I do not think that that is in the interests of consumer protection.

The other issue that has been raised with us by the Consumer Action Law Centre is the requirement for motor car traders, in addition to keeping the three-day cooling-off period, to verbally provide the information to the consumer. The reason for this, according to the Consumer Action Law Centre — and it sounds like common sense — is:

Recent research has shown that written notice alone is not enough for cooling off to be effective ... a combination of oral and written notice significantly increases the likelihood that a consumer may choose to exercise their cooling-off rights and cancel the contract on reflection after leaving the place of sale.

A requirement to provide oral notice alongside written notice is a negligible burden for traders and is proportionate to the policy objectives that cooling-off periods seek to achieve, given the significance of the purchase and the burden on legal aid, courts and the tribunal system that arises from shoddy vehicles purchased in haste, which I mentioned before. We have concerns with clause 39 and believe it should not be included in the bill today.

Debate interrupted.

DISTINGUISHED VISITORS

The PRESIDENT — Order! I acknowledge a visitor in the far gallery. Former Premier of South Australia Dean Brown is in the gallery today. We extend a warm greeting to you, and to the colleagues who are with you from South Australia on this occasion. We trust that your deliberations here are successful and certainly welcome you as a distinguished visitor to our Parliament.

CONSUMER AFFAIRS LEGISLATION AMENDMENT BILL 2014

Second reading

Debate resumed.

Ms PENNICUIK (Southern Metropolitan) — Given that the government would be unlikely to agree to the removal of clause 39 — although I have outlined a very persuasive argument for it to do so — in terms of the regulations accompanying the act I suggest there be a requirement for the motor car trader to verbally draw attention to the effect of the new provision and to make sure verbally when they are carrying out that transaction that the consumer clearly understands the ramifications of what will now be the case if they choose to drive the vehicle away — that they will be waiving those rights. As I said, that is not a good development, nor is it a development in favour of consumer protection.

I have one further small matter to raise. Clauses 13, 22 and 33 of the bill remove the requirements under respective acts for certain matters to be conducted by registered post — correspondence to and from the director of consumer affairs, for example — and replaced with ordinary post. When looking at the service requirements and what they relate to — that is, investigations of matters and seeking information and evidence from people, organisations or business to monitor compliance — this suggests that registered post should remain for both the request and the supply of the information. Registered post has traditionally been used for those sorts of formal or quasi-legal documents. The explanatory memorandum just tells the reader that that is what the clause does; it does not actually suggest why. I raise it as a query. During the committee stage I will certainly ask the minister as to the rationale for that. With those few words I indicate that the Greens will be supporting the bill.

Mrs COOTE (Southern Metropolitan) — It gives me a great deal of pleasure to speak on the Consumer Affairs Legislation Amendment Bill 2014. This debate also provides me with a great opportunity to speak about some of this government's achievements in the consumer affairs portfolio, and I will do just that before I go into detail on the bill. It is salutary to remember some matters that the consumer portfolio covers, and it is interesting to see what we as a Parliament have done in this area.

For example, the Travel Agents Repeal Act 2014 provides for the continued operation, for a limited time, of the Travel Compensation Fund. The Owners

Corporations Amendment Act 2013 amends the Owners Corporations Act 2006 to clarify the basis on which annual fees are set by owners corporations and to provide for the way owners corporations levy special fees and recover costs for works that are wholly or substantially for the benefit of only some of the lots. The Consumer Affairs Legislation Amendment Act 2013 makes a number of changes, including amendments to the Associations Incorporation Reform Act 2012, the Australian Consumer Law and Fair Trading Act 2012, the Co-operatives National Law Application Act 2013, the Estate Agents Act 1980 and the Residential Tenancies Act 1997. The Company Titles (Home Units) Act 2013 confers additional jurisdiction on the Victorian Civil and Administrative Tribunal to hear and determine neighbourhood disputes affecting company title corporations and service companies for building subdivisions.

There are a number of other acts about which I will not go into detail, but I will read out their titles because they demonstrate the breadth of the portfolio: the Co-operatives National Law Application Act 2013, the Retirement Villages Amendment (Information Disclosure) Act 2013, the Fire Services Levy Monitor Act 2012, the Residential Tenancies and Other Consumer Acts Amendment Act 2012, the Residential Tenancies Amendment Act 2012, the Australian Consumer Law and Fair Trading Act 2012, the Associations Incorporation Reform Act 2012, the Business Names (Commonwealth Powers) Bill 2011, the Sex Work and Other Acts Amendment Act 2011 and the Consumer Acts Amendment Act 2011. It is important to listen to that list because we are dealing with consumer affairs and issues in this portfolio affect a whole raft of laws about how we live as a community in this state. It is a very important portfolio.

One very important area of the consumer affairs portfolio relates to retirement villages. Prior to the last election it came to the attention of the coalition how important it was to tidy up loopholes relating to retirement villages, and our election commitment to do so was well received. These are difficult and complex bills in so many ways because they can lead to different approaches being taken, and that is what is important about today's bill. We are tidying up a number of acts, some of which I have alluded to, because it is important that we get these arrangements right. It is important to understand what affects people and how legislation can make a difference.

Before I speak about what this bill does, I would like to put on the record my praise for the in-depth contribution made by my colleague Mr Elsbury. I will not go into such detail during my contribution, but I

would like to pick up on something Ms Pennicuik said. I am rather saddened to hear that she wants to take this bill into a committee stage. She went through a detailed list of the clauses, all of which I am certain we will hear reiterated, probably for hours, because Tuesday is the day on which the Greens wring out committee stages for hours and hours.

My point is that I know the Greens are asked by various ministers if they would like to have briefings, and those briefings are the time and opportunity to talk about their concerns. If the Greens have concerns, government members would be very happy to bring them up during the second-reading debate on the bills to alleviate any concerns or problems the Greens may have. It is a great pity that we do not have the opportunity to get proper facts and answers for the Greens so we can bring them up during our contributions to debates in this chamber and this place can operate on a better level. The obstructionist approach of the Greens on Tuesdays is unhelpful to the workings of this place. It is a pity that that is what we have all succumbed to. I do not think it is good for legislation in this place. It could be done much better with a lot more cooperation from the Greens, but that is what we face every Tuesday.

Turning to the bill, this bill will amend the Australian Consumer Law and Fair Trading Act 2012 to align the requirements for embargo notices that can be issued under the act; revise and improve provisions relating to the return of seized documents and things; align the requirements for service under the act with the requirements in the commonwealth Corporations Act 2001 and the rules for service prescribed for state courts; revise requirements to stipulate a date on which an order to answer questions, supply information or produce documents will cease to have effect; align provisions allowing inspectors entry with consent with those regulating entry and search under warrant; enable an inspector to be accompanied by another person to provide technical assistance to the inspector when entering premises to monitor compliance with the act; clarify and simplify the process by which the director of Consumer Affairs Victoria may obtain a court order requiring a person to comply with a requirement of the director or an inspector made under part 6.2 or part 6.4 inspection powers; clarify and improve the operation of debt collection provisions, particularly in relation to bodies corporate; and make a statute law revision.

As Mr Elsbury and Ms Pennicuik detailed, the bill also amends the Motor Car Traders Act 1986. These amendments will implement the outcomes of the red tape reduction review of that act. The bill amends the Estate Agents Act 1980 in respect of vacancies on the Estate Agents Council and prohibits an agent from

purchasing a property they have been commissioned to sell. The bill amends the Funerals Act 2006 to abolish the Funeral Industry Ministerial Advisory Council; amends the Associations Incorporation Reform Act 2012 to improve and clarify the operation of a number of provisions; amends the Domestic Building Contracts Act 1995 to remove references to redundant provisions; amends the Sex Work Act 1994 to allow brothels to advertise for staff other than sex workers; and amends the Fire Services Levy Monitor Act 2012.

I was very pleased to hear Mr O'Brien speaking this afternoon in a contribution on a different bill about the fact that this coalition government has not only brought in the fire services levy but has reduced the rate at which it is going to be taxed. I believe my colleague Mr Ramsay is going to be speaking more on that in his contribution.

Finally, this bill will omit redundant provisions in the Retirement Villages Act 1986. It is very important that we get this right in the Retirement Villages Act. A huge number of people are about to enter retirement villages and homes, so it is imperative that the associated legislation is worded correctly and properly. As people get older they want certainty. Entering a retirement village is a big commitment for many people, so it is incumbent upon all of us to make certain that the legislation reflects the needs of those people and provides for what should happen. It has given me a great deal of pleasure to speak on this bill.

Mr EIDEH (Western Metropolitan) — I rise to make a contribution to the debate on the Consumer Affairs Legislation Amendment Bill 2014. I state from the outset that Labor will not be opposing this bill; however, members on this side of the house oppose the changes to the cooling-off regulations proposed for the Motor Car Traders Act 1986. I will come to that later.

The bill seeks to amend nine acts, makes consequential changes to several more and seeks to clarify and improve the operation of various acts and remove redundant provisions. It will amend the Associations Incorporation Reform Act 2012 to ensure that secretaries of associations across the state must by law inform the registrar of any changes in their contact details. It also prohibits an association from initiating disciplinary action against any member who may have lodged a complaint. In addition, the bill prohibits any changes to the rules relating to the auditing of financial statements. It must be stated that concerns have been raised in the past not only by incorporated association themselves but also by lawyers about changing this act.

The bill also amends the Australian Consumer Law and Fair Trading Act 2012 to ensure that physical force, harassment or coercion from engaging in debt collection on behalf of a body corporate is prohibited. This amendment clarifies the circumstances concerning the culpability of a body corporate that employs a prohibited person as a debt collector and makes it clear that the creditor is permitted to contact the debtor for the purpose of complying with section 88 of the National Credit Code before commencing legal action.

The bill removes unnecessary provisions from the Domestic Building Contracts Act 1995 and the Funerals Act 2006 and amends the Fire Services Levy Monitor Act 2012 to bring the enforcement powers in that act into line with the amendments to the Australian Consumer Law and Fair Trading Act 2012. It also makes amendments to the Estate Agents Act 1980, the Retirement Villages Act 1986 and the Sex Work Act 1994. I thank my parliamentary colleagues who have addressed these amendments in this house.

The most disconcerting amendment in this bill relates to the Motor Car Traders Act 1986. As I stated earlier, members on this side of the house oppose this amendment as we fundamentally believe that this removes the rights of consumers and their entitlement to a cooling-off period after purchasing a motor vehicle. Despite Consumer Affairs Victoria stating that consultation has taken place with various stakeholders in regard to these proposed changes, including the RACV and the Law Institute of Victoria, their thoughts have not been made public.

Currently, if a person purchases a used car from a licensed motor car trader they are entitled to a three-day cooling-off period after they sign the contract, during which time they can change their mind. If this bill is passed unchanged, these rights will be automatically removed when someone is buying a vehicle and the delivery date falls within that cooling-off period. This amendment quite obviously favours the rights of the trader over the consumer, and we on this side of the house believe the removal of this provision is simply unfair to Victorians. Buying a motor car is not by any means a small purchase, which is why Victorians should be entitled to change their minds if they feel that the vehicle is not right for them. This bill forbids that, which is why we do not support this amendment.

Mr RAMSAY (Western Victoria) — It gives me pleasure to speak on this bill this afternoon. I got quite excited about the fact that there was a bill that seemed on the first look to be very dry with a few technicalities and amendments. In fact there were nine different significant amendments, all piled into a consumer

legislation bill. What did excite me, and what excited the Acting President, was the fact that this bill encompasses one of the election commitments of the coalition government, which was to remove red tape. I can assure the house that I get very excited when we talk about removing red tape for small business. I am pleased to see that some of the outcomes of the review by the red tape commissioner, John Lloyd, have been incorporated into some of the proposed changes in this bill.

I will refer to the section of the bill which Ms Pennicuik identified as causing some concern for the Greens and which Mr Eideh has also indicated concerns the opposition, but I would firstly like to give a brief overview of the bill. I congratulate my parliamentary colleague Andrew Elsbury, who made a significant and detailed contribution on the bill — and so he should as lead speaker. I will not go through that detail again, but I would like to acknowledge some of the important points of the legislation.

The bill improves the consumer protection framework, which is good news for consumers, and it cuts red tape. As I said earlier, the red tape commissioner, John Lloyd, has been looking at a range of imposts on business in relation to red tape and regulation, and I support his endeavours, as I do endeavours to reduce the tax impost on small business. I am pleased to see that the Assistant Treasurer, Gordon Rich-Phillips, has also been looking at ways to reduce the tax burden on small business.

The bill amends the Motor Car Traders Act 1986, and it also amends the Associations Incorporation Act 2012 to protect the rights of members of incorporated associations. It requires an incorporated association with an annual revenue of between \$250 000 and \$1 million to be reviewed by an independent accountant but does not require a review and an audit, so it reduces some of the costs in relation to a required review and audit.

It makes technical amendments to the Associations Incorporation Reform Act 2012; amends the Australian Consumer Law and Fair Trading Act 2012 to improve the operation of the debt collection provisions in part 4.1 of that act; and amends the Domestic Building Contracts Act 1995 to remove references to redundant provisions. It amends the Estate Agents Act 1980 to streamline processes for filling vacancies on the Estate Agents Council, and it amends the Fire Services Levy Monitor Act 2012 to bring enforcement powers in that act into line with the amendments to the Australian Consumer Law and Fair Trading Act.

I want to spend a couple of minutes speaking on the Fire Services Levy Monitor Act and its relationship with the budget announcement of reductions in the rating of the fire services levy for those who insure their properties through the capital improved valuation. I congratulate the Napthine government on a most significant step in the reform of the fire services levy. In a past life I fought long and hard in the battle to have successive Labor leaders embrace reform of the fire services levy to provide for a fairer and more equitable system, like those in other states, that would see all land-holders and asset-holders pay a fair, shared contribution to fire services. I am pleased to see this reform has been embraced by the Napthine government and is being further strengthened by this legislation. I am pleased to see that the Treasurer, Michael O'Brien, has seen fit to reduce again the cost to ratepayers in relation to the fire services levy post 1 July this year.

This legislation amends the Motor Car Traders Act 1986 to reduce red tape and expand the act's regulation-making powers. The bill amends the definition of 'customer review capacity' in section 35A of that act. Part 9 of the bill amends the Retirement Villages Act 1986. Part 10 of the bill amends the Sex Work Act 1994 to enable sex work service providers to advertise for administrative and security staff.

In drawing up this legislation the government had significant consultation with a number of stakeholders. I refer to the Victorian Automobile Chamber of Commerce, the RACV, the Consumer Action Law Centre, the Real Estate Institute of Victoria, the Australian Livestock & Property Agents Association Ltd, the Regulatory Reform Reference Group auspiced by the Office of the Community Sector, the Sex Work Ministerial Advisory Committee, and the Property Council of Australia in relation to amendments to the Retirement Villages Act.

I turn now to the issues raised by Ms Pennicuik and Mr Eideh in relation to the cooling-off period, which has obviously caused some concern within the opposition parties and is the reason, I understand, Ms Mikakos will take this bill into a committee stage. What I talked about in relation to the Motor Car Traders Act was the removal of red tape and the regulation costs associated with it, not only for the traders but also for consumers. The bill streamlines the cooling-off process in relation to vehicle sales. At present motor car traders require all purchasers who wish to accept delivery of a vehicle within the cooling-off period to waive their cooling-off rights. This process is confusing for many consumers and imposes an unnecessary burden on traders. In order to make the cooling-off process less burdensome for traders and

easier for consumers to understand, the bill removes the ability for a purchaser to waive their cooling-off rights and instead provides that if a purchaser accepts delivery of a vehicle within the three-day cooling-off period, their right to cool off is extinguished.

The bill also abolishes a requirement for traders to provide purchasers with a separate form containing information about their cooling-off rights. In essence it provides some clarity around the cooling-off period in relation to vehicle sales, reduces red tape and removes some of the costs associated with that. I will be interested to hear during the committee stage some of the discussion around where Ms Mikakos, and Ms Pennicuik to a lesser extent, sees this compromising the rights of the consumer in relation to the purchase of a vehicle.

On that basis, I congratulate the government on bringing forward this bill. I love the fact that it reduces red tape and regulation but protects consumers. I look forward to it having a speedy passage, post the committee stage.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 12 agreed to.

Clause 13

Ms PENNICUIK (Southern Metropolitan) — As a prelude to my question on this clause, I state that I do not agree with what Mrs Coote had to say on the ability of me, Ms Mikakos or any other member to take a bill in this chamber into committee. Members of the government are forever saying, ‘Well, you can have a briefing’. A briefing is not the same as the committee process, and nor do we always have our concerns assuaged by a briefing. The committee process is a different process. It is a public process, to start with. It allows us to question the minister about the rationale behind clauses; it allows us to vote against a clause if we so wish; and it allows us to put amendments to the legislation. So I totally reject what Mrs Coote had to say earlier.

In my contribution to the second-reading debate, I mentioned clauses 13, 22 and 39. I will ask a question under clause 13, but I flag that it relates to clauses 22 and 33, which are similar clauses. For example, clause 13 on page 11 of the bill says:

In section 132 (1) and (2) of the Australian Consumer Law and Fair Trading Act 2012, for “registered post” substitute “post”.

The effect of the change proposed by this clause is that a written requirement by a director under this division may be given personally or sent by post to a person at the last known place of business, employment or residence of that person or, in the case of a body corporate, at the registered office of that body corporate, and a person who provides a document or information in response to a requirement of a director under this division may send the document or information to the director by post.

I query why these particular provisions remove the requirement to use registered post by substituting the reference to ‘registered post’ with ‘post’, because these sorts of documents are quasi-legal documents. They are between the director, or the inspector, and other persons, and they may contain sensitive or confidential information. I ask the minister why these changes are being made.

Hon. M. J. GUY (Minister for Planning) — I am advised that the changes we are making are exactly the same as the federal Corporations Act 2001 and it brings the situation in line with or in the same realm as court documents and acts throughout the state of Victoria, so it is a matter of consistency. We are changing one to be consistent with others.

Clause agreed to; clauses 14 to 38 agreed to.

Clause 39

Ms MIKAKOS (Northern Metropolitan) — I raise some concerns in respect of clause 39. Members might recall that this bill was first debated in the house in the last sitting week. I had an opportunity to speak in the second-reading debate on 8 May. To refresh people’s memories, the concerns that I expressed on behalf of the Labor opposition at the time related to clause 39 and in particular the removal of the cooling-off rights of consumers. I note that in their contributions to the second-reading debate a number of government members referred to the proposed change reducing red tape for motor car traders. In fact this is what the clause does, but we are very concerned that the trade-off here is that consumers are losing important rights that they currently have.

My understanding is that currently motor car traders are required to provide purchasers of a motor vehicle with a piece of paper which explains their cooling-off rights. If a consumer wants to waive their cooling-off rights, they have the right to do so, but those cooling-off rights

would continue to exist even if the purchaser had accepted delivery of the vehicle — that is, they would still have what I believe is three days to change their mind under the cooling-off rights under the act. We take the view that the purchase of a motor vehicle is a significant expenditure outlaid by any individual or any family, and therefore they should continue to have significant protection and the ability to change their mind, as is currently the case under the act. Clause 39 will mean that the cooling-off rights will be extinguished if a purchaser accepts delivery of a vehicle within the three-day cooling-off period. In addition to this, consumers will no longer be provided with separate information setting out what their cooling-off rights will be.

What is proposed is that the cooling-off rights will be included in the contract of sale for a motor vehicle. In my previous life — in my previous occupation — I was a lawyer. I know that many contracts come in very fine print with very small font. A lot of consumers get these contracts — they might even be standard contracts — and do not read all the detail. The fact that they will have these three days to cool off will mean that they will be unlikely to actually read the fine print and be familiar with their right to change their mind within that three-day period.

We on this side of the house are concerned that significant consumer protection is being lost for no good reason. It is a balancing act to ensure that industry is not unfairly or unreasonably burdened with red tape. We take the view that in this case a significant consumer protection is being done away with by virtue of clause 39. This is why Labor is proposing to vote against this particular clause.

I take this opportunity to ask the minister to provide an explanation as to why the cooling-off rights are being extinguished and why consumers will lose the protection that is currently afforded them under the Motor Car Traders Act 1986.

Hon. M. J. GUY (Minister for Planning) — A long question will elicit a long answer. The reforms to the cooling-off system contained in clause 39 will, the government believes, strengthen consumer protection by simplifying the law relating to cooling-off periods for vehicle sales and ensuring that consumers are provided with an easy-to-understand statement of cooling-off rights. These reforms address a number of issues within the current system for cooling off that were identified by stakeholders in a public review of the Motor Car Traders Act led by Consumer Affairs Victoria in late 2013.

Currently section 43 of that act allows the purchaser to waive their right to cool off by signing a cooling-off form. It has become a uniform industry practice for traders to require purchasers who wish to accept delivery of a vehicle during the cooling-off period to waive their cooling-off rights by signing this form. Stakeholder feedback provided by the Victorian Automobile Chamber of Commerce (VACC) and the RACV identified that this process is confusing to consumers and traders. The consultation identified that purchasers often mistakenly waive their cooling-off rights because they wrongly believe they are acknowledging rather than waiving their cooling-off rights by signing the form.

In addition, the RACV submitted that under the current system there is a risk that consumers will be pressured into waiving their cooling-off rights. In order to make the cooling-off process simpler for consumers to understand, clause 39 abolishes the ability for a purchaser to waive their cooling-off rights. Clause 39 amends section 43 of the Motor Car Traders Act to provide that if a purchaser accepts delivery of a vehicle within a cooling-off period, their right to cool off will automatically be extinguished. In effect this will provide consumers with a clear and easy-to-understand choice when purchasing a vehicle: they can either retain cooling-off rights by not accepting immediate delivery of the vehicle or they can accept immediate delivery but lose their right to cool off.

In order to ensure that consumers fully understand their cooling-off rights, clauses 39 and 43 amend the process by which consumers are given cooling-off information. Currently the prescribed contract of sale for both used and new vehicles makes no mention of a purchaser's cooling-off rights. Stakeholder feedback identified that it is common for consumers not to be given a copy of the required cooling-off form. The consequence of this is that it is possible for consumers to be unaware of their right to cool off. In order to address this problem, clause 39 removes the requirement for purchasers to be given a separate cooling-off form, while clause 43 expands the regulation-making power in section 90 to allow regulations to be made that will require information about a purchaser's cooling-off rights to be included in the contract of sale. Regulations to this effect are currently being drafted and will commence concurrently with the amendments to the Motor Car Traders Act if the bill passes.

Ms MIKAKOS (Northern Metropolitan) — I thank the minister for that lengthy explanation. His explanation has raised further concerns in my mind because what he has said is that the government is doing away with cooling-off rights because currently

consumers are mistakenly thinking that by signing the waiver they are acknowledging their cooling-off rights rather than actually agreeing to waive their cooling-off rights. That would suggest to me that there is a need for a way to better inform consumers about what their rights are rather than just doing away with their rights. I ask the minister whether any alternative approaches were considered by the government as a way to enhance consumer protection rather than doing what is proposed here, which is seemingly trying to deal with consumer confusion by getting rid of consumer rights altogether.

Hon. M. J. GUY (Minister for Planning) — That is just wrong. Rather than providing a separate form, we are actually putting it in the sale contract. I am not sure how more up-front you could be at that level. That is as up-front as you could possibly be. I respect that Ms Mikakos has a different point of view, but I think that tirade was just wrong.

Ms MIKAKOS (Northern Metropolitan) — Is the motor car trader contract a standard form contract? If so, how many pages are in that contract?

Hon. M. J. GUY (Minister for Planning) — It is not a standard form contract, and we can prescribe the number of pages or the material that needs to be provided within it.

Ms MIKAKOS (Northern Metropolitan) — So it is not a standard form contract, but typically what would be the length of a contract that would be provided to a consumer on the purchase of a motor car? Would it be 5 pages long, 10 pages long or 50 pages long? Can you give me a rough estimate?

Hon. M. J. GUY (Minister for Planning) — One A3 page, double sided.

Ms MIKAKOS (Northern Metropolitan) — I thank the minister. How prominently would the cooling-off rights appear in this contract? Would they be in large font? Would they be in a box? Would they be prominent, or would they just be part of the rest of the contract?

Hon. M. J. GUY (Minister for Planning) — I am sure they are not going to be in 72-point font, but I am sure they will be in the normal font as part of a standard A3 folded contractual document as it exists at this point in time.

Ms MIKAKOS (Northern Metropolitan) — In the minister's earlier explanation, apart from the fact he said that consumers were mistakenly signing the waiver thinking that it was an acknowledgement of their rights

rather than a waiver, he also said that motor car traders were frequently not giving information about cooling-off rights in the prescribed form to consumers. That concerns me greatly. Was consideration given to better enforcing that requirement with motor car traders so they actually do the right thing by their customers and provide them with information about their cooling-off rights?

Hon. M. J. GUY (Minister for Planning) — The government went out to stakeholder consultation, and we believe this is the best way of resolving the situation.

Ms MIKAKOS (Northern Metropolitan) — What the minister is saying is that because the problem has been identified in terms of consumers having knowledge about their legal rights, he has decided to do away with the cooling-off period and also the separate piece of information that would highlight consumers' rights and draw greater attention to their rights than just having it in a contract of sale, where, as we know, most people will not bother to read all the fine print and therefore will have no idea that they have a three-day cooling-off period until something goes wrong with the car, most likely after three days. Then they sit down and read the document after three days have elapsed, and it is too late for them to exercise their cooling-off rights. Does the government think that that is actually a way to protect consumers?

Hon. M. J. GUY (Minister for Planning) — The method being put forward by the government is a method that is supported by the VACC, the RACV and the Consumer Action Law Centre. The government thinks it is an appropriate way to go. If Ms Mikakos thinks the Australian Labor Party knows better than those organisations about motor car sales, then I welcome her chance to put forward an amendment.

Ms MIKAKOS (Northern Metropolitan) — I thank the minister, but I point out that the consumer law centre and other consumer bodies have concerns about this clause. Whilst the motor car traders might take one point of view, we take the view that we also need to ensure that we have consumer legislation — as this bill is entitled the Consumer Affairs Legislation Amendment Bill — and that we provide adequate protection to consumers. What the government is doing here in making these changes by virtue of clause 39 is doing away with consumer protection. For this reason Labor will be voting against this clause.

Hon. M. J. GUY (Minister for Planning) — Adequate protection is being put forward; as I said, it will be put forward up-front in the sale contract. I do

not think it could be made any clearer than by putting this issue in the sale contract rather than on separate forms. I again say that the government believes it is putting forward a contemporised and better structure for the future.

Ms PENNICUIK (Southern Metropolitan) — I will not go over a second time the questions Ms Mikakos has put to the minister, but I listened carefully to what the minister had to say in response to Ms Mikakos's first question. I came to the same conclusion — that is, that the minister said that a problem has been identified where consumers are confused with regard to the current form. Instead of consumers understanding that they have waived their right to a three-day cooling-off period when they sign the form, the minister tells us that consumers often think they are signing a form acknowledging that they have a three-day cooling-off period.

In order to solve the problem, changes should be made to the regulations or the act to make it clear that traders should make clear to consumers that they have three full business days as a cooling-off period, which includes the ability to take the vehicle away, as it currently stands. Motor car traders are perhaps not doing that and not apprising their customers that they are perhaps mistakenly signing the form believing they are doing one thing when they are doing another.

Given that this is a very significant purchase for some people, as we have mentioned — many tens of thousand dollars can be involved — I do not believe it is at all onerous for motor car traders to provide correct information to their customers and to make sure that their customers are not confused. To bring in this clause, which puts in place a regime where if the consumer takes the car away, they have automatically waived their three-day cooling-off period, is something I do not agree with at all. I think the three-day cooling-off period can include taking the car away, sleeping on it, saying, 'Okay, I don't think this car is right' and bringing it back. That is in the interests of consumers.

The minister talked about the VACC and the RACV et cetera supporting this clause and also said that the Victorian Consumer Action Law Centre supports this clause. I do not believe it does; it contacted us and said it has grave concerns about the clause. It said so in its submission to the review issues paper, which is not the bill. Once again the government says that the centre was consulted by way of review. It may be that it put its views, and in its submission it stated that it would be good to put particular information in the contract, but that does not mean that it supports the removal of this three-day cooling-off period. It does not. What might

have been said in an issues paper with regard to the inclusion of information in contracts is not the same as what is being said here.

I also have to say that there is a trend — and it comes from a long history of contracts with hidden clauses in small fonts, as Ms Mikakos has said, bamboozling and confusing consumers — to make all this information clearer, written in plain English and not able to confuse consumers, particularly those who may not have great English skills, be they from non-English-speaking backgrounds or people who just do not have great English skills and are not necessarily able to understand jargon in contracts.

The solution put in place by clause 39 is not appropriate to the problem identified by the minister. The solution to that problem would be to provide better information to consumers so they know what is going on. The Greens will not be supporting clause 39. We think this clause is a red-tape-cutting clause that takes away the rights of consumers and acts in favour of motor car traders. I do not think this is appropriate. In terms of the problem identified, the solution is wrong.

Committee divided on clause:

Ayes, 19

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

Noes, 17

Barber, Mr	Mikakos, Ms
Darveniza, Ms (<i>Teller</i>)	Pennicui, Ms
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Scheffer, Mr
Hartland, Ms (<i>Teller</i>)	Somyurek, Mr
Jennings, Mr	Tarlamis, Mr
Leane, Mr	Tee, Mr
Lenders, Mr	Tierney, Ms
Melhem, Mr	

Clause agreed to.

Clauses 40 to 42 agreed to.

Clause 43

Ms PENNICUIK (Southern Metropolitan) — Clause 43 concerns regulation-making powers, which the minister referred to earlier. The Consumer Action Law Centre has suggested that if clause 39 were to

stand part of the bill, there should be something in the regulations that requires motor car traders to verbally draw to the attention of a purchaser the provision in the contract that states that the cooling-off period is waived if the purchaser takes possession of the vehicle. This clause refers to warranties, insurance policies and purchaser's rights, but the Consumer Action Law Centre says there should be a specific reference in the regulations to make sure that the trader verbally draws this provision to the consumer's attention, because if this were to occur, consumers would be more likely to understand what is in the contract and what their rights are.

Hon. M. J. GUY (Minister for Planning) — With respect, I got the explanation, but what was the question?

Ms PENNICUIK (Southern Metropolitan) — The Consumer Action Law Centre suggested that there be a specific provision in the regulations requiring the motor car trader not only to hand the contract over but also to verbally draw the attention of the purchaser to the fact that if they drive the car away, they waive their rights. It suggested that in the regulations the trader be required to provide that advice verbally as well as to hand the contract over.

Hon. M. J. GUY (Minister for Planning) — I was just waiting for the specific question, that is all. I understand, in effect, what Ms Pennicuik is getting at. I would say that the government's view is that that kind of provision would be unenforceable via statute. It may be able to be put forward as a practice note, but as a statute it would be unenforceable.

Ms PENNICUIK (Southern Metropolitan) — Therefore I would like to put forward the suggestion that the government consider putting that provision in a practice note so that traders are, at least under best practice, required to provide that advice verbally rather than just hand over the contract and expect everyone to understand what is in it.

Hon. M. J. GUY (Minister for Planning) — Yes, that is a fair point. We will take it into consideration.

Clause agreed to; clauses 44 to 49 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

LOCAL GOVERNMENT (BRIMBANK CITY COUNCIL) AMENDMENT BILL 2014

Second reading

Debate resumed from 7 May; motion of Hon. M. J. GUY (Minister for Planning).

Mr TEE (Eastern Metropolitan) — I welcome the opportunity to make a contribution on what is a very simple bill — a bill that deals with the Brimbank City Council, the extension of the time that the commissioners have to run that council and the denial of any democratic participation at that council. We have now seen this government twice extend that time, having less than two years ago stood up — —

Mr Finn interjected.

Mr TEE — Call me old fashioned, Mr Finn, but we on this side of the chamber would prefer to see a democratically elected council. Your government, in its wisdom, Mr Finn — —

The ACTING PRESIDENT (Mr Ondarchie) — Order! Through the Chair.

Mr TEE — In June 2012 the government saw fit to deprive residents of their opportunity to have a vote — —

Mr Finn — Who sacked it in the first place?

Mr TEE — The previous government sacked the council, but it did so after receiving a very extensive report and having gone through a very rigorous process. Then Mr Finn's government came in and almost on a whim picked up one of a number of options, which was to arbitrarily and capriciously extend that period — —

Hon. M. J. Guy interjected.

Mr TEE — That period of time had been put in place in a very considered manner, as opposed to the approach the current government adopted in relation to this council, which, as always, was somewhat capricious. What happened then is that less than two years ago this government extended the administration of the council to March 2015. Now, less than two years later, it wants to extend it again, this time to 26 October — a 19-month extension. We on this side see that there is some merit in that extension, because it does not make sense to have a council elected for only 19 months.

It does not make sense to those councillors who will be elected, it is not good in terms of having a proper functioning administration and it does not make sense to ask ratepayers to fund two elections in 19 months, which is the model that the government put in place two years ago. It does not make sense to ask candidates to go to the trouble and expense — and we know that local council candidates do an enormous amount of work in their own time, talking to voters, putting together material, getting that material out — and it does not make sense to have that process repeated after 19 months. So there is merit in aligning the election of the Brimbank council with the elections in October 2016.

Therefore we do not oppose the bill, but our concern is: why did the government not think about this when the issue came up in June 2012? There is nothing new here. All of this was known in June 2012. We all knew then that there were going to be elections in 2016. We all knew less than two years ago that the government was imposing a model that would have councils in place for 19 months, and we had this kind of hotchpotch, add-on approach.

Honourable members interjecting.

Mr TEE — Through you, Acting President, despite the provocations, the difference was that we went through a proper process, we had a thorough review by an independent party and we did not act in this malicious way to take away the rights of voters in Brimbank. We did not take any pleasure in taking those rights away, but we did the right thing, whereas this government, in its usual ham-fisted way, gleefully removed those entitlements — the very democratic rights of the constituents that Mr Finn purports to represent. I am astounded that Mr Finn stands here, hand on heart, as the champion of taking away people's right to have a vote.

Mr Finn interjected.

Mr TEE — For all of your chest beating, grandstanding and big noting, you are the one who, hand on heart, said, 'We will, with a stroke of the pen, just remove people's democratic rights'. I am surprised, and I do not doubt that that would cause some consternation amongst those people who live out there, that you would be happy — —

Honourable members interjecting.

Mr TEE — We on this side are the only ones who are standing up so that people in Brimbank can have a vote. We are the only ones who are interested in allowing them — —

Mr Finn interjected.

The ACTING PRESIDENT (Mr Ondarchie) — Order! I ask that Mr Finn, Mr Ramsay and Mr Drum let Mr Tee continue. I advise Mr Tee that if he hits it over the net, people will hit it back, so I suggest that he stick to the bill. I advise Mr Leane that if he has something to say, the best place to be is in his place.

Mr TEE — The opposition understands that people ought to have a right to have a say in who governs them and they ought to have a say in how their local government is run. We believe that and have always supported that. Those opposite, including Mr Finn, who purports to represent people in Brimbank, need to have a good hard look at themselves. With those few words, we do not oppose the bill.

Mr FINN (Western Metropolitan) — It gives me a great deal of pleasure tonight to support the Local Government (Brimbank City Council) Amendment Bill 2014. The purpose of the bill is to amend the next election date for Brimbank City Council, extending the period of administration of the panel of administrators for the Brimbank City Council from the fourth Saturday in March 2015 to the general elections of councillors for all councils scheduled on the fourth Saturday in October 2016.

I was fascinated to hear Mr Tee talk about democracy and all those things that members of the Labor Party like to wax lyrical about, but when it comes down to it, it is really just the same old Labor. These are the people who sacked the council. This is the bloke who gets up here, hand on heart, telling us about how much he loves democracy, when members of the Labor Party were the ones who sacked the council. In a minute I will explain exactly why they sacked this particular council, but I must pick up on something Mr Tee said because it was so classic of the Labor Party. He referred to the people who live in the western suburbs as 'those people'. Is that not the attitude that the people in the western suburbs have for generations come to accept from the Labor Party? The Labor Party has displayed total contempt for and total neglect of the people of the western suburbs, and here in this chamber tonight we have a shadow minister displaying that contempt in all its glory.

This bill has been received with very mixed feelings by the people of Brimbank. If I were to invite Mr Tee to come out to Sunshine, Keilor or St Albans — and if he were able to find his way out there — I would take him for a walk and introduce him to the traders and the people on the streets. They would tell him that, yes, they do support this bill, and that they do not want to

vote in 2015. Of course they do not want to vote in 2015; they would say to him that they do not want to vote at all. They do not want their council back. More importantly, they do not want their councillors back, and that is the bottom line. I wish I had more time; I could show Mr Tee and other members of this house correspondence endorsing the government's stand, and indeed suggesting that we take it a little bit further.

I recall the Minister for Local Government, Mr Bull, coming out to the Brimbank council chambers just a few weeks ago. He met with me and with local community leaders, and each and every one of them said the same thing, 'We don't want our councillors back. We do not want a repeat of what we had before'. That should not surprise anybody, because at the moment we have got some excellent administrators. The previous administrators were very good, but I have to say that the current crop — led by chief administrator John Watson, with Jane Nathan and John Tanner — are excellent. They are doing a great job in the city of Brimbank, far better than any since the formation of that most unfortunate council.

You might ask why the people of Brimbank would not be keen to have their councillors back, and why, in Mr Tee's way of looking at things, they would not want democracy to return. Democracy is an interesting concept in Brimbank. Depending on who you ask, you might get a different response as to the definition of democracy. Those in the ALP in Brimbank regard democracy as their plaything, something that they hold to themselves and offer to nobody else. The fact of the matter is that up until the time Brimbank council was dismissed, it had brought nothing but shame on local government in this state. People are saying that it would just be an example of 'here we go again'.

Brimbank was the home of shysterism and of corruption within the ALP — total and absolute. We well remember back in 2009 when the legislation to dismiss that council was raced through both houses of Parliament by the then Brumby government. It was not because it had fully examined the case, but purely because there was an election coming up and it wanted Brimbank — this festering sore in the Labor Party — out of the way. The council was summarily dismissed, and that is why people are not keen to have the Brimbank councillors back.

That corruption went right to the heart of the Victorian Premier's office, because the Victorian Premier at that time knew what was going on in Brimbank. He had been the member for Doutta Galla, put there by the very people who were running the Brimbank council at that time. He was not the only one who knew what was

going on or was involved in it; a bloke called Bill Shorten, now the federal Leader of the Opposition, was in it up to his ears and beyond. Former federal minister Stephen Conroy was in it up to his ears and beyond. Brendan O'Connor, a local federal member of Parliament, was in it up to his ears and beyond. Justin Madden, now the member for Essendon in the Assembly, was in completely over his head; he did not know what was going on. All he knew was that he had been told to hand over his electorate office in Keilor village to a bloke that he had probably never heard of before. He was very happy to do that to enable his career to continue, and he walked away. That was probably the last time he saw the inside of his electorate office. Of course the other bloke who was deeply involved in all this was Rob Hulls, the member for Niddrie in the Assembly, the Attorney-General and the man whose electorate covered the part of Brimbank that Justin Madden's electorate office was in.

It was a who's who of Victorian Labor. Wherever you went there was some Labor luminary involved in what was a disgraceful, distasteful and shameful episode in the history of local government in this state. But there is one name that keeps coming back again and again whenever we consider the history of the Brimbank City Council — Suleyman. There were two involved in the Suleyman empire of Brimbank. There was Hakki Suleyman, who was diligently working out of Justin Madden's office as Mr Madden's electorate officer. Was he working on anything involved with Mr Madden's electoral work? I do not think so. What Mr Suleyman was doing was ensuring that all his tentacles were going into every part of Brimbank as he controlled — —

Mrs Peulich — Tentacles?

Mr FINN — His tentacles, going into every part of Brimbank as he controlled the Brimbank City Council. In fact he controlled it so much that who popped up as mayor? None other than his daughter, Natalie. It is very difficult to find anybody in Brimbank with a good word for Natalie Suleyman, particularly anybody who lived there during the course of her mayoralty. That is a fact; I stand here without any fear of contradiction from anybody on that. She ran the place with an iron rod. She used to fine people from the chair. She was pretty rough as mayor.

I was going to say there was rough justice in Brimbank back in those days, but the fact is there was no justice at all. It was mates looking after mates, and if anybody did not do the right thing, they would be shafted. If anyone ran a soccer club in the city of Brimbank and did not support the right person for preselection, they would

have their money pulled. They would not get funding for new clubrooms or whatever they may want. That was the way Brimbank worked. All of those people had one thing in common, and that is their membership of the Australian Labor Party. I cannot believe Mr Tee got up here tonight and gave us the tripe he did knowing what he does about what happened in Brimbank. He knows what those Brimbank councillors, his fellow Labor Party members, did to the people of Brimbank during the time they controlled that council.

Anyone would have thought that the Labor Party would be appropriately ashamed of what it did in the Brimbank council days, but no. What has it done now? Not only does the Labor Party want to come back and do it all again but it has the woman who was at the top of the heap — I will not say what the heap was made of — Natalie Suleyman as the endorsed Labor candidate for the Assembly seat of St Albans. Anyone would imagine members of the Labor Party would want to put a future Premier or at least a very senior minister in the seat of St Albans, somebody who would give Labor some sort of future. Anyone would have imagined that that would be the thinking of the Labor Party, but no.

The simple fact of the matter is that Labor has put in a factional hack because her old man knows where the bodies are buried. Hakki has said to the powers that be, 'Put Natalie in St Albans or I'm going to tell all I know', and if Hakki tells all he knows, we are going to have enough television to keep us going for the next decade because he will sink people all over the place. He will sink political careers from here to Canberra and from Perth to Brisbane and back again — he will bring the lot down.

We have a situation where Natalie Suleyman, a mayor who led her council to dismissal by a Labor government, is attempting to become a member of what undoubtedly she hopes will be the next Labor government. Try to work that one out! If anybody can see any sense or any logic in that, please tell me, because I would like to know. People are flooding into my office and I cannot walk down the street to get a pie at lunchtime without people stopping me to tell me that they do not want this council back and there is no way they will vote for Natalie Suleyman in November.

After November St Albans might become a marginal seat and, I might add, not a Labor marginal seat. People I know to be members of the Labor Party stop me in the street and say straight out, 'We're not voting for her. We remember what she did to us when she was mayor of Brimbank. We remember that, and we're going to remember that in November'. It brings nothing but

disgrace to the Labor Party that it would bring her back in in what it would describe as a safe seat. It will regret that for a very long time. I remember when she was mayor, and it is a great pity that the Minister for Planning is not in here at the moment —

Mrs Coote interjected.

Mr FINN — He is a very good man, Mrs Coote. I remember attending a council meeting with the then shadow Minister for Planning when Natalie Suleyman was in the chair. Police were on stand-by and the gallery and the councillors were in uproar. The only ingredients missing that would have made it a three-ring circus were the elephants. It was extraordinary and oh so typical of what the people of Brimbank had to put up with during Natalie Suleyman's term as mayor. To suggest that she could represent any area, particularly the Brimbank area, in this Parliament is just outrageous. It is a gross insult to the people of St Albans that the Labor Party would propose her as a candidate.

This bill is very moderate. It will save the ratepayers of Brimbank some tens of thousands — if not hundreds of thousands of dollars, if my memory serves me correctly — by putting the election off for about 18 months. To some degree the bill will satisfy the people of Brimbank who wish to see money saved, but I am afraid to say that it will not satisfy the overwhelming majority of people in Brimbank who never want to see an elected Labor council in Brimbank again.

Ms HARTLAND (Western Metropolitan) — Surprisingly Mr Finn and I are in some agreement on some matters in this bill.

Mr Finn interjected.

Ms HARTLAND — No, it is all right. It can be done in blood; it is okay. This bill proposes to amend the Local Government (Brimbank City Council) Act 2009 to provide that the next general election for councillors of the Brimbank City Council will be held on the fourth Saturday of October 2016.

In May 2012 the government delayed returning democratic rights to the people of Brimbank by legislating to continue the administration of the council beyond the October 2012 general council elections. The government extended the tenure of the council's administrators for two and a half years to March 2015. Now there is a plan to continue this administration for another 19 months. While there was a very good reason for Brimbank council to be put into administration at the time — because the council was basically being run as a personal fiefdom by some ALP councillors and

state politicians — the people who missed out in all of this were local residents and council staff, who I know felt personally aggrieved by the reputation that Brimbank had when the staff were not at fault.

Where Mr Finn and I agree is that I was quite shocked to learn that Natalie Suleyman was to be the preselected Labor Party candidate for the Assembly seat of St Albans, and I would suggest that anybody who does not know her history should read the Ombudsman's report into the Brimbank City Council; it is quite clear.

Several councillors who were part of the group that was sacked were not seen as being corrupt, but their names have been sullied in all of this. I briefly mention a previous councillor, Miles Dymott, who played a pivotal part, along with the community, in saving the Sunshine pool. Geraldine Brooks was a Greens councillor at the time the council was sacked, but she was in no way corrupt. She was very involved in making sure that open space was a priority in Sunshine, Albion and Ardeer. This was one of the things that was sorely missing because of the way council ran its grants for open space. If you did not supply a block of votes to a councillor, you were not going to get funding for your park, your soccer ground or your football ground.

My relationship over the years with the administrators has been cooperative and extremely professional. Their work on open space has been incredibly important. It was an area that was neglected by the council in that there was a great deal of open space that was not being well used. They have done some incredibly creative things to make sure these parks are well used, especially the all-abilities parks.

All that being said, I go back to 2012 when I argued that the government did not have grounds then to delay an election. Neither the Bill Scales report nor the Doug Owens report provided any evidence to back up the government's arguments and conclusions to cancel the 2012 election in Brimbank. Mr Owen's report highlighted ongoing political tensions that would have played out in the election, and we do not know that these tensions will have ceased even in 2016. Those tensions may affect the outcome of the elections, but I do not see them as a justification for delaying the elections. In any case, political tensions are an ongoing and inherent part of the political process. The Greens believed then, as we do now, that the high benchmark required for denying the people of Brimbank democracy was not met. How can we expect people to pay rates if there is no representation?

This bill before us today only serves to reinforce the feelings we had at that time that this was an ill-

conceived process. If the elections had been held in 2012, as scheduled, they would have occurred during the general election of all local government councillors. Obviously one of the things the city of Brimbank would have needed was a monitor, someone who would have been in there making sure that basic governance principles were observed, something the previous councils had lacked. Instead, the government decided to delay a council election for two and a half years. This has resulted in significant costs to the council and a waste of ratepayers money, because it has forced two elections to occur within just a year and a half of each other.

Such a short time between elections also makes it extremely difficult for independent candidates who have very limited budgets and who juggle running for election with other work commitments. These are the candidates we want to encourage to stand in Brimbank. We need to break down the feudal, warlord type of behaviour of some former councillors so that Brimbank has a democratic council. But the council could not run two elections within a year and a half, and without these independent candidates running, as I have said, the council risks falling back into exactly the kind of bad behaviour we have seen in the past. It would have cost an enormous amount of money to run two elections in 19 months, and that would not have been financially responsible.

The new date proposed in this bill coincides with the next general election for every local council in Victoria, therefore the Greens will not oppose this legislation. Unlike the coalition government's actions in 2012, we do not wish to waste ratepayers money, but we are extremely displeased that it has come to this. The Brimbank election should have occurred in 2012.

At the time I asked the Minister for Planning to guarantee that the election would occur in 2015. In response he said:

What more guarantee does a government need to give? We are bringing a bill to the Parliament. Ms Hartland wants a guarantee — it will be in law. This is the bill; this will be the law. There is no more guarantee that any government can give other than to bring a bill before the Parliament.

Now that promise has been completely broken, and we have another bill with another election date. When I pushed further on this matter the minister said:

If Ms Hartland wants a guarantee, here it is. It is in the bill we are about to vote on. Page 1 says that on the fourth Saturday in March 2015 a general election will be held for the Brimbank City Council. That is the government's intention. That is what we seek the Parliament to vote on today. There is no clearer guarantee that we can give than to bring forward legislation.

As I said, we now have a new bill that gives us a new date, despite the minister giving an absolute guarantee. The minister went on to say:

If the Greens cannot be satisfied with that, then I concede that I do not know what goes through the minds of a Greens politician, because there is nothing clearer that we can give to the Parliament, the people of Victoria and the citizens of Brimbank than this bill tonight, which flags very clearly the government's intention.

But we now have a bill that says the election will be in 2016. Clearly, the minister has not lived by his words. Like his federal counterparts, it seems that this Victorian coalition minister is not able to guarantee legislation.

In 2012, when the decision was made about the election, the government was not competent enough to realise the financial burden it would be causing in delaying the election for two and a half years. When I raised this, the government was obstinate in proceeding rather than recognising this issue. That is why I pressed the government so hard on the guarantee at the time. Now we find ourselves in a position where the government is rescheduling, and again it is the people of Brimbank who have had their democratic rights stripped away and who have been let down by the government. I certainly hope we are not going to come back here in six months and be given another date for another election. If people pay rates, they should be entitled to elect a council.

I understand as much as anybody else in this chamber what the previous council was like; I have lived in the area for a long time. There was basic neglect by a number of councillors in their duty to ratepayers. I believe the commissioners have done an extremely good job and the local area is on a good footing to elect a progressive, independent, Labor-Greens council. Hopefully lessons will have been learnt from the previous council and we will not have the kind of shemozzle we have had in the past, which only hurts local ratepayers and staff at the council.

Mr RAMSAY (Western Victoria) — I am surprised there is not another speaker from the opposition. Nevertheless, I will take this opportunity to speak on the bill, and I do so without having any close connection to Brimbank. Mr Finn has very capably and passionately spoken about his personal experience with the corruptness of the Brimbank City Council and also the lack of confidence in the council amongst the ratepayers.

The reason I want to speak on this bill is that it is a reflection of the concern that is being raised with me by ratepayers and constituents across Western Victoria

Region. I am not going to stray too far from the bill — have no fear, Acting President — but there is a growing trend of concern about the governance and management of councils right across Victoria for a whole range of reasons. I do not intend to talk about individual councils. In Western Victoria Region, of the 27 municipalities I represent I cannot think of one council that does not have some problems with its councillors, its governance or its code of conduct for councillors. There is concern about the capacity and capability of councillors generally across the local government areas.

It is unfortunate that to me the name Brimbank is strongly associated with a lack of confidence in a local government body that represents ratepayers and communities within Brimbank. To me it represents a vehicle that corrupt individuals have used for their own purposes and interests. There is a strong connection between Labor, the unions and others who, to my mind, do not have the interests of ratepayers at heart when they stand for election to the position of councillor, particularly for Brimbank. It is on that basis that I am flagging a warning that while we are talking about Brimbank and legislation associated with the election of councillors in 2016, post the administrators, other councils are also heading down what I believe is a very destructive path in relation to their capacity and ability to represent the communities and ratepayers they are supposed to represent.

Some of the history has been acknowledged in previous contributions. The Brimbank City Council administrators are due to hand over to newly elected councillors in March 2015, 19 months before the next general elections for all 79 Victorian councils. The Minister for Local Government met with Brimbank residents and ratepayers, as he did only last week with me and with many of the local councils in Western Victoria Region. He has listened to their requests and their widely held concerns about the potential cost of the elections.

Mr Finn referred to the cost to ratepayers if two elections were held within 19 months. I am not sure he actually used the figure of \$1.3 million, but that is what the cost to the ratepayers would be if two elections were run within the 19-month period. I can speak with some knowledge about this, because the City of Greater Geelong went through a similar exercise when a directly elected mayor retired prematurely and ratepayers were faced with two mayoral elections within the space of two years. There is a cost associated with having two elections within 19 months, and it is an unfair cost to and burden on the ratepayers of Brimbank. A stand-alone election for Brimbank is

expected to cost ratepayers about \$700 000, with a further estimated \$600 000 to be spent on the subsequent election in 2016.

If elections were held in both March 2015 and October 2016, it would mean that the first elected council since the council was dismissed in 2009 would serve only a 19-month term in office before Brimbank voters were again required to pay for another election and potentially choose another set of councillors via the normal local government elections, a cycle that applies across Victoria's 79 councils. Extending the panel's term will allow the administrators to embed best practice within the organisation before returning it to elected representation.

Community satisfaction survey results demonstrate support for the administrators, with an increase from 5.66 out of 10 in 2009 to 6.6 in 2011. The overall performance score increased from 60 per cent in 2012 to 62 per cent in 2013, which is well above the state average and demonstrates to me that confidence is being rebuilt in the ability of the administrators to satisfactorily run that council with good governance and good management. What is of concern, which Mr Finn alluded to, is that if they go to an early election in 2015, the same sharks, the same corruptive elements that were present in council in 2009, will put their hands up for similar positions. It is not fair to the communities and ratepayers of Brimbank that we allow that criminal, corrupt element back into the Brimbank council.

In closing, I want to refer to three letters. The first is addressed to the Minister for Local Government from the managing director of a business in Brimbank, and it says:

The current Brimbank council administrators have been successful in stabilising and improving the council and its operations. I am concerned that the election of new councillors next March, followed by fresh elections and possibly a change of councillors within less than two years, may not be beneficial to Brimbank. I think a newly elected council and the community would be best served by new councillors having a full four-year term in office.

A letter from another business in Brimbank to the Minister for Local Government says:

We do not need two elections in the next two years. The only candidates who will benefit are those still waiting in the wings; more of same, same but no different from previous years. The genuine community candidate will find the cost of two campaigns prohibitive. Our community will suffer and so will local business.

I guess the most telling letter I can refer to in my contribution is from John Watson, chair of the panel of

administrators, to Mr Colin Morrison, director of governance and funding programs, Local Government Victoria, Department of Transport, Planning and Local Infrastructure. In his summary letter he states:

Based on the matters in the report and my own personal observations, I have come to the firm conclusion that the best interests of the council and this community will not be served by having two so closely spaced elections.

There is overriding evidence from ratepayers, from community leaders and from the chair of the panel of administrators that the community of Brimbank would not be served by having two elections. The Local Government (Brimbank City Council) Amendment Bill 2014 makes sense. It provides the administrators with some breathing space to incorporate good governance and management tools into council. It spares the ratepayers the unfair and costly burden of having two elections, and hopefully it will get the sharks out of the swimming pool to allow good, honest, high-integrity candidates to stand for election in 2016.

It was on that basis that I wanted to make a contribution this afternoon, and I am putting the house on notice that it is not only Brimbank that is suffering problems associated with good governance and good management in local council. Others could well heed the lessons learnt from the terrible experience the ratepayers and community of Brimbank had to suffer going back decades, according to Mr Finn. I applaud this bill coming forward to this house this afternoon. I support its carriage, and I am pleased to see that the opposition is also supporting this bill.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

Sitting suspended 6.30 p.m. until 8.04 p.m.

CORRECTIONS AMENDMENT (SMOKE-FREE PRISONS) BILL 2014

Second reading

Debate resumed from 27 March; motion of Hon. E. J. O'DONOHUE (Minister for Corrections).

Mr TEE (Eastern Metropolitan) — I welcome the opportunity to speak on this bill, which deals with smoking and smoking in prisons in particular. It has been a long three years under this government for people who like to see reform when it comes to smoking. As we heard today, Victoria now has the dubious distinction of having won the Dirty Ashtray Award for the third year in a row.

For the third year in a row the Australian Medical Association (AMA) has singled out Victoria as having a regressive policy when it comes to smoking. For the third year in a row — which is a record — Victoria stands out when it comes to its attempts, or its failure, to address smoking in our community. This stands in stark contrast to the reputation Victoria had not that long ago when it was seen nationally and indeed internationally as taking a leadership role in terms of reducing the rate of smoking in the community. It was not that long ago that it was Victoria that set the standards that the rest of the country followed and envied — that we made the norm — —

Hon. D. M. Davis — It still is.

Mr TEE — The minister says, ‘It still is’. That is not right, Minister. As you know, that is not the view of the AMA, which has clearly given Victoria a damning report card — a massive fail — when it comes to tackling the issue of smoking in our community, an issue which we know causes an enormous amount of harm to the lives of people.

It is really quite disappointing, or a coincidence I suppose, that we are — —

Mr Ondarchie — You’re supporting the bill, are you?

Mr TEE — Mr Ondarchie, I am disappointed that under this government Victoria has stooped to such a low level when it comes to smoking.

I want to make a few specific comments in relation to this bill, which deals with smoking in our prisons. It is worth noting the state of our prisons under this government. We have seen the proliferation of overcrowding. We have seen an increase in the incidence of violence, not just violence by prisoners against prisoners but also violence by prisoners against prison officers working in our prison system. Those reports have come through the media and through the Ombudsman, who has warned this government that overcrowding will lead to harm and injury for prisoners and guards. These are issues that we on this side of the house think need to be carefully managed.

We are concerned about this bill, which will lead to a ban on smoking in all areas of prisons. There is a risk that if you force prisoners to stop smoking against their will, which is what this bill does, they may become agitated and violent. That would be a terrible outcome not only for prisoners but also for prison guards. We are also concerned that the ban proposed in this bill may lead to a black market in cigarettes. Cigarettes might become contraband. We know this government has been unable to stop the flow of illegal goods into prisons. It has been unable to stop the flow of heroin into prisons. Here it proposes, rather ambitiously, I think, to stop the smuggling of tobacco products into prisons.

Mr Ondarchie interjected.

Mr TEE — Mr Ondarchie, I am evenly balanced in terms of my concerns about some of the consequences that may flow from this ban. We have a prison population — 85 per cent of whom smoke, compared to 14 per cent of the general population — which is increasingly overcrowded and which the Ombudsman has warned is likely to see further incidence of violence. On top of that this bill proposes to ban smoking. We want to make sure that all these things are carefully considered, and we would urge the government to ensure that prison officers and prisoners have the support they need to ensure a successful transition to this new system. With those few caveats, I advise the chamber that the opposition does not oppose this bill.

Ms HARTLAND (Western Metropolitan) — I rise today on behalf of the Greens to speak on the Corrections Amendment (Smoke-Free Prisons) Bill 2014. I do not think anyone in this chamber would doubt that the Greens are extremely passionate about tobacco reform. As most people here would know, smoking kills around 4000 Victorians every year. That is more than the road toll, alcohol and drugs combined. It is the greatest public health issue of our time, and a range of measures can be taken to help further reduce smoking rates. However, banning smoking in prisons would not have been at the top of my priority list.

At the top of my list is banning smoking in outdoor dining and drinking areas. I believe this is one of the most important things the government could be doing to reduce smoking take-up rates, particularly reducing smoking by young people, to provide a prompt to Victorians across the state to quit, to reduce cues for smoking — when children see people smoking in dining areas it says to them that it is a normal thing and that it is fine to take it up — and to create a culture where smoking is no longer the norm. But time and

again the government shies away from this key reform, I suspect to placate one of its key donors, the Australian Hotels Association. In 2012–13 the Australian Hotels Association donated \$306 000 to the Victorian division of the Liberal Party. In the same period it donated \$12 070 to The Nationals Victoria. As we all know, donations from lobby groups have gained quite some attention lately. Questions of integrity — or lack of integrity — and the undue political influence of wealthy and powerful lobby groups have been raised but have not been answered by this government.

If we are going to talk about the influence of wealthy lobby groups, we need to question the government on what influence the Australian Hotels Association has had on its decision to refuse to deal with smoking in outdoor dining areas. Why is this coalition government enduring the shame of Victoria being the only state not to have made outdoor dining and drinking areas smoke free? This week, for the third year running, those opposite received the Dirty Ashtray Award. What more do they need to tell them that this is not the way to go?

I found the minister's answer in question time to be quite amazing — that somehow the Australian Medical Association was such a suspect organisation. This is a group of highly qualified doctors saying to the government that it has it wrong on smoking. It is not the Greens saying the government has it wrong on smoking; it is doctors in the field who deal with these issues every day saying it.

I would like to move now to the substantive content of the bill. The prohibition on smoking in enclosed workplaces was an important reform for the protection of workers' health, and I am old enough to remember the days when people used to smoke in the workplace and when people were still allowed to smoke in movie theatres and on trains. Every time one of those prohibitions came in, the world was going to end — it was going to be terrible, it was going to be awful — but people just managed to do it. At the time when that law was introduced, prison cells and prison exercise yards were excluded from it. In practice most prisons restrict smoking in cells, and most of the smoking happens in the prison yard. Now the government is looking to exclude smoking altogether. With around 85 per cent of Australian prisoners smoking and many prison officers smoking as well, this will have a significant impact on the prison environment.

With many prisoners suffering from mental health issues, acquired brain injuries or intellectual disabilities, I have had a number of reservations about this bill. I have been concerned that some prisoners will not understand the need for this, will see it as a violation of

their rights and will become agitated or violent. I have had concerns that this smoking bill will lead to escalated violence as prisoners and guards go through nicotine withdrawal. I have been concerned that cigarettes will become yet another contraband item that will be illegally traded and form the basis upon which people experience standover tactics and bullying and end up financially out of pocket due to high prices. We know drugs are regularly trafficked into prisons. What is going to stop tobacco being trafficked in the same way?

I am not just doom and gloom here; I have actually done the work. I have looked at other jurisdictions to see how it has been implemented. New Zealand is a very good example of how to implement smoke-free prisons. In fact New Zealand's example is now being held up as best practice in how to do this. The key to New Zealand's success has been the comprehensive preparation provided both by the Department of Corrections and the individual correction facilities, the availability, range and standard of smoking cessation support services, and the opportunity to learn from overseas experiences and enact a comprehensive policy covering both indoors and outdoors.

In the New Zealand example preparation started 12 months out from the ban, with information and access to quit supports, including nicotine support therapy. Nine months before the total ban, voluntary smoke-free units were established. Tobacco sales were outlawed in prisons a month beforehand, and police stations also promoted the smoke-free prisons policy in advance. While the Victorian government announced this ban in November last year, from what I can gather from discussions I have had with the department during our briefing and with stakeholders such as Quit, the government does not seem to be anywhere nearly as organised as that.

In relation to smoking cessation services, New Zealand provided inmates with both pharmacological and behavioural support. This included nicotine replacement therapy, access to the free national phone service Quitline, access to cessation guidance books and assistance from health-care staff trained in smoking cessation support. Extra activities were provided as part of the smoking cessation program, including sporting events, exercise initiatives, cultural activities and art classes. In one correctional facility prisoners were provided with healthy snacks such as carrot sticks to assist with withdrawal symptoms. In order for the Victorian smoke-free prison policy to work, these supports will be critical.

Some will question the need for the smoking bans to extend to outdoor areas as well as living quarters. I wondered about this myself, but research from New Zealand indicates that the 100 per cent smoke-free environment was one of the keys to its success, given that enforcement is a challenge when it is allowed in some areas. Getting staff on board with it also appears to be critical to success, as evidence from the US suggests that poor compliance with a smoke-free prison policy is associated with a lack of strict enforcement by staff who object to the rules.

In New Zealand corrections staff have been cooperative with the policy. This may be explained partly by the Department of Corrections having sponsored the development of 'workplace champions' — voluntary designated staff members who were also provided with smoking cessation training with the intention of supporting colleagues and prisoners to quit smoking both before and after the policy was introduced. Smoking bans in prisons in New Zealand have led to significantly improved indoor air quality, with benefits to staff and inmates alike and a reduced number of arson-related incidents.

Considering these findings in New Zealand, the Greens would be willing to support this bill on the proviso that we are convinced that the government will implement this new law in a way that is well planned, that the government will provide comprehensive and free supports to staff and inmates to quit and that the government will be willing to have this policy independently reviewed after 12 months. I have received a briefing from the department, but many of my questions were not answered, so I intend to ask the minister a number of questions during the committee stage.

Hon. R. A. DALLA-RIVA (Eastern Metropolitan) — I rise to speak in support of the Corrections Amendment (Smoke-Free Prisons) Bill 2014. From all the doom and gloom of the previous speakers, you would think we had created heresy with the introduction of this piece of legislation. I might just say that this is in fact a move towards ensuring that all prisons in Victoria go smoke free by 1 July 2015, and this was announced last year.

As we know, Australian prisons have significant populations of smokers. When you look at the figure for the general community, you see that around 40 per cent of the population smokes. When you look at Australian prisoners, you see that figure rises to around 85 per cent. We know Victoria has led the way in prison rehabilitation. We know we have tried to support a healthy, smoke-free lifestyle. Moving now towards

prisons being smoke free is part of a move towards long-term health not only for Victorian workers in those prison systems but also for the prisoners themselves.

When the announcement was made, Quit put out a press release on 14 November 2013, declaring, 'Smoke-free prisons a breath of fresh air for staff and prisoners'. The press release states:

Quit Victoria has applauded the state government's decision to make all prisons in Victoria smoke free by 2015.

It goes on to say that prisoners have extremely high smoking rates and that prisons often become initiation points for smoking — that is, prisoners who do not smoke before they enter the prison system are more likely to take up smoking and continue to smoke afterwards.

The other point to note is that all the evidence from around the world says that second-hand smoke is a significant issue for people who are confronted by it. A prison would perhaps be one of the worst places for second-hand smoke to collect because there is nowhere for it to go, given the nature of prisons. This bill is good for prisons, it is good for prisoners, and I might say it is good for prison staff, who will now be entitled to work in an environment that is safe from the scourge of second-hand smoke if they do not smoke themselves.

As a former member of the VicHealth board, I know the work that has been done in trying to eliminate cigarette smoking from our environment and from the community. I know Ms Hartland touched on issues where perhaps she would be in agreement with what VicHealth thought. Obviously these things, as the minister indicated today, need to be considered in a more wholesome environment. Ms Hartland perhaps drew a bit of a long bow with some the links she made.

In the context of the debate, I do not intend to add anything further other than to say that this is a good bill. It is a simple bill in the sense that it introduces some continuing reforms. I am pleased the Minister for Corrections is present, not only because he can listen to the main speakers from each of the parties but also because he can listen to what we are saying so that we do not end up going over the edge.

This is a good piece of legislation. I look forward to its speedy passage. There will be issues which will need to be dealt with in the transition stage, and I am sure the minister is well attuned to those. Given there is a fairly lengthy lead time to the introduction of these measures, the prison system itself will be well prepared and able to ensure the full delivery of the processes needed to

establish smoke-free prisons in Victoria. I commend the bill to the house.

Mr RONALDS (Eastern Victoria) — I rise to contribute to the debate on the Corrections Amendment (Smoke-Free Prisons) Bill 2014, which implements the coalition government's policy of delivering smoke-free Victorian prisons. The bill implements the coalition's policy by amending the Corrections Act 1986 and the Tobacco Act 1987. It permits the making of regulations concerning tobacco-smoking accessories such as pipes and sources of tobacco ignition such as cigarette lighters. This will allow regulations to be made restricting the entry of tobacco-smoking accessories to prisons and will also reduce the incidence of prisoners setting fires. Restricting the entry of these items will also make it more difficult for prisoners to make weapons, which in some cases is a very big problem.

Smoking is the largest contributor to preventable death in Victoria, and it increases the risk of someone developing a number of chronic health conditions. A total smoking ban in Victorian prisons will reduce the health risks associated with smoking and will eliminate the risk to prisoners and prison staff of exposure to second-hand smoke, as we have heard.

As announced by the Premier and the Minister for Corrections last year, the ban on smoking in Victorian prisons will commence on 1 July 2015. It is a fantastic policy that builds on other successful antismoking reforms introduced by the coalition government. In December 2013 a total smoking ban came into operation at the Malmsbury youth justice precinct. On 1 March 2014 all areas of railway stations and raised platform tram stops in Victoria were made smoke free. Smoking has been prohibited at patrolled Victorian beaches since 2012. Each of these reforms demonstrates and reflects the commitment of the coalition government to provide a safe and productive workplace, safe and clean public transport and improved health outcomes for all Victorians. I am sure many members of this house have had friends and family who have tried to quit smoking, and I am sure all would agree that it is very difficult.

The ban will start in July 2015. This commencement date will give authorities the opportunity to take action to reduce smoking rates amongst prisoners before the total ban starts, which will assist in a smooth transition. An implementation team has been established to ensure that all prisons are prepared and fully supported over the next 12 months and that any issues are addressed before the ban is brought into effect.

As I said, quitting is not easy, and that would be particularly so for prisoners who have been smoking for a very long time. To assist prisoners to quit, they will have access to smoking cessation programs and nicotine replacement therapy products. The government is also working with health organisations such as VicHealth, Quit Victoria and others on the provision of health promotion and smoking cessation support to assist prisoners to adjust to a new, healthier lifestyle.

The smoking ban will also provide for a healthier and safer workplace for prison staff, reducing their exposure to second-hand smoke and preventing injury caused by the misuse of smoking paraphernalia such as matches and lighters. The smoking ban will ensure more prisoners return to the community smoke free at the completion of their sentences. The government is confident that the smoking ban will provide healthier outcomes for prison staff, a safer and healthier prison environment and a healthier community. I congratulate the minister and commend this bill to the house.

Ms CROZIER (Southern Metropolitan) — I am pleased to rise to speak on the Corrections Amendment (Smoke-Free Prisons) Bill 2014. As others have highlighted to the chamber this evening, this is an important bill which implements the government's policy to deliver smoke-free Victorian prisons and address the long-term health and safety implications associated with smoking. As has been highlighted, the bill amends the Corrections Act 1986 to permit regulations to be made for a total smoking ban across the Victorian prison system from 1 July 2015. It also amends the Tobacco Act 1987 to remove the exemption from the offence of smoking in an enclosed workspace that currently applies in relation to prison cells and exercise yards.

As has been stated by other members, smoking is an activity that is devastating in terms of what it inflicts on the individual. Second-hand smoke can also have a major impact on people's health. This bill provides for a total smoking ban in prisons. This will not only reduce risks to prisoners but also reduce risks to prison staff by eliminating second-hand smoke.

This morning I spoke about the Cats Don't Smoke app, which I launched on Friday night. As I said at the time, this app provides a number of tools. One of those tools is a discussion of the science of smoking. The facts are that cigarette smoke combines 4000 chemicals. The app refers to mainstream smoke, which is the smoke inhaled by the smoker — in this case the prisoner. There is also sidestream smoke, which is the smoke from the end of a lit cigarette. Finally, there is second-hand smoke from smokers who exhale.

Of the 4000 or so chemicals present in cigarette smoke, more than 60 have been identified as cancer-causing chemicals. We know that each year around 4000 people in Victoria die from smoking or smoking-related diseases. It has an enormous impact on the individual of course but also on the wider community and on the health system. Looking through some of the cancer-causing chemicals in tobacco smoke, I see that they include chemicals such as benzene, 2-naphthylamine, 4-aminobiphenyl, chromium, cadmium, vinyl chloride, ethylene oxide, arsenic, beryllium, nickel and polonium-210. This information is provided in the Cats Don't Smoke app to assist people, and I would encourage anyone who smokes to download this app, whether they barrack for the Geelong Football Club or not, because it talks about the harmful effects of the toxic chemicals in cigarette smoke.

I applaud the government for taking this very strong stance in protecting both prisoners and prison staff. The government has already done a great deal in relation to initiatives to exclude smoking in certain areas, including skate parks and playgrounds and at children's sporting events, as well as on patrolled beaches. We are committed to ensuring that as many Victorians as possible heed the warning to provide a smoke-free environment and to look at the issues surrounding what needs to be done. This is another measure that goes towards achieving those outcomes, as I have said.

This legislation is in line with that in other jurisdictions. I believe the Northern Territory implemented a total smoking ban in prisons from 2013; Queensland has banned smoking in prisons from May — I presume that occurred this year; and New South Wales, South Australia and Tasmania have all announced they will ban smoking in prisons in 2015. So we are in line with several other jurisdictions that are undertaking this health reform.

I see that this reform has been applauded by Quit Victoria. According to a Quit Victoria media release put out after this measure was announced:

Quit Victoria has been providing cessation support in prisons for more than a decade and many prisoners do want to quit but find it difficult in an environment where they are constantly exposed to cigarette smoke.

Obviously there has to be a transition process to undertake these changes, and the bill acknowledges that. The government understands that it is very difficult for prisoners and others who have an addiction to cigarette smoking to take this step, and it has taken that into consideration. Again, I applaud the government and the minister, Ed O'Donohue, for taking this stance and making Victorian prisons smoke

free as of 1 July 2015. I am pleased that members opposite are also supporting this very important health initiative. I commend the bill to the house.

Mr ELSBURY (Western Metropolitan) — I would like to echo a lot of the comments that have been made in relation to the Corrections Amendment (Smoke-Free Prisons) Bill 2014. As a society we have come a long way when it comes to how we deal with tobacco products — from the 1980s when Benson & Hedges was advertising at the cricket all the way through to today when we have a Formula One grand prix where the various cigarette companies have to cover up their signage as the cars go around Albert Park. We have done these things because we see the detriment that smoking can cause to people in our community, both to smokers themselves and through second-hand smoke.

We provide a corrections system in this state which is as much about punishment for the crimes people commit as it is about rehabilitation of the individuals who are so unfortunate as to be incarcerated. This means we have a duty of care to these people. We need to be able to care for them, to provide them with a safe environment and also, where we can, to assist them in remedying some of the issues they have in their lives so that ultimately they will not reoffend but will, we hope, come out better people in the end.

This is basically the last bastion in terms of people being forced to deal with smoke at close quarters. We have got rid of smoking at train stations. It is now illegal in the state of Victoria to smoke on a train station platform, at a bus stop or at a tram stop. It is now illegal to smoke between the flags on patrolled beaches. It is illegal to smoke near play equipment or in and around kids sporting events. This all makes sense because we have come to a point where smoking cigarettes is becoming less and less socially acceptable. But imagine being stuck in a very small exercise yard in a prison with several people puffing away like there is no tomorrow.

I am thinking of what it was like to go to the pub when I was at university — the haze you had to swim through to see the band that was playing or to go and say hi to the good-looking girl at the other end of the room. I should be careful where I am going with this considering that we are talking about prisons! In any case, to be able to enjoy that little bit of free time that you have in prison, to be able to enjoy the little bit of fresh air that you do get without having to suck down the smoke from the cigarette that someone else has been puffing away on is probably one of the last rights that we need to protect for people who are in prison,

because second-hand smoke causes a great deal of damage.

In fact firsthand smoke causes a great deal of damage also. I have no idea why anybody would ever smoke, but forcing people to be in a confined space and be faced with having cigarette smoke at such close proximity seems to be completely out of touch with what we are trying to achieve in society, so why would we continue to inflict it on people who we are asking to become better people and better members of our society than they have been in the past?

We are introducing legislation that will make it illegal to have tobacco products on prison grounds. We have our fair share of prisons in my electorate of Western Metropolitan Region, and we are about to get a new one — a new prison will soon be built at Ravenhall — and we will be able to restrict tobacco products from coming into that prison. This does not apply to prison car parks, so you will still be able to drive into a prison car park quite safely with a packet of cigarettes and a lighter in your car and that will not be a problem, but if you were to try to take those cigarettes with you into the prison, that is where we would have an issue.

There is a restriction on taking tobacco products into a prison complex, and it will be interesting to see what happens once this ban takes place. It will be almost like high school with kids hiding around the toilet blocks trying to get a sly durr in before the next class starts. Certainly there will be penalties for any prisoner caught with tobacco products. Penalties include the withdrawal of privileges such as full canteen spends and canteen spend items other than essential toiletries; all in-cell electrical appliances other than a radio, fan, jug and shaver may be removed; television rights, including DVDs and videotapes, where available, may be taken away; shared-unit computers and unit electronic game consoles could be removed; sporting and recreational activities may be restricted; and hobby activities and other items the prisoner may enjoy may also be taken away as a measure of punishment.

We have to remember that these poor individuals are incarcerated. Many of their freedoms are being impinged upon because they have caused some sort of mischief in our society, so what we are asking them to do is reflect upon what they have done, and if they break the rules within that system, penalties apply. I fully agree that when a prisoner breaches the rules, he or she should be punished to the extent that is reasonable for that offence. We are not talking about changing their parole conditions or the length of their sentences because they happen to have a packet of Camels in their possession, but we are saying that

where it is appropriate and where someone has broken the rules by having a tobacco product on their person they should be punished appropriately.

We also have to consider the rights of the workforce inside a prison, including the corrections staff, the office administration staff, even the cleaning staff to some extent. They need to be able to go about their lives without being forced to deal with second-hand smoke. These are all things we have done for workforces right across Australia. We have made it illegal to smoke in office buildings. Believe it or not, when I first started working it was still legal to smoke in your office, and it did happen. Sometimes you hated having to go into certain managers' offices because you knew you would be stung with that stench of cigarette smoke.

Bars and clubs have also made smoking illegal, with some clubs offering outdoor areas upstairs in their clubs for smokers. I think that is a good thing because I can be downstairs watching the footy or talking to my friends and family members over a meal in the pub while the smokers are outside freezing. I quite like that idea because I enjoy my time with friends and family at bars, and being able to talk to them without having to deal with cigarette smoke makes me quite happy. For the workers in those establishments we are providing them with safety and flexibility in their workplaces.

Finally, we will also remove an element of smoking paraphernalia which can cause a lot of disruption and danger in the system, and that occurs because lighting a cigarette requires fire. It might seem quite simple that you need fire to light a cigarette, but in a prison environment it can be quite dangerous. Whether it be matches or a cigarette lighter, we are talking about an implement that can be used against prison guards and against other prisoners. Fire is one of the oldest weapons in the world, and being able to use it against someone is something I take quite seriously.

There have been incidents in the past where fires have been lit in prison blocks, mostly using implements that were made available to the prisoners for smoking cigarettes, and they have had disastrous consequences. You can look through the history of prisons and see that this has happened time and again right around the world where fires have been lit. We want to make our prisons as safe as possible for the prisoners and also for the people in the workforces at those prisons, ensuring that the prisoners are first of all doing what they are supposed to be doing, and certainly assisting them, because we are not just talking about the prison guards; we are also talking about the other staff that come in, such as the psychologists, the outreach workers and the

chaplains who try to guide some of our prisoners through this very tough time in their lives.

We want to make our prisoners better than they were when they went in, and this is an important step forward. It is a reflection of what is going on in society, a reflection of how seriously the state government is taking cigarette smoking in society and indeed in our prison network. With those few words, I intend to vote in favour of the bill, and I look forward to its passage and seeing that from 1 July 2015 our prisons are smoke free.

Mr ONDARCHIE (Northern Metropolitan) — The Corrections Amendment (Smoke-Free Prisons) Bill 2014 is the one I rise to support tonight. I thank Mr Dalla-Riva, Ms Crozier, Mr Elsbury and Mr Ronalds for their contributions, along with Ms Hartland, and also Mr Tee, who gave us probably the longest extended sentence we have ever heard as we waited to hear whether he was going to support the bill. He is the Legislative Council's own version of the Marlboro Man. He finally told us that he will not oppose this very important bill. I do not know why members opposite cannot just say they will support the bill.

This bill implements the coalition's smoke-free prison policy by amending the Corrections Act 1986 to permit the making of regulations prohibiting smoking in prisons. This is another example of how we are trying to demonstrate to the people of Victoria our commitment to minimising the health impact of smoking in Victoria. Smoking is a health hazard. I know because I was a smoker, and occasionally I get caught having the odd cigarette.

The bill amends the Tobacco Act 1987 to remove the exemption from the offence of smoking in an enclosed work space that currently applies in relation to prison cells and exercise yards. It also permits regulations to be made to ban smoking accessories such as pipes and methods of tobacco ignition such as cigarette lighters. It will allow regulations to be made to restrict the entry of tobacco smoking accessories into prisons and will reduce the incidence of prisoners setting fires.

To ensure that our hardworking prison staff have the powers necessary to enforce the smoking ban, the Corrections Act will also be amended to make it clear that tobacco products and tobacco-smoking accessories can be seized. Our prison governors will be able to authorise the possession of tobacco products and related items such as lighters in limited areas, such as the prison car park, or require them to be kept in lockers in an area away from the cells and the prisoners. Visitors

will be informed of the ban on tobacco products and smoking accessories at the entrance by signs, by our hardworking staff at Corrections Victoria and by our prison officers.

As others have said tonight, smoking is the primary contributor to preventable death in Victoria. It increases the risk of developing a number of chronic health conditions. A total smoking ban in Victorian prisons will reduce the health risk for prisoners and prison staff and eliminate their exposure to second-hand smoke. But it is not just us saying this is an important thing: Quit Victoria has applauded the state government's decision to make all prisons in Victoria smoke free by 2015. Quit Victoria's policy manager, Kylie Lindorff, said on 14 November 2013:

We know that prisoners have extremely high smoking rates and prisons are often an initiation point for smoking. If you didn't smoke before you entered prison, it's highly likely you will afterwards ...

The Northern Territory, which has tried this for about seven or eight months now, has hailed it as a great success. The territory's Minister for Correctional Services, John Elferink, said the ban has been accepted by inmates and staff as a positive health initiative. The one-year educational campaign that was started before the 1 July 2013 ban saw the Northern Territory become the first Australian jurisdiction to introduce a comprehensive ban on tobacco and tobacco-related products in the corrections system. This is a very important bill, and I commend it to the house.

Mr RAMSAY (Western Victoria) — It gives me pleasure to speak on the Corrections Amendment (Smoke-Free Prisons) Bill 2014. In doing so I would like to congratulate the Minister for Corrections, the Honourable Ed O'Donohue, on the good work he is doing in relation to his portfolio. I refer particularly to the Hopkins Correctional Centre, known as the Ararat jail, where he and his predecessor, Andrew McIntosh, turned around what was a chaotic shemuzzle of a public-private partnership, which had significant economic impacts on the Ararat community. Unfortunately one of the consortium members was not able to fulfil their responsibilities under the terms of the contract negotiated by the Labor government at the time. Now we have over 200 people gainfully employed, and that prison is going through a number of stages of upgrade and extension work which will provide a state-of-the-art corrections facility for western Victoria. Langi Kal Kal and the new Ravenswood prison will also provide ongoing accommodation for those who trespass against the laws of the land.

The bill will amend the Corrections Act 1986 to permit regulations to be made for a total smoking ban across the Victorian prison system from 1 July 2015. The bill will amend the Tobacco Act 1987 to remove the exemption for the offence of smoking in an enclosed workplace that currently applies in relation to prison cells and exercise yards. That is the overall objective of the bill. It will insert the power to make regulations for the prohibition and regulation of smoking in any part of a prison. The bill will also permit regulations to be made concerning the entry, use and possession of tobacco products and tobacco-related accessories such as pipes and methods of ignition.

Previous speakers have gone through some of the detail of the bill, which I must say is small. I was quite surprised that many contributions went beyond 5 minutes, because there is not a lot to talk about in this bill. What we are doing is prohibiting smoking from prisons, yet some contributions have managed to stretch out for 20 minutes or more, talking about all sorts of wonderful things. Apart from detailing the objective and the details of the bill, I want to talk in my contribution about the steps this government is taking to provide health safety to the public in relation to designated smoke-free areas. Certainly this bill complements the work the government is doing.

I want to flag that I have some sympathy with Ms Hartland — and I have said this before — in that our step-by-step approach in relation to confining designated smoking areas in Victoria, particularly in relation to food, is a concern of mine. We still allow people to eat and smoke in outdoor areas. This is from the point of view of a reformed smoker, like Mr Ondarchie. My prison was three children. Each time I used to light up they would say I was going to die, and that was motivation for me to give up smoking some 25 years ago. I have not touched a cigarette since. I think reformed smokers are even more acutely sensitive to the impact of smoke from smokers, particularly around food. That is why I will do what I can to support Ms Hartland's endeavours, and our government's endeavours, to provide smoke-free eating facilities in outside areas. I am pleased to see that the minister and the Parliamentary Secretary for Health have indicated that this step-by-step process will reach that outcome eventually, and I look forward to that.

As I said, this is a small bill. It will prohibit smoking in prisons. It will be good for the staff and for the prisoners, and it is certainly consistent with what other states are doing. On that basis I commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Ms HARTLAND (Western Metropolitan) — I have a series of questions on clause 1, and then I have one question on clause 4. Will the government be replicating the model for smoking bans in prisons which was implemented in New Zealand? What is the government's management plan for the implementation and ongoing management of this smoking ban?

Hon. E. J. O'DONOHUE (Minister for Corrections) — The government made this announcement in November last year. One reason for the extended lead-in time until the ban takes effect in July next year is to consider the implementation that has taken place in other jurisdictions, including New Zealand. Other jurisdictions in Australia have recently implemented a ban on smoking, so we will be considering best practice and taking the learnings from those other jurisdictions. Corrections Victoria has established an implementation team, and I have asked for advice from the Justice Health Ministerial Advisory Council, which includes Jerril Rechter from VicHealth. There will be ongoing monitoring and evaluation, and prisoners who smoke who come into the system after July next year will be assisted to adapt to the smoke-free environment.

In response to this question I make this point while we are considering clause 1. In their contributions to the second-reading debate Mr Tee and Ms Hartland did not give appropriate weight to the health consequences for those who do not smoke in prison or for those who are stood over to commence smoking or who in some other way decide to take up smoking in prison because doing so is the culture of the prison and considered to be the norm. We need to consider those people when we are discussing this matter.

Ms HARTLAND (Western Metropolitan) — My reputation for being a campaigner against tobacco products is very clear. The minister's last remarks about me not understanding the health implications of this were not appropriate. I understand that a committee has been set up to advise the government, and I understand that Jerril Rechter from VicHealth is on it. Who else is on that committee, or what other organisations are represented on that committee?

Hon. E. J. O'DONOHUE (Minister for Corrections) — As I said in the answer to the first

question Ms Hartland asked, a dedicated implementation team from Corrections Victoria is already working very hard to deliver best practice when it comes to this implementation. The Justice Health Ministerial Advisory Council, which I established, has on it a range of leading health and professionals experts, including Professor James Ogloff, who worked closely with Mr Callinan and who Corrections Victoria continues to consult as part of the implementation of the Callinan recommendations. We will take advice from a range of sources and consider the way other jurisdictions have managed this implementation. We have left a long lead-in time so that we can appropriately consider all those matters and give prisoners and prison staff every opportunity to adapt to the changed environment.

I quote from an email that the commissioner of Corrections Victoria received in November last year when the decision was announced. It is addressed to Jan, referring to Commissioner Shuard, and says:

What a tremendous and welcomed move this is.

It is a move that has been in many work places for a long time.

My own father died of lung cancer some 20 years ago, he was 46 years of age. He was a heavy smoker.

The loss to my family was immeasurable at the time and to this day is still felt.

...

I do not think that it is an overexaggeration to claim that this one decision will save many, many lives both prisoners and staff alike.

The email goes on to make further strong remarks about endorsing this decision of the government and congratulates the corrections commissioner for this decision. This is a decision that will be widely welcomed by staff. For those staff and prisoners who smoke, there will be appropriate assistance in place to help them transition to a smoke-free environment.

Ms HARTLAND (Western Metropolitan) — Again I repeat that I do understand the health implications of tobacco use — my mother died at the age of 60 years from lung cancer, and a number of my relatives have died from lung cancer — so the minister does not need to lecture me about the health benefits of quitting smoking. I want to establish whether the government has a management plan so that this can run smoothly, so I will continue with my questions about the management plan. It is quite unfortunate that the minister has not been able to tell me who is on the

committee, so could he tell me how often the committee has met?

Hon. E. J. O'DONOHUE (Minister for Corrections) — There is a dedicated implementation team in Corrections Victoria. The ministerial advisory council will provide advice to me and is considering these matters. The council has had several meetings to discuss these issues, and the government has allowed a long lead-in time so that best practice and learnings from other jurisdictions can all be considered as part of Corrections Victoria's implementation of this important government policy.

Ms HARTLAND (Western Metropolitan) — I have a number of questions. Can the minister tell me what the terms of reference are for this implementation committee?

Hon. E. J. O'DONOHUE (Minister for Corrections) — The committee's task is to provide advice to government and to Corrections Victoria about how to best deliver this government policy.

Ms HARTLAND (Western Metropolitan) — It was a fairly simple question. Could the minister tell me about the terms of reference of the committee?

Hon. E. J. O'DONOHUE (Minister for Corrections) — I repeat my previous answer.

Ms HARTLAND (Western Metropolitan) — So the minister is not prepared to answer the question. Can the minister provide details of the implementation management plan, and will this overarching plan be made publicly available?

Hon. E. J. O'DONOHUE (Minister for Corrections) — We are in May, and the cessation of smoking will commence in July next year. Part of the reason for the long lead-in time is to allow Corrections Victoria the appropriate time to consider best practice in the development of its implementation. That work is currently in train and is being undertaken.

Ms HARTLAND (Western Metropolitan) — The New Zealand example showed us that it takes at least a year to do this work. What I need to know is whether it is in train and when it will become public. I do not think these are difficult questions. Can the government provide details of the programs that will be provided to support prisoners to quit, including what support services they will receive and for what duration they will receive them?

Hon. E. J. O'DONOHUE (Minister for Corrections) — Prisoners will have access to

counselling and support services, including Quit programs as well as nicotine replacement therapies (NRT). Details about the duration of Quit support are still being finalised. However, it is expected that products such as NRT will be available for 12 weeks or more as per community standards. The project team is working with key stakeholders such as Quit Victoria and VicHealth to develop prisoner-specific programs and information.

Ms HARTLAND (Western Metropolitan) — If a prisoner or a staff member needs more than 12 weeks counselling or nicotine replacement, will that be available?

Hon. E. J. O'DONOHUE (Minister for Corrections) — As I have said in response to many of Ms Hartland's questions, as part of the process we will consider best practice and make sure appropriate assistance and support is there to help prisoners and prison staff to quit smoking.

Ms HARTLAND (Western Metropolitan) — I think that was a fairly simple question. I was only asking whether prisoners and staff members will be able to receive these services for more than 12 weeks, but again the minister does not appear to be able to answer that. I think that is most unfortunate.

How will prison workers be supported to manage and what strategies will be put in place to minimise the heightened anger that is likely to be associated with the introduction of a smoking ban and nicotine withdrawal, especially considering the large numbers of people within the prison population who have a brain injury, intellectual disability or mental illness?

Hon. E. J. O'DONOHUE (Minister for Corrections) — One of the reasons for the long lead-in time is so that all of those matters can be appropriately considered as part of the implementation of this policy.

Ms HARTLAND (Western Metropolitan) — I still have many more questions, and it would be really nice if the minister actually managed to answer one of them. All I want to know from the minister is how he is going to manage this transition. I do not think it should be that difficult. I did ask these questions during the briefing, but I was not given answers. I am asking the minister. I do not think these should be difficult questions.

Will inmates and staff be notified of the ban and provided with quit support services ahead of the full ban, and when will the transition to smoke-free prisons begin?

Hon. E. J. O'DONOHUE (Minister for Corrections) — Will staff and prisoners be notified of the ban? I just read into *Hansard* for the benefit of the house a piece of correspondence to the corrections commissioner from a prison officer at the Dame Phyllis Frost Centre. The prison staff are well aware of this policy. The government made this announcement in November last year, and I have spoken about this in the house. The general managers of all the prisons are obviously aware of the policy and have communicated it to the staff. The corrections commissioner has communicated this information to staff, and the prisoners are aware of this change. Part of the reason for that announcement being made was so that prisoners and prison staff could consider how they could best adapt to the changed, healthier and improved environment that will flow as a result of this policy change. The detailed implementation of the policy is being considered and worked on now. Work is being done now so that when the policy takes effect in 13 months time the system, the correction staff and the prisoners are ready.

Ms HARTLAND (Western Metropolitan) — With respect to nicotine patches and other nicotine replacement products, will these be provided free to inmates? The minister has already talked about it being 12 weeks. If a prisoner requires them after 12 weeks, will they still be available, and at what cost?

Hon. E. J. O'DONOHUE (Minister for Corrections) — Patches and other support products will be available for free, as prisoners are not eligible for the pharmaceutical benefits scheme. Details around the duration of support are still being finalised, but it will reflect community standards.

Ms HARTLAND (Western Metropolitan) — Will inmates be provided with increased activity programs to act as a distraction while they are quitting?

Hon. E. J. O'DONOHUE (Minister for Corrections) — This government is very proud of the fact that, according to the report on government services 89.1 per cent of eligible prisoners are engaged in some form of work in our prison system. Members such as Mr O'Brien, Mr Ramsay and Mr Koch have advocated for the Landmate program, and the other programs that Corrections Victoria runs employ prisoners in important community work. The prison environment is already a very busy environment. Prisoners are expected to work, undertake education and prepare themselves for life in the community.

Part of the \$84 million package associated with the reforms to the parole system based on the Callinan

review will deliver better behavioural change programs in prisons. Our prisoners are already engaged in a range of activities. As I said, Victoria leads the way when it comes to the percentage of eligible prisoners engaged in some form of work, and the government is keen to expand that where possible. I note, for example, the relatively new bakery that is now in operation at the Dame Phyllis Frost Centre, the women's prison, and with the new Ravenhall project a range of things are being considered. So in response to Ms Hartland's question, Victoria leads the way when it comes to eligible prisoners being engaged in work and a variety of other activities in a prison, and I would expect that to continue.

Ms HARTLAND (Western Metropolitan) — That was a very comprehensive answer about work in prisons, but it was not relevant to the question I asked. I will move onto my next question.

There have been concerns raised about prisoners being able to access the Quitline. Will prisoners be able to readily access the Quitline? This obviously involves a phone call, and prisoners have a very limited amount of time in which to use the phone. If they are not able to access the Quitline, what counselling services will be provided?

Hon. E. J. O'DONOHUE (Minister for Corrections) — Prisoners will have access to health services staff and Quit facilitators for additional support should they need it.

Ms HARTLAND (Western Metropolitan) — Could the minister outline exactly what that means? Does that mean they are going to be able to access the Quitline? Does it mean there will be weekly sessions? What exactly does that mean? I am trying to find out what the management plan is for this transition, and the minister is giving me very vague answers.

Hon. E. J. O'DONOHUE (Minister for Corrections) — As I said in response to Ms Hartland's previous question, prisoners will have access to health services staff and Quit facilitators for support should they need it. As Ms Hartland acknowledged in her follow-up question, prisoners do have access to telephones.

Again I make this fundamental point: the threshold proposition is that this government has planned ahead. It has made the decision early and is allowing a long lead time for this transition. The detailed implementation will be overseen by Corrections Victoria through the implementation team it has formed and through taking advice from other jurisdictions and

a range of other sources. All those factors will be considered and will form part of the implementation plan, which will be delivered prior to the ban coming into force on 1 July next year.

We are setting the legislative framework tonight; we are not delivering the implementation plan. But I can give Ms Hartland comfort that the government will make the appropriate resources available and that Corrections Victoria will consider the learnings from other jurisdictions such as New Zealand and the Northern Territory in delivering the implementation plan that is currently being developed. But tonight we are implementing the government's policy, with the concurrence of the Parliament, to ban smoking in prisons, which is a significant step forward for the prison environment and for prisoner health, particularly when one considers that 85 per cent of prisoners smoke compared to 14 per cent of people in the broader population.

Ms HARTLAND (Western Metropolitan) — Can the minister give an indication of when the plan will be completed and whether it will be publicly available?

Hon. E. J. O'DONOHUE (Minister for Corrections) — The implementation plan is currently being developed. What that plan looks like will depend on each prison environment. As you know, Acting President, the environment in a prison like Barwon is vastly different to the environment at Dhurringile or Langi Kal Kal or Beechworth or at the Judy Lazarus Transition Centre, which is a completely different environment again.

Although this will be a matter for the detailed implementation team, I envisage there will be different responses in the different prison environments. Every prison is different, but particularly where the security classifications vary. There will be appropriate responses and appropriate implementation at the different prisons to reflect their different environments, their different security challenges and whether there are different security classifications. All those issues will inform how the implementation takes place. Again, the government has allowed sufficient lead time for all those factors to be considered, analysed and accounted for when the implementation takes place.

Ms HARTLAND (Western Metropolitan) — I thank the minister for explaining the differences in the prisons. I still stand by my question. I do not think it is unreasonable to ask: when will the plans be finished for these various prisons, and will they be publicly available?

Hon. E. J. O'DONOHUE (Minister for Corrections) — The implementation of this policy will be finished with plenty of time to spare prior to smoking being banned in Victorian prisons from 1 July next year. The implementation of the policy will be public. There will be very clear instructions to visitors, to prisons and to the prison staff. There will be very clear advice given about how the implementation is to take place from an operational perspective, from an occupational health and safety perspective and from the perspective of helping prisoners and prison staff to quit smoking, because fundamentally that is the objective.

Many prisoners come into the prison environment for a relatively short time. They may come in for 6 months, 12 months or 18 months. A prisoner may come into a prison never having smoked before, being part of the vast majority of Victorians who do not smoke. They come into prison for six months. They take up smoking as a result of peer group pressure or because that is just what you do in prison and then have a lifetime addiction. This smoking cessation policy will help improve the environment in our prison system, and equally importantly it will mean fewer people are smoking in the broader community.

Ms HARTLAND (Western Metropolitan) — I still have not had my question answered, which I think is most unfortunate because the minister is asking us to vote on a bill about making prisons smoke free when he cannot supply a management plan for how he is going to do that. How it is going to be managed does concern me. How will the government stop illegal trade in tobacco products and accessories within the prisons?

Hon. E. J. O'DONOHUE (Minister for Corrections) — First of all, let me take up Ms Hartland's first comment. Ms Hartland is absolutely correct: we are voting on a piece of legislation to ban smoking in prisons from 1 July. We are not voting on a management plan. There is no management plan attached to this piece of legislation. There are no clauses relating to the management plan because that is for the detailed implementation. I have attempted to give Ms Hartland some comfort that Corrections Victoria will be appropriately resourced to deliver this policy and that the appropriate expert advice and the learnings from other jurisdictions will be obtained so that this policy can be implemented as smoothly as possible.

Ms Hartland is correct. There is no management plan before the Parliament tonight, because that is not what the Parliament is considering. We are considering the government's policy to ban smoking in prisons from 1 July next year, and I hope the

Parliament endorses that policy. In relation to Ms Hartland's other matter — —

Ms Hartland — It was in relation to how the government will stop illegal trade in tobacco products and accessories.

Hon. E. J. O'DONOHUE — Thank you, Ms Hartland. The Auditor-General tabled a report last year regarding drugs in prisons in Victoria. He found that barrier controls were generally effective. When this ban takes place, cigarettes and accessories will be contraband, so they will be dealt with in the same manner as other contraband. We can take some comfort from the Auditor-General's report; there are opportunities for improvement, but the general proposition is as cited by the Auditor-General. We can also take some comfort from the improved security and intelligence system Corrections Victoria is operating and the remarkable, highly trained detection dogs Corrections Victoria has that are operated by the Security and Emergency Services Group.

The community can take comfort from the upgrade to prison infrastructure that is taking place. I note that the Hopkins Correctional Centre upgrade that Mr Ramsay referred to in his contribution will be completed before this ban takes place. Once that work is done we will have much improved barrier control. The old gatehouse will have gone, the new wall will be completed and the improved technology that will be used as part of the entrance to the prison will be completed. I note there is also improved security infrastructure being delivered at Loddon Prison.

Tobacco will be treated as a contraband product. We have confidence in the way the system operates now, and we expect improvements as a result of the infrastructure upgrades that are taking place, coupled with the new and upgraded security and intelligence systems.

Ms HARTLAND (Western Metropolitan) — I have one final question on clause 1. I have tried to get the minister to explain the management plan, and there does not appear to be one at this stage, but the minister said there will be one in time for the ban. Will the government allow an independent review of the implementation of the scheme one year after its introduction to assess its impact?

Hon. E. J. O'DONOHUE (Minister for Corrections) — Evaluations of the policy to ascertain the impacts and benefits are already planned. As prisoners who smoke will continue to enter the system after the ban date, the support that is offered will

continue to be refined based on the findings of the evaluation and the learnings from the implementation.

Ms HARTLAND (Western Metropolitan) — Will that independent review be made public?

Hon. E. J. O'DONOHUE (Minister for Corrections) — I can only repeat what I said in response to the previous question, that evaluations of the policy to ascertain the impacts and benefits are already planned, and as prisoners who smoke will continue to enter the system after the ban date, the support that is offered will continually be refined based on the evaluation findings.

Ms HARTLAND (Western Metropolitan) — The minister is not prepared to answer my question. That is most unfortunate. I have no more questions on clause 1.

Clause agreed to; clauses 2 and 3 agreed to.

Clause 4

Ms HARTLAND (Western Metropolitan) — I have one question on clause 4. Clause 4(2) provides fairly wide-ranging powers to a governor in respect of allowing prisoners to possess tobacco products and smoking accessories. Can the minister clarify the intention behind this?

Hon. E. J. O'DONOHUE (Minister for Corrections) — The reason for that provision is to provide some discretion to the governor of each prison to adapt and respond to the particular environment of their prison. I discussed previously the differences between prisons across Victoria. In some industry areas — for example, some of the prison factories — there may be a need to have a light or matches, for example, which would in the normal course of things be contraband, so governors need some flexibility to manage their prison environments as appropriate, taking into account the differences between the various prisons.

Ms HARTLAND (Western Metropolitan) — I have one follow-up to that. I absolutely understand the issue about accessories, as the minister has just described, but the other part of that was 'any tobacco product', and I do not understand why a governor would place an exemption on such a product. I completely understand the issue around accessories, but the clause says 'any tobacco product or tobacco smoking accessory'.

Hon. E. J. O'DONOHUE (Minister for Corrections) — To give Ms Hartland an example, Dhurringile Prison is on a large parcel of land and operates a working dairy farm. It may be more practical

for prison officers — those who are in transition to quitting smoking — to leave the premises to have a cigarette, for example. There may be a designated area for visitors at the entrance but away from the prison environment. The whole land-holding is designated as prison land. It may be appropriate on a large parcel of land in a rural environment to have a safe area off a main road where visitors and off-duty prison officers can have a cigarette.

Clause agreed to; clauses 5 to 8 agreed to.

Reported to house without amendment.

Report adopted.

Ordered that third reading be made order of the day for next day.

VICTORIA POLICE AMENDMENT (CONSEQUENTIAL AND OTHER MATTERS) BILL 2014

Second reading

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

Mr TEE (Eastern Metropolitan) — I welcome the opportunity to talk on the Victoria Police Amendment (Consequential and Other Matters) Bill 2014. It is quite a broad-ranging bill in terms of the amendments it makes, principally to the Victoria Police Act 2013, to which it is a consequential amendment bill. This gives me the opportunity to talk about the government's record when it comes to Victoria Police and in particular the management of police. It is a somewhat dismal record if we think back to some of the events that have occurred while this government has had responsibility for looking after Victoria Police.

We will recall, by way of context, the Rush review, which the government set up to, in theory, look at amendments to the police legislation or former police legislation. It really became a bit of a witch-hunt and a bit of a stitch up for Simon Overland. It was one in a series of events where we saw police command unable to focus on the job of reducing crime in Victoria. Under the watch of this government we have seen a number of instances where police command has been distracted, where it has lost focus and, through no fault of its own, it has been unable to make Victoria a better and safer place. You need only to look at the comments of senior police to confirm these views. You need only to look at what Ken Lay said during the Rush inquiry:

... it was almost impossible to be concentrating fully on what was important, and that was keeping the community safe.

We have a government that has become a cause of major distraction for police command and which has ensured that Victoria Police is simply unable to do what it really wants to do and what it is capable of doing — that is, reducing crime. Ken Lay also said:

If I go back to that time ... I know Simon said publicly on a number of occasions that we ... were staying focused, but my recollection was that it was ... enormously difficult ...

He is also quoted as having said:

As a member of police command I felt under siege. I thought Simon was under siege.

He is further quoted as having said:

It was as hard a time as I can ever remember for a chief commissioner ...

If that is not a condemnation of this government and if that is not a concern in terms of the priority that this government puts on reducing crime and on police, I will go he. This is a government that has cut police resources and, at a critical time in Victorian history, has made sure that Victorian police have been simply unable to do their jobs. A deputy police commissioner, Kieran Walshe, said this:

Simon —

Overland —

was really committed to policing ... committed to delivering for the Victorian community. He certainly was putting the organisation on the path to achieve that ... I've got a lot of respect for Simon and to see him leave in those circumstances was really difficult.

You have a police command that is distracted and a police force which is rudderless at best but otherwise not focusing on maintaining law and order and keeping our streets safe. That was the start of the attack under this government. The second part came in budget cuts. We have seen front-line resources being stretched and \$100 million worth of cuts to the Victoria Police budget. The government's budget reduced police resources by \$100 million.

We have also seen, admittedly in May last year, at the Public Accounts and Estimates Committee hearings Chief Commissioner Ken Lay give evidence about the impact these cuts were having on the ability of police to do their jobs. That was not the current budget but the budget before. In giving evidence Ken Lay said:

... there has been a challenging time for us in relation to our finances. There have been occasions when we have actually reshaped our business to meet some of those challenges.

What the chief commissioner is saying is that we are not shaping our business to cut crime, we are not shaping our business to make our streets safer, we are shaping our business — and this is what he says in his public evidence — to meet the financial constraints imposed by this government. I think that is a terrible indictment of policing in this state. That is not just historical. That was not the most recent budget — as I said, it was the budget before — but even as recently as today we see on the front page of the *Age* that the number of police on the beat will be heavily reduced as part of a radical overhaul of Victoria Police foreshadowed by Chief Commissioner Ken Lay. The report goes on to say:

The state's top cop wants to cut the number of police officers on the beat as part of a radical overhaul of Victoria Police.

Under the plan, police would move from local stations ...

I think it is very concerning that we are going to see a reduction in the number of police in local stations. I think that would be very concerning, particularly for — —

Hon. M. J. Guy — Wade Noonan supported it.

Mr TEE — The minister is out of his place, but I will respond to his interjection. I heard Mr Noonan, the member for Williamstown in the Assembly, this morning loudly and clearly on the radio. I will repeat the question for the minister's benefit. He asked the government to name which stations will be closed and which parts of regional Victoria will now not have police officers in their police stations because the number of police will be reduced.

That was the question Mr Noonan asked this morning, and that is the question I pose to the minister this evening. Can the minister identify for us which stations will be closed when he reduces these police numbers, the numbers on the beat? That is certainly what the Chief Commissioner of Police has said, and he specifically identified Wangaratta. He said that the number of front-line officers in that regional city could be halved. That will be particularly alarming for regional Victoria. If you are going to halve the number of police officers, that will mean particular areas will no longer have a police presence. Ken Lay said this:

Don't expect that in 10 years time that you'll see 60 uniform people in Wangaratta — you won't.

He said that at an event on 15 May. He continued:

You might only see 30 people ... you'll see lawyers, you'll see financial analysts, you'll see chemists ...

I do not think the community will have a particular degree of comfort when they see police officers being replaced with lawyers or financial analysts. Victorians want to see police officers doing their jobs.

We have seen the impact this reduction in police numbers will have. We can see the impact of the destruction of police command when we look at the crime statistics. We have seen crime right across Victoria increasing under this government's watch. We have seen our prisons overcrowded, which has pulled another 500 police off front-line duties. We have seen crime going up as a consequence of taking police out, cutting the police budget by \$100 million and taking people out of uniform. Victoria Police statistics reveal that offences have jumped up in most categories across the state. Crime has continued to rise in each and every reporting period under this government.

Victorians have every right to be angry, and they have every right to be confused. This government came in on a law and order promise to fix the problems, and the only fixes it has made are to cut the police budget, distract police command and reduce the number of police on the beat. Look at this approach, the consequences of it and what has flowed from it, and then compare it to the record of the previous government, where we saw 10 years of reduced crime rates, a police command that knuckled down and got on with the job, and morale at a much higher level. We saw the community and police working together to get the job done and reduce crime. It is a very different Victoria out there today. It is a very different police force.

Hon. M. J. Guy — What a complete load of — —

Mr TEE — No, it is.

Hon. M. J. Guy — You are just full of yourself.

Mr TEE — No, it is, Minister. Have a look at the front page of today's paper.

Hon. M. J. Guy — What paper?

Mr TEE — The *Age*, Minister.

Hon. M. J. Guy — What a surprise!

Mr TEE — This was a public speech the chief commissioner gave. Yes, it was reported in the *Age*. It was a public speech he gave where he talked about reducing numbers by half. You can shoot the messenger — you can blame the newspaper — but at the end of the day all it is doing is reporting on a public statement the chief commissioner made. It is the same

with the budget cuts. The minister can sneer and smirk and laugh, but the reality is that there has been a \$100 million cut in the Victoria Police budget. The reality is that police have said that in order to manage that cut they cannot focus on reducing crime. They cannot focus on making the streets safer because they have to focus on delivering the government's budget cuts. The minister can sit and laugh and play on his phone and be dismissive, but at the end of the day it is the Victorian people out there who are being hurt by his arrogance, who are being hurt by his cynicism, who are being hurt by his incompetence and who are being hurt by his inability to keep our streets safe.

Hon. M. J. Guy interjected.

The PRESIDENT — Order! I have called the minister to order several times!

Hon. M. J. Guy — Provocation.

The PRESIDENT — Order! I do not think so; it was debate. The minister will have an opportunity to rebut that, as will Mr Dalla-Riva shortly, but that does not mean the minister can ignore me when I ask him to be quiet.

Mr TEE — These are important issues, and this is an important debate in terms of how we manage our police force and how that police force is regulated.

The bill also goes to important issues around the language used, and it provides consistency in the language used in this bill and the Victoria Police Act 2013, which was previously passed by this chamber. In that sense, these are reasonably consequential amendments. They are not particularly onerous or offensive, and for that reason we on this side of the house will not be opposing this bill.

Hon. R. A. DALLA-RIVA (Eastern Metropolitan) — I am pleased to speak on the Victoria Police Amendment (Consequential and Other Matters) Bill 2014. I am pleased in the sense that on 12 December last year I spoke in this place as a government speaker on the Victoria Police Bill 2013, which was the principal bill for the governance and administration of police in Victoria. The Victoria Police Amendment (Consequential and Other Matters) Bill makes amendments to the Victoria Police Act 2013, which is now in place, and to many other acts where there are matters referring to that act.

Whilst the bill itself has 12 clauses, it is in fact the schedule attached thereto that is quite substantial and in depth. Without going to each of the numerous affected acts, starting with the Aboriginal Heritage Act 2006 and

going all the way through to the Workplace Injury Rehabilitation and Compensation Act 2013, the reality is that 188 acts of Parliament are affected by the consequential amendments made by this bill.

Essentially with the modernisation of the principal act we see that the vast majority of the amendments, without being generalist about it, are about removing the notion of a 'member of the police force' and substituting it with 'police officer'. If you were to go through and look at the schedule, you would see that that is predominantly what is being done to each of the relevant acts. There may be parts where those acts refer to the definition of a police officer, and that is outlined, again, in areas of the bill. For example, for the Ambulance Services Act 1986, the bill before the house says:

4.1 In section 3(1) **insert** the following definition —

“police officer has the same meaning as in the **Victoria Police Act 2013**.”

That is reflected time and again throughout the schedule, which is essentially the reason for the bill.

This is fundamentally a process bill to ensure that there is some consistency across the legislation. I note that Mr Tee has a very short memory about the time Labor was in power and the way it dealt with the Victorian police force, which led to those on this side of the chamber having to again fix the problems that were left behind from that time.

I finally say that I look forward to the consequential amendments being made. This is sensible. It is a continuation of the work we have done. It is a continuation of the work that was done by Jack Rush in what was known as the Rush inquiry, and it is a continuation of the good work we are doing with Victoria Police in dealing with crime in this state.

Mr ONDARCHIE (Northern Metropolitan) — The Victoria Police Amendment (Consequential and Other Matters) Bill 2014 is a bill that yet again demonstrates this government's commitment to ensuring that Victoria Police is a strong, credible and modern organisation that will live up to the government's election promise of being tough on crime. Mr Dalla-Riva has eloquently covered the key elements of the bill, and I choose not to do that again in order to assist the efficient running of the house. However, I note for the sake of this discussion that we have introduced a number of extra police and significant numbers of protective services officers (PSOs) to make Victorians feel safer.

Recently I have been lucky to be involved in welcoming PSOs to a number of railway stations. I welcomed PSOs to Diamond Creek railway station, together with the Liberal candidate for Yan Yean in the Assembly, Sam Ozturk, and my good friend and parliamentary colleague Amanda Millar. I was also at Macleod railway station with the Liberal candidate for the Assembly seat of Ivanhoe, Carl Ziebell, another good man who was with me to welcome the PSOs to Macleod.

People are saying it is fantastic to have PSOs on their local railway stations. The local police are saying it is fantastic to have PSOs as part of their wider team. The community is feeling a lot safer. Railway stations are becoming places of good activity. The traders are saying it is bringing commuters back to these local precincts.

This is a very important bill. It clears up a number of matters, as Mr Dalla-Riva has related in his contribution tonight. I commend the bill to the house.

Ms PENNICUIK (Southern Metropolitan) — As its name suggests, the Victoria Police Amendment (Consequential and Other Matters) Bill 2014 deals with consequential amendments to the Victoria Police Act 2013, which was passed in this Parliament last year but has not yet come into effect. This bill amends that legislation, which is not yet an act. We are still operating under the Police Regulation Act 1958.

This bill standardises terminology across the statute book wherever acts refer to the Victoria Police and/or people who constitute Victoria Police — for example, it changes the terminology 'member of the police force' to 'police officer' wherever that occurs in other acts on the statute books. It amends cross-references to the Police Regulation Act 1958 and other acts, and cross-references the new equivalent provisions in the Victoria Police Act 2013. It also amends the Victoria Police Act 2013 to require the Police Registration and Services Board (PRSB) to publish statements of reasons for its decisions in certain circumstances. As members would realise, the PRSB replaces the Police Appeals Board and adds other functions.

It is a good thing that the PRSB will be required to publish statements of reasons for its decisions in certain circumstances. That was not included in the original bill. At the time that bill was debated I foresaw that there would be more amendments to that legislation, because in this and other areas the bill had not made the provisions as clear as they could be, nor had it covered all necessary requirements. This bill also amends the act to provide regulation-making power for appeals and

reviews, and it will ensure the continued capacity of deputy commissioners to exercise powers under certain legislative schemes. The bill will come into operation on or before 1 January 2015.

The provisions in the bill are supported by the Greens. Members will remember that earlier today I was given leave of the house — I was distracted by other matters at the correct time, so it came and went — to give notice that I will move an instruction to the committee that it will have the power to consider my amendments to the bill. I am happy to have those amendments circulated for the benefit of the chamber. Those amendments would be familiar to people who were in this chamber particularly during 2013 but also back in 2009, when the previous bill to amend the Police Regulation Act was before us. The amendments that I will be moving in committee will change the provisions in the act relating to liability for tortious conduct by police and protective services officers.

Under the current Police Regulation Act it is very difficult for a member of the public to take civil action against police members who that person alleges have acted against their human rights, caused them injury or overstepped the boundary in terms of the use of force, which has resulted in injury or other damages suffered by that person. It is true to say that the Police Regulation Act 2013 alters that position slightly. It has always been the Greens position that the state should be liable for all torts against police or police officers.

This issue goes to police torts, which are a provision in the act that we are discussing now. As I say, it has always been our position that the police should be liable for all torts against police or protective services officers, as is the case in other jurisdictions and as other employers are vicariously liable for the actions of their employees.

It is true to say that the current act has moved some way in that direction, such that if a person wants to take a civil proceeding against the police or protective services officers, under section 74(1) of the principal act the state is liable for all police torts. However, the act also says that at some stage in proceedings if they believe the police officer or protective services officer has not acted in good faith or has engaged in serious, wilful misconduct, the police would not be liable for that tort.

Hon. M. J. Guy interjected.

Ms PENNICUIK — Mr Guy might want to talk about that, but I am talking about a fairly narrow part of the act. It is to do with — —

Hon. M. J. Guy interjected.

Ms PENNICUIK — Mr Guy might say that, yes, sometimes people do attack police. I am not suggesting that does not happen, nor am I suggesting that the vast majority of police attack members of the public, but obviously that does occur. It has occurred in many cases, and it has left those people who wish to claim damages or compensation for injuries suffered as a result of those actions with nowhere really to go. That is not in the interests of justice. That is an issue that has been raised not only by me in this place but also by many people in the community and by bodies such as the Law Institute of Victoria and others that have to deal with these issues and with the legal cases brought by people who have suffered damages at the hands of police.

The problem does not arise where, for example, somebody may take action against the police for an injury suffered by accident — for example, if they were injured in being arrested or if they were in a public place where something was happening and they were accidentally injured by contact with police. That does not usually cause a problem because the police, particularly under the new act, would be liable for that tort. It is very clear that the police would be liable in that circumstance.

Business interrupted pursuant to sessional orders.

ADJOURNMENT

The PRESIDENT — Order! The question is:

That the house do now adjourn.

Community services

Ms MIKAKOS (Northern Metropolitan) — My matter for the adjournment debate this evening is for the Minister for Community Services. The matter I wish to raise relates to the report prepared by Professor Peter Shergold entitled *Service Sector Reform — A Roadmap for Community and Human Services Reform*, a report that has confused and perplexed many in the community sector. In a strongly worded speech earlier today on the future of the community welfare sector, Tony Nicholson, the executive director of the Brotherhood of St Laurence, described the government's service sector reform as 'fundamentally flawed' and 'sapping the very ethos and moral drive of the sector and, with it, the wider community'. He went on to say that:

... the list of recommendations reads like an aggregated wish list from all the framework documents written across the health and welfare sectors over the last 20 years.

Frankly, they were so motherhood and high level in nature as to be practically meaningless.

He was particularly concerned that what was driving this so-called reform was a push by government to amalgamate organisations into super-sized welfare businesses which would become more for-profit in nature and that this process would create a welfare arms race that would squeeze out smaller community-based and faith-based organisations. He expressed concern about amalgamations, which will mean a loss of local community connection, control and ownership over community organisations and a decrease in volunteerism. I have had many other community sector organisations express to me similar concerns about what the government's objective is in this process.

Page 35 of the Shergold report refers to an emerging opportunity to harness wider sources of social investment from the private sector to complement the revenue or capital requirements of community service organisations. We have already seen the government contracting out its public aged-care services. At the Public Accounts and Estimates Committee hearings last week the Minister for Community Services, Mary Wooldridge, refused to rule out bringing for-profit providers into the disability services sector.

The government needs to come clean with the Victorian people ahead of the November election as to what its intentions are in relation to contracting out further government services. As we have seen recently with the re-tendering of mental health services, far fewer organisations are now providing services to a much larger geographic area, and good grassroots organisations like St Mary's House of Welcome have missed out altogether. I call on the minister to rule out once and for all the contracting out of government services to for-profit companies.

East Gippsland timber industry

Mr D. D. O'BRIEN (Eastern Victoria) — I raise a matter for the attention of the Minister for Agriculture and Food Security. The action I seek is that the minister develop a specific plan of action to assist the East Gippsland timber industry and to demonstrate publicly, again, this government's commitment to the future of that industry. South East Fibre Exports in Eden, New South Wales, recently announced that it will no longer take pulp logs from East Gippsland for export as woodchips. That has a significant potential impact on our timber industry in East Gippsland, and it has certainly caused some concern within the industry and the local communities that rely on it.

The timber industry provides over 200 direct jobs in East Gippsland and many more in associated industries. The jobs are fairly evenly split between sawmills and the harvest and haulage sector. The industry supports many small towns in East Gippsland, including Orbost, Cann River, Buchan, Swifts Creek, Bendoc, Nowa Nowa and Newmerella. These small towns are often isolated geographically and have few, if any, other industries to support them. It is critically important that this government continue to support the East Gippsland timber industry.

When they were in government we saw those on the other side make significant cuts that have drastically reduced the size of this industry and had significant impacts on employment in that area — notwithstanding the fact that they had promised there would be no net loss of resource or jobs through the Our Forests, Our Future program. Unfortunately, 45 000 hectares of forest were locked up and many harvest to haulage contractors in particular exited the industry.

The coalition has supported this important rural industry through several actions, including the timber industry action plan, which aims to support a productive, competitive and sustainable industry. It outlines a series of measures that the government is undertaking to ensure that this industry prospers into the future.

There have also been amendments to the Sustainable Forests (Timber) Act introducing public safety zones and on-the-spot fines for protesters disrupting workers going about their lawful business. Having been in a coupe in the Central Highlands last week, I can say that that move was well supported by those harvest and haulage contractors. There are several other things we have done, including making amendments to the Sustainable Forests (Timber) Act to allow VicForests to offer longer term supply contracts to provide resource security needed for investment.

The coalition has done a lot, but there is still more work to do. I have spoken to the owners of mills in East Gippsland over recent weeks. They are concerned, but they are overwhelmingly positive about the future of their industry. Many have diversified away from selling their own residues to South East Fibre Exports, and some have substantially transformed their businesses to add value. They see strong markets for their products. I call on the minister to develop a suite of policy responses that can help the industry respond to the South East Fibre Exports announcement and that will provide options for the sale of pulpwood that will underpin a sustainable sawlog industry into the future.

Poker machines

Ms HARTLAND (Western Metropolitan) — My adjournment matter is for the Minister for Liquor and Gaming Regulation. There are a number of features of poker machines that have been recognised internationally and in Australia by considered research as being potentially addictive. There is concern that these features may be instrumental in some people becoming problem gamblers or in exacerbating the addiction of some problem gamblers. The features that have received the most attention for their potential addictiveness include losses disguised as wins, near misses and jackpots.

While I will not speak at length about these features, there is one that I would like to highlight as an example. Losses disguised as wins, also known as fake wins, deceive gamblers into believing they have won through audible sounds, visual animation or written messages signifying a win when in actual fact that they have made a net loss. For example, this may occur when a gambler has bet \$5 and wins back \$2. This is a net loss of \$3, but it is displayed and sounds like a win. The concern is that these fake wins create positive reinforcement, despite being a loss.

Research shows that although many players realise fake wins are not actual wins, they psychologically react to them as if they were wins. This arousal associated with fake wins may impact on the development of problem gambling, as arousal is a key reinforcer in gambling behaviour. Fake wins have been prohibited in Queensland and Tasmania, but they continue to be permitted in Victoria. We urge the government to take an objective view about this and other potentially addictive gambling machine features. I am happy to provide the government with relevant research from both overseas and Australia.

The Victorian Competition and Efficiency Commission found that gambling addiction costs our state between \$1.5 billion and \$2.8 billion each year. As we know, it causes significant hardship for families, including family breakdown, crime, depression, job loss and suicide. If these features of poker machines are exacerbating the harm of pokies by increasing their addictiveness, I believe the government has both a moral and an economic responsibility to investigate which features they are and to prohibit or modify them. I ask the minister whether he will initiate an independent inquiry into whether these poker machine features are addictive.

Family violence

Mrs COOTE (Southern Metropolitan) — My adjournment matter is to ask the Minister for Women's Affairs for some assistance. I refer to an article in the *Age* of Friday, 23 May, headed 'Dowry's dark shadow'. The article talks about the Indian community and domestic violence. Family violence is endemic in our state, and I commend the coalition government for the excellent programs it has put in place right across the government. It has been a whole-of-government approach from the Attorney-General to the Minister for Police and Emergency Services, to certainly the Minister for Community Services and to the Minister for Women's Affairs — and so it goes on. It is a combined and community response that all of us must make.

As I said earlier today in my members statement, on Friday I had the honour of launching a program that is being developed by the Anglican Church. It has taken a stance on that issue and is working with its parishioners to identify solutions to family violence through its parishes. It is to be highly commend for this. It is a top-down and bottom-up approach, and the program has been very effective.

Some time ago — in fact on the very day that the Chief Commissioner of Police, Ken Lay, was inaugurated — he and I had the honour of being with the Jewish community to launch a book on family violence called *Will My Rabbi Believe Me? Will He Understand?*. On the night of the launch someone said that good Jewish men do not hit their wives, but sadly this occurs right across our community.

The Jewish community has been working very closely with the Indian community, particularly with Dr Manjula O'Connor, who has done some fantastic work, and I commend members of the Indian community for the work they have done. In the article I referred to it talks about the influence of the dowry. The dowry issue, where money is promised to a bride's family — basically she is bought — does not happen here, but the article notes:

Most families live harmoniously, but Indian community leaders recognise that family violence is a substantial problem. The question of whether the dowry contributes is highly divisive.

Vasan Srinivasan, president of the Federation of Indian Associations of Victoria, does not agree with this approach. The question I am asking the minister is whether she could get a round table together to see whether this is an issue that needs to be worked through here in Victoria, with members of the Indian

community, to come up with a resolution that is helpful in relation to this issue.

Operation Newstart

Ms TIERNEY (Western Victoria) — My adjournment matter is for the Minister for Police and Emergency Services, and it is in relation to Operation Newstart. Over the years I have had the opportunity to attend several graduation ceremonies at City Hall in relation to Operation Newstart, and I have had the privilege of listening to the stories and hearing about the lives of those graduates and indeed having their input and feedback on practical measures that can impact on their lives and make a real difference.

Tonight I draw the attention of the minister to a young woman named Leah O'Brien from Geelong, who in 2011 was having a particularly difficult time in life and was encouraged to sign up for Operation Newstart. Leah herself said that prior to signing up to Operation Newstart her life was spiralling out of control. She was struggling to make friends, skipping school and feeling out of control and out of hope. Three years on, Leah's life is well and truly back on track. Not only is she attending school, she has also been nominated for the position of school captain at her secondary college. Leah has stated that Operation Newstart single-handedly turned her life around, thanks to the involvement of Victoria Police. She has said, 'I wouldn't be where I am today without Operation Newstart'. This is just one personal story of many in Geelong and around the state.

An independent evaluation showed that during the three years the program ran in Geelong, 98 youths filtered through Operation Newstart, and of those, not a single one reoffended in the six months after they graduated. The involvement of police in this program is paramount to its effectiveness, and Inspector Thexton of Victoria Police has said that the involvement of police is extremely beneficial for officers because it gives them a greater understanding of the issues young people face in our community. However, due to the Napthine government's cuts to police funding in Victoria the involvement in this hugely successful program will now consist of volunteer hours only. This is a serious retrograde step, and I am confident in saying that the minister would agree, along with other members of this chamber, that the best way we can resolve youth crime is to prevent it from occurring in the first place, which is exactly what this program does.

I urge the minister to revisit the decision to rescind the involvement of members of the police in the Geelong Newstart program and to restore their ongoing

involvement. I also urge the minister to ensure that all Operation Newstart programs that have been running in the past continue to do so into the future.

East-west link

Mr FINN (Western Metropolitan) — I wish to raise a matter this evening for the attention of the Minister for Roads. The minister will know exactly what I am talking about, because some years ago he joined me in Francis Street, Yarraville, to view the number and heavy nature of the trucks that use that particular road. I have to say that Moore Street in Footscray is not a lot better, and there are a number of other streets in the inner west that are subject to a number of very heavy vehicles that cause an enormous amount of noise and air pollution. They are not conducive to a good life for local residents.

It has been the bane of the existence of many people who live in that area for many a long year, and I can fully understand why the local residents would be upset. If I had been subject to that sort of vehicle movement for the length of time that they have, I would be very upset too. My clear understanding is that this, which is almost a form of purgatory, it has to be said, is about to come to an end. Once stage 2 of the east-west link is built — what we might call west link or western link — that heavy vehicle traffic will be able to use it. All of a sudden those roads, including Moore Street in Footscray, Francis Street in Yarraville and other streets and roads around that part of the world, will be free of those trucks for the first time ever.

I have ventured down there, and I have been discussing this with local residents. I have to say to the house that there does not seem to be a great understanding that this is about to happen. This does concern me, because I think these people need to be informed and reassured that their lives are about to get a whole lot better. We as a government have a responsibility not just to ensure that their lives are made better but in fact to ensure that they know their lives are going to get a lot better. I ask the minister to do whatever is within his power to ensure that the people in Yarraville, Footscray and surrounding areas, where trucks have made life hell, are informed of the good news that lies just ahead.

Latrobe Valley coal resources

Mr SCHEFFER (Eastern Victoria) — I raise a matter for the Minister for Energy and Resources, Russell Northe, concerning the \$50 million joint commonwealth-state funding provided to Coal Energy Australia and Ignite Energy Resources Limited for research and development into adding value to the coal

resource in the Latrobe Valley. The minister and Coal Energy Australia have indicated that \$30 million will be used, as I understand it, to develop a burning process that can produce a product such as char that can substitute for pulverised coal, commonly known as coking coal. The \$30 million will also be used to distil oil, producing diesel oil for industrial uses and ammonium sulphate to improve soils.

The minister and Ignite Energy Resources, the other company involved in the research to add value to the valley's brown coal, also announced that \$20 million would be contributed to an \$84 million pre-commercial plant to upgrade coal products for export and for local markets. This project, to be undertaken by Ignite Energy Resources, will also produce synthetic oil capable of refinement into diesel and petrol.

I note that to support these research objectives some construction works will have to be undertaken and that there will be employment opportunities. Indeed the government has mentioned that new jobs will be delivered. Considerable sums of state funds have been provided in grants to a range of research initiatives for some years, and the minister will be aware that there has been local criticism that not much has been achieved and that Latrobe Valley residents and businesses have seen little or no benefit. The minister will know that the local media has carried stories along the same lines, and I am concerned that the Latrobe Valley community should be given a fuller account of the benefits that will flow to the region as a result of these projects.

I ask the minister to provide me with details of the jobs he has said will be created and to outline whether there will be a research role for Federation University Australia. To elaborate on this request, I ask the minister to provide details, for example, of the number of jobs that will be created, both during the establishment phase and on a permanent basis, as well as the types of jobs in, say, construction, technical, research and administration. I also ask the minister to provide details of how many apprenticeship positions will be created, how much research will take place on site and in the Latrobe Valley and whether he has explored the role that Federation University could play in these research projects.

National sex offenders register

Mr ONDARCHIE (Northern Metropolitan) — My adjournment matter tonight is for the Premier. Yesterday I had the pleasure of meeting with Derryn Hinch to receive a petition calling on all Australian governments to collaborate on a national public sex offenders register. I congratulate Mr Hinch on his

Jail 2 Justice walk and note that nearly 130 000 people signed the petition. I have volumes 1 through to 11 of the petition here with me, from page 1 to page 8842.

In receiving the petition I was honoured to be able to speak with Denise and Bruce Morcombe, Noelle Dickson and many other brave parents and family members who have lost loved ones to unspeakable crimes. Their stories of loss and grief are moving, but their resilience and determination are just as inspiring.

I also got to meet many people who have been victims of sex offenders, and they shared their stories with me on the steps of Parliament House yesterday. Tonight I pay tribute to all of them. While meeting with the many petitioners who accompanied Mr Hinch on the last leg of his walk, I was pleased to be able to tell them about this government's reform of the justice system, with new offences to protect children from sexual abuse, tougher sentences across the board and much stricter conditions for parole and bail. I ask the Premier to receive the petition and to ensure that the government gives due consideration to the issues the petitioners raise.

School buses

Mr D. R. J. O'BRIEN (Western Victoria) — My adjournment matter is for the Minister for Education, the Honourable Martin Dixon. I ask the minister to assist in a school bus safety issue raised by constituents in the Creswick area in Western Victoria Region, which I represent. As members probably know, the Department of Education and Early Childhood Development is responsible for setting the school bus policy and Public Transport Victoria has responsibility for implementing that policy. Every day of the school term school buses carry more than 73 000 students on approximately 1500 school bus routes throughout Victoria.

The parents who have contacted me in relation to this issue have indicated to me that their oldest child began secondary school at Daylesford this year. They believe that the location for the bus drop-off after school, where their son and around 20 other students are dropped off, could be changed to improve safety for both students and the parents who collect them.

Currently the school students are dropped off at the intersection of the Midland Highway and Sawmill Road in Springmount. Although this has been an established practice for a number of years, parents believe that for safety reasons the drop-off point should be altered as it currently is at an uphill bend on the road. As parents pick up their children from this point, it also means that

up to 20 cars use the intersection at what is a peak time for road traffic.

The government has provided a large amount of money to make substantial upgrades to the Midland Highway between Creswick and Daylesford, but safety issues also relate to the potential use of the road. This is because the students cannot walk home down this section of the road because it has no footpaths and is an arterial road. I refer to comments cited by the *Courier* in recent times, where Kerry and Jacinta Bourkes described the situation as ‘impractical and dangerous’ and said:

Parents must be available to pick up their kids. There is no other option.

This is an important issue of safety. It is a policy that is well known across the state in relation to zonings. I ask the minister to give his urgent consideration to giving assistance in this matter, particularly in relation to the location of the school bus drop-off point.

Responses

Hon. M. J. GUY (Minister for Planning) — Ms Mikakos raised an issue for the Minister for Community Services, Mary Wooldridge, about service sector reform. I will ask the minister to have a written reply prepared for Ms Mikakos.

Mr Danny O’Brien raised a matter for the Minister for Agriculture and Food Security, Peter Walsh, in relation to a plan of action for the Victorian timber industry. Again, I will seek a written reply for Mr O’Brien from the minister.

Ms Hartland raised a matter for the Minister for Liquor and Gaming Regulation, Edward O’Donohue, on issues about addictive gambling machines. I will ask the minister for a written response for Ms Hartland.

Mrs Coote raised important issues in relation to domestic violence, and in particular an issue around multicultural communities, but she has raised that for the Minister for Women’s Affairs, Heidi Victoria. I will ask the minister for a written reply for Mrs Coote.

Ms Tierney raised a matter for the Minister for Police and Emergency Services, Kim Wells, in relation to Operation Newstart. I will seek a written reply for Ms Tierney.

Mr Finn raised a matter for the Minister for Roads, Terry Mulder, in relation to Melbourne’s western suburbs and the good work that is being done to try to alleviate traffic congestion from the residential streets of Melbourne’s western suburbs. I commend Mr Finn’s

advocacy in relation to getting traffic off local roads. Hopefully the eventual build of stage 2 of the east–west link will do just that, but I will seek a written response for Mr Finn on the matter that he has raised.

Mr Scheffer has raised about 14 questions, but some in particular —

Mr Scheffer — Two.

Hon. M. J. GUY — I think there were more than two. Mr Scheffer’s questions are for the Minister for Energy and Resources, Russell Northe, and relate to coal research and moneys for the Latrobe Valley. It sounded just like another Labor Party whack at the coal industry, which is unsurprising and is probably why in 10 years the party has gone from having 40 per cent of the primary vote to about 24 per cent at places like Traralgon, but I am sure Mr Scheffer raised those issues with genuine concern. As someone whose family is from the coal industry in the Latrobe Valley, I am not surprised that the Labor Party is yet again having a whack at the coal industry, but I will seek a response for Mr Scheffer.

Mr Scheffer interjected.

Hon. M. J. GUY — Certainly coal jobs and potential coal jobs. It might pay Mr Scheffer to visit the Latrobe Valley some time.

Mr Ondarchie raised a matter for the Premier in relation to the national public sex offenders register, which is a deeply concerning issue, and a written response will be sought for Mr Ondarchie; he will get that from the Premier.

Mr David O’Brien raised a matter for the Minister for Education, Martin Dixon, in relation to school bus safety in Creswick. Again, I will seek a written response for him on that very important issue.

I have written responses to adjournment debate matters raised by Mrs Peulich on 30 August 2012; Mr Leane on 10 December 2013 and 6 February; Ms Mikakos on 20 February; Mr Finn on 11 March; Mr Elsbury and Ms Mikakos on 12 March; Mr Leane and Ms Tierney on 25 March; Mr Elsbury on 26 March; Ms Hartland and Mr David O’Brien on 27 March; Mr Ondarchie on 1 April; Ms Mikakos and Mrs Millar on 2 April; and Ms Tierney on 2 April and 3 April.

The PRESIDENT — Order! I point out that I paused after Mr Scheffer’s adjournment matter because I thought he had sailed close to the wind. In the end I interpreted it as a multipart question, but I remind members that the adjournment debate affords an

opportunity to raise only one matter with a minister on each occasion. As I said, in the case of Mr Scheffer I thought they were related matters in terms of profiling employment, so the matter was permissible in that sense. The house stands adjourned.

House adjourned 10.29 p.m.