PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Tuesday, 2 September 2014

(Extract from book 12)

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By authority of the Victorian Government Printer

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(from 17 March 2014)

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

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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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)

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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
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Hall, Hon. Peter Ronald [7]	Eastern Victoria	Nats	Ronalds, Mr Andrew Mark [6]	Eastern Victoria	LP
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Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Lenders, Mr John	Southern Metropolitan	ALP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP
Lewis, Ms Margaret [10]	Northern 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
[10] Appointed 11 June 2014

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TUESDAY, 2 SEPTEMBER 2014

Tuesday, 2 September 2014

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 2.05 p.m. and read the prayer.

CONDOLENCES

Hon. Owen Glyndwr 'Glyn' Jenkins

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

> That this house expresses its sincere sorrow at the death, on 21 August 2014, of the Honourable Owen Glyndwr 'Glyn' Jenkins and places on record its acknowledgment of the valuable services rendered by him to the Parliament and the people of Victoria as a member of the Legislative Council for the electoral province of South Western from 1970 to 1976 and the electoral province of Geelong from 1976 to 1982, and as Minister of Water Supply from 1981 to 1982 and Minister assisting the Treasurer from 1981 to 1982.

Glyn Jenkins was a great Victorian, a great Liberal and a great local person in Geelong and the Barwon region. Family and friends farewelled him at a service at St David's Church in Newtown on Tuesday, 26 August. He was the father of Lynne, Jillian, Rowan and Wendy, and husband to Marie for 63 years. He also had a number of grandchildren. He was a Geelong city councillor in the 1960s before his election as a Liberal member for South Western Province and later the marginal seat of Geelong Province. He cultivated a strong local profile, enabling him to hold a seat in what to many was a traditional Labor area. He was known for his life of quiet achievement through his work as a member of the Legislative Council and in the community for the people of Geelong.

During his time he was whip in the Legislative Council, as a member of the Hamer government. He was Parliamentary Secretary to Cabinet in the Hamer government from 1979 to 1981, which he said was splendid training for his eventual cabinet position. He said, 'As secretary, you are in the centre of everything'. He was Minister of Water Supply and Minister assisting the Treasurer in the Thompson government from June 1981 to April 1982, an appointment celebrated by his Geelong constituency and noted widely in the press in Geelong at that time.

Glyn enthusiastically embraced his role as Minister assisting the Treasurer due to his background in finance and his work over many years as a chartered accountant. He also had a background in agricultural and water supply, stating that his father was an irrigation farmer at Red Cliffs, and:

> … ever since I was a young man I have always had a feel for water supply systems, dams and so on.

Foremost in his mind was representing his constituents. He said:

> … as a minister I will have a better access to all cabinet members and the opportunity of putting Geelong's point forward in cabinet meetings.

He was proud of bringing government projects to the city, including the performing arts centre and the Geelong Regional Commission. He succeeded in bringing the community together and attracting industry.

Glyn left Parliament in the 1982 election, one of the MPs who lost their seat when the Thompson government was defeated in difficult economic times. There had been 27 years of consecutive Liberal governments, and Glyn made a great contribution to that period. He was a Liberal Party stalwart, and he said of it:

> … the miracle of politics and the Liberal Party is that so many people can work together for so long. We come from diverse backgrounds and it is to the credit to their judgement that we unite together as well as we do.

After municipal amalgamation Mr Jenkins was appointed City of Greater Geelong commissioner from 1993 to 1995, a post that oversaw the future development and direction of Geelong. He served with three other commissioners, and I will say more about that in a minute.

He made a substantial contribution to Geelong and was involved in many important Geelong organisations. He was a contributor to a range of community organisations as national secretary-treasurer of Apex from 1958 to 1965. Apex, as many people know, is a very large organisation. It had thousands of local groups in those days and over 200 000 individual volunteers. Mr Jenkins was a life member of that same body. It was an important organisation which he held in great esteem and addressed in his inaugural speech, which I will say something about in a minute. He also successfully advocated for an Australia Post stamp to be commissioned for Apex's 50th anniversary. He attributed his keen interest in politics to his involvement with Apex, stating:

> The Apex ethic of serving the community, and my own father's attitude, motivated my desire to contribute something and help my community.

Mr Jenkins was honorary secretary of the Good Neighbour Council Geelong from 1953 to 1963. He was also manager-secretary of the Geelong branch of the Australian Chamber of Manufacturers for five years. He was passionate about the development of industry, including tourism, seeing the potential in what

is now a multibillion-dollar industry and a valuable contributor to the welfare of people in Geelong and the Barwon region. He was a life member of the Geelong Club, a director of the Geelong Citizens Cooperative Housing Societies and deputy chairman of commissioners, as I said, in the City of Greater Geelong from 1992 to 1995. He was treasurer of the Victorian Parliamentary Former Members Association for many years, and it is interesting to look back on his early years serving with the Australian Imperial Force as a sergeant.

He started in the workforce as manager-secretary of the Geelong Cooperative Butter Factory and Flour Milling Company. He commenced his own Geelong-based chartered accountancy practice in 1954. Later, after many mergers, it became known as Crowe Horwath. After the election he formed a specialist chartered accountancy practice and acted as a liquidator until 2001. He continued to undertake his practice through that period. He was also a consultant through much of the period following his time in Parliament.

I know that a number of people in this chamber were at the funeral, and I will let them describe the details of the service, which was well attended. Mr Jenkins had long links through Geelong, and his death at 87 was keenly felt by many through the region, particularly Liberal Party people. As I have already pointed out, he had a significant link to the irrigation projects in and around Mildura, and that is because of his family link there. He was born in Mildura in April 1927. His parents were Frederick John, a soldier settler and grazier, and Doris Lewis. He was Church of England and certainly somebody with great community links and great community enthusiasm.

It is interesting to look back at his inaugural speech, or maiden speech, as it was called in those days. He picked a number of key themes which are still in many ways relevant today, including his links to the council — he had been elected to council and served in the City of Geelong — and his background as an accountant. He also talked about the importance of civil society and the importance of the chambers he had served on, and he spoke at length about the Apex clubs with which he had been closely associated. Mr Jenkins made his inaugural speech on the 40th anniversary of the founding of the Apex Club of Geelong, and in his speech he drew parallels between the importance of Apex and community contribution.

Mr Jenkins drew particular attention to a number of other matters in his inaugural speech. He talked about decentralisation. Increasingly these days we realise the importance of the growth of our capital city, Melbourne. He talked about Melbourne as being self-generating — that is his word, not mine. I think he was referring to the ability for Melbourne to continue to grow. He saw the need to ensure proper decentralisation of the state's development, and he spoke at length about a number of committees and reports that had dealt with these matters fully and about the interaction and the leadership that could be provided by the state government to establish some form of inducement to industry to establish itself anywhere other than in the capital cities of Australia.

Mr Jenkins drew on the importance of transportation and noted the importance of tourism. In many respects this was at a time when organised tourism was in its early days. He talked about the capacity of tourism to generate jobs and about the importance of establishing tourism on the Bellarine Peninsula, the coast around Geelong from Portarlington to Apollo Bay and the Otways, 'with their delightful hills, valleys and ferns, and the historical areas in and around Geelong'. Importantly, Glyn understood the development role that regional tourist authorities could play. He talked at length about the Colac and Otway tourist council and the various new bureaus that were being established in Ballarat, Bendigo, Mildura and Geelong. He believed they were important to ensure that tourism contributed to the local economy and generated jobs. He also talked about the importance of Melbourne Airport. These are themes that are relevant today as we seek to attract tourists to our regional centres, because we understand the contribution they can make.

Glyn took great pride in his elevation to the ministry and saw it as being of great significance for his city. He understood that he could advocate strongly for his city and ensure that it got its fair share of good outcomes. I was attracted to the *Geelong News* of Friday, 5 June 1981, and to an article in which he is reported as saying:

> Geelong would also benefit from the state government's push, led by Premier Thompson, for 'A fair deal for Victoria' to get more federal income from the tax-sharing pool.

These are themes that resonate across the decades. He also said that as a minister he would:

> … give this city a voice in state government decisions.
>
> As a minister I will have better access to all cabinet members and the opportunity of putting Geelong's point forward in cabinet meetings.

Mr Jenkins became a commissioner when local government was reorganised — and four commissioners were appointed in Geelong at that time. Glyn had a background in local government and had

been a Geelong city councillor from 1966 to 1971. The four commissioners were Bill Dix, who was the chief commissioner, Glyn Jenkins, Frank Wilkes and Toni McCormack. He and others did great work as commissioners to strengthen Geelong, which had come through a very difficult period during the significant recession around 1990, 1991 and 1992 — —

An honourable member — Pyramid.

Hon. D. M. DAVIS — Pyramid indeed. People in this chamber will remember the discussions at the time and that Geelong faced significant challenges, and part of that challenge was to reinvigorate the Geelong council so that it became an important entity and to ensure that it led the way. The commissioners played a very important part in kicking that role forward and ensuring the economic focus in that period of real challenge.

Apex was a very significant part of Glyn's life, and he continued to talk about his service to the community through Apex. He also became involved with many other local organisations. He was a member of the Geelong Chamber of Commerce, the Geelong branch of the Master Builders Association of Victoria and the Geelong Retail Traders Association. He contributed to all those local organisations time and again.

The people of Geelong can be very proud of the contribution Glyn made. His family can also be very proud his contribution. The chamber and the broader community understand that he made a great contribution to Victoria. To Glyn's wife, family, children and grandchildren the chamber offers its sincere condolences. Victorians, especially those from Geelong, have lost somebody who contributed a great deal.

Mr LENDERS (Southern Metropolitan) — On behalf of my Labor colleagues I support the motion and associate myself with the comments made by Mr Davis as we express our condolences in respect of the loss of the late Glyn Jenkins. Mr Jenkins left this place 32 years ago. Like many others on this side, I did not have the opportunity to meet him. On this type of occasion, particularly now that former Clerk of the Legislative Council Mr Tunnecliffe and former member of this chamber Mr Hall have gone — they sometimes knew former members — we find ways to find out about a person. I spoke to the member for Geelong in the Assembly, my colleague Ian Trezise, who was at the funeral held for Mr Jenkins at St David's in Geelong last week. I asked Mr Trezise what he knew about the late Glyn Jenkins, and I also went through Mr Jenkins's inaugural speech.

I learnt from Mr Trezise that Glyn Jenkins was your classic gentleman's gentleman. He was always civil. He had very strong liberal beliefs, but he would always stop for a chat and offer a fair bit of advice on water, which was something he was fairly passionate about. Those present at his funeral represented a microcosm of Geelong; people from all levels of government and both sides of politics remembered the life of an individual who made a massive contribution to his community. Glyn Jenkins was respected across the board.

Like Mr Davis, I went through the three pages of Mr Jenkins's inaugural speech. That speech was made 44 years ago. It paints a bit of a picture of the man, of the times and of the person we are farewelling and respecting today. It is interesting to note that in his inaugural speech Mr Jenkins talked about the 'new era', that being the 1970s, the era of the future. Today we look nostalgically at the 1970s as an era of the past. Like all of us who have been elected into this place, Glyn Jenkins had enthusiastic views of his era and of going forward.

I will highlight four parts of Mr Jenkins's inaugural speech. Without making the speech longer than it was, I will try to be fairly succinct. Mr Jenkins drew inspiration from Apex, and his inaugural speech was during the 40th year of the anniversary of the formation of Apex. He talked a lot about Apex. I found it interesting that he said Apex had given him the inspiration to run for public office and get involved. He described Apex as non-partisan and non-sectarian and said it was one of the drivers of his involvement in public office. What I found particularly quaint in his inaugural speech — and we should keep in mind the era, the language of that era and that Apex was designed for men aged between 18 to 40 years — was that he described as one of the ideals of Apex:

> To develop by precept and example a more intelligent, aggressive and serviceable citizenship.

That is very quaint language from the past. In politically correct modern language we would talk about empowering community members. Nevertheless, the driver was the question of how to enthuse people to get involved to make their community a better place. That is one of the things that drove Glyn Jenkins, and he talked about it with some pride.

Other issues he spoke about included decentralisation and tourism in regional areas. They are ongoing issues. The only comment I make is that I do not think a modern Liberal politician would call on governments to financially support industry in the country or would necessarily be calling for levies on motor registration and boat registration to pay for tourism. The point, of

course, is that the driver, like it has been for many regional members over time, was bringing people out to the regions.

Obviously a key driver is what you do to bring jobs. Governments in the last 15 or so years have gone into models of co-facilitation and partnership and various things to bring those jobs. The era of Glyn Jenkins was a less complicated era, but I do not think he would receive much of a response from a modern or a past Treasury if he was calling for government grants for industry at quite that level. That in itself is interesting.

Without dwelling any further on his inaugural speech, I think it is worth noting that the next item of business recorded in *Hansard* at the time — and this document has probably been read more in the last few days than it was when it was reported 44 years ago — was debate on a Gas and Fuel Corporation borrowing bill. That shows that Victoria and what Parliament does has changed a fair bit in that time.

In concluding my contribution I note again that government has changed. While in Parliament Glyn Jenkins served on the Company Takeovers Committee. Again, that is a facility that went to the commonwealth decades ago. Parliament has changed, but the aspirations of members of Parliament have not changed.

Glyn Jenkins was a man of that generation and served as a soldier in World War II. We will still occasionally hear about that, I guess, when we condole or farewell people of that age, but of course in that era most Australian men had served in the forces. The world has changed. He was obviously involved in his local clubs, his council and his community, very much a man of his era. On behalf of my Labor colleagues I extend my condolences to his family and friends. It was a life well lived.

Mr BARBER (Northern Metropolitan) — On behalf of my Greens colleagues I would like to support this motion. Glyn Jenkins was a son of a soldier settler. He served in World War II, served on local council and then served in this Parliament. As noted, he was passionate about the Apex organisation, a non-sectarian, non-partisan organisation whose twofold aims appear to be both personal development and what we would call community development, but in any case the embracing of community spirit.

It is interesting to read his public statements in a range of different publications and in the Parliament. There is a quite notable frankness, openness and unguarded nature in the way he spoke. Perhaps that was the way all politicians spoke at the time, and they do not speak like that these days. You learn a little bit about his nature simply by reading the many statements that he made and that have been collected for us by the parliamentary library. The Greens therefore would like to send condolences to his family, friends, loved ones and all those many colleagues he worked with over all those years.

Hon. D. K. DRUM (Minister for Sport and Recreation) — On behalf of my Nationals colleagues, I too would like to take this opportunity to support the motion moved by the Minister for Health, David Davis, in relation to Glyn Jenkins. Like most in this chamber, I did not have the opportunity to meet Glyn Jenkins and I too have been doing research about this man's life.

Glyn Jenkins was born in Mildura — an area that I know well — in 1927 and had a brief military career at the end of World War II. It certainly paints a different picture from what we may be used to. He became a manager-secretary of the Geelong butter factory — I do not even know if the factory still exists — and flour milling company. In 1954 he opened up his own accounting firm in Geelong and stayed in that role for a number of years.

You start to see this man's commitment to his community come to the fore through his lifetime commitment to Apex, culminating in a seven-year stint as the national secretary-treasurer of Apex. Mr Lenders has spoken about the motto and the pledge that Apex members take, along with many of our service communities and organisations. They simply have one aim: to make our communities better and to fill some of the gaps that have been left behind by others.

Mr Jenkins was a councillor at the Geelong City Council, as it was then known, from 1966 through to 1971, and from 1970 through to 1982 he was a Liberal member for South Western Province. The seat changed slightly, and in 1976 he was elected as the member for Geelong Province. During his stint in the Lindsay Thompson government of 1981 and 1982 he was appointed to the role of Minister of Water Supply and Minister assisting the Treasurer.

It is a measure of the man that, when we look at some of the tributes that flowed following his passing, there were glowing comments from his Liberal friend and colleague John Robb, who acknowledged what a respected man he was among his parliamentary colleagues. The comments that came from the Labor side of Parliament on this man's passing were equally important. Former Labor MP John Scholes acknowledged Glyn Jenkins's significant contribution

to Geelong and made mention of the fact that although they had been on opposite sides of politics for many years their relationship had always been positive.

There is a story about Glyn Jenkins when he suffered defeat on the night of the 1982 election — not only his defeat but also the government's defeat. Instead of wallowing in his own disappointment, it is said that he marched boldly and proudly into Trades Hall to shake hands with and congratulate his successor in front of hundreds of Labor Party faithful, who were in the middle of celebrations. This act of courage and integrity was said to have won the respect of many Labor MPs as well as that of his Liberal colleagues. It is an interesting take on a man at what would have been a very low point in his career.

Glyn Jenkins served as a commissioner for the consolidated Greater Geelong council from 1993 to 1995. I would like to touch on the fact that in his inaugural speech he showed vision by identifying Geelong's tourism potential, and he made a point of highlighting the benefits of decentralisation. He noted that Melbourne had the ability to self-generate — and also to self-strangle — but that places like Geelong still needed a fair degree of nurturing.

When you consider Glyn Jenkins's life and the positions he held you see a really strong theme of service to the community, not only on the way to his parliamentary service but also in continuing to serve his community well and truly after his parliamentary career was no longer. He gave amazing service to Apex and to Geelong as a city councillor. He had a fantastic career as a parliamentarian, well respected by both sides of the house, and also as a commissioner of local government. His service to the community continued through his many roles.

On behalf of my Nationals colleagues I pass on my condolences to Glyn's wife, Marie, his children and his extended family and also to the large group of friends this man has left behind.

Mr KOCH (Western Victoria) — I am honoured by the opportunity to make some brief remarks on the life of my friend and a former member of this place the Honourable Glyn Jenkins, who died on 21 August 2014. It was also a privilege to represent the Premier, who was prevented from attending due to a prior longstanding commitment, at the service last Tuesday, 26 August.

Owen Glyndwr Jenkins, born in Mildura on 8 April 1927, was the son of Fred and Doris Jenkins. Fred was a World War I veteran who had taken up a soldier settlement block near Red Cliffs in the far north-west of Victoria. Glyn started school at Red Cliffs East State School. Later his family moved to Queensland where he completed his secondary education at Toowoomba High School. After leaving school Glyn studied by correspondence to become an accountant and secured his first position in Geelong in 1944, the beginning of his lifelong service to the Geelong community.

When Glyn turned 18 he enlisted and served with the Australian Imperial Force in 1945 and 1946, attaining the rank of sergeant. Even at this early age Glyn was respected by his army colleagues and his leadership qualities were recognised. After his discharge from the army Glyn took up a position as manager-secretary of the Geelong Co-operative Butter Factory and Flour Milling Company. On 23 June 1951 Glyn married Marie Hering, and over the years they were to have four children: Lynne, Jillian, Rowan and Wendy.

In 1954 Glyn commenced his own accountancy practice in Geelong which, having been most successful, merged to become Day, Nielson, Jenkins and Johns. This accountancy firm, now known as Crowe Horwath, is very well known and respected not only in Geelong but as far west as the South Australian border. Glyn Jenkins was not only good at what he did but he was a good listener, a very fair man in his approach to life and an acknowledged mentor to many.

Glyn made a significant contribution to the accounting profession and to the community through his involvement in many groups, as members have probably already heard, including Apex, the Geelong Good Neighbour Council, the Geelong Club and the Geelong Citizens Co-operative Housing Societies. Glyn was a fellow of the Institute of Chartered Accountants, an associate of the Australian Society of Accountants, a licensed company auditor and registered liquidator, and trustee in bankruptcy.

Prior to entering state politics Glyn served as a Geelong city councillor from 1966 to 1971. He was elected on 30 May 1970 as a member of the Legislative Council for South Western Province, in the time of the Hamer government, a seat he held until 19 March 1976. On 29 March of the same year Glyn became a member for Geelong Province and remained so until 2 April 1982.

During his 12 years in this place Glyn was the Government Whip in the Legislative Council from 1973 to 1979 and Parliamentary Secretary to Cabinet from 1979 to 1981. Glyn then served as Minister of Water Supply and Minister assisting the Treasurer in the Thomson government from June 1981 until the end of his parliamentary career. Glyn served on the Printing

Committee from 1970 to 1972, the Company Takeovers Committee in 1972 and the Public Works Committee from 1972 to 1976. Glyn served with distinction in every capacity. His knowledge of the water industry was second to none. He knew the water act backwards and was only too glad to share that knowledge when approached by many people, like me, on water issues that arose, especially as they related to Geelong and more particularly the Barwon Water authority.

As also mentioned earlier, decentralisation was usually a talking point for Glyn. He saw the opportunity for many provincial cities to make further contributions statewide, and the relocating of the Transport Accident Commission certainly pleased Glyn. He saw that as a horizon that had been overlooked for many years by governments of all persuasions in the state of Victoria. More recently the relocation of the Victorian WorkCover Authority and the establishment of the National Disability Insurance Agency in Geelong were things Glyn saw as essential for regional Victoria, knowing full well that contributions from regional Victoria could add to the opportunities in this state.

After leaving Parliament Glyn recommenced his chartered accountancy practice but maintained an avid interest in water politics throughout the rest of his life. In 1990 Glyn formed Jenkins Peake & Co. After municipal amalgamation Glyn was appointed a commissioner for the City of Greater Geelong from 1993 to 1995 with colleagues chairman Bill Dix, Frank Wilkes and also Toni McCormack. Once those four commissioners got Greater Geelong City Council on the rails Ms Toni McCormack left to become the chief commissioner for the Surf Coast shire, based in Torquay.

Glyn was a Liberal Party stalwart who devoted decades of his life to public service, and he was a great contributor to his Geelong community. Glyn was very highly respected by his colleagues on both sides of this chamber as a member and after leaving politics. Glyn was also a great family man, devoted to his wife of 63 years, his children and his grandchildren. Glyn's long commitment to the local community in his professional life and his dedication to the broader Geelong region through his roles in local government and to the state of Victoria as a member of this house and as a minister of the Crown are testament to a life well lived.

Glyn Jenkins was a great resource, especially in his own community in so many ways. This was most evident at his farewell service at St David's Church in Newtown last Tuesday, where a large cross-section of the Geelong and western Victoria communities gathered from all walks of life, including people from both sides of politics. I extend my sincerest sympathies to Marie; their children, Lynne, Jillian, Rowan and Wendy; and their families on Glyn's passing. Glyn was a true gentleman and will be deeply missed by all those who knew him.

Mr RAMSAY (Western Victoria) — I am appreciative of the opportunity to speak to Mr Davis's motion and also offer my condolences to the Jenkins family. Given that I have attended a number of funerals, as I suspect my parliamentary colleagues also have in life's travels of being a politician, I have often reflected on what people might well say of you at your own funeral. Of course it does not really matter that much, because you are not there and thus cannot take in what is being said, but I have often thought about what people might well say.

What has been said about Glyn Jenkins this afternoon is something most people would like to be said of them at their own funerals. I certainly concur with all speakers in relation to how they have perceived the character and personality of Glyn Jenkins. He was a very strong family man and a very strong community-minded person; it has been said in a number of contributions that he involved himself in a whole range of community organisations and activities.

Glyn was a very strong Liberal. He also had a deep passion for agriculture and water, which is very similar to myself. Coming from Mildura, you just about have to have a passion for water. Our friends The Nationals, the Minister for Water, Peter Walsh, and Paul Weller, the member for Rodney in the Assembly, as past presidents of the Victorian Farmers Federation, are all heavily involved in water. They love talking about it; in fact I believe they can talk water underwater! That is how our conversations went with Glyn Jenkins.

As many have said, Glyn was a past member of South Western Province and then, later, Geelong Province, but there was also Paul Jenkins, a former member for Ballarat West in the Assembly. I had Paul Jenkins talking to me from Ballarat and Glyn Jenkins talking to me from Geelong about their views of the world in relation to policy on water and agriculture, and it was quite a juggling act to take on the views of both. They are not related, by the way; they just both had a deep passion for the subject. Geelong is very lucky to have many past ministers and parliamentarians; in fact we have active ones in Digby Crozier and Ian Smith, who also happily volunteer their thoughts about water policy. Certainly Glyn had considerable knowledge on both those subjects as a former Minister of Water

Supply. In his work for local government he was also more than happy to provide his views, his help and his support to eager young members who were coming through the ranks. I certainly appreciated those conversations.

I do not wish to say much more except that it was sad that Glyn Jenkins lost office and that it was fairly ironic that he did so in 1982, just prior to perhaps the worst drought Victoria has seen, the drought of 1982–83. Those involved in agriculture were significantly challenged by that extended drought and the impact it had on water security and agriculture generally — both passions of Glyn Jenkins. I know he was very active outside Parliament in providing support to those affected by that significant drought.

In closing, I pay my respects to Glyn Jenkins's family. He was truly a gentleman, as has been said, as well as a strong family man, well respected and a local Liberal member who was very passionate about his areas of interest, particularly those relating to water, agriculture and tourism. He will be sadly missed.

The PRESIDENT — Order! In making some brief remarks, I note that I knew Glyn Jenkins at the time he served in this place courtesy of my involvement in those days in the Young Liberal Movement. They were the good old days before social media, I might add — thankfully!

As members have attested here today, Glyn Jenkins was a member who was very much respected by his colleagues and by the people in the Liberal Party broadly as well as by the people of the electorate he served. He was a very dignified man, which was borne out by the remarks Mr Drum made regarding Glyn's loss at that election; the way he took it on the chin and was there to congratulate and encourage his opponent.

Glyn Jenkins was a very constructive man. He was a thoughtful man. He was not a self-promoter — he did not go out and seek the limelight. He was very much prepared to pitch in as a member of a team and to do the hard work that needed to be done while in government. He was also a person who encouraged other people to participate in the political process; today we call them mentors. He encouraged and supported other people as they took their opportunities to participate in the process, not necessarily as politicians but lending a voice and becoming advocates within the community.

Glyn had a distinguished career, as have many people who have gone through this place. His contribution is one that his family should be very proud of, as should we be. I extend my condolences to his family and friends.

Motion agreed to in silence, honourable members showing unanimous agreement by standing in their places.

ADJOURNMENT

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

> That, as a further mark of respect to the memory of the late Honourable Owen Glyndwr Jenkins, the sitting be suspended for 1 hour.

Motion agreed to.

Sitting suspended 2.50 p.m. until 3.55 p.m.

ROYAL ASSENT

Messages read advising royal assent to:

26 August

Crime Statistics Act 2014
Criminal Organisations Control and Other Acts Amendment Act 2014
Gambling and Liquor Legislation Amendment (Modernisation) Act 2014
Powers of Attorney Act 2014

2 September

Assisted Reproductive Treatment Further Amendment Act 2014
Freedom of Information and Victorian Inspectorate Acts Amendment Act 2014
Privacy and Data Protection Act 2014.

QUESTIONS WITHOUT NOTICE

Prison officers

Mr TEE (Eastern Metropolitan) — My question is to the Minister for Corrections. Last week I asked the minister a question in relation to the arrangement whereby the external recruitment agency HOBAN Recruitment is paid to engage casual prison officers and then paid a second time when that prison officer becomes a permanent employee. Can the minister confirm that HOBAN Recruitment receives payments from Corrections Victoria for transferring prison officers at the same rank from one correctional facility to another?

Hon. E. J. O'DONOHUE (Minister for Corrections) — I welcome the opportunity to talk about the government's investment in our corrections system. Let us remember the context to this. In his report the Auditor-General found that on three separate occasions the previous government was advised to commit to building a new prison and on three separate occasions it failed to do so. We also know that this government inherited a parole system that was in need of dramatic overhaul, and the system has been overhauled. We have comprehensively reformed and overhauled the parole system.

As a consequence, we have seen an increase in the number of prisoners in Victoria's corrections system. The government has responded by providing investment to deliver additional capacity to Victoria's corrections system — —

Mr Tee — On a point of order, President, I asked quite a specific question. Last week I also asked quite a specific question in relation to quite specific arrangements, and I am getting the same non-answer I got last time. I ask you to bring the minister back to answering the very specific question I asked. My point of order is on the question of relevance. The minister is debating the issue rather than answering the question.

Hon. D. M. Davis — On the point of order, President, it is very clear that the minister is being directly responsive to the question. He is providing important background information and further, is very much on the topic.

Mr Lenders — Further to the point of order, President, Mr Tee asked a specific question of the minister, following up on similar questions asked during the last sitting week. The minister has gone for a full minute in setting a context without even straying towards — —

Hon. D. K. Drum interjected.

Mr Lenders — Mr Tee asked the minister a question. He has had a full minute to set the context and is yet to stray to the specifics of prison administration that Mr Tee asked about in his question. I ask you to bring the minister back to answering the question rather setting even more context.

Mrs Peulich — On the point of order, President, the minister is being relevant. The minister is only one-quarter of the way into his response and is providing some necessary context. As we know, provided a minister follows those rules, he cannot be directed as to how to answer questions. I suggest that you rule the point of order out of order.

The PRESIDENT — Order! On the point of order, I have some sympathy with Mr Tee in respect that last sitting week he asked a series of questions on a similar subject matter to that pertaining to today's question and on that occasion the minister did not even confirm that the contractor Mr Tee had suggested was involved in contracts within the prison system was actually engaged by the department. I would have thought that that was a relevant matter that the member might have expected a response on. In the last sitting week the minister provided very similar context to what he is providing today. Whilst I accept that he is only 1 minute into his answer and that he is providing context for his answer, I do not believe that at this stage the answer is apposite to the specific question that was asked. I trust that the minister will take that into account as he proceeds with his answer, following context.

Hon. E. J. O'DONOHUE — Thank you for your guidance, President. As I was saying, the government is undertaking an expansion of Victoria's prison system — an expansion that the previous government was advised to commit to but failed to do so. As a result of very clear policy changes made by this government — particularly around parole but also in abolishing Labor's suspended sentences and Labor's home detention — this government is delivering additional capacity to the prison system.

One of the great benefits of that additional capacity is the additional jobs and economic growth that is being delivered across our prison system. From Fulham in Sale to the Beechworth Correctional Centre in Beechworth, to Labor's botched Ararat prison project in Ararat, the metropolitan prisons, the prisons in the Barwon region and elsewhere — —

Hon. D. K. Drum — Loddon.

Hon. E. J. O'DONOHUE — Indeed, Mr Drum, including the new 236-bed restricted minimum unit at Loddon, the Middleton unit. We are seeing additional capacity being delivered to the prison system, which is generating 750 additional jobs both within the prison system and in the community corrections system.

One of the consequences of such a large number of jobs being created in a relatively short time is that the Department of Justice has engaged HOBAN Recruitment to assist it to recruit people to fill the new jobs this government is creating. I was pleased recently to open a new 100-bed unit at the Metropolitan Remand Centre, a fantastic, important addition of front-end capacity to the prison system. HOBAN Recruitment is assisting the Department of Justice to recruit 750 additional people to the prison system and the

community corrections system from across Victoria. These are important community safety initiatives and important jobs that are delivering investment and economic activity right across Victoria.

Supplementary question

Mr TEE (Eastern Metropolitan) — I welcome the confirmation that HOBAN has indeed been engaged, but I note that the minister has not answered the question in terms of whether it gets renumerated every time a prison officer is transferred at rank. Will the minister answer this question? Can the minister advise the house, and indeed the public, of the cost of these arrangements with HOBAN for the 2013–14 financial year?

Hon. E. J. O'DONOHUE (Minister for Corrections) — I do not have that figure with me today, but let me reiterate for Mr Tee, for the house and, as Mr Tee said, for the public: the Victorian community expects the Victorian government to act in the interests of community safety. The government has done the right thing by delivering protective services officers — called plastic police by the Deputy Leader of the Opposition in the Assembly — on railway stations. We are delivering 1700 additional police in this term of government — —

Mr Lenders — On a point of order, President, Mr Tee's supplementary question was specific to the cost of the HOBAN contract. The minister has said he does not have that figure. He was asked last sitting week in Parliament on a number of occasions, and he has said he does not have the figure. Now, rather than just saying he does not have the figure, he is going on to debate this issue. He is debating the subject of protective services officers, and he is debating the comments of other parties. He is not answering the question on the administration of the HOBAN contract. I ask you to draw him back to that or ask him to cease debating.

Hon. D. M. Davis — On the point of order, President, the minister is being directly responsive and relevant to the question. If the question is asked with some sharpness and editorial around it, the minister will of course respond.

Mr Tee — On the point of order, President, there was no sharpness or editorial. The minister was asked a specific question. If he does not know the answer, the appropriate response is, 'I do not have the answer, but I will provide that to the Parliament in a short period of time'.

The PRESIDENT — Order! As Mrs Peulich said on the previous point of order, I do not have the capacity to direct the minister on exactly how he will answer the question, and to some extent he has provided an apposite response to this question in saying he does not have the figures available to him today. Mr Lenders's point, and indeed Mr Tee's, is that perhaps the minister could provide the house with some assurance that those figures might be forthcoming. Subsequently it is for the minister to determine whether or not he wishes to give that assurance to the house, but it is within the minister's capacity to decide how he will deal with the question to that extent. He has provided an answer to the specific question.

It is perhaps lineball in terms of debating on this one, because whilst the member did make a reference to the opposition, I do not believe he actually dwelt on that matter. He was in fact talking about a number of initiatives that he saw as important in the space of community safety. To the extent that he has provided that information to the house, to me it is not yet debating as such. I accept that the minister's answer is a relevant answer to the question on this occasion, especially given that he provided an initial response to the specific query sought. Does the minister wish to complete his answer?

Hon. E. J. O'DONOHUE — The government is expanding the prison system where Labor failed to do so. We are delivering on the protective services officers, we are delivering on additional police and we are reforming sentencing in Victoria, and as a consequence hundreds of jobs are being created both in prison and in the community corrections environment. HOBAN Recruitment has been retained by the Department of Justice to assist in that recruitment activity.

Senior Victorians

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Ageing, Mr Davis. Can the minister update the house on what the Napthine government is doing to ease cost-of-living pressures on Victorian seniors?

Hon. D. M. DAVIS (Minister for Ageing) — I can indicate to the member and to the house that the government takes very seriously the issue of the cost of living for our seniors, including those who are Seniors Card holders and those who are concession card holders. It is important that the cost of living is managed, and the government seeks to do that to the best of its ability.

Obviously the government has a number of matters that are at a national level and others that are aspects of the private sector, but the government has taken significant steps. Since coming to government we have, importantly, extended the concession that is available to Victorians to all-year-round concessions — unlike the winter concession that Ms Mikakos supported. She did not support all-year-round concessions for our seniors. She left people without that support through the hot summer months, and the Labor Party, over 11 years of government, was not prepared to put that support in place.

Equally, the increased water and sewerage concessions are significant, and they have made a difference. The $50 concession on the fires services property levy for pension card holders, Department of Veterans' Affairs war widows and totally and permanently incapacitated gold card holders is a significant one. Halving the cost of ambulance membership has been important. Ensuring that there is stamp duty relief for eligible seniors, including eligible self-funded retirees, has been important as well.

I can indicate that the government has brokered an additional energy deal and has put out to tender an arrangement with AGL — as it turns out, the successful tenderer — for a system that uses the significant base of Seniors Card holders in the state. When we went out to tender we found we could get a good deal for Seniors Card holders.

On Saturday I was pleased to meet with Enid Shahvelli, who lives in Bentleigh. It went very well indeed. She is a lovely lady, and she is very happy that the deal will offer her savings of almost $300 annually. That is a significant saving, and I was there with Ms Miller, the member for Bentleigh in the Assembly, who grew up in that area. In fact the member for Bentleigh grew up next door to Mrs Shahvelli and knew that family very well. She knew everyone down the street, and she is very much a strong advocate for getting good deals for pensioners and for Seniors Card holders in this case. This was a very significant example of what can be achieved. The government, using its Seniors Card support system, has negotiated a deal with AGL whereby pensioners will have energy audits if they wish. They will also have a very competitive energy plan, and that competitive energy plan will help them manage the cost of their energy and thereby manage their cost of living.

I was proud to be with Elizabeth Miller to meet Enid Shahvelli and to understand that she and her husband, William, who live in Bentleigh, will save significantly because of the deal they have struck with AGL under the Seniors Card arrangement. This is a significant step. I would have thought that the opposition would support such a step and would want to see the cost of living cut for pensioners. Instead of that, the opposition does not want to see the cost of living cut for pensioners and did not introduce all-year-round energy concessions. The opposition failed to do that in its 11 years in government. It was this government that put the energy arrangements in all year round to enable our pensioners — —

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

Supplementary question

Ms CROZIER (Southern Metropolitan) — I thank the minister for highlighting to the house those important initiatives. Can he also inform the house how these initiatives will impact those within Oakleigh?

Hon. D. M. DAVIS (Minister for Ageing) — I thank the member for her supplementary question and her interest in Oakleigh. She will understand that this is an important area of the state that the government is focused on, and it is an important area of our electorate that we are certainly very focused on. Oakleigh residents Brian and Judy Mitcham have also signed up to the AGL deal through their seniors cards.

Mr Jennings interjected.

Hon. D. M. DAVIS — No matter what Mr Jennings says, the fact is that the Mitcham family could save up to $500 a year.

Mr Jennings — On a point of order, President, you may from the nature of my interjections realise that my point of order will be about how the impact of this deal on the Oakleigh electorate relates to the minister's portfolio. How does it fall within the scope of a supplementary question to the question that was originally asked?

Hon. D. M. DAVIS — On the point of order, President, let me be quite clear. I am the Minister for Ageing, and a deal has recently been negotiated with AGL in relation to the Seniors Card program, a program that I am responsible for. Indeed in Oakleigh there is a couple, a nice couple whom I met on Thursday last week, the Mitchams. They live in Oakleigh, and they have signed up to the deal that is part of the arrangements we have — —

The PRESIDENT — Order! The minister is starting to debate. I do not uphold the point of order because, as the minister said, I believe he has

jurisdiction in this matter and the question is relevant in the sense that he is responsible for this program. In fact I noted from the media that he made an announcement at the weekend. His response to the supplementary question is also relevant to the substantive answer. All I can say is that I wonder if we have 400 suburbs, towns and villages to go.

Hon. D. M. DAVIS — I can tell you, President, that in every suburb in the state, country and city, people with seniors cards can sign up to the AGL deal and get reduced energy costs. That is a good thing, because it will help. I was proud to be there on Thursday with the Liberal candidate for Oakleigh, Theo Zographos. Theo was very much engaged. He too supports the deal and wants to see lower energy costs. Mr Jennings does not.

Prison officers

Mr TEE (Eastern Metropolitan) — My question is to the Minister for Corrections. It goes to the arrangements with HOBAN Recruitment. Can the minister confirm that in the case of a prison officer recruited as a casual, converted to permanent and then transferred at the same rank to another facility, HOBAN Recruitment will receive a payment not once, not twice but three times?

Hon. E. J. O'DONOHUE (Minister for Corrections) — I can confirm for Mr Tee that HOBAN Recruitment has been retained by the Department of Justice and is assisting the department to implement government policy to expand the prison system and create 750 additional jobs this year.

Hon. D. K. Drum — That's a lot of jobs.

Hon. E. J. O'DONOHUE — It is a lot of jobs, Mr Drum. The government is very pleased to be delivering this expansion to the corrections system in Victoria, which has been much needed. The government is committed to filling those additional jobs and creating these new positions right across Victoria — in regional Victoria, in metropolitan Melbourne and in community corrections — as part of our overhaul of the parole system. Of course, HOBAN Recruitment receives a fee for the services it renders. That may come as a surprise to Mr Tee.

Mr Tee — Three times?

Hon. E. J. O'DONOHUE — To pick up Mr Tee's interjection, Labor was told three times to commit to a new prison, and three times it said no. This government is delivering where Labor failed. We are delivering the new Ravenhall prison. In the interim we are delivering additional capacity across the corrections system including, as Mr Drum noted in his interjection during the previous question, at the innovative, new restricted minimum 236-bed Middleton unit, part of the Loddon Prison, increasing the options for Corrections Victoria when it is determining where to place prisoners. HOBAN is engaged to assist the government with the most important community safety initiative of providing additional work and additional jobs in the corrections system.

Supplementary question

Mr TEE (Eastern Metropolitan) — The supplementary question is: why does Corrections Victoria require the assistance of a recruitment agency, with all the expense connected with that, beyond the initial selection of personnel to be prison officers?

Hon. E. J. O'DONOHUE (Minister for Corrections) — Members of the Labor Party may not understand the very important skills that are necessary to be a good corrections officer or the very important skills that are needed to manage a serious criminal who has been released on parole. They may not understand the very important skills that are needed in communication, in seeing things before they happen, in managing people, in educating and in training. These are very important jobs that require very particular skills, and they may vary depending on whether you are in a medium security environment, a maximum security environment, a minimum security environment or a community corrections environment. It is important — —

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

Legacy Week

Mrs COOTE (Southern Metropolitan) — My question this afternoon is to the Minister for Veterans' Affairs. Could the minister inform the house of his recent launch at Parliament House of Legacy Week 2014?

Hon. D. K. DRUM (Minister for Veterans' Affairs) — I thank Mrs Coote for her question in relation to the launch of Legacy Week last week. There has been a range of commemorative events in the 91st year of Legacy. Legacy began following pledges from soldiers to their dying mates that they would go home and look after the families left behind. That was the start of what has turned into an enormous Australia-wide legacy. In Victoria alone 14 300 widows and 300 children have been provided with assistance by Legacy. Across Australia there are over 100 000

widows and 1900 dependents. It is an amazing figure, and it is expected to grow by a further 800 widows this year because, as we know, many World War II veterans are passing on.

It is important to recognise the work of this organisation, and the Victorian government wants to say a huge thankyou to it. To truly understand the work of Legacy we need to delve a little deeper to look at what happens when a family loses its father or husband and when all of a sudden there are financial and other day-to-day pressures on those families. Legacy moves in as quickly as it possibly can to assist with things like medical expenses and counselling to help people get over their grief. Financial assistance for school fees, books and uniforms is part of the everyday assistance that is given. There are educational scholarships, and Legacy is able to move in and help with social and recreational activities.

The Victorian government is proud to provide financial support to Legacy through veterans, welfare and education grants. This year $49 000 was allocated for welfare programs to assist with social activities for our veterans families. In 2013 over $11 000 was provided to Legacy's tertiary scholarship program through the Victorian Veterans Fund.

Legacy Week is an annual national appeal held to raise awareness of the work of Legacy and to raise funds for the charity. It is a very important fundraiser, and I call on all Victorians and parliamentarians to support Legacy Week. We all need to dig deep, buy a badge and show our support. This week there will be a huge badge-selling day in the city, and the Victorian government has provided 600 travel passes for those volunteers who will make their way to the city to assist with the selling of the Legacy badges.

Last week in Queens Hall I had the opportunity to host a luncheon with the president of Legacy, Ian Harrison. Bryan Dawe, the political satirist, was the guest speaker. He had a bit of fun at our expense as politicians and parliamentarians. He spoke about his early challenges, as did Rachel Bowen, a lovely young lady who spoke about losing her dad and about the assistance she has been given. It brings home the great work of Legacy, and we should support it in every way we can.

Edinburgh Gardens, Fitzroy North

Ms PULFORD (Western Victoria) — My question is to the Minister for Liquor and Gaming Regulation. I refer the minister to the significant damage that occurred in Edinburgh Gardens, Fitzroy North, last New Year's Eve. To address the problem the City of Yarra has sought to extend New Year's Eve trading hours this year. I ask: what was the minister's response?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — As a result of receiving representations from the City of Yarra, I met with its mayor, Cr Jackie Fristacky, to hear firsthand her views on what happened in Edinburgh Gardens on New Year's Eve last year. What is clear is that over recent years the number of people who have sought to celebrate New Year's Eve in Edinburgh Gardens has increased. Cr Fristacky told me that council is looking at a number of measures to better manage people on that night, and it is looking to work more cooperatively with Victoria Police in managing the issues that arise on New Year's Eve.

After hearing from Cr Fristacky I sought the advice of Victoria Police and its perspective on extending trading on that night. The advice I received from Victoria Police is that the status quo is preferred. I have taken the operational advice of Victoria Police, and on that basis I have rejected the request from Cr Fristacky.

I can also inform the house that I am advised that the City of Yarra recently passed a local by-law to ban drinking in Edinburgh Gardens. From investigations I have undertaken since being made aware of this issue, I understand that the principal concern of Cr Fristacky and others is the excessive consumption of alcohol in the gardens. The by-law the council has passed should assist with that matter, and the work the council is doing in working more cooperatively with Victoria Police should also assist. I have taken the operational advice of Victoria Police, but notwithstanding that I am happy to continue a dialogue with the City of Yarra where within my responsibilities as the Minister for Liquor and Gaming Regulation we can work together to manage these issues.

It is great to see people celebrating New Year's Eve; it is a fantastic celebration. Edinburgh Gardens is a fantastic place. In my portfolio responsibility as the Minister for Crime Prevention I was pleased recently to provide funding to the City of Yarra as part of a project it is undertaking to improve lighting and to respond to environmental design issues in Edinburgh Gardens. I was pleased to do that in conjunction with Gladys Liu.

The government is willing to work with the City of Yarra in my portfolio responsibility of crime prevention. The government is providing funding to the City of Yarra to address some of those environmental design issues, to improve lighting and such. I am happy to continue to work with the council, but I make the

point again that I acted on the operational advice of Victoria Police.

Harpley estate, Wyndham

Mr FINN (Western Metropolitan) — My question without notice is directed to my good friend and colleague the Minister for Planning, and I ask: will the minister inform the house of what action the Napthine government has taken to improve livability, affordability and job creation in Melbourne's western suburbs?

Hon. M. J. GUY (Minister for Planning) — Ваш будинок є Ваш домом — that means one's house is one's home in Ukrainian. Providing a house and a home for so many Victorians is a focus of this government. That is why this government has pride in its achievements over this term in ensuring that there is adequate land supply for all Victorians into the future to ensure that a house and a home can be on offer for those who come to live in our great state, who are born in this magnificent state or who move from other states to this wonderful state to experience how wonderful it is to live in Melbourne or regional or rural Victoria.

As part of that this government has made a very deliberate effort around land supply and bringing forward new land to ensure that it combats issues like housing affordability and the provision of houses and homes for all those people who are living in Victoria as our population grows. Mr Finn would know this as he represents in this Parliament one of the areas that has the fastest population growth in Australia.

Mr Elsbury knows this as he joined me last week at the beginning of the construction of Lend Lease's Harpley project, which is the newest community in the city of Wyndham, one of the fastest growing communities in Australia. Harpley is a $1 billion development in Melbourne's western suburbs that will provide 4000 homes for 12 000 residents. It is going to be a new era for the outer west of Wyndham. It will border the regional rail link project, and people in this new estate will be able to walk to the train station.

In dealing with the Metropolitan Planning Authority the government has obtained $533 million in development contributions. I will say that again: $533 million in development contributions to ensure that we bring forward infrastructure earlier than would normally be the case. Many new roads will be built to service this development and to bring people to the new East Werribee employment precinct, which is just around the corner from the Harpley project in the city of Wyndham.

It was a great day. I was with Mr Elsbury, Metropolitan Planning Authority CEO Peter Seamer; Wyndham mayor Cr Bob Fairclough and of course some of the councillors from the City of Wyndham to launch the Harpley project. The project consists of 435 hectares and will have 60 hectares of public open space and parkland. It will have a showcase development of a water-oriented town centre to entice commercial development to the centre of the new project. Harpley will have a mix of housing densities, which is very important in growth areas. Some of our lower density areas will be on the outskirts of the project. There will be some new higher density areas taking advantage of the government's smaller housing code, which we have brought in to facilitate a greater level of density in our growth areas.

It was a pleasure to be with Lend Lease, the Melbourne Planning Authority, Wyndham council and in particular my colleague Andrew Elsbury to launch the Harpley project — one of Melbourne's newest communities — on behalf of Lend Lease and to see that those people who want a house and a home in the future can be a part of this government's building a better Victoria.

Prison officers

Mr LENDERS (Southern Metropolitan) — My question without notice is to the Minister for Corrections, Mr O'Donohue. My question relates to the management unit — Charlotte — at the maximum security Port Phillip Prison. Can the minister advise the house whether in that unit it is a requirement for all prison officers to be baton trained?

Hon. E. J. O'DONOHUE (Minister for Corrections) — Port Phillip Prison is the largest maximum security prison in the system. It is managed by G4S. Port Phillip Prison also houses the tertiary health centre for the Victorian corrections system, so the management facilities at Port Phillip Prison are very important to the corrections system. G4S is required to provide the appropriate training to its officers. These are operational matters for Corrections Victoria.

Supplementary question

Mr LENDERS (Southern Metropolitan) — I asked the minister, in an area of his administration, whether all prison officers in the Charlotte maximum security unit are required to be baton trained. He says it is an operational matter. I ask the minister to take on notice whether it is correct that less than half the prison officers in that maximum security unit are indeed baton trained. I ask him to take that on notice.

Hon. E. J. O'DONOHUE (Minister for Corrections) — A range of training is provided to officers depending on their role and function within a particular prison or depending on the particular security classification. As I was saying in my answer to a previous question from Mr Tee, the role of a prison officer is a challenging one that requires a great deal of skill. They do a fantastic job. People do not really appreciate the skills that are required — —

Honourable members interjecting.

Hon. E. J. O'DONOHUE — I would be happy to talk at great length about the role and function of prison officers, the work they do and the training with which they are provided. These are very difficult roles and very complex skills.

The PRESIDENT — Order! Thank you, Minister.

Somebody's Daughter Theatre Company

Mr ELSBURY (Western Metropolitan) — My question is to my friend and colleague, the Honourable Ed O'Donohue, the Minister for Corrections — a very popular minister this afternoon. Can the minister inform the house about any innovative programs in Victorian prisons to help rehabilitate prisoners?

Hon. E. J. O'DONOHUE (Minister for Corrections) — I thank Mr Elsbury for his question. Last week it was a great pleasure to visit the Dame Phyllis Frost Centre, the maximum security women's prison in the west of Melbourne, to look at the Somebody's Daughter Theatre Company production *No Air To Go*. The theatre company has a long association with the women's prison and the women's correctional system. That relationship began as a Fairlea women's drama group, which had its first show at the Fairlea prison in 1980.

Somebody's Daughter Theatre Company is committed, through the arts, to furthering the potential and learning of marginalised women and children by providing women with the means to gain skills that build self-esteem. These projects encourage participants to find solutions to previous negative behaviours, value their own place in the community and learn transferable skills which they can then use when they are released into the community. The production is developed over many months through drama, art and music workshops conducted throughout the year. Through these workshops women explore their stories and develop the show.

The production was of a very high quality, and I congratulate all those involved. After the event it was a great pleasure to have the opportunity to speak to a number of the women involved in the production. All of them commented on just what a rewarding experience it is to be part of a collaboration like this, working together, developing the story, doing the rehearsals and working together as a team.

Somebody's Daughter Theatre Company also conducts a visual arts program for women prisoners post release. This is a social and encouraging environment, in some cases providing respite from difficult domestic situations. I also acknowledge that my colleague Kim Wells, the Minister for Police and Emergency Services, was at the production on one of the nights. He has a longstanding association with Somebody's Daughter Theatre Company and has been to many of its productions at the Dame Phyllis Frost Centre.

This is an important rehabilitative mechanism. It is an important way of developing self-esteem. It is an important way of developing a sense of teamwork and working together. I congratulate the general manager of the Dame Phyllis Frost Centre on facilitating the production and on facilitating the visit of so many visitors over the nights of the production. I congratulate all the women involved, and I congratulate in particular Somebody's Daughter Theatre Company on its commitment to this most worthy and most important program in the women's corrections system.

Prisons

Mr LENDERS (Southern Metropolitan) — My question is to the Minister for Corrections. Can the minister confirm that in June this year a prisoner had a deportation order served on him — a very unusual event — whilst in custody at Dhurringile Prison, a prison without a secure perimeter?

Hon. E. J. O'DONOHUE (Minister for Corrections) — There is a prison called Dhurringile, and I assume that is the prison to which Mr Lenders refers. Dhurringile is a low security prison.

Honourable members interjecting.

Hon. E. J. O'DONOHUE — It is a minimum security prison. The placement of prisoners at that location is determined by Corrections Victoria. All prisoners who are placed in a minimum security environment, whether those prisons be at Dhurringile, Beechworth or Langi Kal Kal, go through an extensive evaluation process that is conducted by Corrections Victoria. I am advised that a prisoner who was subject to a deportation order was placed at Dhurringile Prison. I am also advised, as I said previously, that an extensive

process is undertaken in relation to the placement of prisoners at minimum security facilities.

Supplementary question

Mr LENDERS (Southern Metropolitan) — I thank the minister for his answer, and I ask: can he confirm that the same prisoner who had a deportation order served on him shaved off his beard, cut his hair, had no new security photo taken and then promptly walked out?

Hon. E. J. O'DONOHUE (Minister for Corrections) — I can confirm that there was a prisoner who left the Dhurringile facility.

Honourable members interjecting.

The PRESIDENT — Order! The minister, without assistance. I would have thought the opposition would have wanted to hear the answer.

Hon. E. J. O'DONOHUE — I can also confirm that that prisoner has been apprehended by Victoria Police and has been returned to custody.

Early childhood facilities

Mr KOCH (Western Victoria) — My question without notice is to my friend and colleague the Minister for Children and Early Childhood Development. I ask: can the minister inform the house of recent announcements for the 2014–15 children's facilities capital program?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — I am delighted to receive that question from my very good friend Mr Koch. I will miss Mr Koch dreadfully when he retires at the November election — as I do Mr Vogels.

Over the past week I have been absolutely delighted to be out and about announcing some of the 643 small capital grants that are going to kindergartens right around Victoria. There is $2.9 billion worth of grants being shared among 643 services. Some of these grants are minor grants of up to $10 000 to support services to undertake small refurbishments or upgrades to buildings and outdoor areas to enhance the quality of their kindergarten program. Some of them are IT grants of up to $1500 to support centres that need to update their IT systems.

On Friday, 22 August, I was delighted to announce in Shepparton that seven kinders would share around $40 000 in grants. These were the Goodstart Early Learning service in Archer Street, Shepparton, the Goodstart Early Learning service in Numurkah, Nurmurkah Preschool, Katandra West Children's Centre, Toolamba Preschool, Barmah Outreach Kindergarten and Nathalia and District Preschool. I know this means a lot to preschools and their committees of management in that it relieves them of the onerous burden of fundraising.

On Wednesday, 27 August, I announced $66 880 for nine kinders across the north-eastern metropolitan area and also in the Goulburn Valley. I was delighted to be at Ferguson Park Kindergarten with Sam Ozturk, the fantastic Liberal candidate for the Assembly seat of Yan Yean, to announce three kindergarten grants worth $21 500. These grants went to Ferguson Park Kindergarten, Diamond Creek Memorial Preschool and Mernda Villages Kindergarten.

Also that day Cindy McLeish, the member for Seymour in the Assembly, and I attended Yarra Glen Preschool to announce that it and the Upper Yarra Community House would receive grants to upgrade their IT. We also attended Seymour Preschool Centre, where I announced $40 380 worth of grants with The Nationals candidate for the new Assembly seat of Euroa, Stephanie Ryan, and the Liberal Party candidate for that seat, Tony Schneider. We also announced that Seymour Preschool Centre, Avenel Preschool, Nagambie Preschool and Childcare Centre and Wandong Kindergarten would share in those grants.

At Seymour preschool I was amazed when two of the young girls sang to me, word for word, the whole *Let It Go* song from *Frozen*. This is an amazingly big song. These kids not only knew every single word but they also knew every action, right down to when Elsa stamps her foot to make the floor turn into ice. I loved it.

Ms Mikakos — Did you join in? Did you sing along?

Hon. W. A. LOVELL — I actually joined them and sang along, but unfortunately I was corrected a couple of times because I did not know the words.

On Thursday, 28 August, I announced $38 663 worth of grants for four kindergartens in Benalla and Euroa. They were Bernard Briggs Kindergarten, Munro Avenue Preschool, Ride Avenue Preschool and Euroa Kindergarten. On Friday, 29 August, I announced $47 468 worth of grants for six kindergartens across the Assembly electorate of Ripon, together with my very good friend Louise Staley, the Liberal candidate for Ripon.

Supplementary question

Mr KOCH (Western Victoria) — Can the Minister for Children and Early Childhood Development further outline more specifically what this grant meant for the Cooinda Kindergarten in Stawell, which the minister visited recently with another good friend of hers and outstanding Liberal candidate for Ripon, Louise Staley?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — I thank the member for his question. I am delighted to talk about our visit to Cooinda Kindergarten and also about our grants to not only Cooinda but also Creswick and District Preschool, Beaufort Kindergarten, St Andrews Kindergarten in Ararat, Jack and Jill Kindergarten in Ararat and Marrang Kindergarten in Stawell. We visited four of those six services to announce the grants. Unfortunately Scott Turner was not able to join us on that day — I think he was with David O'Brien, making another announcement for the Ripon electorate.

The $10 000 grant to Cooinda will upgrade its bathroom facilities. These small grants were not available under the former government, and they have been a real boost to services. This kindergarten had a very old bathroom facility. It did not even have hot water available for the children to wash their hands. The staff and parents were absolutely ecstatic about getting the $10 000 to upgrade their bathroom facilities, and the children were delighted as well.

QUESTIONS ON NOTICE

Answers

Hon. D. M. DAVIS (Minister for Health) — I have answers to the following questions on notice: 10 108, 10 122, 10 456, 10 468 and 10 469.

The PRESIDENT — Order! Ms Pennicuik has written to me in respect of three questions that she had placed on notice seeking responses from ministers. She has asked me if I would declare that they be reinstated on the paper because they had not been satisfactorily answered.

The first question related to question on notice 10 454 to the Minister for Police and Emergency Services. In the case of each of these three questions, I have asked staff of the Parliament to check the availability of information that was sought, insomuch as the response from ministers in two cases was that the information was publicly available and was published on a website — indeed, on the coroner's website — and the responses of the respective departments were publicly available on that website. I asked the parliamentary staff to check and see if they could find that information readily on the website and whether it was responsive to the questions that were asked.

In respect of the question to the Minister for Police and Emergency Services which sought a response on a number of recommendations in the coroner's report, Ms Pennicuik felt that the response to those recommendations was not satisfactory. However, I am advised by the staff of the Parliament that on investigation they found that most of the information sought in relation to the question was published on the website and that the response was there to provide a satisfactory explanation to this question. Therefore I will not reinstate that question. It is possible that Ms Pennicuik might want to pursue some aspects of her original question further, having considered the information on the website, but I am advised that the response is sufficient for me not to reinstate that question.

I have received a further request from Ms Pennicuik in regard to question 10 453 to the Minister for Community Services. This question refers to responses regarding matters that were considered by the State Coroner and recommendations that he had made. Again, I am advised by the staff of the Parliament whom I asked to investigate this matter that there are departmental responses and the information is publicly available. Ms Pennicuik may wish to pursue further some specifics of those questions, but there is sufficient response on the website to indicate that I should not reinstate that question either.

Ms Pennicuik has written to me in regard to a third question on notice, question on notice 9935, to the Minister for Corrections. In that respect Ms Pennicuik asked a number of questions about Koori female prisoners and she was provided with a response from the minister that recommendations listed in the report related to these matters of corrections were being implemented, were under consideration or were outside the scope of Corrections Victoria. It is my view that that response is a little too broadbrush. I think the minister's department could have provided some indication of which recommendations were to be proceeded with, which were perhaps outside the scope of Corrections Victoria, as suggested, and which ones the department does not believe should be pursued at this time. In that respect I therefore reinstate question 9935 on the notice paper.

HAZELWOOD MINE FIRE INQUIRY

Report 2014

Hon. D. M. DAVIS (Minister for Health) presented board of inquiry report by command of the Governor.

Laid on table.

Ordered to be printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 11

Hon. R. A. DALLA-RIVA (Eastern Metropolitan) presented *Alert Digest* No. 11 of 2014, 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 19 August 2014 giving approval to the granting of a licence and a lease at Birregurra Public Park.

Disability Services Commissioner — Report, 2013–14.

Drugs, Poisons and Controlled Substances Act 1981 — Minister's Notice of 28 August 2014 regarding the amendment, commencement and availability of the Poisons Code.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 117.

Parliamentary Contributory Superannuation Fund — Actuarial Investigation as at 31 March 2014.

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

Bayside Planning Scheme — Amendment C136.

Boroondara Planning Scheme — Amendment C193.

Brimbank Planning Scheme, Melton Planning Scheme and Wyndham Planning Scheme — Amendment GC18.

Cardinia Planning Scheme — Amendment C196.

Melton Planning Scheme — Amendments C158 and C159.

Mitchell Planning Scheme — Amendment C95.

Moreland Planning Scheme — Amendment C156.

South Gippsland Planning Scheme — Amendment C95.

Victoria Planning Provisions — Amendments VC117 and VC118.

Wangaratta Planning Scheme — Amendment C51.

Wyndham Planning Scheme — Amendment C181.

Professional Standards Act 2003 — Institute of Chartered Accountants Professional Standards Scheme, 4 August 2014.

Statutory Rules under the following Acts of Parliament:

Building Act 1993 — No. 109.

Workplace Injury Rehabilitation and Compensation Act 2013 — No. 108.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 109, 111 and 113 to 117.

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

Parks and Crown Land Legislation Amendment Act 2013 — sections 25, 27 and 28 — 1 September 2014 (*Gazette No. S282, 26 August 2014*).

Sale of Land Amendment Act 2014 — Remaining Provisions — 1 October 2014 (*Gazette No. S282, 26 August 2014*).

The PRESIDENT — Order! It would be remiss of me if I did not draw to the attention of the house that it is Mr David O'Brien's birthday today. This follows Mr Barber's birthday on Sunday. Happy birthday to both of them. No doubt they will show their largesse later on.

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, 3 September 2014:

(1) the notice of motion given this day by Mr Jennings relating to the production of documents detailing ambulance response times for code 1 dispatches;

(2) the notice of motion given this day by Ms Mikakos in relation to residential aged care;

(3) order of the day 13, resumption of debate on motion relating to the rate of unemployment in Victoria;

(4) order of the day 1, resumption of debate on the second reading of the Members of Parliament (Serious Misconduct) Amendment Bill 2011;

(5) notice of motion 804 standing in the name of Ms Pennicuik taking note of a petition relating to steeplechase and hurdle racing in Victoria; and

(6) order of the day 8, resumption of debate on motion requesting the introduction of legislation limiting political donations.

Motion agreed to.

MEMBERS STATEMENTS

Youth employment

Ms MIKAKOS (Northern Metropolitan) — After nearly four years of the Napthine government neglecting the educational and vocational needs of Victorian youth, it comes as no surprise that youth unemployment has reached a 15-year high of 13.8 per cent. Melbourne's north-west and many parts of regional Victoria have been hardest hit. Incredibly, whilst this has been happening the Napthine government has cut $1.2 billion from TAFE. This has resulted in campus closures, courses being cut, staff being sacked and fees increasing, leading to students missing out on education and training opportunities. According to the Auditor-General's recent report there has been a 6 per cent decrease in enrolments in 2014. Domestic student fees increased 125 per cent between 2009 and 2013.

In addition, the Napthine government has continued to ignore the needs of Victoria's public schools. We have seen cuts to the Reading Recovery program, the Victorian certificate of applied learning program, the education maintenance allowance and the School Start bonus as well as the abandonment of Gonski. Statewide the Napthine government has spent an average of only $278 million a year on capital works, which compares to an average spend of $467 million under Labor in its last term in office.

These cuts lead to Victorian children and youth missing out on the education and training that will make them job ready. I am disappointed that Victoria has the second highest rate of youth unemployment in Australia and disgusted that this government has not only neglected the problem but contributed to it. To add insult to injury, Prime Minister Tony Abbott wants to deny young people access to income support, making it hard for them to find work and consigning many of them to a life of poverty and homelessness.

Hearing loss

Mrs COOTE (Southern Metropolitan) — I would like to congratulate Christine Mathieson, the CEO of Vicdeaf, on having the initiative to bring hearservice into this Parliament. Hearservice staff have been here for the last three days, testing the hearing of people in this building. It is worth noting that when we temporarily expose our ears to loud sounds we risk overloading our hearing system, which can result in symptoms of hearing loss and tinnitus — ringing in the ears or head noises — from which we can often recover overnight. Exposure to loud noise can result in permanent hearing loss but can easily be prevented by using hearing protection. Hearservice staff have conducted hearing checks at the museum, at Scienceworks and at Federation Square.

The thing to understand is that it is very important that, just as we have our eyes tested on a regular basis, we have our hearing tested as well. Hearing loss, which comes with age — our hearing is more likely to get worse as we get older — can cause social isolation and a lack of communication. It is a particularly difficult experience and is very prevalent in our community. Hearing loss is defined as the decreased ability to hear, and about one in six Australians experience some form of it. There are different levels of hearing loss — mild, moderate, severe and profound — and hearing levels can be plotted on a chart called an audiogram.

I encourage people to go and have these tests, but if people do not, there are ways they can protect their hearing. They can use earplugs at sporting and music events or when using power tools, invest in a pair of musicians earplugs or noise-cancelling headphones, turn down the volume of their MP3 player a notch, avoid turning the volume — —

The ACTING PRESIDENT (**Mr Finn**) — Order! The member's time has expired.

Chinaman Island

Ms LEWIS (Northern Victoria) — I would like to commend the work of volunteers in community groups. Chinaman Island, near Yarrawonga, was used by early settlers for market gardens but gradually fell into disuse. Around 20 years ago there was a proposal to build a casino on the island, but many locals were opposed to this idea, and a community group was formed to revegetate the area and open it to the public. A 2-kilometre walk around the island was created, and hundreds of plants were planted by the Yarrawonga Urban Landcare Group. Today Chinaman Island and the walk around it are a great tribute to the commitment and ongoing work of the Eastern Foreshore Committee.

Neighbourhood houses

Ms LEWIS — Neighbourhood houses have been part of our local communities for many years. With over 400 neighbourhood houses in Victoria, they are found in every local government area, and over 50 per cent of them are located in rural and regional areas. Neighbourhood houses provide a neutral, inclusive setting where people of different ages, abilities and backgrounds can come together to learn and support each other. The Eaglehawk Community House is one of these great centres, providing a range of activities during the week and hosting special events on weekends, such as last weekend, when it provided exhibition space for local artist Mark Singe to show his oil and watercolour paintings to his local community. I would like to acknowledge the crucial role neighbourhood houses play in their communities.

East–west link

Ms CROZIER (Southern Metropolitan) — Last Thursday evening I attended a function which was widely reported in the media. A small group of rent-a-crowd professional protestors were said to be protesting against the east–west link. The aggression they showed and the intimidating actions they directed toward those attending the event were disgraceful.

I have no objection to freedom of speech or the ability of Victorians to protest, but I do object to the way this rabble conducted itself, not to mention the outrageous claims made by the so-called organiser about the actions of the police. The police officers in attendance did an exceptional job in protecting the public from the abuse and threatening antics of the protestors, whom I can only describe as misguided thugs.

The east–west link is a significant project which will have a similar impact to that had 20 years ago by CityLink, which has helped to transform Melbourne. The east–west link was supported by members of the Labor Party when they were in government. When it is finished it will help to reduce traffic congestion, especially for commuters who travel on the Monash or West Gate freeways on a regular basis, and it will improve road networks across Melbourne, providing more direct routes to destinations including the airport, the city and Melbourne's port.

So why does Daniel Andrews, the Leader of the Opposition in the other place, object to this project, and what can be made of his demands that the government develop a jobs plan and improve public transport? Stage 1 of the east–west link will create 3200 jobs, and stage 2 will create 3000 jobs in the construction phase alone. It is far from true to say that the coalition government has ignored public transport. In just three and a half years an extra 10 000 bus, tram and train services have been created across Victoria.

Victoria cannot afford a union-dominated Andrews Labor government, which will stall the state's progress. Only a Napthine government will fix the problems and build a better Victoria.

Seyit Mehmet Apak

Mr EIDEH (Western Metropolitan) — On Tuesday, 26 August, I attended a farewell reception at the residence of the Consul General of the Republic of Turkey, His Excellency Seyit Mehmet Apak, and his wife, Mrs Zeynep Apak. Several of my parliamentary colleagues were in attendance, including the Honourable Bruce Atkinson, President of the Legislative Council; the Honourable Christine Fyffe, Speaker of the Legislative Assembly; and Telmo Languiller, the member for Derrimut in the other place, who was representing the Honourable Daniel Andrews, the Leader of the Opposition in the other place. Also in attendance were Frank McGuire, the member for Broadmeadows in the other place; Inga Peulich, a member for South Eastern Metropolitan Region; Georgie Crozier, a member for Southern Metropolitan Region; former Premier Ted Baillieu, who is the member for Hawthorn in the other place; consular staff; and members of the Turkish community.

The evening was a wonderful celebration of His Excellency's term as Consul General in Australia and the hard work he has done in representing the people of Turkey and building stronger ties between the two countries. He spoke of the importance of peace in the Middle East and the collective battle we face against our terrorist enemies. He also mentioned the significance of the two countries working together to foster better international relations.

I take this opportunity to congratulate and thank His Excellency Seyit Mehmet Apak for his service in Victoria. I am sure his term as Consul General in Victoria has been enjoyable. I wish him and his family all the very best as he moves on to a new role as Turkish Ambassador to Cyprus.

Western suburbs

Mr ELSBURY (Western Metropolitan) — While some members of the Labor Party say they have a plan for Melbourne's west, only one party is genuinely committed to the future of the western suburbs — that

is, the Liberal Party. While those opposite supported the east–west link when they were in power and chose to score political points from the coalition government funding stage 1 before stage 2, they have now once again turned their backs on this part of Melbourne.

Yesterday's tragic incident on the West Gate Freeway is yet another example of the chaos that besets the city and the western suburbs if an accident occurs along the M1 corridor. The need for a second major river crossing cannot be ignored. The fact that the Labor Party is ignoring that need shows the complete disregard it has for people who call the western suburbs home.

Labor's indifference to the west resulted in an intensive care unit at Sunshine Hospital being turned into a film studio, which the Liberal Party is returning to service as an intensive care unit. While Labor was in government the dental clinic in Footscray was forced to use archaic equipment. Under a coalition government a new clinic with new equipment is being built. The St Albans level crossing remained in its threatening state under Labor, and the Liberal Party has now made a $200 million commitment to remove this hazard. The East Werribee employment precinct remained a paddock until the Liberals developed a master plan for it, which has allowed St Vincent's Private Hospital to establish itself there and has created 56 000 jobs. This is our plan, and it is becoming a reality.

Regional and rural ambulance services

Ms DARVENIZA (Northern Victoria) — Echuca paramedics are concerned that patients could die while emergency services in the region lack specialist resources. Prior to the 2010 Victorian election Echuca was promised a single-response unit (SRU) and a mobile intensive care ambulance, but it is still waiting.

Paramedic Joanne Kerr told the *Riverine Herald* that the resources were critical. The newspaper states:

> Paramedic Joanne Kerr said the resource was critical.
>
> She said the nearest SRU is Shepparton — a minimum 30-minute road trip in an emergency.
>
> …
>
> Mrs Kerr said there have been at least two instances in just the past month where an SRU could have helped better treat a patient.
>
> 'There was a trauma case on the river when a patient had a head injury. Under our guidelines, they need to be in a major trauma centre in 45 minutes', she said.
>
> 'HEMS, a medical helicopter, was refused and the patient was taken to Echuca hospital, which is not a trauma centre.
>
> 'After eight hours they were finally taken to a trauma centre, when it should have happened in 45 minutes.'

There have also been cases when Bendigo Health has refused to send an SRU to Echuca. During the upcoming tourist season Echuca will have to rely on Shepparton and Bendigo providing SRUs, which is not good enough. The Liberal-Nationals have once again failed to understand the needs of those in regional and rural — —

The ACTING PRESIDENT (**Mr Finn**) — Order! The member's time has expired.

Train manufacture

Mr SOMYUREK (South Eastern Metropolitan) — I was deeply concerned to hear reports recently that the Napthine government has excluded Ballarat train manufacturer Alstom from the short list of companies competing to produce 25 new trains for the government's contentious Dandenong rail corridor, the so-called modernisation project, putting 70 jobs at risk. The government's miserly 30 per cent local content requirement is responsible for these jobs being at risk — make no mistake about that. Metro Trains Melbourne's proposal to water this requirement down to 15 per cent should sound alarm bells throughout the manufacturing industry, which has lost 24 000 jobs in the last year alone.

Sadly the competition to build these 25 trains is now between two big Asian giants, China North Rail, which is owned by the Chinese government, and Rotom, which is a South Korean company. This is a throwback to the Kennett days when no local content was put into tender documents for the procurement of rolling stock, which contributed to the loss of capacity of the local rolling stock manufacturing industry and the loss of many jobs. Compare and contrast this to the 50 per cent local content the Labor government achieved in its tender for the E-class trams.

Federal government performance

Mr SOMYUREK — On another matter, I rise to condemn the Abbott federal government for failing to consider the election announcement of axing $500 million of funding — —

The ACTING PRESIDENT (**Mr Finn**) — Order! The member's time has expired.

John Cummins Memorial Fund

Ms HARTLAND (Western Metropolitan) — On Friday night I attended the John Cummins memorial dinner. John died of a brain tumour in 2006. He had been the head of the Builders Labourers Federation and then the Construction, Forestry, Mining and Energy Union (CFMEU). I knew John for many years and considered him a friend.

The Cummo Committee, which formed after John's death, has raised over $500 000 in the last eight years. This money has been used by the Austin Hospital for people with brain cancers. Sitting at our table on Friday night was a shop steward for the CFMEU and his wife, who has a brain tumour. She was able to access services at the Austin that have been made possible through the fund. She talked to me about how important it is, especially the family liaison position. The John Cummins Memorial Fund also provides scholarships to students in years 11 and 12 who otherwise would not be able to stay at school.

I want to make special mention of Di Cummins, John's wife, who has been the driving force behind the Cummo Committee for the last eight years. She has done a most remarkable job considering her enormous grief at the loss of John. Despite this she has kept on working. She has kept John's spirit alive and continued to ensure that what John did in life is remembered through the work of the fund.

Youth employment

Mr MELHEM (Western Metropolitan) — I rise to condemn the government's failure to address the youth unemployment crisis. The youth jobless rate is now at 13.8 per cent and climbing, which is higher than it has been for 15 years. Victoria's young people do not want welfare; they want jobs. This is a generation raised to believe that if they work hard at school and have ambition, they can do anything once they are out in the real world.

Instead what they have seen is the cold, harsh reality of a stuttering economy, a worsening job market and massive cuts to TAFE and apprenticeships by the state and federal governments. The Premier talks about getting tough on Canberra, but we have yet to see him act. Basically there are two Liberal leaders, one ideology; and two Liberal governments and one Liberal Party. The two governments have the same policies, which include cutting funds for education, traineeships and jobs, ensuring the same outcome for young people. In addition to this, more 457 visas are being granted to overseas workers instead of training our own people. At the same time as the federal government is presiding over the decline of the manufacturing industry and cutting $30 billion from school funding the state government is ripping millions out of the TAFE system. We should be providing apprenticeships, not cutting jobless young Victorians off for the first six months. There are two Liberal governments with two Liberal leaders and one bad outcome for Victoria.

COURTS LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2014

Second reading

Debate resumed from 20 August; motion of Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation).

Ms TIERNEY (Western Victoria) — I rise to speak on the Courts Legislation Miscellaneous Amendments Bill 2014. This bill contains many miscellaneous provisions and covers a number of different aspects of the judicial system, and Labor will not be opposing it.

The bill amends a number of acts that currently regulate the operation of Victorian courts and tribunals. We do not oppose the bill, having undertaken extensive consultation on a number of issues with a range of stakeholders. This has led to significant dialogue between the shadow Attorney-General, the member for Lyndhurst in the Assembly, and the Attorney-General. As was noted during the debate on the bill in the Legislative Assembly, those discussions were substantive and fruitful in terms of Labor being able to make changes to the bill before the house.

Eleven amendments proposed by Labor to the bill were accepted. Most of those amendments deleted certain proposed provisions, thus allowing the current provisions to prevail. The substantive issues put forward by Labor included ensuring that grieving families and those who have an interest in the proceedings of the Coroners Court are not disadvantaged by the proposed shortening of time frames for appeals. Labor also sought to ensure that there is an appropriate reporting of decisions of the Coroners Court in line with current practice and that the time available to appeal Transport Accident Commission decisions at the Victorian Civil and Administrative Tribunal is not reduced for some victims of road trauma. Given the immense exchange of views on this matter that has taken place at a range of levels, we will not oppose this bill.

The purpose of the bill is to make many miscellaneous — as the name suggests — administrative changes to Victoria's court system to improve efficiency and reduce delay. Under the changed provisions, courts and tribunals will be released from some of their current restrictive legal obligations. In summary, the bill amends the Supreme Court Act 1986 to provide for appeals to the Court of Appeal in civil proceedings with the leave of that court, which will be granted only if the court is satisfied that the appeal has reasonable prospects of success. The bill also makes procedural amendments for appeals in the Court of Appeal in the case of civil proceedings only and creates additional regulation powers for court fees.

In respect of the Victorian Civil and Administrative Tribunal Act 1998, the bill makes amendments to change the terms and conditions of appointments for non-judicial members and to change aspects of the tribunal's procedures to enhance its powers and efficiency. The bill amends the Coroner's Act 2008 to further provide for appeals to the Supreme Court, to include changes to procedural processes and to amend the period of time in which certain decisions of the coroner may be appealed. The bill also amends the Court Security Act 1980 to provide for offences regarding the recording of court proceedings. It amends the court and tribunal acts to provide for review of, and appeals from, determinations made by judicial registrars.

The changes regarding appeals being sought in the Court of Appeal will create a filter process whereby only appellants whose cases have a reasonable prospect of success will be granted leave to appeal. This test simplifies the existing position whereby appellants must demonstrate that there is sufficient doubt to warrant reconsideration of the decision of the original court and that substantial injustice would occur if the decision remained. The new test will result in improved efficiency for the Court of Appeal, which will hear only those matters which have been, in the first instance, assessed as having merit. Such a test is already being applied to criminal matters, so consistency will be achieved through this new test. It is important to note that appellants in cases involving appeals against a refusal to grant habeas corpus, cases under the Serious Sex Offenders (Detention and Supervision) Act 2009 and any other specific cases provided for in the court rules, are not required to seek leave before lodging an appeal in the Court of Appeal. The time within which appellants may seek leave for appeal has been extended from 14 days, or in some cases 21 days, to 28 days.

In respect of the Victorian Civil and Administrative Tribunal, the bill clarifies the powers that may be exercised by a single member of the tribunal, which will expedite matters that are able to be determined without a panel of members. Expert members will continue presiding over specialist areas, while members who have acted as mediators are now permitted to be included on the tribunal panel unless a party objects to this. Members involved in mediations have the benefit of significant knowledge of the matter; however, negotiations held during mediations are generally done on a without-prejudice basis and are not able to be used during court proceedings. The option for parties to object is intended to reach a balance between the efficiency of the tribunal and protection of the without-prejudice principles. The bill also increases the tribunal's power to make orders for service on parties located overseas and changes considerations for determining whether a matter is to be reopened after orders are made in the absence of a party. Procedural changes will also be made to proceedings coming under the Transport Accident Act 1986, the land valuation list, the retail tenancies list and the planning and environment list.

In respect of the Coroners Court, the power of the coroner to hold an inquest at their discretion or upon the request of any person will remain; however, for deaths in custody where the person has died of natural causes the coroner will no longer be required to hold an inquest. These deaths will be fully investigated and may still be the subject of an inquest at the coroner's discretion. A senior next of kin may now appeal — on broader grounds — the coroner's decision not to hold an inquest or not to reopen an inquest. An appeal will be allowed where the appellant can demonstrate that it is necessary or desirable in the interests of justice to hold or reopen an inquest. A senior next of kin will also be permitted to waive the 48-hour objection period that follows the coroner's direction to perform an autopsy so that the autopsy can be performed without the 48-hour delay.

In respect of court security, new offences are created by this bill for the unauthorised recording of court and tribunal proceedings. An exemption to the offences will apply to audio recordings by journalists and lawyers in specific circumstances, subject to the discretion of the sitting judge. New processes will govern the appointment of judicial registrars under this bill, which intends to enhance their independence. Registrars can only be recommended for reappointment if this is supported by the head of the court jurisdiction. The bill will also allow each court to provide its own mechanism for reviewing a registrar's decision rather than it being expressly provided for in legislation.

In conclusion, the opposition will not oppose the bill. We believe that the intention of the bill is to increase the efficiency of Victoria's courts and tribunals by releasing them from some of their administrative burden. In terms of appeal applications, the provisions are intended to reduce delays by ensuring that only appeals with merit are allocated what could be lengthy hearing times. Seemingly administrative provisions of this nature will ensure that access to justice is maintained.

As I said at the beginning of my contribution, the amendments that Labor sought and put before the Assembly were supported by the government, and opposition members believe that the bill before the Legislative Council this afternoon is a much better document and much improved from what was first introduced into the Assembly some weeks ago.

In terms of other aspects of the bill, I am sure that in her contribution Ms Pennicuik will turn to systemic aspects of the bill which will be dealt with in the committee stage of the debate. I understand that the Greens have proposed a range of amendments that we will deal with on Thursday but, given the substantive amendments Labor was successful in achieving in the Assembly, at this point in time opposition members are satisfied that what is before the Council is appropriate in the circumstances.

Ms PENNICUIK (Southern Metropolitan) — I rise to speak on the Courts Legislation Miscellaneous Amendments Bill 2014, a mildly named omnibus bill of 71 pages which makes quite extensive amendments in six main parts and further miscellaneous amendments and a repeal in part 7.

The first part of the bill makes amendments to the Supreme Court Act 1986 to provide for appeals to the Court of Appeal to be generally by leave and makes other procedural amendments.

Part 3 of the bill makes amendments to the Victorian Civil and Administrative Tribunal Act 1998 which deal with hearings, changes to planning and environment lists, further provision for service arrangements and the terms and conditions of appointment of non-judicial members, about which I will talk further later in my contribution.

Part 4 of the bill deals with amendments to the Coroners Act 2008 to further provide for appeals to the Supreme Court and to reduce time periods for bringing appeals in respect of certain decisions of the coroner. The Greens have some concerns about the changes being made to the timing, and we will be proposing some amendments with regard to the coroner looking at and making recommendations and comments about systemic deaths that come before the Coroners Court.

Part 5 of the bill makes changes to the Courts Security Act 1980 to prohibit the recording of proceedings without the permission of a relevant court or tribunal and the subsequent transmission or publication of those proceedings.

Part 6 of the bill makes amendments to the Supreme Court Act 1986, the County Court Act 1958, the Magistrates' Court Act 1989 and the Children, Youth and Families Act 2005 to make further provisions in relation to the office of the judicial registrar, including the review of and appeals arising from determinations of the judicial registrar. The Greens support some of the reforms in this bill, but we are not sure about or convinced of others and the reason for them.

The amendments to the Supreme Court Act provide for appeals to the Court of Appeal in civil proceedings to be generally by leave of the Court of Appeal, which may only be granted where the court considers that the appeal has a real prospect of success. This threshold test will ensure that only appeals with merit are considered by the court. According to the minister it has been a requirement that leave to appeal be obtained in criminal appeals and in appeals arising from tribunal decisions from time to time with no suggestion that human rights or fairness have been compromised. This amendment will ensure that court resources are not consumed by appeals that do not have a real prospect of success.

The time in which an application to the Court of Appeal for leave to appeal can be filed is being extended from 14 or 21 days to 28 days, which is the only extension of time in this omnibus bill. Most of the other amendments that deal with time periods are reducing them, with respect to the Coroners Act.

In addition, permit applications to the Court of Appeal for leave to appeal can be determined without an oral hearing and by a single judge of appeal. At the moment that can be done by up to three judges. The minister says that these reforms are similar to reforms the court has previously introduced to criminal appeals, which were supported by the court in consultations with the government.

With regard to the changes to the Victorian Civil and Administrative Tribunal Act, this bill makes further provision for the service arrangements in terms and conditions of appointment of non-judicial members and makes further provision for hearings and the efficiency

of the Victorian Civil and Administrative Tribunal (VCAT).

With regard to applications in VCAT relating to Transport Accident Commission (TAC) matters, the ALP moved an amendment in relation to the times specified under the bill as it was presented to ensure that the time available to appeal TAC decisions at VCAT would not be reduced for some victims of road trauma. Mr Pakula, the member for Lyndhurst in the Assembly, proposed inserting the words 'by the later of' into clause 58, line 9, of the bill. In the Greens' view that was a good amendment.

Under clause 54 the bill provides that a responsible authority or another person may apply to the tribunal for an injunction restraining any person from contravening an enforcement order or an interim enforcement order. The current requirement seeks injunctive relief in the courts. That is costly for parties and leads to delay, according to the minister, and this amendment will allow the tribunal to deal with those matters using its existing powers under section 123 of the VCAT act. I raised this issue in my contribution to the debate on the amendments to the VCAT act earlier this year. I also raised it by way of writing to the Attorney-General with regard to a person who has been corresponding with my office about their inability to have VCAT orders complied with.

I hope this amendment will go some way to allowing VCAT to follow up its own orders so that people do not have to seek remedies in the higher courts, because that really defeats the purpose of VCAT as an accessible and low-cost jurisdiction. Of course we know that some of the amendments made by the earlier bill have made VCAT less accessible and more costly than it has been in the past, and those are regrettable.

Clause 36 provides a new provision whereby VCAT might order a responsible authority to reimburse the whole of any fees paid by an applicant in a proceeding if the responsible authority did not grant the permits within the prescribed time frame. In practical terms a local council may have to reimburse a developer where a permit application has not been dealt with within the prescribed time frame. The Municipal Association of Victoria has expressed concern that a council may be forced to pay the application fees for developments in situations where it is very difficult, or in some circumstances impossible, to meet the legislative time lines.

We opposed a similar provision in the VCAT act, and we do not see any need for this. No rationale has been put forward by the government for this change. Changes along the same lines were made to the VCAT act earlier this year, and I noted at that time that the provisions represented a significant departure from the initial purpose of VCAT, which is to provide a low-cost and efficient means of dispute resolution where there is a presumption that parties will bear their own costs. In many cases property developers will have much deeper pockets than our local councils. I am at a loss to explain why the government wants to make this amendment. I am happy to have my proposed amendments circulated for those who do not already have them.

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

Ms PENNICUIK — The bill makes a series of amendments with regard to VCAT. It sets out the circumstances in which a single tribunal member may exercise the powers of VCAT to provide that a person with a statutory right to intervene in a proceeding before VCAT, including the valuer-general, may also become a party to the proceeding. It permits a member of VCAT who has conducted a mediation of proceedings to hear the proceedings, subject to two other parties being able to object. It introduces threshold requirements that VCAT must consider before it reopens a proceeding determined in the absence of a party. The bill sets out the circumstances in which a VCAT member or a past member may appear as an expert witness before VCAT. It empowers VCAT to make rules regarding the service of the tribunal process outside Australia. It provides that VCAT may admit evidence that has already been admitted in another proceeding.

The bill amends the Retail Leases Act 2003 to allow VCAT to make orders against a guarantor or indemnifier of a tenant's obligations under a retail premises lease. It also clarifies that the Governor in Council may determine the due terms and conditions for appointment of a non-judicial member to VCAT.

In the committee stage I will be moving amendments with regard to the ability to award costs against a municipal council in a hearing at VCAT regarding a developer and a council. I am not convinced that this reform is needed. The bill that amended the VCAT act earlier this year and this bill are lost opportunities to make some far-reaching changes to VCAT. The legislative process should begin with an open public inquiry into the jurisdiction and operation of VCAT, and it should introduce significant reforms, particularly to the planning and environment list, so that the public can have more confidence that VCAT will act in its interests and not in the interests of developers and those

with the power and wherewithal to engage witnesses and councils in VCAT. We need reforms to better assist and guide self-represented persons as to their rights and responsibilities, such as the need to request written reasons for a VCAT decision within 14 days. This is an amendment I moved to the earlier bill, and I will move a similar amendment to this bill.

The bill also amends the Coroners Act 2008 to provide for various coronial processes, to further provide for appeals to the Supreme Court and to amend the period for bringing an appeal in respect of certain decisions of a coroner. Some of these reforms are good, in particular the provision in relation to inquest appeals that the senior next of kin may appeal to the Supreme Court on broader grounds regarding a decision not to hold an inquest or not to reopen an inquest. Rather than confining such appeals to a matter of law, they will be allowed where the court is satisfied that it is necessary or desirable in the interests of justice. However, there are some reforms which I struggle to see the value of, particularly if we refer to the preamble and the purposes of the Coroners Act. The preamble states:

> The coronial system of Victoria plays an important role in Victorian society. That role involves the independent investigation of deaths and fires for the purpose of finding the causes of those deaths and fires and to contribute to the reduction of the number of preventable deaths and fires and the promotion of public health and safety and the administration of justice.

The purposes of the act include requiring the reporting of certain deaths, providing for coroners to investigate deaths and fires in specified circumstances, and contributing to the reduction of the number of preventable deaths and fires through the findings of the investigation of deaths and fires, and the making of recommendations by coroners.

In the committee stage I will be moving amendments to broaden the scope under which the coroner may make comments or recommendations with regard to investigations or inquests into deaths such that when a coroner is of the view that there may be some systemic factors involved, they may be able to make comments or recommendations with regard to those deaths in order to prevent further deaths where they identify circumstances as being similar or systemic in nature.

In 2008 I commented on the need to broaden the reasons for which a coroner may make comments and recommendations. I moved similar amendments to the bill at the time to bring in such improvements to the Coroners Act. I was successful in persuading the then shadow Attorney-General, now the Attorney-General, to make changes to the Coroners Act when a coroner makes recommendations about health and safety or in the public interest to agencies such as Victoria Police, WorkSafe and the Transport Accident Commission. They seem to be the main agencies about which the coroner has made recommendations under the new provisions inserted in 2008. With the support of the then shadow Attorney-General I was able to get the amendments through the house — of course supported in the end by the government of the day when the bill was returned to the Assembly — so that if a coroner makes recommendations, the agencies have to respond within three months.

I wrote to the President of the Legislative Council a while ago on some questions that I was following up with those agencies with regard to responses on their websites about the coroner's recommendations on certain deaths. I have been trying to chase up whether the recommendations made by the coroner had been implemented by those agencies. It is interesting to note the President's comments on those questions after question time today. While I was not successful in having the questions reinstated, the President stated that I might try rewording the questions, which I will look at doing. Over the last year or so I have been trying to follow up what has happened about recommendations made by the coroner to the agencies and whether or not they have been implemented. In some cases they have been implemented, which is good news. The ones I was chasing up are the ones that the agencies have said are still under consideration. I want to see whether, in the interests of preventing deaths, we are making some headway.

When that provision was inserted into the act it was the first of the state coronial acts to have such a provision. I am not sure whether any of the other states have inserted such a provision, but I have heard that other state coroners are looking for similar provisions to be inserted into their legislation.

Clause 64 makes a change to the act so it will no longer be mandatory for an inquest to be held into the death of a person in custody or care when the coroner considers that the death is due to natural causes, which might sound reasonable. Currently deaths in custody inquests are mandatory, but they will not be required when a death is deemed to be from natural causes.

The Federation of Community Legal Centres has written to all members regarding this provision. Last year the federation put out an issues paper entitled *Saving Lives by Joining up Justice — Why Australia Needs Coronial Reform and How to Achieve It*. The paper canvasses a number of issues about improvements that could be made to the coronial

system across Australia. The federation makes the point that it knows of a number of instances where it is only at an inquest that doubt has been cast on whether a death has been from natural causes. Often it is the circumstances surrounding a death that need to be investigated by a coroner and then recommendations made around prevention of death.

Dr Chris Atmore from the Federation of Community Legal Centres has said that medical examinations showing natural cause of death will not necessarily find or look at important systemic issues that were a contributing factor. She notes, for example, a prisoner who died from an asthma attack where the coroner found that an emergency buzzer was not working.

The government says the amendment will reduce delays and costs, but it is a false efficiency and is not in the interests of the prevention of deaths, because even though a death may have been from natural causes, there may also have been other causes. Where people are in custody and die in custody, those deaths should be investigated by the coroner.

Clause 65 is another clause I cannot support. It provides that the result of an investigation may not be published on the internet. In terms of improving the Coroners Act and improving the transparency and accountability of the whole coronial system from the point of view of the public and those whose loved ones have been the subject of an investigation or inquest, we feel that this information should always be published. For example, I rely on being able to follow up on recommendations and comments made by the coroner so that I can see how such recommendations and comments are being implemented and acted on by the agencies to whom they have been addressed. Other people in the community similarly rely on being able to access such information, as do people who have intimate knowledge of a situation, people who have been involved as a relative, friend or colleague of a person who died, and people who work in the same area as that of a person who died. In the interests of full transparency and accountability in the Coroners Court and in the interests of the large number of people who are interested in the outcomes of investigations and inquests, we do not support this amendment.

The bill makes other amendments that reduce the time for appeals from three months to 28 days. These include clause 66, 'Appeal in relation to determination that death not a reportable death', and clause 67, 'Appeal in relation to determination of coroner not to investigate a fire'. I am not quite sure what the benefit of these amendments will be. Sometimes it takes the coroner's office quite a long time to hold an inquest. People who are waiting for an inquest into the death of their loved one may have to wait several years before that process starts and is completed.

The Attorney-General is suggesting that these amendments will result in more efficiency and reduced delays. We must not take away from the right of citizens to make an appeal with regard to these very important situations — situations involving the determination of whether a death is reportable and whether a fire will be investigated. The current appeal time frames should be left. I have not seen any argument put by the government as to why those time frames should be reduced. The same goes for clause 69, which reduces the time to appeal against a refusal by a coroner to reopen an investigation from three months to 28 days. The sort of people who may be wanting to make that appeal would be family members. I really cannot see the rationale for curtailing their time from three months to 28 days.

The other amendment we want to look at is that which broadens the reasons for which a coroner may make comments or recommendations for the purpose of preventing deaths from occurring in similar circumstances. This applies to cases where the coroner identifies that there may be systemic problems that are causing a number of deaths. We think that would enhance the Coroners Act and be in keeping with the purposes of the act as they currently stand.

We have concerns about one further amendment in relation to the coroner being able to request or direct that persons who are unrepresented be represented by Victoria Legal Aid. That will be up for discussion during the committee stage of the bill. We have quite a few concerns with the changes to the Coroners Act even though we support one or two of the changes.

The bill makes further amendments to the Court Security Act in relation to the recording of court proceedings and, in part 6, to provisions regarding judicial registrars. It makes amendments to the Supreme Court Act, the County Court Act, the Magistrates' Court Act and the Children, Youth and Families Act and provides that the Attorney-General must obtain the support of the relevant head of jurisdiction before recommending to the Governor in Council the reappointment of a judicial registrar. It empowers courts to determine in court rules the manner of reviewing a determination of a judicial registrar, and it protects the salaries and the aggregate value of the allowances of judicial registrars from reduction. It requires judicial registrars to make an oath or affirmation of office upon appointment.

Those are our comments on this omnibus bill, which includes some good reforms and some reforms that the Greens feel take away from the Coroners Act. There has not been any rationale for them, and they will impact more on the families and loved ones of those people whose deaths are being investigated by the coroner than anyone else. Therefore, in the interests of those persons, we will not be able to support those amendments.

Mr D. R. J. O'BRIEN (Western Victoria) — It is with great pleasure that I rise to make a contribution to the debate on the Courts Legislation Miscellaneous Amendments Bill 2014. I note the contribution of Ms Tierney and I thank the Labor opposition for its non-opposition to this bill. I note that both the Attorney-General and the shadow Attorney-General, the member for Lyndhurst, debated the bill in the consideration-in-detail stage in the other place and indeed the government accepted a number of amendments. Whilst the government did not necessarily think the amendments were strictly necessary in relation to the concerns that had prompted them, it agreed to them to ensure the passage of the bill. It is that amended bill which has found its way into this chamber and which we are debating today.

I also note the contribution of Ms Pennicuik, and I will turn to some of the matters she raised although I know she is intending to discuss a number of her amendments to the bill in the committee stage and that she has had a longstanding involvement in and indeed passion in relation to many of these areas. In that regard it is probably best that much of detail of those amendments be taken up by the minister at the table in the committee stage.

I wish to commence my remarks in relation to part 2 of the bill, which deals with measures to allow the Court of Appeal to streamline and finalise civil appeals in a more timely manner and to make the most efficient use of its judicial resources whilst maintaining fairness for all parties. I should say in relation to this bill that many of the jurisdictions that are the subject of this bill, jurisdictions in which I have formerly practised — certainly the interaction of retail tenancies and the Supreme Court, retail leases and the Court of Appeal, as well as valuation lists et cetera — are areas where at times there have been concerns about efficiency and many reforms that have been introduced to the practices of those particular jurisdictions. It is in that spirit that many of the reforms have been introduced in consultation with the courts in order to ensure that there is greater efficiency.

In relation to the principal change in relation to the requirement for leave to appeal, at present some types of civil appeal to the court are as of right and some are by leave only. A leave requirement was introduced in relation to criminal appeal procedures and has worked judiciously and fairly but also with necessary efficiencies. In relation to civil matters, under part 2 of the bill it will become a requirement for leave to be obtained in all civil appeals to the court except in appeals of a refusal to grant habeas corpus, appeals arising under the Serious Sex Offenders (Detention and Supervision) Act 2009 and other cases that may be provided under the court rules.

There are also a number of allied reforms. The reasons for imposing a leave requirement relate to the fact that currently in cases where a party may appeal as of right the party can have their full appeal heard and determined by three judges of appeal even if their appeal lacks merit. The result is that a significant amount of the court's time and parties' costs are taken up in determining such appeals because they cannot be disposed of at an earlier point. It is important to note that the right to appeal to the Court of Appeal has not been abolished. Part 2 certainly does not remove that right; rather it introduces a merits threshold for commencing an appeal in the Court of Appeal. If a prospective appellant can demonstrate that their appeal has a real prospect of success, the appeal may proceed.

There is another allied requirement in relation to efficiencies in determining applications without an oral hearing. Part 2 of the bill will enable the Court of Appeal to determine that and instead make a decision by assessing the parties' written submissions — a so-called appeal on the papers. The court has indicated it will consider an application for leave to appeal without an oral hearing where the application appears to have little chance of success.

It is important in this regard to consider the test for leave. The test for leave presently is a common-law test where the applicant for leave to appeal must demonstrate that the original appeal is attended with sufficient doubt to warrant it being reconsidered on appeal and that a substantial injustice would be caused were the decision allowed to stand. Part 2 of the bill will modernise and simplify the test by providing that leave to appeal may only be granted where the Court of Appeal considers that the appeal has a real prospect of success. With those changes in the bill it is still the case that appellants have the right to appeal, but the leave requirement is designed to ensure that necessary efficiencies can occur within the operation of the very important Court of Appeal without prejudicing the important rights of parties to be heard.

Other changes in part 3 of the bill make a range of significant amendments to the operation of the Victorian Civil and Administrative Tribunal Act 1998. These will reform various aspects of the tribunal's practices and procedures to ensure that there are greater efficiencies related to expeditious use of resources and also that as far as possible the integrity of the important Victorian Civil and Administrative Tribunal (VCAT) institution is maintained.

One of the important changes will be the opportunity for mediators who have conducted a mediation to potentially constitute a tribunal. Presently this opportunity applies in retail tenancy proceedings, but under this amendment it will operate, where desirable, across the tribunal's jurisdiction. This is another example of where it is important to remind the tribunal-using public that this is not an obligation that the government will be imposing upon parties. Rather, it provides appropriate choices in appropriate cases.

If, for example, following a long mediation, there are just one or two matters remaining, it may be the parties' wish to say, 'Given the expense we've had in this mediation, why don't we just allow this mediator in whom we have trust and confidence to determine the proceeding here and now, to the extent that there are some issues that need to be adjudicated on?'. In doing so it is intended that the tribunal will respect the wishes of the party. If any party objects, the member must take no further part in the proceedings and may not constitute the tribunal. The matter will go to the normal list for the hearing of a proceeding with part or all of the proceeding presumably determined as a result of that mediation.

There are other aspects in relation to the admission of evidence that has been admitted in another proceeding. This amendment clarifies the existing power of the tribunal to inform itself on any matter as it sees fit. The tribunal has identified the admission of relevant evidence from one proceeding to another as an area in which there is currently unnecessary, unproductive argument. The amendment is intended to reduce costs and delay by eliminating such argument. Consistent with some other jurisdictional amendments which I will turn to shortly, this is a very important amendment that we compliment the tribunal and others on considering — and we certainly compliment the government on bringing it into this bill — because it can be very frustrating to litigants that there are jurisdictional and other arguments that mean evidence used in one case cannot be used appropriately in another case, and this can cause duplication and expense. This bill will address that matter.

Importantly this bill also addresses the definition of a new interim order, a matter that has also had considerable debate in the context of the VCAT act. This will effectively deal with the case of *Dura (Australia) Constructions v. The Victorian Managed Insurance Authority & Anor* [2009] VSCA 171 where the Court of Appeal identified an inconsistency between the way the tribunal had interpreted the word 'interim' in the context of the VCAT act and the usual meaning of the word in the law.

Ms Pennicuik mentioned some of the Planning and Environment Act 1987 list changes, particularly the provisions that will allow, where appropriate in the circumstances, for there to be a reimbursement provision where a responsible authority, particularly a council, has failed to make a decision on a planning permit within the prescribed time. She has queried why this has been the case.

Certainly it has been the case for many years, and a very frustrating experience of many parties before the tribunal, that in some councils — and I note there was a run of cases involving the City of Yarra, for example, in the early 2000s — there was seen to be a practice emerging whereby decisions were not being made within the prescribed time, sometimes in relation to contentious matters. Rather than having the council be seen as making some of these potentially contentious decisions, there would be a failure to determine and VCAT would have to make the decision. Of course VCAT would then incur wrath because it would be seen to be making a decision that was against, for example, the interests of a relevant residents group when the council knew — or ought to have known by reference to the planning scheme and the relevant policies that it as a planning authority had control over — it ought to, as a responsible authority considering a permit, grant a timely approval of these cases.

This had two effects, not only of providing expense and delay for permit applicants — often developers, as Ms Pennicuik says — but also of frustrating residents and providing false hope as they would reasonably believe that they had a chance in certain cases where they did not. It also led to the tribunal sometimes being unfairly criticised in circumstances where it was interpreting a planning scheme as it saw fit. This reimbursement provision provides an incentive to reduce delay and encourage responsible authorities to make timely decisions. Of course it does not apply in every circumstance.

Other important changes to the guarantee provisions have been discussed in relation to retail leases. There

has been some concern that the provisions inserted will not work so well in relation to an indemnity situation where there is no consent amongst the parties. The department and others have had discussions with the Office of the Victorian Small Business Commissioner. It is certainly intended that the operation of clause 56 of the bill will allow for mediation if it is not in the terms of the bill but if it would work in practice with the consent of the parties — in other words, the small business commission. If there was no consent to a mediation or if it was decided the mediation would not be fruitful, then it would be abruptly concluded, certainly if one party was not attempting to mediate properly.

It is also important to note that the jurisdiction conferred under clause 57(2) is a non-exclusive jurisdiction. There are many other changes, and those in the valuation list are designed to allow the Valuer-General to intervene.

Changes to the Coroners Act 2008 will be discussed in detail in committee. Briefly, those changes are important as they relate to a person in care or custody. They are designed to improve efficiency. I have listened to Ms Pennicuik's concerns, and it is important to note that the coroner will still have discretion as to whether or not to conduct an inquest. There may be cases where it is not necessary, but where it is necessary that discretion shall remain. The Coroners Court itself has sought these changes to improve its efficiency.

I note that matters will also be discussed with the Attorney-General in committee. I also note that court security reforms have been well received. In the interests of expediting this legislation I commend the bill to the house.

Motion agreed to.

Read second time.

Ordered to be committed later this day.

GAMBLING AND LIQUOR LEGISLATION FURTHER AMENDMENT BILL 2014

Second reading

Debate resumed from 21 August; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Ms PULFORD (Western Victoria) — It gives me pleasure to outline the Labor Party's position on the Gambling and Liquor Legislation Further Amendment Bill 2014. I state at the outset that the Labor Party will not be opposing this bill. The bill proposes to amend the Gambling Regulation Act 2003, the Liquor Control Reform Act 1998, the Victorian Commission for Gambling and Liquor Regulation Act 2011 and the Gambling and Liquor Legislation Amendment (Modernisation) Act 2014 for the purposes of modernising and simplifying these acts. The bill draws on some recommendations from the Victorian Auditor-General as well as those in the 2011 *Review of Sports Betting Regulation* by chairman of stewards for Racing Victoria, Des Gleeson.

The bill seeks to allow deposit-taking institutions like banks to obtain and possess gaming equipment under a financial and/or other arrangement with a venue that operates gaming machines. The bill provides that unclaimed winnings associated with electronic gaming machines are to be paid back to the Treasurer after 12 months. This is similar to provisions relating to unclaimed money from other gambling activities and can be characterised as a 'use it or lose it' provision for those gamblers, few and far between, who have a win and do not cash it in.

In relation to precommitment this legislation will provide the minister with power to determine standard conditions for the provision of precommitment services with which venue operators and the monitoring licensee must comply. The minister will first need to consult the venue operator and the licensee before determining any such conditions. The bill changes the maximum commission on totalisator pooling arrangements from 25 per cent to 40 per cent, and we are advised that this is to capture some types of international betting that have substantial payouts.

The bill provides for mutual recognition of sports controlling bodies between Victoria and other jurisdictions. This is to make approval in Victoria simpler and quicker for bodies that have already been approved in other jurisdictions. It removes some fees and processes by which objections can be lodged. The bill seeks to reduce red tape by extending the duration of bookmaker registration and bingo licences from the current 5 years to 10 years. Existing registrations and licences will be deemed to have been granted for 10 years. It is proposed that that provision take effect immediately.

The bill makes some arrangements in relation to live music venues. Whilst the government thinks it has the monopoly on enjoying live music, I can assure the house that that is not the case at all. Supporting our live music venues is an incredibly important and worthwhile thing for us all to be doing. The bill provides that in considering any complaint regarding a licensed venue affecting the amenity of an area the

commission will be required to consider whether the licensee was operating prior to any change in the area.

This seems to be very sensible. If somebody moves next door to a loud, iconic live music venue — there are so many that Melburnians and indeed people across other parts of Victoria enjoy — then their right to complain about the noise at that venue will be somewhat limited and the venue will be able to continue to provide that wonderful cultural enrichment and a place for people to enjoy music.

In the last few moments before the dinner break I note for the record the Labor Party's concern that the government has failed to outline its position on this bill by not indicating at any point what new resources it will be providing to support the application of new laws if this bill passes today. There is a lot of talk by government members about the commission's role in monitoring and overseeing the gaming industry, but like in so many other areas this government has not really come good with the resources for the proper application or implementation of the legislative or regulatory arrangements it likes to crow about.

It is unclear in relation to liquor wholesales how useful the government's data will be when major packaged-liquor retailers are excluded from the scheme. We would seek from the government an explanation about why it is happy for those sales to go under the radar.

On the whole the government's approach to liquor and gambling regulation has been very patchy; it has a lot more to do with cutting corners than creating any serious conversation in the community about how to minimise harm from problem drinking and problem gambling. It really is a modest set of changes that this bill seeks to introduce, and like with so many bills before it in this area the government is really just tinkering around the edges of an area that affects just about all Victorians just about every week.

We have a great many people who participate in recreational gaming. We have a much smaller number of people who are problem gamblers, but those people are profoundly affected by the consequences of problem gambling. We have a drinking culture that on a good day can be a lot of fun and on a bad day can be incredibly dangerous and hazardous to the wellbeing of many Victorians. The government's continued failure to outline a comprehensive vision and plan for regulating these areas is evident in this bill, just as it has been in the ones that have preceded it. With those words I commend the bill to the house.

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

Ms HARTLAND (Western Metropolitan) — I will speak only briefly on the Gambling and Liquor Legislation Further Amendment Bill 2014. The Greens are pleased the government has brought forward legislation that will collect wholesale data on alcohol sales. This has been done in Queensland, Western Australia and the Northern Territory, so of course it is time Victoria joined them. This will help researchers and departments understand alcohol consumption across the state and respond in an evidence-based way to the problems of alcohol abuse.

Obviously we welcome the training for staff working in high-risk late-night venues, but we think we need more. We need to take a serious look at liquor licensing; there is a clear need for reform in this area. Venues with liquor licences should stop the service of alcohol at 3.00 a.m. in the inner city, and we need to extend the 1.00 a.m. ban in outer suburban areas beyond 2015. We need to be looking to end the 24-hour sale of packaged liquor. I do not know that anybody needs more alcohol at 3 in the morning.

Evidence from other states has shown that restricting the hours during which liquor can be sold can reduce the incidence of alcohol-related violence. Other states such as New South Wales have had a very comprehensive look at this issue, and while I do not agree with everything New South Wales has come up with, a number of that state's programs are certainly worth a look.

Unfortunately, the bill does not do enough around liquor control and liquor abuse, though it is a beginning. The Greens wish to acknowledge the issue clause 43 relates to. This clause substitutes a new section 95(2), part of which says that before the commission makes a determination under proposed subsection (3):

> if the determination is to be based on the ground referred to in subsection (1)(a), the Commission must consider whether the licensee or permittee had been operating the licensed premises before any change to the area in which the licensed premises are situated that may affect the Commission's view of the amenity of the area.

This relates to live music venues. It is a beginning — the Greens acknowledge that — but we believe we need to go much further to make sure that live music is protected in this state and is allowed to be a vibrant part of our community. With those few words, I note the Greens will be supporting this bill.

Mr ELSBURY (Western Metropolitan) — It is a pleasure to speak on the Gambling and Liquor Legislation Further Amendment Bill 2014, and it is a pleasure also to hear that the opposition parties will be supporting this legislation.

This bill has many functions, including functions relating to electronic gaming machine precommitment measures. It removes red tape placed on trade lotteries; implements changes recommended in the Gleeson review of sport betting regulation; improves the way in which unclaimed money from gaming machines is handled; allows for sessional commissioners of the Victorian Commission for Gambling and Liquor Regulation to be appointed by the Governor in Council with the minister's recommendation; and strengthens the government's support of live music venues by recognising when the establishment of a venue has occurred in relation to a complainant's claims of disruption to amenity — this of course relates to our commitment to live music in Victoria.

The bill also facilitates the collection of alcohol sales data from wholesalers on an annual basis; provides the minister with the power to specify that certain liquor licensees must take an advanced responsible service of alcohol training course; provides that commissions for totalisators will be amended when pooling arrangements are entered into with an international pool; reduces red tape through technical changes to the Gambling Regulation Act 2003 and the Liquor Control Reform Act 1998 so that targets set in the red tape reduction statement of expectation issued by the minister can be achieved by the Victorian Commission for Gambling and Liquor Regulation; amends prohibitions on illegal gambling in Victoria; and makes other small operational amendments to the Gambling Regulation Act 2003 and the Liquor Control Reform Act 1998. I should also mention that the bill makes several amendments to the Victorian Commission for Gambling and Liquor Regulation Act 2011.

It is a very busy bill; it has a lot to do. I would like to highlight several aspects of it. The first of these is the collection of data from wholesale liquor distributors, which was recommended by the Victorian Auditor-General's Office report entitled *Effectiveness of Justice Strategies in Preventing and Reducing Alcohol-Related Harm*. It was also discussed in a report by the Department of Health entitled *Reducing the Alcohol and Drug Toll — Victoria's Plan 2013–2017*, in which a commitment was made to investigate the benefits and limitations of collecting wholesale liquor data. A cost-benefit analysis has been completed, and it supported the collection of this data.

The data to be collected includes volume and type of alcohol purchased, broken down into municipal areas. At a wholesale level this data is divided into relevant datasets which can be collected on an annual basis. This allows for better tracking of alcohol-related health issues and can also be used for the analysis of crime statistics. This requirement will not apply to wholesalers that are themselves small businesses, such as small wineries that sell wine at their cellar doors and microbreweries, which are increasingly popular. This sort of data collection already exists in Queensland, Western Australia, the Northern Territory, South Australia and the ACT.

The Minister for Mental Health has received praise for introducing this type of data collection. The chief executive officer of VicHealth, Jerril Rechter, said in a letter to the minister:

> I write to extend my congratulations to you and your colleagues for introducing legislation to require licensees to report wholesale alcohol sales information.
>
> As you know, the collection of sales information is a win for the health of all Victorians. It will give us a better understanding of alcohol consumption in Victoria and will also improve how we measure the impact of alcohol harm-reduction strategies. This will provide crucial information to help inform the development of effective policies.

That is a glowing recommendation from VicHealth.

A media release by the Alcohol Policy Coalition dated 8 August this year was headed 'Government's collection of alcohol sales data is a step in the right direction'. It states that:

> Victoria will have a new tool to tackle alcohol-related harm when new legislation, introduced to Parliament this week, is passed.
>
> The legislation requires certain types of licensees, such as wholesale liquor producers and importers, to report on the volume, value and type of wholesale liquor being sold across Victoria.
>
> Alcohol Policy Coalition (APC) spokesperson and CEO of the Australian Drug Foundation, John Rogerson, welcomed the government's action.
>
> 'This is a big win', Mr Rogerson said.
>
> 'For the first time ever, we'll have accurate data on how much alcohol Victorians drink, and we'll be able to better measure the effectiveness of policies for reducing alcohol-related harms.'
>
> …
>
> 'We're pleased to see the Napthine government has alcohol policy on its radar and we hope to see other parties bring their ideas to the table', Mr Rogerson said.

This is a glowing report from a third party. It states that this is a step in the right direction and that the government is listening to what the experts in this field are saying and delivering on its promise.

The second aspect of the bill I want to highlight is that electronic gaming machine (EGM) voluntary precommitment measures will be supported by this bill. There are over 500 EGM agreements in Victoria between venues and the EGM monitor, Intralot Gaming Services. The minister will be able to specify the terms of these arrangements to implement voluntary precommitment measures instead of agreements having to be renegotiated in each instance. Without these amendments, over 500 separate agreements would have had to have been changed. This measure was developed in consultation with the gambling industry and the monitoring licensee to ensure the easiest path for the precommitment rollout to occur.

Thirdly, the Victorian Commission for Gambling and Liquor Regulation will consider the agent of change principle in relation to amenity complaints. This issue relates to noise management and where the responsibility for noise lies in relation to expected amenity. This often becomes an issue where live music venues are involved. If a new venue is established, the onus is on the venue to limit the impact of noise on adjoining properties.

However, when an established venue is encroached upon by a new neighbour or new people move into the neighbourhood, the live music venue should be given precedence. Neighbours have to accept that the venue may cause disruption to their way of life. The area may be nice and quiet on a Saturday afternoon, but come Saturday night, things may get a bit rowdy. People need to be aware of that when they move into an area with a live music venue.

This legislation protects the live music industry in Victoria, which is not only a form of entertainment but also a mode of self-expression. My colleague Mr David O'Brien plays the bass guitar — I do not know what they call it; it is not an axe — and I am sure he would agree that being able to strum the strings and get your emotions out through music is very enjoyable.

In the fourth instance the advanced responsible service of alcohol training, which I mentioned earlier, can be a requirement for some liquor licensees. The minister will have the ability to make such requirements when he or she deems fit. This would be expected to be used primarily for those seeking, or those who have been permitted, a late night licence.

Given that there is a heightened likelihood that people who come to these venues will have either had a few too many at another venue and been kicked out or will have entered the new venue without being detected, a broader understanding of the liquor laws should hopefully assist those venues that go later into the night. Most of the time I am tucked up in bed, quite happily dreaming about the next time Brisbane wins a grand final — which could be very long way down the track.

In any case these venues are more likely to have people who will either become intoxicated on their site due to them being there for a much longer period than they would normally be there, or coming in, as they call it, 'pre-charged', or having already had a sufficient amount of alcohol. Having that extra knowledge base will assist both the venue operator and the licensee.

Another instance in which additional training may be introduced is when a venue incurs a demerit point in the liquor licensing regime. The new demerit point system allows for increased fees and even disqualification of a liquor licence if a licensee does not adhere to the laws of the land. This provides a greater incentive for a licensee to manage their venue within the limitations of the liquor licence they have received.

This is a good bill. We already have the support of those opposite and the minor party. This is a very important piece of legislation that will allow for the proper management not only of our liquor licensing regime but also gaming in Victoria. I commend the bill to the house.

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I thank the house for its support of this important legislative change that delivers reform in a number of areas across the liquor and gaming space. I thank Ms Pulford, Ms Hartland and Mr Elsbury for their contributions to the debate.

I will touch very briefly on one issue. Ms Hartland referred to the agent-of-change reform in this legislation. While she welcomes the reform, she believes — to paraphrase her words — that it is relatively modest and that much more needs to be done. I draw Ms Hartland's attention to a media release of 4 August from the Minister for Planning, the Minister for Environment and Climate Change and me which outlines the coalition government's live music action agenda and the reforms delivered by the deregulation of under-age and mixed-age events. It sees reforms to noise emissions through the state environment protection policy N-2 process. It notes the financial assistance introduced through the live music noise attenuation assistance scheme.

The media release notes the delivery of the agent-of-change principle, which is thanks to the Minister for Planning. This is something the previous government talked about but failed to deliver. It also notes the building reforms that will reduce the regulatory burden on venues that are less than 500 square metres in size. The legislative reform before the house tonight is but one facet of a broad range of reforms that together make the coalition government's live music action agenda.

I conclude by informing the house of the feedback the government has received on this reform agenda. Last week, together with the Minister for the Arts, Mr David O'Brien and Music Victoria, I hosted a live music forum. At that forum Mr John Wardle from the National Live Music Office described the government's reforms as inspirational and said they set a national example for other states. Mr James Young of the iconic Cherry Bar described the coalition government's agent-of-change reform as pacesetting. He said he could not think of another state in Australia or city in the world that has this kind of protection.

This agent-of-change legislative reform of the Victorian Commission for Gambling and Liquor Regulation is but one component of a much broader reform package that cuts across multiple portfolios and responds to issues raised by the live music round table. The government very much values the contribution that live music makes to Victoria's culture, economy and jobs. I again thank members of the house for their support of this legislation.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

CHILDREN, YOUTH AND FAMILIES AMENDMENT (PERMANENT CARE AND OTHER MATTERS) BILL 2014

Second reading

Debate resumed from 21 August; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Ms MIKAKOS (Northern Metropolitan) — I rise today to contribute to debate on the Children, Youth and Families Amendment (Permanent Care and Other Matters) Bill 2014. Labor has a number of concerns about this bill, which is why it sought to move an amendment in the Legislative Assembly that was ultimately voted down by the government. Our concerns remain, and therefore I foreshadow that I will be moving what is in substance the same amendment in this house. I will take the bill into committee to seek further clarification on its operation. I will speak further about my foreshadowed amendment during my second-reading contribution and about the reason for the amendment when I move it in the committee stage.

I point out that the amendment has already been circulated to the other parties. In the week that has passed I hope the government has gone away and looked closely at Labor's amendment and that it will perhaps take a different view today. I am very happy to have the amendment circulated at this early point in the debate.

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

Ms MIKAKOS — This is a very technical bill that makes a number of changes to the Children, Youth and Families Act 2005, the Commission for Children and Young People Act 2012 and consequential amendments to a number of other acts. Before getting into the substance of the bill I will make some comments in respect of the process and what I believe has been a lack of genuine consultation.

The minister herself said this bill will deliver significant reforms to the Children, Youth and Families Act 2005. For that reason it is exactly the type of bill that I would have expected to have seen being put out as an exposure draft seeking the views of interested stakeholders so that we got it absolutely right, given its sensitive subject matter.

However, that did not happen. Instead I understand the government chose to gag stakeholders from talking about their discussions with the department by requiring them to sign confidentiality agreements. None of them had an opportunity to see the legislation before it came to Parliament. In fact some stakeholders, including VANISH, the Association of Relinquishing Mothers Victoria and Origins Victoria, were excluded altogether.

During the course of discussions with the Minister for Community Services last sitting week I raised these concerns and sought an undertaking from the minister that her department would provide briefings to these groups. I thank the minister for indicating during the

debate in the Assembly that she would provide those briefings, and I have been advised by these groups that the briefings have occurred. However, the fact that they were not given the opportunity to be briefed on the bill in the first place shows either incredible insensitivity or perhaps retribution for opposition of these groups to the government's Adoption Amendment Bill 2013. I hope that is not the case.

I understand that the bill was not shown to the Children's Court prior to its introduction into the Parliament. In fact I asked the minister's chief of staff, Ben Harris, by email whether the Children's Court was shown a copy of the bill prior to its introduction into the Parliament, and I was advised by email on 18 August that:

> The President of the Children's Court was privy to various clauses regarding permanent care orders during drafting.

The clauses that relate to permanent care orders comprise only one small component of the bill. I take it from the way the response to me was drafted that the entire bill — and in particular the large part of the bill that relates to the jurisdiction of the Children's Court — was not shown to the president of that court and that the court did not have an opportunity to be consulted thoroughly about the implications of this quite significant change in terms of its ability to oversee the work of the Department of Human Services.

I make the point that the statement of compatibility for the bill that was first tabled in the Assembly contained 11 errors. A more consultative approach by the government in respect of such a significant piece of legislation might have minimised the number of errors not only in the statement of compatibility but perhaps in the legislation itself.

There are some deep problems with this legislation. Nevertheless, Labor supports some aspects of the bill. We support some provisions that will commence immediately, particularly in relation to foster carers, and do not want to see them delayed. We considered moving a reasoned amendment during the debate in the Assembly, but we decided against it as it may well have jeopardised the passage of the bill through that house, and foster carers would have lost out from that. However, I point out that the vast majority of the bill is not due to commence until 1 March 2016, so I hope there will be opportunities to rectify its fundamental problems, as we see them. If this government is not prepared to do that, then an Andrews Labor government will.

I will give a brief overview of the child protection system in this state and then I will come to the substance of the bill. Victoria's child protection system and related legislation are predicated on the idea that the best interests of the child are paramount. The state will intervene to remove a child where that child is being either physically or sexually abused or is being neglected. In those circumstances the Department of Human Services will take certain action with the oversight of the Children's Court. In certain circumstances a parent may be able to continue to care for a child subject to conditions imposed by the Children's Court, such as undertaking drug and alcohol screening and counselling, or psychological counselling. Where a child is removed from their parents' care they may be placed in out-of-home care, which can take the form of kinship care, foster care or residential care. In 2012–13 there were 6542 children in out-of-home care; 2352 of them were in kinship care and 1531 were in foster care.

In my role as an MP, and more recently in my role as shadow Minister for Community Services, I have had the opportunity to meet with many kinship carers, foster carers and permanent carers, and I have been very impressed with their selflessness, commitment and dedication to supporting our most vulnerable children. I take this opportunity to express my sincere gratitude to all of them for the important work they do in protecting some of the most vulnerable children in our society.

The bill before us seeks to speed up the process by which a child may be placed on a permanent care order, either with a relative or a foster carer, by imposing a new hierarchy of permanency objectives as well as imposing new time limits on court orders, and I will come to that in more detail shortly. However, in doing so the bill has placed a number of limitations on the ability of the Children's Court to make orders as it considers them to be appropriate in each case. In particular it has removed the court's ability to consider whether the Secretary of the Department of Human Services has taken all reasonable steps to provide the services necessary in the best interests of the child. We on this side of the house believe this places a significant limitation on the jurisdiction of the Children's Court, and I will come to this issue in considerable detail in a moment.

By way of background, the 2012 *Report of the Protecting Victoria's Vulnerable Children Inquiry* — the Cummins report — found that it takes on average five years from the time a child protection report is made for a child to be placed on a permanent care order. When the inquiry was announced and when the report was tabled in Parliament Labor welcomed it. We were supportive of it and of the need for further reform to make further improvements to the child protection

system. The government will claim that this bill gives effect to the thrust of the recommendations in the Cummins report. However, I make the point that there are a number of departures from the Cummins report and that the bill does not reflect the recommendations precisely in many respects.

I turn to the provisions that relate to the Children, Youth and Families Act 2005, in particular the family division of the Children's Court, and those provisions that relate to child protection matters. The act currently sets out a number of principles; in particular that the best interests of the child must always be paramount, which I have mentioned already. One of the existing principles will be amended by virtue of this bill to replace the word 'stability' with the word 'permanency'. A new principle will be added to include 'the desirability of making decisions as expeditiously as possible'. I make the point in this respect that Labor supports minimising unnecessary delay. It is said that justice delayed is justice denied; however, we need to balance competing interests and, in particular, ensure that the best interests of the child are paramount. We also need to acknowledge that sometimes there may be valid reasons for the delay.

In respect of case planning, I note that currently under the act a case plan is required to be prepared within six weeks of the Children's Court making a final protection order in respect of a child. There will now be no stipulated time frame within which a case plan must be prepared. The bill requires that a case plan be prepared in respect of a child —

> … if a protective intervener is satisfied on reasonable grounds that the child is in need of protection.

The opposition advises that this would occur upon substantiation of abuse or neglect. The bill also repeals the requirement for a separate stability plan. This is probably just as well, because opposition members were advised at the briefing we received that stability plans are being completed at the moment.

I will briefly touch upon the very important issue of Aboriginal children in our child protection system. It is an absolute indictment of our community that such a large proportion of Aboriginal children are in the child protection system — somewhere in the vicinity of one in five children. We need to ensure that we learn the lessons from the past and do not have another stolen generation in our own time. Currently we are experiencing a significant number of children being removed from their families. We need to ensure that adequate support is in place to support those children and to support at-risk and vulnerable families to try to keep them together as much as is possible. That should be the overriding principle, as has been accepted on a bipartisan basis for many decades. The guiding principle that applies in the child protection system is that we try to keep families intact.

Opposition members are supportive of the requirement in the bill for all Aboriginal children in out-of-home care to have their cultural support needs addressed in their case plans as well as having their cultural support plan aligned with their case plan, rather than just those on guardianship orders to the secretary, as is currently the case. Cultural support plans must also address the cultural support needs of these children so as to maintain and develop those children's Aboriginal identity and encourage connection to community and to culture.

However, I point out that to date the government's completion of these plans has been absolutely woeful, with only about 8 per cent of children who are subject to this requirement having had a cultural support plan developed for them. That figure came from the Koorie Kids submission made from Aboriginal agencies to the government in the development of its five-year out-of-home care plan. It is a very low percentage indeed.

I also sought to consult with Andrew Jackomos, who is to be commended in his role as the commissioner for Aboriginal children and young people. I sought his views on this bill. I know that he also forwarded a copy of this correspondence to the minister. In that correspondence to me dated 20 August Mr Jackomos said:

> I strongly support the requirement for all Aboriginal children in care to have a cultural support plan that is aligned with the case plan, rather than as now just those on guardianship orders to the secretary. Culture is a strong protective factor. I know that many children now who are required to have plans do not and that for those who do many of their plans lack integrity. The department has assured through briefings that they will work with the sector to reform how plans are done. I would also like the commission to play a role in overseeing the quality of these plans and their implementation as they relate to children's wellbeing.

If we do have cultural support plans, it is important that they are not just tokenistic in nature and do not just give an Aboriginal child a flag and the ability to participate in NAIDOC Week events. It needs to be stressed that these plans need to be meaningful, have regard to the duration that the child is going to be in out-of-home care and mindful of the individual circumstances of the child. I hope further work will be done to ensure that that is the case.

More broadly, I am disappointed that in the development of the five-year out-of-home care plan the

government did not announce a plan for Aboriginal children to reduce the very high numbers of Aboriginal children who are currently in the child protection system more broadly and in out-of-home care in particular.

I know Mr Jackomos is going to play a significant role in the Taskforce 1000 work that he is involved with; however, I wish the government had commenced that process much earlier so that we had a plan available now on the table and that the necessary resources to accompany the plan would go to Aboriginal agencies to ensure that we can start the work that needs to occur to reduce that overrepresentation.

I turn now to the issue of the hierarchy of permanency objectives. As I mentioned earlier, case plans must now include one of the following permanency objectives to be considered in the following order of preference, as determined to be appropriate in the best interests of the child. These are family preservation, family reunification, adoption, permanent care and long-term out-of-home care. There is a preference for a child to be placed in kinship care when any of the options of adoption, permanent care or long-term care are being considered. Any of those three options would be considered appropriate if a child has been in out-of-home care for 12 months and there is no real likelihood of the safe reunification of the child with the parent in the next 12 months or, except in exceptional circumstances, the child has been in out-of-home care for a total of 24 months.

These new time limits and the fast-tracking of permanent care are being made whilst no new resources are being invested in ensuring that families can be reunited where possible. That is a key issue of concern to me, and an issue that I asked about in the briefing, and no additional resources are going to accompany this legislation to make sure that families are not going to be put at a disadvantage. Whilst the clock starts ticking and families effectively have 12 months to get their act together, so to speak, there will be no additional help to make sure that families and children get access to the very services and supports that they need to make sure that they can reunify within that time period.

As I mentioned earlier in terms of the hierarchy of permanency objectives, adoption comes third on the list, and in fact is listed to be considered prior to permanent care and prior to long-term out-of-home care. This issue has caused a great deal of concern to groups such as VANISH, the Association of Relinquishing Mothers and Origins Victoria, who all contacted me after being denied the opportunity to have a say on this bill prior to its introduction into Parliament. If I had not contacted them to ask them their views about this matter, they probably would not have known that this bill was in Parliament and this change was proposed, because they expressed their surprise to me. They did not know anything about the bill, they did not know about this particular hierarchy, including adoption, and they were very concerned about this matter.

I should explain that these organisations represent adoptees and mothers who have faced forced adoptions. These are people who have faced a lifetime of grief and experience very deeply the issues around adoption and in particular forced adoptions that have occurred historically. These people have some very deep concerns about whether this change will mean that adoption is being put to parents in an environment that is essentially one of duress, where their children are being removed from them through the child protection system.

I was advised during the bill briefing that whilst the government does not anticipate any increase in the number of adoptions, it will be put to parents as an option. Given that, I have concerns about whether there will be a widening of the number of cases where children are in fact put up for adoption. I know the process of going through the Supreme Court for adoption is different to the process in respect of permanent care. Nevertheless, in the hierarchy it has been put before, not after, permanent care, so I think there are some legitimate concerns about how this will operate in practice. I will be seeking further clarification from the government about this when the bill goes into committee stage so that it can put some further information on the record about how this will operate in practice.

I now want to address the issue of the restrictions on the powers of the Children's Court. As I indicated at the outset, this is the biggest concern Labor has about this particular bill, and it is why, as I have already foreshadowed, I will be seeking to move some amendments later on. Labor is concerned that the Napthine government is seeking to restrict the ability of the Children's Court to oversee the actions of the Department of Human Services (DHS) at a time when the department is clearly failing children in out-of-home care. We are especially concerned that clause 17 of the bill removes the requirement that the court must not make a protection order unless:

> … it is satisfied that all reasonable steps have been taken by the Secretary to provide the services necessary in the best interests of the child.

The government's attempts to remove this requirement come as a direct response to the scathing comments made by the Children's Court about the secretary and the department in the case of two siblings who were sexually abused whilst living in separate residential care units. In that case the secretary and the department were heavily criticised by the magistrate, who found that the secretary was in fundamental breach of her duty of care to each of these two children. It was because of the court's express lack of confidence in the secretary and the department that the court refused to make a final protection order for the two siblings. As a result, the magistrate only imposed interim orders, which will require the department to go back to court soon. It is important to note here that the court was only able to do this because of the express requirement in section 276(1)(b) of the principal act. In that case the court was not satisfied that all reasonable steps had been taken by the secretary to provide the necessary services in the best interests of the child.

The requirement for services can take many forms. For example, it could be for drug and alcohol counselling. We know there are considerable delays in accessing these services at the moment. The submission of the Law Institute of Victoria to me on this bill refers to this particular issue. It says as follows:

> If reunification is not achieved within that time frame of 24 months because services could not be sourced by the parents to effect change required, the new section 294 prohibits the court from taking the lack of services into account and thus being able to extend the family reunification order.

I spoke to one lawyer who has decades of experience working in the Children's Court. I want to put on the record my thanks and gratitude to the law institute and those many very experienced lawyers I spoke to about their concerns with this bill. One of those lawyers indicated to me that his clients typically wait many months before they access drug and alcohol counselling. If a parent were to have to wait five or six months to access drug and alcohol counselling, but the clock has started and they effectively have 12 months, there goes half a year, putting that parent at a disadvantage in meeting the new time requirement stipulated under this legislation.

This goes to the very heart of Labor's amendment to this bill to reinstate this very important oversight of the department. The services to be provided could take different forms. There could be psychological counselling. There could be mental health counselling if, for example, the mother is suffering from a mental illness and is not able to adequately protect, provide or care for her children, and for that reason the children have been removed. There could be a range of supports. For example, they could relate to a family — mother and children — who have been victims of family violence where the children have been removed because they are not living in a safe environment, and the mother requires assistance to apply for an intervention order to have the abusive partner removed from the home and for her to be reunited with the children in a safe environment.

At least the legislation puts an onus on the department to provide these services and supports for parents. However, they are going to be behind the eight ball. They are going to be at a disadvantage. The clock will be ticking, but there will be no requirement for the department to provide those necessary supports.

We want to be absolutely clear on this. Labor is supportive of the principle that the best interests of the child should be paramount in any decision-making. However, it is inherently unjust to put a clock on reunification whilst at the same time removing the court's ability to consider whether the department has taken reasonable steps to reunify families. I want to remind members of the government that, as I said before, there is a long-established principle — you could say it is the basis of our child protection system — that we seek to reunify families and keep them intact as much as possible.

In fact, in her summing-up of the debate in the other place, the Minister for Community Services, Mary Wooldridge, said as much. She said that the vast majority of children are reunited with their parents. Of course we need to ensure that children are protected from abusive parents, and of course we need to remove children from abusive and neglectful parents — that is why the state steps in. There needs to be proper oversight of the department's role in doing so to ensure that the state also provides the supports and services necessary to achieve family reunification where that is possible.

I turn again to the Law Institute of Victoria submission to me, which refers to its very grave concerns about the issue. In its very detailed submission it says:

> The LIV is concerned that if DoHS is not obligated to provide services to the children and families before the Children's Court, those children and their families will not be able to readily access the support they require …

Should a similar case to the one I referred to earlier — that is, a recent case that involved two siblings and received huge publicity — come before the Children's Court in the future, after these legislative changes are enacted, I am concerned that the court will be obligated

to make final orders about the care of the children irrespective of whether the department has provided necessary services, such as a safe environment for the children to live in. In that case the children had both been sexually abused by other children whilst they were living in residential care, so when I talk about services and supports, I am not just talking about services and supports for parents; I am also talking about services and supports for children, and in particular the most important service that a vulnerable child can receive from the state, which is a safe environment to live in — a residential care unit to live in where they will not be sexually abused. In this case those children did not receive that safe environment.

Tragically in recent months we have heard that this has become a common occurrence. We have heard of statistics where close to 300 children in out-of-home care have been sexually abused or exploited, in some cases by paedophile rings and in some cases by other children in out-of-home care. That is why I am very concerned about the change to the legislation and why the legal profession is very concerned about the change and the potential implications for the safety of children and vulnerable families into the future. It is why I have to question the government's motives behind the timing of this change and the reasons for it.

I quote from an opinion piece published on 22 August by James Campbell in the online *Herald Sun*. I will table the article because I think James Campbell hits the nail on the head. It is headed 'Bill is bad news for vulnerable children'. I do not propose to read the whole article, but if government members encourage me to do so, I will. It would be worthwhile for government members to read this piece, because James Campbell is very passionate about having a child protection system that protects vulnerable children, and he is very concerned about the bill. The article says:

> Whatever you might think about the Department of Human Services, you have to admire the way it fights its corner. For years the people charged with looking after the state's most vulnerable children have hated the Children's Court and for years they have fought to weaken its oversight of their actions.
>
> Now, thanks to community services minister Mary Wooldridge and her bill before the Victorian Parliament, that dream is close to becoming a reality.
>
> To give you an idea of why DHS and its staff hate the Children's Court and why Wooldridge's bill is such a shocker, you only need to look at a case last month that resulted in the department's top bureaucrat being given a massive serve by a magistrate over the horrific abuse suffered by two children placed into her care.

James Campbell goes on to talk about the case, which I have already spoken about at some length, and I do not propose to go into it again. The article goes on:

> The minister's response to this shocking case was to stand by her secretary, saying Callister was 'working hard to deliver the government's reform agenda for vulnerable families'.
>
> Her next move appears to have been to rush out a bill that will make it much less likely the Children's Court will uncover such cases in the future.
>
> The government will no doubt argue that these plans had been a long time in preparation, but it is curious, to say the least, that in contrast to the last major reform of the child protection legislation in 2005, Wooldridge did not bother to release an exposure draft ahead of her bill.
>
> According to one veteran child protection lawyer I have spoken to, the bill, 'basically wipes out half the jurisdiction of the Children's Court' — or, to put it in the more measured words of the Law Institute of Victoria, it will result in 'the diminishment of the ability of the court to exercise its inherent jurisdiction and to review the decision-making of Department of Human Services'.
>
> According to its critics, the bill achieves that by replacing a number of different types of orders the court can currently make for children to which it can attach conditions — for example, where a child must live, what services DHS must provide, how frequently they can see other family members and so on — with two new orders: family preservation orders and family reunification orders.
>
> If after two years parents have failed to get their act together, DHS will be able to apply a care to the secretary order and long-term care order. These orders will have no conditions attached to them and last until the child's 18th birthday. The only contact a parent might have with their child for the rest of their childhood will be no more than four court-ordered contact visits a year.
>
> At the moment, all children in out-of-home care come back to the Children's Court at least once a year when DHS must provide a report outlining the justification for the order continuing — and as we can see in the case above, those can be uncomfortable occasions for its staff.
>
> The intention of this bill is to make sure that is no longer the case. The effect of the changes according to every Children's Court lawyer I have spoken to will be to return Victoria to the 1970s, when DHS — then known as Community Services — could put children on wardship orders, under which abuse was common.
>
> As one lawyer remarked recently, 'many of the victims who are now appearing before the royal commission into institutionalised abuse would have been wards of the state'. The reason the Children's Court was given such a strong power of scrutiny in the groundbreaking Children and Young Persons Act of 1989 was because the department had been shown to be manifestly failing in its duty of care to the children in its care, something which, if we are to believe the magistrate above, has not changed.
>
> But as another lawyer who has practised for more than 40 years wrote recently, 'DHS has never accepted the

> legitimacy of the Children's Court having the power to interfere in its decision-making process'.
>
> Thanks to Wooldridge's bill, which passed the Legislative Assembly yesterday, the interference in a department, which as the court found allowed two children in its care to be raped, will be substantially weakened in the future.

That is a pretty damning assessment of the government's legislation from someone who, as government members know very well, was an adviser to a Liberal community services spokeswoman in a previous Liberal government. I do not want to suggest that every public servant in the Department of Human Services has a vendetta or has it in for the Children's Court. I know staff in the DHS have a very heavy workload. They are currently experiencing huge issues in terms of lack of support and resources, and it has got to the point where WorkSafe has had to put in place provisional improvement notice orders, staff are stressed, morale is at an all-time low and staff are leaving in droves. The situation is extremely dire in the Department of Human Services.

But I worry that we have legislation before us that is gutting the role of the Children's Court, which was established because of previous problems that had been identified over many decades. We have had many inquiries. In fact the number of inquiry reports that have been published on the child protection system in this state could fill an entire bookshelf. There have been many inquiries and many reports. The system has evolved, and it has evolved, you could say, in response to the last crisis. We have had reforms put in place. We have had the role of the court expanded because previous reports have identified that there were problems with the state acting through the Department of Human Services, as it is currently known. Those systems, those checks and balances, have been put there for good reason: to make the system work better.

I do not want to take the side of the department or the court. I think we need to have a system that is balanced and puts in place the necessary checks and balances to get it right in the best interests of children. That is what we should all be seeking to achieve. Given, however, that hundreds of cases have come to light through the media this year of children who are being let down by the department and being abused while they are in care, and given that we have had a decision that has been highly scathing of the court, you really have to question why the government would then introduce legislation that would, in effect, seek to gut the role of the Children's Court.

This is why I am very concerned. This is why we are expressing our deepest concerns about this particular issue. The government has had the opportunity to reflect on James Campbell's damning criticism, the submissions it has received from the Law Institute of Victoria and the many other concerns that have been expressed to it about this legislation. Labor has made the commitment that if the government is not prepared to do the right thing and support Labor's amendment to reinstate the powers of the Children's Court through this very important legal test that the government is seeking to remove, an Andrews Labor government will seek to do so. We will fix this. We will reinstate the legal tests in section 276. We will ensure that the Children's Court properly oversees the Department of Human Services, because we want to get the system right. We want to ensure that we have the proper checks and balances in place to ensure that children are looked after and vulnerable children are protected.

As I said earlier, we are also concerned that there are no new resources accompanying this legislation. We are concerned that this change may also be motivated by a desire to save the department money rather than to provide for what is in the best interests of children. It is important that people understand that when children go from being in foster care to being in permanent care, as will happen in many more cases under this legislation, the amount of financial support that accompanies that child reduces. If a child is on a significant reimbursement — and I know foster carers would say it is not significant, but the more complex cases have attached to them some higher levels of reimbursement for foster carers — and that child is transferred and goes on to a permanent care order, he or she goes down to the lowest rung of reimbursement. That saves the department money.

I have to question the motivation here. If we are putting in place a regime that does not have new resources attached to it and does not ensure that children and carers will get the support and services they require, the motivation is to save money. I know the concern around the lack of resources is one that is shared by the sector. Many of the child protection agencies that have provided in-principle support for the bill — and I hasten to add that they did so in many cases prior to seeing the bill itself — have expressed reservations about the lack of financial resources or new resources accompanying this new legislative regime. Berry Street was one such agency. It said it gave its in-principle support to improve permanent care arrangements, but it also expressed concern, saying:

> … in the absence of funding and system reforms we do not believe these measures will prove effective.

The sector is saying that unless the legislation is accompanied by additional supports, additional funding and system reforms, it questions whether the legislation will achieve its stated purpose.

I referred to Andrew Jackomos earlier, and I want to come back briefly to his letter to me to make the point that he expressed similar concerns. In his letter to me he said:

> Recognising the multiple and complex needs and family stressors faced by many Aboriginal families the time frame proposed for permanency of up to two years will need to be supported by investment of resources and intensive effort in family strengthening and support services.

I will not labour the point except to say that this is an issue that has attracted a lot of concern quite broadly.

I come briefly to some of the changes to the orders. The bill abolishes a number of current orders available to the Children's Court and renames many of the remaining orders. It repeals the custody to third party order, the supervised custody order, the custody to secretary order and the interim protection order. The new protection orders are a family preservation order, a family reunification order, a care by secretary order and a long-term care order. The minister has expressed many times that wherever possible the aim is to preserve and reunify families. As I have said, without the accompanying resources and without the necessary onus being put on the department, I question whether that will actually be possible.

Three of the four new protection orders that the minister has created under this piece of legislation take away parental responsibility for a child from the child's parents and vest this instead in the secretary. For all intents and purposes this would appear to be inherently contradictory and completely at odds with the objective of reunification. On one hand those opposite are saying they want to reunify children, but on the other hand they are taking away the legal responsibility of the parent and vesting it instead in the secretary in a lot more cases than in the past.

We understand that children should not be left in limbo for years and experience anxiety and uncertainty about who will care for them in the future. The minister has expressed her concerns about this particular issue, and we too want to ensure that children are provided with greater stability. It is important that children are not left in legal limbo, and we need to ensure that the system is geared up to achieve this stability as quickly as possible bearing in mind the best interests of the child.

Previously under a supervised custody order the Children's Court of Victoria could specify a person in the order, such as a grandparent or an aunt, who could be caring for the child. This would encourage a conciliated outcome between the parties. But the new protection orders do not allow for this; they do not allow for a person to be nominated by the court. I know the Law Institute of Victoria has expressed concern that the removal of this ability to specify and the fact that three of the four new protection orders vest parental responsibility in the secretary will lead to more contested hearings. The department is saying that it wants to go to court less frequently on these matters in the hope it will provide greater stability for the children. However, the legal profession is saying that quite the contrary will be the case and that there will be more litigation and more contested hearings because of the additional restrictions being put in place.

The law institute has also expressed concern about the removal of the court's ability to impose conditions, particularly relating to contact between a child and a parent, and the ability of the court to impose any other conditions that are in the best interests of the child.

I turn now to the issue of permanent care. Under the act a permanent care order confers parental responsibility for the child on persons named in the order, not the child's parents or the secretary, to the exclusion of all other persons. Because of the new hierarchy of permanency objectives introduced by this bill and the limitations being placed on the court's ability to impose other orders, the government is hoping that more permanent care orders will be made. A permanent care order must have a standard condition that a permanent carer will preserve the child's identity, culture and relationships with their birth family. However, the bill removes the court's discretion, which is currently unlimited, and includes conditions such as no more than four contacts per year with the child's parents.

The law institute has again raised concerns about the bill's intrusion on the court's ability to decide what is in the best interests of the child. Whilst permanent carers can maintain more frequent contact, the court will not be able to order this. I do point out, however, that the Foster Care Association of Victoria is supportive of this change. I had discussions with the association and I take on board its views around this issue. However, I point out that, as I understand it, the limitation to four contacts per year applies only to the first year and that there is no similar limitation in subsequent years.

I am concerned that four contacts in the first year is not a high level of contact. If members consider the important holidays throughout the year such as Christmas and other occasions such as family members' birthdays, if four contacts are all that will be

made available in a year, they will be used up pretty quickly. It is important that children have ongoing connection and contact with their families as much as possible. I know that sometimes these contact visits can be difficult for both children and permanent carers, but we have to remind people that we are talking about a legal context that is a step down from adoption — it is not adoption — and therefore it is important that those relationships are maintained as much as possible.

I point out also that, despite my having received some comments and concerns around the issue of contact with siblings, I understand the act remains unchanged in respect of allowing the court discretion to provide for sibling contact. Again, I make the point that it is absolutely vital that that happens. We just need to look at the reports that have been written in recent years about the forgotten Australians and children who were removed from their families and who lost contact not only with parents but also with siblings and the amount of trauma that caused them. It is important that we learn from these reports, whether it is the stolen generations or the forgotten Australians reports, and that we take the lessons from those reports, apply them to the way our child protection system operates and ensure that we do not have children who as adults in 20 and 30 years time will be feeling similarly aggrieved.

I made the point earlier that permanent carers receive the lowest form of financial support and in fact can also lose all practical support from the department. This is exactly why many foster carers choose to remain foster carers rather than become permanent carers. They lose not just that financial support but also the practical support — that is, someone they can call, whether in the department or in a child protection agency, who can assist them in organising these contact visits and provide them with so much other practical advice and support they need. If we are to be serious about achieving greater levels of permanent care, then a whole lot of issues need to be looked at.

I do not have a lot of time remaining to me in this debate, but I just want to briefly touch upon a few other issues. One relates to changes to authorised decisions. The secretary will now be able to specify certain issues that carers and children in out-of-home care will be authorised to make decisions on — for example, the signing of consent forms for excursions or obtaining routine medical care for a child. This will exclude decisions about major, long-term issues such as a child's education, religious and cultural upbringing, or long-term health, as well as their name. I have heard many complaints from foster carers about these issues, including the difficulty they have in enabling children to participate in school excursions. It is important that children who are in out-of-home care do not miss out and that they can get all the same opportunities as other children. It distresses me that that difficulty is happening at the moment.

My understanding is that this change had been made by regulation by the previous government, so I do not understand why this has not been occurring already. But the fact that the change will now be put in the act is something I am supportive of. This is one significant reason Labor decided not to proceed down the path of moving a reasoned amendment in the other place; that would have effectively put at risk this particular change, which I understand will commence on proclamation. We are supportive of this change happening soon and ensuring that those issues are addressed quickly.

Another issue I want to touch upon briefly relates to the part of the bill that deals with the registration of community service organisations, which can currently be registered for a period of three years. The bill will enable them to be registered for three years longer as determined by the secretary in each case. The circumstances in which the secretary can revoke a community service organisation's registration under section 51 have been expanded to include that the secretary has ceased providing for the body, the secretary has terminated its service contract or any other circumstances the secretary considers relevant. This is another part of the bill about which the sector has raised concerns with me because it had not seen or been alerted to this change ahead of the bill's introduction into Parliament.

I want to put on the record some excerpts from a copy of a letter that I received from the Centre for Excellence in Child and Family Welfare in respect of this issue. The letter is addressed to the Minister for Community Services, Mary Wooldridge, and dated 25 August. It states:

> On 17 June 2014 the Centre for Excellence in Child and Family Welfare (the centre) together with other member organisations provided written support, as requested by you, on the proposed amendments in the bill. This support was based on Department of Human Services presentations on the proposed amendments to promote permanency for children and young people. At no stage was the centre given access to the detailed provisions of the bill.
>
> On 7 August 2014 the bill became publicly available. The centre and member organisations became aware of the breadth of the amendments, noting changes to section 51 of the Children, Youth and Families Act 2005 to strengthen the power of the secretary to revoke registration of a body as a community service, particularly section 51(1) and 51(2)(f). The centre and member organisations had not been informed nor consulted on this change by the Department of Human Services prior to this time.

> The lack of prior consultation on the changes to revocation of registration provisions has had a significant impact on community services and caused considerable concern.
>
> The centre and member organisation representatives seek further consultation with you and the Honourable David Davis on the legislative amendments on section 51 in order to contribute to changes to the bill.
>
> I look forward to hearing from you at your earliest opportunity.

This letter was signed by the president of the board at the Centre for Excellence in Child and Family Welfare, Angela Forbes. It also went to the Leader of the Government, David Davis. I do not believe that that consultation has occurred. The government can correct me if I have got that wrong, but this is all being rushed through. It is now 9.20 p.m., and the government is determined to get this bill through tonight. The sector remains concerned about what this particular provision means for it going into the future, so I will be seeking some further clarification from the government about this when we take the bill into committee.

The bill also increases penalties for certain offences, such as leaving a child unattended, harbouring or concealing a child subject to a child protection order from police and inducing a child in out-of-home care to be absent without lawful authority. The penalties for each offence will increase from 15 penalty units or three months imprisonment to 25 penalty units or six months imprisonment.

We are very supportive of anything that will protect children in out-of-home care. The provisions around harbouring or concealing a child or inducing a child in out-of-home care to be absent are important ones. I do not know whether increasing the penalties is going to provide the level of protection that those children deserve and should have. There are many other measures that relate to staffing levels in residential care that can also address those issues, and I have already raised those issues with the government on numerous occasions.

The Minister for Children and Early Childhood Development, Ms Lovell, addressed the media in relation to leaving a child unattended. Her explanation left a lot to be desired. It was a complete mess. She gave conflicting explanations to the media and to the Parliament. She caused parents a great deal of anxiety. She just needed to look at the Premier's own Facebook page for evidence of this. There were numerous examples there of parents expressing concern about how this particular offence was going to operate in practice. At first it was a case of no ifs, no buts, no excuses. Then it was a case of parents deciding whether their child was mature enough to be left unattended. Then it was a case of police officers deciding that. We were given different advice on the age of the children in question. We need to get some greater clarity from the government around this. We need to ensure that parents are clear about what actions will lead to them potentially copping a massive fine or even imprisonment. We do support the need for children, young children in particular, not to be left unattended in a hot car during summer. We are supportive of that, but we also need to ensure that the law is clear and we are not having absurd situations.

I have had a lot to say about this and I am running out of time, but there are many problems with this bill. There are many questions that I will seek greater clarity on in the committee stage. I urge government members to seriously consider supporting Labor's amendments, which I have already foreshadowed. We have a child protection crisis in this state, and we need to get the legislation that underpins the child protection system right. We have a lot of grave concerns about the problems in this bill, particularly the gutting of the Children's Court's jurisdiction. I urge members to support Labor's amendments and to go one step towards getting this right — otherwise an Andrews Labor government will get it right. Labor will amend the legislation and reinstate the powers of the Children's Court if we come to government.

Ms HARTLAND (Western Metropolitan) — I rise to speak on behalf of the Greens in the debate on the Children, Youth and Families Amendment (Permanent Care and Other Matters) Bill 2014. Ms Mikakos has given a very detailed appraisal of the bill, and I will not go into that level of technical detail.

I will start by saying that this is a difficult bill. Foster carers have legitimate concerns about a range of issues, especially around being able to sign consent forms for school excursions, give basic medication and so forth. Foster carers have a very strange lack of control, and they clearly want to know how long a child will be in their care before permanent care arrangements come into force. I have heard from a number of foster carers this week who have said it will be three, four or five years before these issues are resolved.

I have heard from groups such as Origins Victoria and the Victorian Adoption Network for Information and Self Help (VANISH), which are extremely concerned about adoption issues in this bill. They are very concerned about the fact that the mistakes of the past could easily be repeated. This has not been easy to deal

with, and to be quite frank I still have not quite decided how we are going to deal with this because while this bill has some merit I do not believe it goes far enough towards actually addressing the issues.

There were 6500 children in out-of-home care in Victoria in 2013. Approximately 2350 of these children were in kinship care, and a further 1500 or thereabouts were in foster care. These are vulnerable children and young people who are subject to Children's Court orders because they have experienced abuse or neglect. Sometimes that abuse and neglect is quite extreme.

From a public health perspective the Greens feel that putting far greater emphasis on primary and secondary services is critical to reducing the numbers in the child protection system and delivering improved outcomes. These services include universal supports to assist all families and targeted supports to prevent those who are in disadvantaged and at-risk groups from reaching crisis point. Unfortunately the investments which would help break intergenerational problems and improve wellbeing are the sorts of long-term strategies that are too often swept aside by governments of all colours when dealing with the pressures of the three-year budget cycle and media pressure over current failings at the tertiary end of the system. They are also to a large extent not covered beyond the statutory part of the children protection system and cannot be addressed within the bill before us today.

The government has stated that the main objective of the Children, Youth and Families Amendment (Permanent Care and Other Matters) Bill 2014 is the reform of child protection orders and case planning requirements that will result in better permanency and stability outcomes for vulnerable children. It claims that this will break down the barriers to permanent care. The Greens see this bill as containing some measures that go to that intention, but overwhelmingly we remain deeply concerned that for the almost four years the coalition government has been in power it has failed to address the most important barriers to children getting into permanent care. We believe these are not legal barriers; they relate to the fact that not enough people are stepping forward to become foster carers or kinship carers. This is because of the huge cost involved and the lack of government funding to meet the everyday costs of raising a child and meeting the needs of often quite disturbed children for psychological and other supports.

Victoria pays foster carers the second lowest rate of any state or territory in Australia. This area has never been well funded, and I would like to read out a few numbers. In Victoria if you are fostering a one-year-old child, you receive $159 a week. In New South Wales the figure is $218; in the ACT, $201; Queensland, $224; the Northern Territory, $211; Tasmania, $190; South Australia, $155; and Western Australia, $172. What is required is a much higher amount. If you are fostering a 14-year-old in Victoria, you receive $252; in New South Wales, $329; the ACT, $348; Queensland, $262; the Northern Territory, $329; Tasmania, $251; South Australia, $256; and Western Australia, $277.

The Foster Care Association of Victoria estimates that each carer needs at least $5356 more per year. That is just the basic cost; it does not include the cost of addressing issues such as the cost of psychological services. The association goes on to state:

> In recent months it has become clear that, increasingly often, carers are being refused access to brokerage funds to pay for dental work, psychological support, speech therapy, educational assistance, medical services and more. This places an additional burden onto carers already at breaking point, often resulting in children in care missing out on essential services.

Let us remember that these children are in care because they have been in abusive situations and are often extremely damaged. They may have been sexually, emotionally or physically abused, and if foster carers cannot access the services they need, these children are left in a very vulnerable position.

One of the main outcomes of this bill is that it limits the period parents are given to get their lives back on track to 12 months, or two years if they show some improvement, before the child is taken away from them permanently. I understand completely that there are parents out there who should not have the care of their children. They are either too damaged themselves, they do not care about their children, they do not know how to care for their children or in some cases I think we can say they are simply evil and should not have the care of their children. The problem with this bill is that it takes away the discretion for biological parents to be assisted to return to being involved in their children's lives. I am also extremely concerned about the fact that the bill takes discretion and power away from the Children's Court when trying to return a child to his or her parent or parents beyond this time frame.

The government has stated that the first priority in the hierarchy of care is attempting to keep a child at home and, failing that, to reunify the family where possible. I understand why the government wants to put a time limit on a child's uncertainty about their care, but an average period of five years is a very long time for children and foster and kinship carers to live with uncertainty about long-term care arrangements.

However, I am not entirely comfortable about removing the court's power to assess this on a case-by-case basis.

It seems somewhat contradictory to the hierarchy of care to rule out a return home at any stage after a one or two-year period. This might be acceptable if the government actually matched this policy with strong investment and support services for parents to help them to get their lives back on track during that period, but the bill appears to do the exact opposite. It removes the obligation of the Department of Human Services (DHS) to refer parents to support services. This means that if a parent chooses to take on these services themselves, they do so at their own cost. I think people need to be reminded that there have been massive cuts to drug and alcohol, mental health and homelessness services, so I am not quite sure how some of these parents are expected to get their lives back on track if there are no services by which they can be assisted.

The government has claimed that the provision of support services will come under the new case plan arrangements. However, nowhere in part 3 of the bill, which relates to case planning, is it outlined that support services must be included in a case plan. It might be the government's intention that support services for parents will be included, but without it being stipulated in the legislation the intention is, frankly, meaningless.

The Greens are concerned about the changes to the Children's Court, particularly in relation to its review of decisions made by the Department of Human Services. I refer to the comments made by Ms Mikakos and say that we agree with them. There are important examples of where the court's oversight of DHS management of child protection cases has meant better outcomes for children.

The Law Institute of Victoria has expressed many deep concerns about this issue, especially in relation to clause 17 of the bill which removes the requirement that the court must not make a protection order unless it is satisfied that all reasonable steps have been taken by the Secretary of the Department of Human Services to provide the services necessary to protect the best interests of the child. It is highly problematic that a strict time frame has been put on reunification whilst removing the court's ability to consider whether the department has taken reasonable steps to unify families. Parents might need drug and alcohol support and psychological support to get stable housing, and in the real world these things take time. Thus the Greens will be supporting Labor's amendment to delete clause 17.

I am concerned about the maximum of four court-ordered visits per year. How will this preserve the child's identity, culture and relationship with their birth parents? The Law Institute of Victoria has said that this bill contradicts the Protecting Victoria's Vulnerable Children Inquiry recommendations and does not conform with our obligations under the UN Convention on the Rights of the Child and the Victorian Charter of Human Rights and Responsibilities. The bill also conflicts with the Victorian Law Reform Commission report into the Children's Court, which was undertaken when Labor was in government.

There are some clearly controversial aspects of this bill which need deeper consideration, so it is even more disappointing that the government has failed to undertake consultation on the implementation. We need greater scrutiny by interest groups for whom this has a profound effect. I understand that VANISH and Origins Victoria had not been spoken to about the bill before it was introduced in the lower house. As Ms Mikakos indicated, when I rang them to ask them what they thought about the bill — I presumed that they had been consulted — they were quite shocked to hear the bill was being introduced. It was only after Ms Mikakos and I had spoken to them that the government deemed it necessary to consult them. Those groups have a profound understanding of what happens around the issues of adoption. It is very poor that they were not consulted earlier considering that very recently in this Parliament an apology was made to people who had lost their children to forced adoption and to those children who had been adopted. We could be making the same mistakes again, especially if we do not consult the groups that actually have this intimate knowledge of the problem.

I do not understand why the government is rushing this bill through at the eleventh hour. It is late at night, and it will be several more hours before we are finished. The government has now been in power for three years and eight months. When I consider the amount of campaigning that occurred leading up to the 2010 election, I would have thought that child protection was seen as a major issue. I do not understand why we are only dealing with this now, three years and eight months later.

Given that the government will pass this bill with or without Greens support, I have decided to attempt to amend it to include specific provisions so that parents must be provided with support services in the case plan to support reunification with their child during the 12 to 24-month period. I had hoped the government would seriously consider this, but it has not, and it is clearly not open to constructive amendments. I do not believe

this amendment undermines the government's intention with the bill. The opportunity to receive support services directed by the Department of Human Services, and thus at the expense of the government, would have created a safeguard for parents.

The bill has to be in the interests of children, and this is the biggest rewrite of the Children, Youth and Families Act 2005 since it was enacted. We need to get it right, and part of that is ensuring that parents are given the best chance to get their lives back on track. We all know this is not easy, and for some parents it is not going to be possible. Where it is not possible, children should be placed in permanent care and given a stable and loving environment.

The bill also increases penalties for child protection offences in the act. The offences relate to children being left unattended — for example, leaving a child locked in a hot car during warm weather or where parents are gambling. The Greens do not oppose this amendment but feel uncomfortable with the government's desire for even harsher penalties and to lock everyone up who makes a mistake. It is expensive and is not necessarily effective. When I say that, I am talking about the confusion in such scenarios; I am not talking about a parent who leaves a small baby in a car for hours when they go to a gambling venue or a person who deliberately harms a child by leaving them in such situations. I am not a parent, but I have friends who are. If you have three or four small children, you forget sometimes. Are we going to punish people who do not mean to do these things? Are those the people we intend to punish?

The bill includes an offence dealing with harbouring or concealing a child — for example, hiding children who are the subject of child protection orders from police or other authorities. Penalties for offences that relate to the sexual exploitation of children in out-of-home care will also be increased through the bill — for example, inducing a child in out-of-home care to be absent without lawful authority or entering, lurking or loitering around a child's placement. It is important, and the government needs to step up and make sure that children within its protection are safe, because in the last 12 months we have seen a number of extremely distressing cases where children should have been safe in government care but they have not been.

The Greens are having a great deal of trouble supporting this bill as it currently stands. I will listen to the debate and make a decision, but I do not think this bill is good enough. The government has had three years and eight months to begin rectifying these issues. I do not believe that this bill addresses the real barriers to permanent care. If after the election the Greens have the balance of power, or if there is a change of government and an ALP government decides to amend this legislation, again depending on the content of that bill, we would probably be very supportive of it, because we do not think this bill is good enough.

The ACTING PRESIDENT (**Mr Ondarchie**) — Order! In her contribution Ms Hartland talked about some proposed amendments. Does she have those to circulate?

Ms HARTLAND — The amendments can be circulated.

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

Mrs COOTE (Southern Metropolitan) — It is a great pity that I do not have 1 hour, like Ms Mikakos had. I have 15 minutes only, and I have a great deal to say in that time. I know we are going into committee with this bill and a lot will be teased out then; however, it is my greatest honour and privilege to speak on the Children, Youth and Families Amendment (Permanent Care and Other Matters) Bill 2014.

The proposed changes to this legislation represent the most significant change to the Children, Youth and Families Act 2005 since it was established. The changes proposed in the amendment bill are part of the broader Victoria's Vulnerable Children — Our Shared Responsibility reforms. It is very important to keep the debate on this legislation in context and not to cherrypick our favourite issues. It is necessary to understand that this is part of the government's long-term strategy.

The proposed changes are consistent with the findings and recommendations of the 2012 Protecting Victoria's Vulnerable Children Inquiry. They address barriers to timely permanency planning and care arrangements for vulnerable children and young people on child protection orders, and they also simplify court orders to align with these case-planning intentions. The changes ensure that the cultural needs of Aboriginal children in care are met. Cultural support is required to be addressed in such cases, and the planning for and provision of a cultural plan to each Aboriginal child in out-of-home care must be made and aligned with the case plan. The changes increase the penalties for offences related to the protection and exploitation of children.

The bill enables increased diversionary opportunities for young people to avoid their further progression into the criminal justice system through expanding access to

group conferences. Much of this detail is in the second-reading speech and in the bill itself.

I would like to speak to some of the issues that were raised by members of the opposition parties — first of all some of those raised by Ms Mikakos. She talked about consultation. She said there was not enough consultation and certainly not enough with the Children's Court. I would like to explain that the court was consulted about the intentions of the bill and the early thinking and then about various clauses as the bill was being developed. Later it was provided with a full copy of the bill.

I would like to also talk about the other consultations that happened and when they happened. There were consultations with the Children's Court of Victoria in January and on 13 May and 10 June, with additional exchange of correspondence; the Commission for Children and Young People on 13 May, 13 June and 30 June; and the Office of the Privacy Commissioner on 12 May. There was an Aboriginal community-controlled organisations briefing session on 22 May. There were consultations with the Family Law Court on 22 May; the Victorian Aboriginal Child Care Agency on 7 March; advocacy groups for children and carers, including the CREATE Foundation, the Foster Care Association of Victoria, the Permanent Care and Adoptive Families and others, on 30 June; the Mirabel Foundation on 4 May; Dorothy Scott on 7 May; the Centre for Excellence in Child and Family Welfare and other community service organisations, including Anglicare Victoria, Berry Street, MacKillop Family Services, OzChild and others, on 21 May, 10 June, 16 June and 30 July, in addition to numerous telephone conversations; the Law Institute of Victoria on 3 June; the Victorian Aboriginal Legal Service on 26 May; and the Aboriginal Family Violence Prevention and Legal Service on 6 June. There are several others, but time does not permit me to go through them. There is a comprehensive list of people who were consulted.

Ms Mikakos spoke about the exposure draft. It is extremely interesting that she brought that up. I would like to ask Ms Mikakos, through you, Acting President, if the opposition would commit an Andrews Labor government to putting out exposure drafts of all bills. I would like to have an answer on that from Ms Mikakos when we go into the committee stage of the debate. I am sure she will tell us. I would like a firm commitment that a Daniel Andrews — or Dan Andrews — Labor government, were the opposition to get into power, would have exposure drafts of all bills. That would be particularly interesting to know.

I have referred to the consultation issue Ms Mikakos spoke about. She also spoke at length about Aboriginal children, and I would like to make some points about this also. The provisions in this act regarding Aboriginal children are underpinned by the principles of Aboriginal self-management and self-determination. The criteria for placing an Aboriginal child are as a priority wherever possible to place the child within the Aboriginal extended family or, where that is not possible, with other extended family. If, after consultation with the relevant Aboriginal agency, placement with the extended family is not feasible or possible, then there should be placement with an Aboriginal family-based carer from the local community within close geographical proximity to the child's natural family, with an Aboriginal family-based carer from another Aboriginal community or with a non-Aboriginal family based carer within close geographical proximity to the child's natural family.

The bill also specifies that a non-Aboriginal placement must ensure maintenance of a child's culture and identity through contact with the child's community. Further principles provide additional guidance about the placement of an Aboriginal child, about self-identification and the expressed wishes of a child, about the placement of a child with parents from different Aboriginal communities, about the placement of a child with one Aboriginal and one non-Aboriginal parent, and about the placement of a child in the care of a non-Aboriginal person. Where a child has both Aboriginal and non-Aboriginal parents, the child must be placed with the parent with whom it is in the best interests of the child to be placed.

The resources issue came up in the contributions of both Ms Mikakos and Ms Hartland, and I would like to talk at length about some of the things this coalition government has done. Considerable work has been done on resources, and if you have a look at a whole range of issues regarding resources, you will see that $30 million has been invested by this government in response to family violence affecting women and children. Of course this has ramifications. Melbourne has the first Family Drug Treatment Court — and drugs also impact on these families. Mental health is a problem, and people can attend their GP to secure mental health plans in order to access the mental health support appropriate for them.

Parents can access family support programs funded by the Department of Human Services, including Child FIRST, which received an additional $12 million in this year's budget, and the family services it links to. There is also parenting support available through the Cradle to Kinder program, early parenting centres, parenting assessment and skill development programs and a whole range of other support services that have been put in place. There is additional funding for the previous government's strong families initiative, which

is something we have developed on top of what was done by the previous government. Considerable support and resources have been invested. We are looking at this, as I said before, with an entire strategic approach to vulnerable children in our state. As Ms Mikakos knows, this government has put considerable resources into this area.

I refer to Ms Mikakos's circulated amendment dealing with clause 17 and Ms Hartland's circulated amendments. I would have to say that at this stage the government has no intention of supporting any of these amendments. I would like to talk a bit about restrictions on the court, which cannot make a protection order if the department has not provided the needed services to the family. The existing provision places the court in the position of being able to make an order to address the future needs of the child if it is not satisfied that reasonable steps to provide the services necessary in the best interests of the child have been taken in the past. It also sometimes places the secretary in the position of being held accountable for the provision of services ahead of a final order being made, where families have been unwilling to engage without a final order.

The consequences of this have been to contribute to delays in making protection orders, with children remaining on interim accommodation orders often for months and sometimes for years. The Protecting Victoria's Vulnerable Children Inquiry found that the court should not be involved in administering orders or managing case plans or care.

The existing provision has tended to draw the court into the administration of orders, and the inquiry recommended against this. Section 10 of the act still contains a requirement, in best-interests principles, that the widest possible protection and assistance should be provided to the child and parents to ensure that intervention in family life is no more than is necessary for the child's safety and wellbeing. These issues will be discussed more in committee.

Ms Mikakos spoke about child protection workers. I would also like to put on the record my praise for the excellent work the child protection workers of this state do. There has been a significantly lower turnover of child protection staff since the child protection operating model was introduced in November 2012. Staff under the previous Labor government were leaving in droves. That has not occurred under the coalition government. Child protection staff are also now more experienced, and there are now more senior staff working with vulnerable families. This did not happen under Labor.

Finally, Ms Mikakos said there was no sexual abuse of children in care under the Labor government. The Leader of the Opposition went on national television earlier this year and said that sexual exploitation did not occur under Labor's watch. He said the following:

> This is certainly recent years but has not been going on for a decade …

He also said:

> Well, I think it's important to recognise that the Ombudsman had a very close look at out-of-home care and didn't find any of this sort of abominable behaviour going on.

I will quote from page 10 of the executive summary of the Ombudsman's report entitled *Own Motion Investigation into Child Protection — Out of Home Care*, published in May 2010.

Hon. W. A. Lovell interjected.

Mrs COOTE — The Labor government was in power. That is exactly right, Ms Lovell. This occurred while the very person who is now the spokesperson was in government. The Ombudsman said:

> My investigation has found instances of children who have:
>
> …
>
> been placed with adult 'friends' who have then engaged them in sexual acts
>
> engaged in prostitution while in care …

The imputation from Ms Mikakos and the Leader of the Opposition that sexual exploitation is a new issue in residential care is demonstrably false.

I will now quickly talk about the Greens' motion and their amendment. They refer to resources, which I spoke about before, and the number of programs under the coalition government. I am certain Ms Hartland will tease those issues out in the committee stage.
Ms Hartland asked what this government has done to support carers and foster carers during the past three years. A considerable amount has been done. Since coming to power, this government has introduced the following initiatives to support carers. The department presently funds the Foster Care Association of Victoria to provide training opportunities to foster carers. Additional funding has recently been provided for carers to attend the Childhood Trauma Conference 2014, the National Kinship and Foster Care Conference and the International Foster Care Organisation Conference. The department has funded six additional Foster Care Association of Victoria training events for 2014–15, which is in addition to the ongoing funding for six statewide single-day training events. A project has been undertaken to develop an improved approach to end-to-end recruitment and the retention of foster carers. A review of the carer reimbursement guidelines

is to be completed in 2014. I think Ms Hartland will be particularly pleased to see that.

The *Kinship Carers Handbook*, released in March 2014, contains comprehensive information and advice for kinship carers. For the period 2012–2015 the government is providing trauma information support sessions for kinship carers, and it has funded training to enhance the skills and knowledge of kinship care staff. The out-of-care five-year plan, which was launched in March 2014, includes new supports for carers, and $25 000 will be provided annually over three years for the period 2012–2015 to Kinship Carers Victoria. The Mirabel Foundation has received $50 000 annually over three years to provide statewide support and specialist information. The government committed $3 million over two years in the 2012–13 state budget to undertake a stability planning and permanent care project to identify barriers to permanency and resolution.

I have 50 seconds left, which is a great pity because I had a great deal to say. I am sure a lot of this will be teased out in what will be an important committee process. The government stands on its very proud record in this area. Vulnerable children are a priority for the coalition government. We have a track record and a strategy, and Minister Wooldridge has done a phenomenal job in getting this bill to the table. I again thank all child protection workers and foster carers in this state, and I commend the people from our department who have worked very hard to make certain that the vulnerable children of Victoria are supported.

Mr EIDEH (Western Metropolitan) — I will be brief. I rise today to speak on the Children, Youth and Families Amendment (Permanent Care and Other Matters) Bill 2014. Labor has a number of concerns about this bill, which is why we will be moving amendments to it, as already outlined by the shadow Minister for Community Services, Jenny Mikakos. This bill seeks to amend the following acts to ensure that Victoria's most vulnerable children are protected from abuse and neglect by those around them: the Children, Youth and Families Act 2005 and the Commission for Children and Young People Act 2012. It also makes consequential amendments to other acts.

There is not a single person in this Parliament who would not wholeheartedly agree that the safety and wellbeing of children is paramount. That is why the state acts when a child is being either physically or sexually abused. Now, with these changes in place, the Department of Human Services will take action in regard to any oversight made by the Children's Court.

The Australian Institute of Health and Welfare report entitled *Child Protection Australia* outlines that a total of 6542 children were in out-of-home care in 2012–13. This includes kinship care, foster care and residential care. The bill seeks to improve and speed up the process by which a child may be placed on a permanent care order by imposing a new hierarchy of permanency objectives as well as imposing new time limits for proceeding with court orders. As the Cummins inquiry found, currently this process can take up to five years, causing the child stress and anxiety when considering who will be there to raise them and keep them safe.

The bill places a number of limitations on the ability of the Children's Court to make orders. It removes the court's ability to consider whether the Secretary of the Department of Human Services (DHS) has taken all reasonable steps to provide the services necessary in the best interests of the child.

I read a very sad article headed 'Bad day for needy kids' which talked about the changes proposed in this bill. The article serves to highlight the fact that the government should seriously consider the opposition's proposed amendments to the bill. It outlines the shocking case of two children who were living in horrific circumstances and being physically abused by their mother. DHS naturally put the children into residential care, which it considered to be a place of safety and refuge, only to then find that they were sexually abused by other children in the unit. The bill will limit the court's ability to ensure that DHS puts in place a safe environment for children in similar situations. In this case DHS failed to give proper oversight to the agency it had contracted to provide the children with care.

Considering how important this issue is and that it is our duty as elected representatives to ensure that we keep vulnerable children safe, I am at a loss to understand how the government has failed. How can the government place extra pressure on an already struggling department and not match it with the resources it so desperately requires? The Cummins report was handed down in February 2012, yet many of its 90 recommendations are yet to be partially or fully implemented. I hope the government urgently implements the remaining recommendations to ensure that absolutely everything is done for these children who need our protection.

Mr RONALDS (Eastern Victoria) — It gives me great pleasure to rise tonight to contribute to the debate on the Children, Youth and Families Amendment (Permanent Care and Other Matters) Bill 2014. I have had the privilege of talking about this bill to a number of organisations before this evening. In my short time in Parliament I have to say that this is one of the bills that has touched me the most; I think it is one of the best pieces of legislation we have had in this house.

Business interrupted pursuant to standing orders.

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

That the sitting be extended.

House divided on motion:

Ayes, 20

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

Noes, 17

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

Pairs

Rich-Phillips, Mr	Viney, Mr

Motion agreed to.

Debate resumed.

Mr RONALDS (Eastern Victoria) — The reason this is such a great piece of legislation is that it helps people who, quite frankly, have had a pretty tough start in life. This legislation makes life just a little bit better for them. As the law stands at the moment it takes on average five years for a child to enter permanent care from the date they initially come into child protection. Children need a much better outcome than this. Five years is simply too long. It means that all too often children are bounced between foster homes and foster parents and that sadly they go through a time of uncertainty. Where is home? Who is the parent? Who is going to say they can do what and when? Who are the people who will really look after them?

The *Report of the Protecting Victoria's Vulnerable Children Inquiry* quite clearly explains that good outcomes for children depend on safe reunification with their families as soon as possible. Sadly, that is not always achievable. Sometimes a child needs to be placed in long-term, permanent care. This legislation provides for just that. In a nutshell the bill provides for a far simpler range of protections for children.

Firstly, the bill provides for family preservation — that is, it tries to preserve the family unit as much as possible. Sadly, this is not always possible. Secondly, the bill aims for reunification — that is, once the parents get their act together it provides for an opportunity for the children to return to live with their parents. Thirdly, the bill allows for permanent care arrangements. There are a lot of details around this, but put simply it allows for permanent care arrangements.

A permanent care arrangement still allows the parents to have contact; it does not take it away but makes it take place in a much more controlled environment that gives stability to the children. What it essentially means in practical reality is that — whether it is an alcohol issue, abuse or something else — the parent has 12 months to get their act together. A further 12 months is available if there is evidence that reunification will occur within that time, so there is the potential there for a two-year time frame.

The really important thing about this legislation is that it looks after the child first. The rights and welfare of the child are the most important things. This is fantastic legislation in the way it just looks, most importantly, at the welfare of the child.

House divided on motion:

Ayes, 34

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

Noes, 3

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

Motion agreed to.

Read second time.

Committee

Hon. W. A. LOVELL (Minister for Housing) — I seek leave of the committee to have Andrea Coote join me at the table.

Leave granted.

Clause 1

Ms MIKAKOS (Northern Metropolitan) — At the outset I express my gratitude for the fact the government agreed to the bill going into consideration in detail in the Assembly; therefore there was an opportunity for opposition members in that house to ask a number of questions. However, I point out that the bill was scheduled for consideration in detail on the Thursday afternoon and that with the guillotine coming into effect that afternoon the period available for consideration of the bill was curtailed to some degree. Nevertheless, I am grateful for the fact that the opposition was able to pursue certain issues in the other place. That will mean we will not need to explore all those issues again.

However, on clause 1 I have a question that arises from the contribution Mrs Coote made to the second-reading debate in respect of consultation. She rattled off a long list of organisations that she claimed the government had consulted with. I did not at any stage indicate that the government had not had discussions with various stakeholders. My understanding is that those discussions were around concepts and particular reforms but that the stakeholders did not actually see the legislation prior to its introduction into the Parliament. I ask the Minister for Housing to confirm that: were any stakeholders provided with any draft legislation prior to the bill's introduction into the Parliament?

Hon. W. A. LOVELL (Minister for Housing) — I am advised that the Children's Court saw many of the clauses through the processes. The permanent care clauses were a particular focus. The court ultimately saw all of the clauses, and the Minister for Community Services detailed this in her answers in the Assembly.

Ms MIKAKOS (Northern Metropolitan) — To be clear, is the minister suggesting that the Children's Court saw the entire draft bill? I think what she said in her answer is that it was privy to some clauses in the bill.

Hon. W. A. LOVELL (Minister for Housing) — The Children's Court saw a penultimate copy of the bill. There were a few changes to clauses between that copy and what was tabled in the house, and the Children's Court saw each of those clauses where there were changes.

Ms MIKAKOS (Northern Metropolitan) — To tease that out a little bit further, is the minister saying that the Children's Court saw the entire bill prior to its introduction into the Parliament or particular clauses? As I understand the advice that has previously been given to me, there were particular clauses relating to permanent care orders that the President of the Children's Court of Victoria had seen.

Hon. W. A. LOVELL (Minister for Housing) — I refer to the answer the Minister for Community Services gave in the lower house — that is, that the court ultimately saw all the clauses that are in the bill.

Ms MIKAKOS (Northern Metropolitan) — So the government is stating that the President of the Children's Court of Victoria saw the entire bill prior to its introduction into the Parliament — just to be clear?

Hon. W. A. LOVELL (Minister for Housing) — They saw each clause of the bill before it was introduced into the Parliament.

Ms MIKAKOS (Northern Metropolitan) — I thank the minister. Was that the President of the Children's Court of Victoria who had access to those clauses?

Hon. W. A. LOVELL (Minister for Housing) — Yes.

Ms MIKAKOS (Northern Metropolitan) — I thank the minister. I move on now to the issue of resources. To provide some certainty around this, the advice I have previously received is that there will be no new resources attached to this bill. Can the minister confirm whether that is the case or whether there is any change to that position?

Hon. W. A. LOVELL (Minister for Housing) — I am advised that this bill will free up resources because the workers will not be returning to the court numerous times. The workers will be able to put additional time into the necessary support around decisions made about the child rather than preparing for court appearances, so there will be more time for the workers to work with the children and families.

Ms MIKAKOS (Northern Metropolitan) — But the support that families need does not only relate to the support of child protection workers, although that is an important support; I grant that. It also relates to access to various services, and I gave a number of examples in my contribution to the second-reading debate, whether that is psychological counselling, mental health services

or drug and alcohol services, and other types of supports as well. Given that the clock starts to run and parents effectively have 12 months to put their house in order, so to speak, will any additional resources be provided to those types of services to ensure that parents are not unfairly disadvantaged?

Hon. W. A. LOVELL (Minister for Housing) — The additional support will come through the freeing up of workers to put extra time into families. Decisions will be made sooner, in the best interests of the child.

Ms MIKAKOS (Northern Metropolitan) — With all due respect to the minister, I do not think that answered the question I asked at all. That answer related only to freeing up of child protection workers — the claim that the minister is making that child protection workers will be freed up — but there is no commitment of any additional resources for the other supports and services that families require. However, I will move on because it is clear that there is no such commitment.

Can the minister, for the record, advise whether the parts of this bill that relate to changes to the Children's Court's operations and the types of court orders that are available will commence prior to the default date which has been set, which I think from recollection is March 2016? Will all those parts of the bill that relate to the court and the court orders commence prior to March 2016 or at that default date?

Hon. W. A. LOVELL (Minister for Housing) — At the default date.

Ms MIKAKOS (Northern Metropolitan) — Could the minister outline to the house which parts of the bill are intended to commence on proclamation?

Hon. W. A. LOVELL (Minister for Housing) — Part 1 of the bill amends the Commission for Children and Young People Act 2012 and will commence the day after royal assent. These amendments address technical issues that are causing problems for the Commission for Children and Young People. Division 4 of part 10 is a consequential amendment to update the reference in another act to the recently passed Mental Health Act 2014. Part 11 contains new sections that will enable the authorisation of carers to occur under current orders. They will commence following royal assent so these changes can benefit children in care and their carers and produce efficiencies as soon as possible.

Other parts of the bill will commence on proclamation or on 1 March 2016 if they have not been proclaimed sooner. This will allow for preparation and communication with relevant stakeholders so that implementation can be planned and managed appropriately.

Ms MIKAKOS (Northern Metropolitan) — I thank the minister for putting those matters on the record. I think it is really important for those people who have concerns about the issues around the court in particular to know that there is some scope to address those issues given that a large part of the bill will not actually commence for quite some time.

I want to raise just one other issue in relation to clause 1, and that relates to the Cummins report. Given that this bill repeals a number of current orders, can the minister indicate to the house whether the repeal of these orders, such as the interim orders and other types of protection orders, corresponds precisely with the recommendations of the Cummins report?

Hon. W. A. LOVELL (Minister for Housing) — I am advised that the Cummins report recommended a simplified version of orders and fewer orders, and that the department and the Minister for Community Services have come up with that simplified version, which is part of this bill.

Ms MIKAKOS (Northern Metropolitan) — I thank the minister. That response essentially confirms what I said earlier in my contribution — that is, that the bill does not precisely correspond with the recommendations of the Cummins report. I agree that the Cummins report proposed a simplified way forward by reducing the number of court orders. I have had a look at the court's annual report and I know that some orders are used rather infrequently, but a number of orders are used quite regularly, including the interim orders which are being repealed. Can the minister advise why the interim orders are being repealed?

Hon. W. A. LOVELL (Minister for Housing) — This goes to clause 32. The key point is that the bill will repeal interim protection orders because they are three-month orders that were intended to test case plans. In practice interim protection orders have tended to delay the making of a final decision. The Protecting Victoria's Vulnerable Children Inquiry found that the court's role should be limited to determining the lawfulness of intervention by the state in a child's life and imposing the appropriate order if the child is in need of protection, and that the court should not be involved in administering orders or managing case plans. The changes in this bill mean the court will be able to test a family reunification case plan by making a family reunification order or a family preservation case plan by making a family preservation order. Through

administering the order the Department of Human Services (DHS) will be able to bring the matter back to the court if the case plan is unsuccessful.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! Are there any further questions on clause 1?

Ms HARTLAND (Western Metropolitan) — Yes, I have several. When Mrs Coote was making her contribution she talked about the extra resources being provided. However, my point was that there is a lack of resources provided directly to foster parents in terms of remuneration and access to services. Clearly this is outside the framing of this bill, but I need to understand why it is that the government has not seen this as a barrier to permanent care and has not moved to change the remuneration provisions for foster parents.

Hon. W. A. LOVELL (Minister for Housing) — I can advise the member of what the government has done to support carers, including foster carers, in the past three years. Carer reimbursements are provided to carers, with the amount depending on the child's age and needs. Carers receive support from community service organisations or child protection. The department also provides funding for foster carers and kinship carers to undertake training and to receive support and specialist information.

Since coming to power the government has introduced the following initiatives to support carers. We have invested $18.2 million through the out-of-home care plan released in March to enhance support for foster carers and kinship carers through additional funding to meet the growth in demand for caregiver reimbursement payments and client expenses, the development of an improved foster carer recruitment and retention strategy with pilot sites to trial the new approach, and additional funding to enable statewide kinship carer support services for specialist support information and community education services.

The Department of Human Services presently funds the Foster Care Association of Victoria to provide training opportunities for foster carers. Additional funding has recently been provided for carers to attend the International Trauma Conference, the National Foster & Kinship Care Conference and the International Foster Care Organisation conference. The department has funded six additional Foster Care Association of Victoria training events in 2014–15. This funding is in addition to the ongoing funding for six statewide single-day training events. A project has been undertaken to develop an improved approach to the end-to-end recruitment and retention of foster carers. Importantly through this bill we will authorise foster carers to make day-to-day decisions about children in their care — simple things such as arranging a haircut or signing a school excursion form. This government has already put significant additional resources into supporting carers.

Ms HARTLAND (Western Metropolitan) — That was not an answer to my question. I asked specifically about remuneration for foster carers, which according to the table I have in front of me from the Foster Care Association of Victoria is the second lowest in the country. My question was: why is it that the government has not considered the amount of remuneration that foster carers receive as part of the barrier to getting more foster carers to do this work and to look at permanent care? That is my question. Why has the government not considered increasing remuneration to foster carers?

Hon. W. A. LOVELL (Minister for Housing) — Because remuneration is not set under this bill. It is a budgetary consideration and it is outside the scope of the bill.

Ms HARTLAND (Western Metropolitan) — I am well aware that it is outside the scope of the bill. I am asking why the government has not considered that the remuneration paid to foster carers is part of the barrier to getting more foster carers. I understand it is outside the scope of the bill, but it is a question that should be answered.

Hon. W. A. LOVELL (Minister for Housing) — I will give the same answer once again, because we are in the committee stage of the bill. The question about remuneration is outside the scope of the bill.

Ms MIKAKOS (Northern Metropolitan) — Ms Hartland's questions prompt me to ask a question that I was intending to ask later, but it is timely to ask it now. It is directly relevant to the bill because the bill is about speeding up and expanding the availability of permanent care orders. As I explained earlier, there is a disincentive in the system at the moment for foster carers to become permanent carers because they then go to a lower level of support. Can the minister confirm that if someone is a foster carer and they are caring for a child who is assessed to be a complex client — I hate to use the word 'client' in respect of children — they would therefore qualify for a higher level of support through the foster care reimbursements but if they then seek to obtain a permanent care order in respect of that child, they would go to the lowest level of reimbursement available as a permanent carer?

Hon. W. A. LOVELL (Minister for Housing) — I am advised that permanent carers continue to receive carer payments beyond the making of a permanent care order to support their care of the child. This will not change. They can receive higher levels subject to annual review. In certain circumstances the carer may receive additional financial support at the time the permanent care order is made. This may include funding for specific items that will be required over time such as funding to support therapeutic counselling or orthodontic treatment. Permanent carers are able to access the community and family services provided to any family within the community.

The department has recently undertaken a 12-month action research project to identify the barriers to achieving permanent care for children. The outcomes of this research will inform the future development of policies and initiatives that will improve support for carers.

Ms MIKAKOS (Northern Metropolitan) — I thank the minister. The fact that the department is undertaking this research seems to suggest exactly what I am putting to the minister — that is, that it has been identified that there is a disincentive in the system, and therefore the department is examining what needs to happen to improve the situation — —

Hon. W. A. Lovell interjected.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! I ask the minister to wait her turn and allow Ms Mikakos to finish her question.

Ms MIKAKOS — I am very flexible, but essentially my question is: given her answer, can the minister advise how many permanent carers have received that additional level of support that she referred to in her answer rather than the basic level of reimbursement that they would ordinarily receive?

Hon. W. A. LOVELL (Minister for Housing) — I am advised that we do not have that information here. In regard to Ms Mikakos's statements earlier, I would say that she cannot draw that conclusion from the answer I gave. Of course our department is always looking at ways to improve services within the Department of Human Services, and that is why it would be undertaking research in this area.

Ms HARTLAND (Western Metropolitan) — I have two questions. In the review, have exit interviews been done with foster carers about why they have left the system, and can the minister tell me how many foster carers have left the system over the last 12 months?

Hon. W. A. LOVELL (Minister for Housing) — I suggest the member puts her questions as questions on notice because the review is not part of the bill.

Ms HARTLAND (Western Metropolitan) — Probably one of the reasons I ended up voting against this bill was because the government was not prepared to give this basic detail. When will the review be finished, and when will the details be made public?

Hon. W. A. LOVELL (Minister for Housing) — That is outside the scope of this bill; the review is not part of this bill.

Ms HARTLAND (Western Metropolitan) — This is very basic information. I have asked when the review will be finished and whether it will be made public. It may be out of the scope of the bill, but I would have thought that it is pretty basic information.

Hon. W. A. LOVELL (Minister for Housing) — We are here for the committee stage of this bill. I am happy to answer all questions on the bill. If the member has questions that are outside the scope of the bill, I suggest that she places them on the notice paper as questions on notice.

Ms HARTLAND (Western Metropolitan) — I suggest that this lack of transparency from the government is why the government has difficulties with legislation. It has difficulties because it refuses to consult with the people most affected. I do not understand why a very simple question about when the review will be finished and whether it will be made public is so difficult for the government to answer.

The information I have received from a number of foster carers is that they are finding it more and more difficult to access brokerage funds to pay for dental work, psychological support, speech therapy, educational assistance, medical services and other services children in their care require. This is obviously placing quite a heavy burden on these carers. I would like to know how the government is going to deal with that problem.

Hon. W. A. LOVELL (Minister for Housing) — All requests from carers are dealt with on their merit. The member is making an assertion, but we do not see any evidence to back it up.

Ms HARTLAND (Western Metropolitan) — I am happy to supply the names of a number of foster carers who have approached me on that very issue. If the minister would like me to bring those to the Parliament later in the next sitting week, I would be happy to do that. I am being told by foster carers that this is a major

problem. Clearly the government is not prepared to acknowledge that, and that is what is happening in the failure of foster care.

Hon. W. A. LOVELL (Minister for Housing) — I am certain that the minister would welcome Ms Hartland informing her of any foster carers who are having difficulty accessing services and will assess each case on its merit.

Ms MIKAKOS (Northern Metropolitan) — I want to raise a concern regarding clause 1 that relates to the issue of the court's oversight role. I know we are going to get into this in a bit more detail later on. In the other place in responding to a number of questions the Minister for Community Services claimed that there was still strong oversight by the court. She said the Department of Human Services would be in contempt of the court if implementation of actions that were ordered had not, at the end of the first year, been reasonably sought. I ask: how many times has the Department of Human Services failed to comply with court orders issued by the Children's Court, and how many times has the department been found to be in contempt?

Hon. W. A. LOVELL (Minister for Housing) — I am told by the departmental advisers that they are not aware of any time that they have been held in contempt of the court.

Ms MIKAKOS (Northern Metropolitan) — That is precisely my point. My understanding, based on advice I have received in speaking to lawyers who work in the Children's Court, is that DHS fails to comply with court orders on a frequent basis and there are never consequences. If the minister is claiming that there is going to be oversight because the department would be in contempt of court but the department is giving advice that it has never been found in contempt of court, that would seem to mean that the minister's explanation has no validity to it.

Clause agreed to; clauses 2 to 15 agreed to.

Clause 16

Ms MIKAKOS (Northern Metropolitan) — Clause 16 introduces four new orders to replace a number of existing orders. In the consideration-in-detail stage in the other place Minister Wooldridge confirmed that none of these new orders will allow the court to specify the precise person who will have the care of the child, as is currently the case. Under the supervised custody to secretary order, for example, a grandparent or an aunt can be nominated. The minister said that people will instead be nominated as a person with whom a child will live. I ask: how often is it that the preference expressed by a parent or child as to their nominated person is adhered to by the department?

Hon. W. A. LOVELL (Minister for Housing) — I am told that it is frequently adhered to — more often than not — provided that the person nominated does not have a criminal record or is not deemed to be unsuitable.

Ms MIKAKOS (Northern Metropolitan) — But that is really at the department's discretion. The Department of Human Services will make the decision. It will not be by virtue of a court order. It is my understanding, and it was confirmed in the other place by the Minister for Community Services, that among these new orders introduced by clause 16 there will now not be any order that will enable the court to specifically nominate the precise person who will have care of the child.

Hon. W. A. LOVELL (Minister for Housing) — I am advised that the court will continue to be able to specify a carer for interim orders and permanent care orders. The court will have oversight of the care arrangement for a long-term care order. The court will not be able to specify a particular carer on a family reunification order.

Ms MIKAKOS (Northern Metropolitan) — Is the minister suggesting that other than family reunification orders, a particular individual will be able to be nominated to care for children in the other new orders that are being established under this bill?

Hon. W. A. LOVELL (Minister for Housing) — That is correct.

Clause agreed to.

Clause 17

Ms MIKAKOS (Northern Metropolitan) — I move:

1. Clause 17, lines 13 to 29, omit all words and expressions on these lines and insert —

> 'In section 276(2) of the Principal Act, for "custody" (wherever occurring) **substitute** "care".'.

The amendment relates to clause 17. Essentially it repeals or omits all the words contained in that clause as it is currently drafted and reinstates the wording currently contained in section 276 of the principal act. There is also some updating of language. The bill removes references to the word 'custody' throughout the legislation and replaces it with the word 'care'. In

order to enable the section to fit in with the new terminology, I am also proposing that the terminology be updated. In substance this amendment seeks to reinstate the current legal test, the current discretion and jurisdiction that the Children's Court has before it to make protection orders. At the moment the bill removes the requirement that the court must not make a protection order unless:

> … it is satisfied that all reasonable steps have been taken by the Secretary to provide the services necessary in the best interests of the child.

We are concerned that the government is seeking to restrict the ability of the Children's Court to oversee the actions of the Department of Human Services at a time when the department is clearly failing children in out-of-home care. We are concerned that this is happening at a time when the Children's Court has been absolutely scathing about the secretary and the Department of Human Services in relation to a case that received some publicity recently involving two children who were sexually abused whilst living in separate residential care units. In that case the secretary and the department were heavily criticised by the court, which found the secretary was in fundamental breach of her duty of care in respect of each of those children.

I question why the government is removing this legal test at this time. We believe it is important that the court retains a strong oversight role over the work of the department. We have to remember here that the secretary of the department and the child protection system have enormous powers to intervene in the family unit. The family unit is protected in the UN convention and should remain intact wherever that is possible. The fact that the state intervenes and removes a child in particular circumstances should only be done, obviously, in the most necessary of cases and to protect children from abuse and neglect. However, there need to be proper checks and balances to make sure that services are provided to both the child and the parents to enable family reunification to occur where that is possible.

My concern and Labor's concern about taking away this legal test from section 276 is that no onus will be put on the department to provide those necessary services, including a safe environment for children to live in, which was not provided in the case of the two siblings I referred to, before certain action is taken. In some cases children will be removed from parents and in other cases children will be placed in permanent care or maybe even adopted. I urge members to have a good think about this. It is an issue of great concern to the Law Institute of Victoria, to which I referred earlier. Lawyers I have spoken to have indicated to me that they are very supportive of Labor's amendment. They want to see this test reinstated.

It is important that we have the oversight and the checks and balances in place. I was disappointed that the government did not support this amendment when it was moved in the Assembly. Now that it has had time to reflect on it in the light of day and to hear the strong views put by the law institute and others about this issue, I urge the government to reconsider and to support this amendment.

As I said earlier, we take a very strong view on this issue. We have made a public commitment that if the government does not support this amendment and address the issue, an Andrews Labor government will reinstate the legal test in section 276 and provide for the oversight role that the court is about to lose.

Ms HARTLAND (Western Metropolitan) — For the reasons outlined by Ms Mikakos, we will be supporting this amendment.

Hon. W. A. LOVELL (Minister for Housing) — I assure Ms Mikakos that the Minister for Community Services did not reject Labor's proposed amendment lightly in the lower house. The minister always takes very seriously her legislation and her role as the Minister for Community Services, and she gave full consideration to the amendment prior to rejecting it in the lower house.

The government is not supporting this amendment. The government's intention is that where the court finds that a child is in need of protection at the time of a protection application being made, the child should only be placed on a protection order where this is necessary for their future protection. The Cummins inquiry found that the court should not be involved in administering orders or managing case plans or care. The existing provision has tended to draw the court into the administration of orders, and the inquiry recommended against this.

Information about services that have been available or provided to children and parents and about their engagement with those services will still be made available to the court, as these matters will be relevant to whether a child is in need of protection and what orders would be appropriate. External oversight of whether and how the secretary is administering orders, either in relation to an individual child or at a systemic level, will continue to be available through the Victorian Civil and Administrative Tribunal, the Commission for Children and Young People, and the Victorian Ombudsman. To accept this house

amendment would contribute to delays in the court making protection orders and children would remain on interim accommodation orders, often for months if not years, because parents have not engaged with support services.

Without a definite decision being made about whether the original application for the protection of the child is appropriate, parents often do not engage with services provided by the secretary. If the house amendment were to be supported, it would have the effect of children remaining on interim orders, which further extends the time they are in out-of-home care and delays permanency planning for the vulnerable child. It also draws the court into making case plans for children when that is contrary to what the Cummins inquiry recommended. It found that the court should not be involved in administering orders or managing case plans. Passing the amendment may allow the court to delay decisions for children on the basis that the services it believes should have been provided were not provided. This may lead to unreasonable assessments of the support that should have been provided to families.

Committee divided on amendment:

Ayes, 17

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

Noes, 20

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

Pairs

Viney, Mr	Rich-Phillips, Mr

Amendment negatived.

Clause agreed to; clauses 18 to 29 agreed to.

Clause 30

Ms MIKAKOS (Northern Metropolitan) — The Law Institute of Victoria has raised concerns that care by secretary orders are in fact replacing the former custody to secretary orders rather than guardianship to secretary orders. The law institute has advised that the vast majority of children in ongoing state care are currently on custody to secretary orders. Will these children in future be placed on the equivalent family reunification orders or care by secretary orders?

Hon. W. A. LOVELL (Minister for Housing) — I am advised that it would be on a case-by-case basis. They could either be placed on care by secretary orders or family reunification orders, and it would be based on the amount of time they had been in care.

Ms MIKAKOS (Northern Metropolitan) — A key recommendation at page 370 of the Cummins report was that the Children's Court should determine what contact children on long-term care orders should have with family members. This proposed care by secretary order does not allow the court to make such a determination. Why has the government chosen to limit the court's powers in this regard?

Hon. W. A. LOVELL (Minister for Housing) — I am advised that both long-term care orders and care by secretary orders have the same provisions as the existing orders.

Clause agreed to; clauses 31 to 33 agreed to.

Clause 34

Ms HARTLAND (Western Metropolitan) — I move:

1. Clause 34, page 26, after line 12 insert —

"( ) After section 294A(1) of the Principal Act **insert** —

(1A) Despite subsection (1), the Court may extend a family reunification order if the Court is satisfied that a parent of the child did not receive a service included in the case plan for the child under section 166(4).".

This is a fairly straightforward amendment. It goes to what I said in my contribution to the second-reading debate, which is that the Greens are extremely concerned that if a parent is going to lose their rights after a one or two-year period, every effort should be made during that time to work with those parents to try to get them to a stage where they can resume their parental responsibilities.

We know that it is currently extremely difficult to access services and that waiting lists for support services for issues such as family violence, alcohol and drug counselling and housing are very long. Without those supports it is going to be extremely difficult for

people to resume their responsibilities. This amendment proposes that in a case where parents have not received adequate support services the court has the power to extend the reunification order from 12 months to 24 months. This does not undermine the spirit of the government's intention to limit the instability for the child to 24 months.

I know the government has said it will not accept this amendment. I think that is unfortunate because we are all trying to do the same thing, which is trying to get children either back to their parents or into stable, long-term, permanent care.

Ms MIKAKOS (Northern Metropolitan) — The Labor opposition will be supporting Ms Hartland's amendment, but I nevertheless point out that if our amendment had been passed earlier, this amendment would not be necessary as jurisdiction would ultimately fall to the court to determine whether services have been provided. This amendment merely relates to the case plans. That gives the Department of Human Services the ultimate ability to decide what does and does not go into a case plan.

I would have preferred the drafting of the amendment to refer to both a child and a parent rather than just a parent. Nevertheless, in light of our amendment failing, we are prepared to support Ms Hartland's amendment and see it as a slight improvement on the situation that currently exists. We think that if that change was to be made in the future, this amendment probably would not be required, but we are prepared to support it on that basis.

Hon. W. A. LOVELL (Minister for Housing) — The government will not be supporting this amendment, because the current service provision arrangements strongly support reunification. The purpose of the bill is to promote timely case planning and court decision-making regarding children's long-term care arrangements. The proposed amendments are considered unnecessary given existing obligations and service availability. The amendments are inappropriate as they base decisions on service provision to parents rather than on the best interests of the child and would be difficult to interpret and implement.

The main purpose of this bill is to promote timely case planning and court decision-making regarding children's long-term care arrangements. We need to ensure that children are not adversely affected by delays in decision-making. The intention is to reduce the harmful effects on children caused by lengthy periods in short-term care arrangements, where they experience uncertainty about their future. The proposed amendments are not accepted because they are considered unnecessary given existing obligations.

Section 16(1)(b) will continue to require the secretary to provide services to the families of children who have suffered abuse and neglect to prevent further abuse and neglect occurring. Section 166 will continue to require that case plans contain all significant decisions related to the present and future care and wellbeing of the child and that they include decisions about services required to assist the family to make the changes necessary to achieve that permanency objective.

Proposed sections 281(1A) and 287(1)(d) state that family preservation and family reunification orders may include conditions that promote the purpose of the order. This means the court will retain its capacity to include relevant conditions regarding services. Section 558(c) states that the secretary will continue to be required to inform the court about the steps taken to provide the services necessary to enable a child to remain in the care of their parent if the report recommends that the child be removed from parental care.

Committee divided on amendment:

Ayes, 17

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

Noes, 20

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

Pairs

Viney, Mr	Rich-Phillips, Mr

Amendment negatived.

Clause agreed to; clauses 35 to 59 agreed to.

Clause 60

Ms MIKAKOS (Northern Metropolitan) — This clause relates to a child being placed on a permanent care order. I particularly refer to the fact that the court can only order a maximum of four contacts with a parent per year. What is the current average number of contacts ordered by the court in respect of child and parent contact?

Hon. W. A. LOVELL (Minister for Housing) — I am advised that there would be a huge range ordered by the court and that it would not be possible to get that information.

Clause agreed to; clauses 61 to 95 agreed to.

Clause 96

Ms HARTLAND (Western Metropolitan) — I move:

2. Clause 96, page 51, after line 20 insert —

"( ) After section 166(3) of the Principal Act insert —

(4) If a case plan includes a permanency objective stated in section 167(1)(a) or (b), the case plan must also include an outline of the services that will be provided to the parent of the child to facilitate meeting that objective.".

This is very similar to my previous amendment. This new clause stipulates that in the case of family preservation orders and family reunification orders the case plan for the child includes services the parent should be provided with in order to meet the objective of the respective orders. As I have already said, if we expect parents to be able to resume their parental duties without assistance, that is going to be extremely difficult for a number of people. We believe this amendment will ensure that the Department of Human Services refers parents to support services and that parents will not have pay to attend these services. This is important, as many parents will not have sufficient financial means to be able to access the services.

Ms MIKAKOS (Northern Metropolitan) — Labor will be supporting Ms Hartland's amendments with all of the qualifications I stated in respect of her previous amendment.

Hon. W. A. LOVELL (Minister for Housing) — The government will not be supporting Ms Hartland's amendment to clause 96 for the same reasons I outlined when I said that we would not support her amendment to clause 34.

Committee divided on amendment:

Ayes, 17

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

Noes, 20

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

Pairs

Viney, Mr	Rich-Phillips, Mr

Amendment negatived.

Clause agreed to; clauses 97 to 134 agreed to.

Clause 135

Ms MIKAKOS (Northern Metropolitan) — Clause 135 substitutes a new section 51 for the existing section. It relates to revoking the registration of a community service organisation. In my contribution to the second-reading debate I referred to some correspondence sent to the Minister for Community Services by the Centre for Excellence in Child and Family Welfare which expressed concerns about the new provisions and the lack of consultation. Can the minister advise in what circumstances an organisation will have its registration revoked?

Hon. W. A. LOVELL (Minister for Housing) — I am advised that currently there is a lack of flexibility regarding registration periods and grounds for revoking registrations of community services organisations. The registration period cannot be ended early or go longer than a set registration period of three years. The proposed changes in new section 51(2)(a) through to (e) allow registration to be revoked if there are serious performance issues, an agency returns its funds or the service agreement is terminated. The final subparagraph, 51(2)(f), 'any other circumstances that the secretary considers relevant', will be used when an organisation chooses to apply to renew its registration under the act prior to its current registration period

ending. The clause will allow the organisation to elect to apply to end the current registration period and commence a new one.

Ms MIKAKOS (Northern Metropolitan) — Can the minister give any examples of the circumstances in which section 51(2)(f) would apply?

Hon. W. A. LOVELL (Minister for Housing) — As I said in my substantive answer, it will be used when an organisation chooses to apply to renew its registration under the act prior to its current registration period ending.

Ms MIKAKOS (Northern Metropolitan) — Can the minister advise whether paragraph (f) would apply in cases of sexual abuse or exploitation of a child in residential care who has been in the care of a community services organisation?

Hon. W. A. LOVELL (Minister for Housing) — I am advised that other parts of this clause would apply in that case.

Clause agreed to; clauses 136 to 149 agreed to.

Clause 150

Ms MIKAKOS (Northern Metropolitan) — Clause 150 inserts new penalties in respect of a number of existing penalties in the act, one of which relates to leaving a child unattended. Given that the minister has provided conflicting advice around this issue in the past, can she provide some clarity as to the age limit that section 494 applies to?

Hon. W. A. LOVELL (Minister for Housing) — I do not believe that I have provided conflicting advice around this. The only advice I have given is the advice that I gave here in the chamber. This particular clause has not changed from the 2005 act. The offence itself remains the same, the enforcement of the offence remains the same and the intention of the offence remains the same. The only change we have made in this bill is to increase the penalty. This is a clause and an offence that was in the 2005 act that was introduced by Mr Jennings in this chamber, and the operation of that offence remains exactly the same as it was when Labor introduced it in 2005.

Ms MIKAKOS (Northern Metropolitan) — I am aware of the history of that section. Given that the minister has had publicity where she has been talking about these new penalties, and parents have been anxious about the types of circumstances in which they may now find themselves subject to a significant fine, can the minister advise the maximum age that this section will apply to in terms of leaving a child unattended?

Hon. W. A. LOVELL (Minister for Housing) — As I advised the house in question time on 7 August, there is no actual maximum age. This is about leaving a child unattended for any period longer than is reasonable, given the circumstances, without making appropriate arrangements for the supervision or care of that child. Someone who is under 16 cannot be charged with the offence of leaving a child unattended unless they are the parent of the child. There is no set age at which it is legal to leave a child unattended. It depends on the child and their situation. Deciding on whether to charge a parent with this offence will be done on a case-by-case basis. It is about what is reasonable in the circumstances of the particular child. The Secretary of the Department of Human Services must also be consulted before the charge can be laid.

Babies and young children should never be left alone at home, in a car, at a supermarket or anywhere else. As children get older they need the opportunity to gradually take on more responsibility for themselves and practise being by themselves at home. A parent is in the best position to decide whether their child is sufficiently mature to be left alone for any length of time. Leaving children unsupervised in a car at any time is very dangerous. We mostly hear about the risk of leaving children in hot cars, but there is also a risk of leaving children in cars in cold weather. As well as the dangers caused by extremes of weather, children get bored and start to explore, which leads to other dangers. They can release handbrakes. They can try to struggle free from seatbelt restraints and be injured. A car could also be stolen with a child in it. Parents need to be vigilant about how they supervise their children and make sure their children are never put in danger.

Ms MIKAKOS (Northern Metropolitan) — In light of the minister's earlier response that there is no set age, can she advise whether a parent leaving an 18-year-old unattended could be charged with one of these offences?

Hon. W. A. LOVELL (Minister for Housing) — This bill only applies to children who are under 18, so if the child were 18, it would not apply anyway.

Ms MIKAKOS (Northern Metropolitan) — Precisely. The minister says there is no set age, but there is in fact a set age.

Hon. W. A. LOVELL (Minister for Housing) — At 18 they are not a child.

Clause agreed to; clauses 151 to 173 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

The PRESIDENT — Order! The question is:

That the bill be now read a third time and do pass.

House divided on question:

Ayes, 34

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

Noes, 3

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

Question agreed to.

Read third time.

ADJOURNMENT

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

That the house do now adjourn.

Student support programs

Mr LEANE (Eastern Metropolitan) — My adjournment matter is for the Minister for Education. The action I seek from the minister is that he support sufficient ongoing funding for alternative setting programs through the state education system.

One example of a good alternative setting program is Leaps & Bounds in Bayswater, which is located behind Bayswater Secondary College. Leaps & Bounds runs a number of programs not only for at-risk young people but for all young students in the area. Some of the programs run by Leaps & Bounds that I would like to put on the record today include the very successful and long-running challenge ropes course, which a lot of us in this chamber would know about. It is run in conjunction with police groups and other stakeholders in the community. Leaps & Bounds also runs a program for girls that is specifically targeted to address the problems female students face throughout adolescence.

Another program, known as Up2Me, targets years 8 to 10 school students who are disengaged from learning and need to refocus. It is needs focused and individualised.

There is also a community partnership program called Look Both Ways, which has been developed with many different stakeholders in the community, including Victoria Police, Knox Youth Services, Eastern Access Community Health and the Glen Park Community Centre. It also has intensive behaviour modification programs targeted at severe social and emotional problems that students in mainstream schools might face. It provides a part-time student support program tailored to meet the individual needs of students and their home schools.

Another program, called Wildside, develops leadership and resilience skills in students. An outreach student support program also exists, so the work is not just based at the Leaps & Bounds headquarters in Bayswater; there is an outreach service — —

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

Shrine of Remembrance

Mrs COOTE (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Veterans' Affairs, the Honourable Damian Drum. The matter has to do with the new education centre at the Shrine of Remembrance. I have to say, as I have said here before, that I walk past the new centre each morning and it has been quite extraordinary to see the workmen on this site and to know that this is a project that has come in under time and on budget. It is going to be an extraordinary exhibition space. I was privileged to see the space before work began — it is a huge area, which is quite surprising. I did not expect that at all. I remind the chamber that it was Sir John Monash who made the case to build the Shrine of Remembrance where it is located, and that the shrine and its fabulous boulevard are the result of an international competition.

It is very pleasing to be a part of a government that saw fit to make certain that this icon of Melbourne has a first-class international exhibition centre for the Anzac

100-year celebration. One of the highlights of the exhibition is going to be one of the very first boats that was sent to the beaches at Gallipoli. I suspect it will be quite poignant to those of us who are going to be able to see it. The exhibitions that have already been held at the shrine have been very interesting, and I know these new ones are greatly anticipated. I am personally enormously looking forward to them. I praise all of the people who worked on the education centre, including Denis Baguley and his team, who have guided, worked and fundraised for it, and also the government, which has put in a considerable amount of money for its development. I ask the minister if he will ensure that all Victorian schoolchildren, both primary and secondary, will be advised of the opening of the Shrine of Remembrance's new education centre and of the wonderful exhibitions on offer.

Regional and rural education

Ms LEWIS (Northern Victoria) — I raise a matter tonight for the Minister for Education in relation to education provisions for students in rural and regional Victoria. The *Age* reported on 30 August that Victorian students at government schools in rural and regional areas are falling behind their city-based peers in a range of areas, including national assessment program — literacy and numeracy and Victorian certificate of education results, school attendance, year 12 completion rate and access to university.

The article quoted research by Victoria University and the Organisation for Economic Cooperation and Development, which found that rural schools are 'smaller, more likely to have a shortage of teachers, have less resources and specialist teachers, and offer fewer subjects'. As a consequence of these factors, students in rural secondary schools are likely to have access to around half the number of subjects that are offered in urban secondary schools and less access to information about further education, careers and work opportunities. Almost 40 per cent of rural students who completed year 12 in 2012 did not continue with further education or training in 2013, while only 22 per cent of their urban-based peers did not continue with further education or training in the same time period. This research augments the Victorian Auditor-General's report entitled *Access to Education for Rural Students*, which concludes that the Department of Education and Early Childhood Development 'does not understand the impact of its funding and programs on the major barriers to rural students' achievement' and that the department 'has not provided access to high-quality education for all students'.

In 2010 Victoria's rural education framework was launched by the Labor government. However, very little has been done to further address access problems for rural students since the Liberal-Nationals coalition won government at the November 2010 election. A new rural and regional education plan has been promised but there is very little to show for this other than a very disparaging Auditor-General's report.

There have been no extra resources for rural and regional schools to help them attract staff, particularly specialist staff, and there has been no extra support for professional development for staff despite the extra costs involved in travel or assistance with the often difficult task of finding replacement staff and no support for school staff from regional staff. In fact regional staff numbers had been decimated, and most of those who remain employed have been reallocated to offices in Coburg, Glen Waverley, Footscray and Dandenong — areas that have not been rural or regional for many years. It is little wonder that the gap between the achievements of rural students and metropolitan-based students is widening.

I ask the Minister for Education to urgently address the widening gap between rural students and metropolitan students with a plan that includes rural and regional schools and their communities in the planning and delivery and provides the additional resources and support staff necessary to successfully deliver the plan and close the gap between rural students and metropolitan students.

Western Highway

Mr D. R. J. O'BRIEN (Western Victoria) — As the last few minutes of my birthday tick over — it might have gone and I might not get a birthday present — I wish to raise an important matter for the Minister for Roads. The matter sits very much at the heart of the issues that concern western Victorians, particularly those who want to see better upgrades of the Western Highway. I call upon the minister to meet with the Western Highway Action Committee to discuss the next stage of the Western Highway upgrade between Ballarat and Stawell. In particular we are keen to see the continuation of the important programs and funding that have been provided for existing upgrades so workers and the community can have certainty into the future.

The Western Highway Action Committee has been very active in this area and for some time has been calling for numerous pieces of construction that have in fact been delivered by the government. In particular I thank the chair of the committee, Grampians Shire

Council mayor Kevin Erwin, who has been calling for funding for the Western Highway which stretches from Melton to the South Australian border. I note the committee's strenuous representations regarding the need for bypass funding for Ararat and Beaufort, and I was pleased when that funding was announced in this year's budget.

All members would be aware of the Western Highway's importance to Victoria in terms of both personal travel and freight. The interaction between freight and personal travel is one of the greatest concerns because there have been a number of horrific accidents on the Western Highway, including on the stretch between Buangor and Stawell, for which I am seeking the minister's attention. The interaction of trucks and cars is one thing that needs to be considered in the duplication. It is one of the busiest rural highways and most significant interstate freight routes, serving interstate trade and supporting farming, grain production, regional tourism and a range of manufacturing and service industries. Funding for the highway was also highlighted in the RACV's recent advocacy document, which projected traffic west of Ballarat will double by 2025.

I have personally travelled this route. Doing so last night I received further strenuous representations from the excellent Nationals candidate for the Assembly seat of Ripon, Mr Scott Turner, who has been liaising with the relevant mayors, including Cr Erwin and the mayor of the Pyrenees Shire Council, Cr Robert Vance. It is on the basis of these community concerns for safety and efficiency that I call for the minister to meet with the Western Highway Action Committee to discuss the next stage of the funding of this important highway.

Coles

Mr SOMYUREK (South Eastern Metropolitan) — I raise a matter for the attention of the Minister for Technology concerning the offshoring of hundreds of jobs from Coles head office — including from its IT department — to cut costs. The action I seek from the minister is that he investigate why organisations like Coles are outsourcing their ICT departments to offshore destinations.

Responses

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I have written responses to adjournment debate matters raised by Ms Mikakos on 11 March, 7 May and 26 June, Mrs Millar on 11 June and 24 June, Ms Tierney on 27 May, Ms Hartland on 12 June and Mr Elsbury on 24 June.

Five members raised matters on the adjournment tonight. Mr Leane raised a matter for the attention of Mr Dixon, the Minister for Education, regarding the alternative settings program.

Mrs Coote raised a matter for Mr Drum as the Minister for Veterans' Affairs in relation to student access to the enhanced and upgraded Shrine of Remembrance.

Ms Lewis raised a matter for the attention of the Minister for Education in relation to rural and regional Victoria and the provision of education. I draw Ms Lewis's attention to a press release by former Minister Peter Hall on 1 November 2012 about technology-enabled learning centres. This is a $5 million investment being made by the government to provide improved access for students from the eastern component of Victoria through the use of new technology, but I will pass the matter raised by Ms Lewis on to Minister Dixon.

Mr David O'Brien raised a matter for Mr Mulder, the Minister for Roads, about the Western Highway and requested that he meet with the Western Highway Action Committee.

Mr Somyurek raised a matter for Mr Rich-Phillips in his capacity as the Minister for Technology, and I will pass that on.

The PRESIDENT — Order! The house stands adjourned.

House adjourned 12.06 a.m. (Wednesday).