PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Wednesday, 20 August 2014

(Extract from book 11)

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By authority of the Victorian Government Printer

The Governor

The Honourable ALEX CHERNOV, AC, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

(from 17 March 2014)

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Legislative Council committees

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

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

 # Participating member

Legislative Council standing committees

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

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

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

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

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

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

 # Participating member

Joint committees

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

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

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

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

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

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

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

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

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

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

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

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

Rural and Regional Committee — (*Council*): Mr D. R. J. O'Brien. (*Assembly*): Mr Howard, Mr Katos, Mr Trezise and Mr Weller.

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

Heads of parliamentary departments

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

Council — Acting Clerk of the Legislative Council: Mr A. Young

Parliamentary Services — Secretary: Mr P. Lochert

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

President: The Hon. B. N. ATKINSON

Deputy President: Mr M. VINEY

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

Leader of the Opposition:
Mr J. LENDERS

Deputy Leader of the Opposition:
Mr G. JENNINGS

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The Hon. D. K. DRUM (from 17 March 2013)
The Hon. P. R. HALL (to 17 March 2013)

Deputy Leader of The Nationals:
Mr D. R. J. O'BRIEN (from 17 March 2013)
Mr D. K. DRUM (to 17 March 2013)

Member	Region	Party	Member	Region	Party
Atkinson, Hon. Bruce Norman	Eastern Metropolitan	LP	Lovell, Hon. Wendy Ann	Northern Victoria	LP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Melhem, Mr Cesar [2]	Western Metropolitan	LP
Broad, Ms Candy Celeste [9]	Northern Victoria	ALP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Coote, Mrs Andrea	Southern Metropolitan	LP	Millar, Mrs Amanda Louise [4]	Northern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	O'Brien, Mr Daniel David [8]	Eastern Victoria	Nats
Dalla-Riva, Hon. Richard Alex Gordon	Eastern Metropolitan	LP	O'Brien, Mr David Roland Joseph	Western Victoria	Nats
Darveniza, Ms Kaye Mary	Northern Victoria	ALP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Davis, Hon. David McLean	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Davis, Mr Philip Rivers [5]	Eastern Victoria	LP	Pakula, Hon. Martin Philip [1]	Western Metropolitan	ALP
Drum, Mr Damian Kevin	Northern Victoria	Nats	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Petrovich, Mrs Donna-Lee [3]	Northern Victoria	LP
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Elsbury, Mr Andrew Warren	Western Metropolitan	LP	Pulford, Ms Jaala Lee	Western Victoria	ALP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Ramsay, Mr Simon	Western Victoria	LP
Guy, Hon. Matthew Jason	Northern Metropolitan	LP	Rich-Phillips, Hon. Gordon Kenneth	South Eastern Metropolitan	LP
Hall, Hon. Peter Ronald [7]	Eastern Victoria	Nats	Ronalds, Mr Andrew Mark [6]	Eastern Victoria	LP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tarlamis, Mr Lee Reginald	South Eastern Metropolitan	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
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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Wednesday, 20 August 2014

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.34 a.m. and read the prayer.

The PRESIDENT — Order! The most important announcement of the week is that it is Mr Leane's birthday today. We wish him well for his birthday. However, there will be no additional leniency extended by the Chair during question time.

Mr Leane — A get-out-of-jail-free card?

The PRESIDENT — There are no get-out-of-jail-free cards.

I have the pleasure of informing the house that I have been advised that the Legal and Social Issues Legislation Committee will be meeting this day following the conclusion of the sitting of the Council.

ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE

Interim report

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) presented report by command of the Governor.

Laid on table.

EDUCATION AND TRAINING COMMITTEE

Approaches to homework in Victorian schools

Mrs KRONBERG (Eastern Metropolitan) presented report, including appendices, an extract of proceedings and a minority report, together with transcripts of evidence.

Laid on table.

Ordered that report be printed.

Mrs KRONBERG (Eastern Metropolitan) — I move:

That the Council take note of the report.

This report on the approaches to homework in Victorian schools and on student learning in Victorian schools is the considered synthesis of the Education and Training Committee from the valuable input that was offered via the many submissions made and the evidence taken during the inquiry's hearings in Melbourne. From the outset I extend my gratitude to the committee members: deputy chair Mr Colin Brooks, the member for Bundoora in the other place; Mr Peter Crisp, the member for Mildura in the other place, Mr Nazih Elasmar and Mrs Amanda Millar for their commitment and solid work during the inquiry, the hearings and the subsequent deliberations, all of which were meaningful and directly contributed to the report and its findings and recommendations. In further extending my gratitude I wish to nominate the fine members of the committee's secretariat — executive officer Mr Michael Baker, administrative officer Ms Stephanie Dodds and research officer Mr Anthony Walsh — for their splendid endeavours and application of their skills and knowledge.

The committee reported on 12 findings and made 11 recommendations. What resonates most strongly from our inquiry on the approaches to homework in Victorian schools and its impact on student learning is just how much debate prevails on this issue. The most authoritative learned academics, teaching professionals, teaching educators and, importantly, individual school communities, parents and students have differing opinions on the value of homework. The enduring argument for homework has centred on the belief that in addition to the completion of set tasks, homework serves to generally improve academic skills, leads to the acquisition of greater knowledge and helps to develop essential life skills such as time management, setting priorities, planning and problem solving. Those who feel that homework has a diminished benefit also feel that unnecessary pressure is inflicted on students. Furthermore, homework's detractors argue that time spent on homework would be better spent on physical and recreational activities, artistic endeavours and family and community engagement, and that this is a better direction for holistically developing a complete person.

We also gained an insight into how homework is viewed by students themselves. We are particularly appreciative of the evidence from the secondary students who attended the hearings and shared their concerns with the committee. For many students receiving feedback from teachers on set homework was critical, and these students often had to ask teachers for an insight into where they were making errors.

Parents want to do the right thing by their children's education and many feel that their involvement in homework provides a special means of monitoring their child's progress at school and gives them the means to communicate with their child in a dedicated manner. Sometimes this sees expression in the parents actually doing the homework. This natural drive to do the best

for their children can result in their further involvement by supplementing their child's learning with tutoring. We gained an insight into the commitment parents make to tutoring and feel that the growing trend of supplementing learning through the engagement of tutors, especially through recommendation 8, is timely.

With regard to one of the tenets of recommendation 5 — the notion of a support network for new teachers to assist in best homework practice — it will serve the reader well to be cognisant of the current debate on teacher education. Already Victorian schools have the imprimatur to set their own policies with regard to homework. Looking to best practice models overseas we see that the Finnish education system strives to provide as much autonomy as possible for its schools.

The setting of homework often places demands on students that cannot be fulfilled for reasons and circumstances outside of the school precinct. Students coming from disadvantaged or diverse backgrounds often lack a quiet space, have language problems, cannot access the technological resources expected of them or need to spend homework time caring for younger siblings or helping in the family business. Fortunately in some areas homework clubs have arisen to help support the learning of students from migrant backgrounds. I commend the committee's final report to the Victorian Parliament.

Mr ELASMAR (Northern Metropolitan) — I am pleased to speak to the report on the parliamentary Education and Training Committee's inquiry into school homework. The committee worked very well together during the inquiry, and in the normal course of events I would be happy to say that the committee covered all the eventualities and aspects facing the accessibility of appropriate educational tools to complete homework assignments. It is a pity that we as a committee could not agree to present a single united report. It is an even greater pity that the removal of both the state-funded education maintenance allowance and the federally funded school kids bonus at the end of 2014 will severely hamper the progress of and opportunities for young children growing up in a financially strapped household.

However, the inquiry readily acknowledged that kids today are increasingly required to use technology to complete their homework assignments, but ignored the fact that children from underprivileged families who cannot afford computers or internet-connected devices at home will be clearly disadvantaged. In our search to understand the complex evolving nature of today's school homework, the committee found that 'a lack of technology in the home can hamper the ability of students to complete their homework and also participate in class discussion'.

Notwithstanding this omission, I wish to thank all members of the committee — the chair, deputy chair and other members — and the committee's executive officer, Michael Baker, and other staff for their unflagging dedication and enthusiasm during the conduct of this inquiry. I commend both reports to the house.

Mrs MILLAR (Northern Victoria) — I am very pleased to make a brief statement in relation to the Education and Training Committee's inquiry into the approaches to homework in Victorian schools. This was a highly stimulating inquiry on which to have served, with the evidence received from the academic community and educationalists, parents and, most significantly, students challenging many of the preconceived views of the effectiveness of homework in delivering enhanced educational outcomes, most especially in terms of the lack of measureable outcomes attributed to homework activities. This lack of effectiveness was most evident at the primary school level.

The evidence also cast a concerning view of the negative impact of homework upon our ever-increasing embattled work-life balance, with completion of homework for many children being at the cost of spending time on leisure and sporting activities and community service, and even spending quality time with their families and friends. Also concerning was much of the evidence about the impact on families and carers in terms of creating tension between parents and children, as parents exert pressure for homework tasks to be completed during the limited time that parents and children typically spend together.

Other concerning evidence pertained to the impact of homework on families and carers from non-English-speaking backgrounds, families or carers without access to IT and the internet, single-parent households and working parents — all groups upon which homework tasks may place extra burdens and barriers.

I take this opportunity to thank the chair, Jan Kronberg, and the other committee members — in the Assembly, the member for Mildura, Peter Crisp, and the member for Bundoora, Colin Brooks, and in the Council, Nazih Elasmar. I especially thank the very dedicated and diligent parliamentary services staff who served this committee, including Michael Baker, Anthony Walsh and Stephanie Dodds.

I encourage all schools, educationalists, teachers, parents and senior students to read this report and together with the Victorian government work towards more evidence-driven, effective and creative homework practices in the future.

Motion agreed to.

PAPERS

Laid on table by Acting Clerk:

Auditor-General's reports on —

Access to Legal Aid, August 2014.

Managing the Environmental Impacts of Transport, August 2014.

Mental Health Review Board incorporating the Psychosurgery Review Board — Report, 2013–14.

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

Reporting date

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

That the resolution of the Council of 26 November 2013 and the subsequent resolution of the Council of 26 March 2014 requiring the Family and Community Development Committee to inquire into and report by 3 September 2014 on social inclusion and Victorians with a disability be amended so as to now require the committee to present its report by 17 September 2014.

Motion agreed to.

MEMBERS STATEMENTS

Family violence

Mr TARLAMIS (South Eastern Metropolitan) — Friday, 25 July, was White Ribbon Night, with events organised across Australia. One such event, at which I spoke in my capacity as a White Ribbon ambassador, was held at Grecian Scenes restaurant in Carlton North, hosted by Desi and Meno. This was a successful event, and I was proud to join many others around the country in supporting the White Ribbon campaign.

White Ribbon is the world's largest movement of men working to end men's violence against women and girls and to promote gender equity. It aims to create an Australian society in which all women can live in safety, free from violence and abuse. Wearing a white ribbon is a personal pledge that the wearer does not excuse violence against women and is committed to supporting community action and attitudinal and behavioural change to stop violence by men against women.

Men's violence against women is not just a women's issue. It is a social issue and it is a men's issue, and men have a crucial role to play in stopping it. Most men do not commit violence against women, but when violence occurs it is mostly males who commit it. A recent World Health Organisation report found that violence against women has become a global health problem of epidemic proportions and revealed that a third of the world's women have been assaulted. Victoria's Chief Commissioner of Police, Ken Lay, has declared family violence one of the most significant law and order problems in Victoria.

In Australia, family violence is the leading contributor to death and disability in women under 45. One woman is murdered by her current or former partner every week, and one in four children witness violence against a parent. That is why I am proud that Labor has announced it will establish a royal commission into family violence that will examine our system from the ground up. It will investigate criminal law, corrections and the courts, support services, the health system, alcohol and drug treatment, refuges, housing and education. All of us have a role to play in ending violence against women.

Country Fire Authority brigades

Mr RAMSAY (Western Victoria) — It was a pleasure to be in western Victoria on the weekend representing the Minister for Police and Emergency Services, the Honourable Kim Wells, in supporting our local Country Fire Authority (CFA) brigades. With the budget for 2014–15 allocating $12.23 million for the volunteer emergency services equipment program, $20.5 million for respiratory protection equipment, $15 million to upgrade systems to support dispatch systems like the Emergency Services Telecommunications Authority, $29 million for the CFA to buy 78 new vehicles and a total CFA budget of $457 million, Victorian fire services are seeing unprecedented investment in fire service resources. This is evidenced by the $125 million invested to build 250 new or upgraded fire stations across the state and the total of $2.29 billion provided to the CFA since the coalition came to office.

Wallaloo East fire brigade is one brigade that has received a new fire station. I had the pleasure of officially opening the station, accompanied by the hardworking Liberal candidate for the Assembly seat of Ripon, Louise Staley, over the weekend.

Also on the weekend I was accompanied by the equally hardworking Liberal candidate for the new Assembly seat of Wendouree, Craig Coltman, as I attended two celebrations. One was the handover of a new $355 000 2.4C medium Hino tanker for the Mount Buninyong fire brigade, which raised $50 000 locally within its community — a fantastic effort. Congratulations to brigade captain David Harbour and his team. In addition, the SEM Fire and Rescue plant in Ballarat, which employs 90 staff, turned over its 100th brand-new, high-quality CFA fire tanker. It also has contracts to build new ambulances and State Emergency Service vehicles and is now outfitting defence department all-terrain vehicles.

Christopher Mardon

Ms PENNICUIK (Southern Metropolitan) — Christopher Jack Mardon was a quiet man of great intelligence who involved himself in serious issues throughout his life, such as the promotion of a green economy and the science of global warming. Chris was a past president of the Conservation Council of Victoria and co-author of the seminal book *Seeds for Change — Creatively Confronting the Energy Crisis*, published in 1978. Its model for an alternative, lower energy Melbourne has been described as an 'exciting blueprint for livable cities'.

Chris lived in Japan for seven years and taught English at the Osaka University of Foreign Studies. He was an engineer and scientist and worked for the CSIRO for more than 20 years. After retiring Chris continued to follow a wide range of issues very closely and to disseminate detailed analyses to his wide network of contacts. We were receiving emails from him until just before his death on 9 August. Chris was a founding member of the Victorian Greens in 1992 and the St Kilda, now Port Phillip, branch in 1997. Chris rarely missed a branch or state council meeting. He always gave 100 per cent to the Greens. He was well known, respected by and worked with Greens in his local branch, across Victoria and at the national level.

Chris was devoted to his family and will be greatly missed by his wife of 43 years, Misako; daughters, Miyuki, Sachiko and Akiko; son, Kenji; and grandchildren, Julian, Eron, Isabel and Nathan. Vale Chris.

Vietnam veterans

Mrs MILLAR (Northern Victoria) — On 18 August we commemorated the 48th anniversary of the battle of Long Tan during the Vietnam War. Eighteen Australians lost their lives on that day, with 500 Australians losing their lives overall during the wider Vietnam conflict. I attended the service held at the Memorial Cross on Mount Macedon, where about 70 people stood shrouded in mist not only to remember the fallen but also to honour the service of all Australian men and women who served in the Vietnam conflict. At Mount Macedon, as at all services across our state, attendances were up significantly this year.

I pay tribute to all our Vietnam veterans, so many of whom I meet embedded in other service organisations right across Victoria. These are people who gave then and who go on giving now; they are truly selfless in all they do. We owe it to our Vietnam veterans to respect, honour and recognise them now as, sadly, this was not the experience of their homecoming. I especially pay tribute to Mr Ken Bryce, a Vietnam veteran, friend and man of outstanding leadership who gives continually and selflessly to our community, most especially in his service to young people as a scout leader and in his involvement in building a school in Cambodia.

To those who served and to the families of all touched by this war, we remember you. We remember also the citizens of Vietnam affected by this war — those who died, those who were injured and those who were victims of the chemical warfare. To quote Neville Chamberlain:

> In war, whichever side may call itself the victor, there are no winners, but all are losers.

But there is in war the greatest service, the greatest courage and the greatest sacrifice for others. Lest we forget.

Ambulance officers

Hon. D. M. DAVIS (Minister for Health) — Today I want to talk about the paramedics dispute. Our ambulance officers, our paramedics, are very important people in our community who are strongly supported by the government. An offer is on the table: a $3000 sign-on bonus; a 6 per cent pay rise up-front; two further pay rises of 3 per cent to follow — a total of more than 12 per cent; plus the offer of independent arbitration on work value. That work value process would enable the paramedics to test their work value and ensure that they are paid at a fair rate.

All the key conditions and working arrangements that have been known by paramedics, including the four-day roster of four on, four off, will be preserved under the arrangements, including their specific superannuation arrangements that give them a guaranteed superannuation arrangement unlike any other paramedics in Australia.

However, I note that in today's *Bendigo Advertiser* one of the Ambulance Employees Australia union organisers is reported as saying, 'Most paramedics are happy with what is being offered in terms of pay'. That is a new statement from the union; the union now says the pay is okay. Actually it is a very generous pay offer compared to the rest of the community, and I call on the union to settle this arrangement. I call on it not to pursue its proposed hardline bans. I call on it not to pursue hardline bans that put the public at risk.

Robinvale P–12 College

Ms LEWIS (Northern Victoria) — Robinvale, a town of around 4000 people, is 470 kilometres north-west of Melbourne on the Murray River. However, that population increases to between 8000 and 10 000 people due to seasonal work. Robinvale has a P–12 school with a current enrolment of 417 students from diverse backgrounds: one-third are Indigenous, one-third are Pacific Islanders and the remaining third are a complex multicultural mix. There are over 20 nationalities represented in the district.

The Robinvale P–12 College provides a wide range of curriculum options under difficult circumstances, including flexible learning options for students who are in danger of disengaging. The school has three new classroom blocks and a science and technology building, which were built as stage 1 of a regeneration program. Unfortunately stage 2 has not been built, and the school has a mixture of buildings that need to be either renovated and refurbished or demolished.

There are two blocks of 1960s-era classrooms that have been decommissioned and are awaiting demolition standing where the new administration block and early years hub are planned. Buildings in need of renovation and refurbishment include the old technology building and the library. The planned technology upgrade would enable the school to offer a greater range of vocational education and training programs to train young people to work in local industries and agriculture. The planned library upgrade is intended to provide a library for both the school and the community.

Due to the limits placed on the school by its current facilities, many students travel out of town each day either 88 kilometres to Mildura or 80 kilometres to Balranald in New South Wales. These students are travelling 160 kilometres each day to undertake courses they need to prepare them for their working life.

Frank Douglas

Mr ONDARCHIE (Northern Metropolitan) — This morning I pay tribute to the late Frank Charles Douglas. Frank was born on 3 June 1929 in rural New South Wales to a very large family and found himself active on the family farm shortly after his father passed away at a young age. As a result of that, Frank had to leave school, do a lot of work on the family farm and help locally. He was a great horseman who knew horses very well. After Frank married he moved to Melbourne and settled in the then very young suburb of Greensborough, where he raised a large family himself.

Frank was a great man of the construction industry. At one stage he was the manager of four quarries in Melbourne's north-east. Frank was a great Liberal man. I pay tribute to Frank today for the great fisherman he was. He was a gentle man and a gentleman, and he leaves after him a wonderful family who follow in his footsteps. I pay particular care and my thoughts, love and prayers go to his daughter, Jacky, who is another great Liberal.

Rest in peace, Frank Charles Douglas. You will be missed by one and all.

Western Metropolitan Region schools

Mr MELHEM (Western Metropolitan) — After nearly four years of the Napthine coalition government, made worse by Prime Minister Tony Abbott's federal budget cuts affecting Melbourne's west in relation to education, I am proud to highlight that the Labor Party has so far committed to over $60 million in funding for education in the western suburbs of Melbourne should it be elected in November.

The schools that have so far been committed to include Essendon Keilor College, which will receive $10 million. Tarneit College and Sunshine College will receive $10 million each. Labor has also committed a further $3 million to rebuild Sunbury College, particularly its science and administrative wings. Strathmore Primary School will receive $5.7 million for new music and art facilities. Werribee Secondary College will benefit from $7 million as part of an ongoing rebuild after serious fire damage. Labor will also establish a $15 million education precinct in Footscray, which will be the first of its kind in Australia, bringing together Footscray City College, Footscray City Primary School, Victoria University and new learning facilities. Williamstown High School will receive $300 000 as well.

Labor has also announced that it will continue to fund local learning and employment networks (LLENs) with $32 million, and in particular that will include the Brimbank/Melton LLEN. In comparison, in this year's budget the coalition promised to fund only one school for the whole region. We know where the priority of this government is, and it is certainly not education, particularly in the western suburbs.

Labor Party

Mrs PEULICH (South Eastern Metropolitan) — During the 11 years of Labor's reign in Victoria what Victorians saw was basically a secret state, run with decisions made behind closed doors and deals done with unions and the factions to the detriment of the wider community. Labor places political interests and mates first and Victorians last. We saw the Labor government caught by the Auditor-General for breaching transparency rules and failing to disclose details of contracts with the private sector worth more than $3 billion. We saw Labor councillors suspended from the ALP by their state colleagues for voting for mayoral candidates who were not pre-approved by the secretive Labor caucus. We saw crime statistics fudged and we saw secret hospital waiting lists being micromanaged and kept hidden by the then Minister for Health, Daniel Andrews, the member for Mulgrave in the Assembly.

More importantly, this continues: the Labor Party's DNA has not changed, even though Dan's name has. The member for Cranbourne in the other place was recently dumped as shadow parliamentary secretary for multicultural affairs, angering local multicultural communities. Have we heard anything about that? Not a whimper. A secret factional deal to get the mayor of the City of Monash, Geoff Lake, elected as Labor vice-president was met by widescale rebellion amongst the rank and file. He was then secretly shifted to a different post. Most recently, Labor headquarters — the Leader of the Opposition in the Assembly's own office — was involved in the most secretive tape scandal in Victoria's history. If Victorians cannot trust Labor with a dictaphone, why would we trust it to run Victoria again?

Egypt business and investment

Mr EIDEH (Western Metropolitan) — Last Thursday evening I had the wonderful opportunity to attend the seminar on business and investment opportunities in Egypt presented by the Australian Arab Chamber of Commerce and Industry (AACCI). It was an honour to be in the presence of His Excellency Dr Hassan Hanafy Mahmoud El-Laithy, ambassador from the Arab Republic of Egypt to Australia, and the Consul General of Egypt, Mr Khaled Rizk. Also in attendance were AACCI members and members of the business community from various industries, as well as my colleagues the member for Thomastown in the other place and Adem Somyurek, the shadow minister for manufacturing and services.

The seminar provided a deep insight into the current political and economic climate in Egypt, as well as the ever-expanding business and investment opportunities in the Arab Republic of Egypt. It is important that the Australian business community is informed of the current economic situation in Egypt in order to build on the strong relationship already shared by the two countries. Much work still needs to be done to restore stability and confidence in investment in Egypt, which has suffered since the 2011 Egyptian revolution. It was quite refreshing to see a positive take on the country's current situation. It was an informative night, and I thank the Australian Arab Chamber of Commerce and Industry for presenting this seminar and linking the audience, via Skype, to the Egyptian minister for investment and his assistant in Cairo.

Hospital funding

Mr RONALDS (Eastern Victoria) — It gives me great pleasure this morning to talk about another way the Victorian government is building a better Victoria and in particular a healthier Victoria. Last week the Minister for Health, the Honourable David Davis, announced a 5.1 per cent increase in public hospital funding, to create a record budget of $15 billion. For me in Eastern Victoria Region that makes a significant difference. It means Peninsula Health has $16.5 million more, Bass Coast has $2 million more, Bairnsdale Regional Health Services has $3.2 million more, Central Gippsland Health has $2.2 million more, Latrobe Regional Health has received a more than $6 million increase in its funding, Eastern Health has received $33.3 million more, Gippsland Southern Health has received $852 000 and the West Gippsland Healthcare Group has received a $4.3 million increase in funding.

On a statewide basis over the next four years this will mean an increase of $1.4 billion to support more hospitals; $190 million more to boost elective surgery; $156 million to better support Victorians with mental illness or drug and alcohol addiction; and $60 million to enhance access to health services during peak winter demand. This is another example of the Victorian government building a healthier Victoria.

Labor Party election candidates

Mr FINN (Western Metropolitan) — Prior to the election of 2010, the then Brumby Labor government made a big deal of distancing itself from the corrupt activities of Labor members of the then Brimbank City Council. So embarrassed was the previous Labor government that it actually dismissed the Brimbank council, doing anything it could to cover up such disgraceful behaviour by ALP factional warlords and their puppets in the lead-up to an election. Presumably the current Leader of Opposition in the Assembly, Daniel Andrews, then a senior cabinet minister, was also disgusted by what he saw in Brimbank. Presumably Mr Andrews was equally ashamed of what members of his party did to the people of Brimbank.

If that was the situation less than five years ago, I must ask the question: what has changed? Given Mr Andrews's support for the then mayor of Brimbank, Natalie Suleyman, as the ALP candidate for St Albans in the November election, I must ask if Mr Andrews has done a total backflip. Why is the individual who led the council that gave local government in this state a bad name now acceptable as a member of the Andrews Labor team? Why is Mr Andrews supporting a candidate who in the past treated the people of St Albans with total contempt? Does Daniel Andrews now believe that the corruption, threats, bullying and malfeasance of the Brimbank council led by Natalie Suleyman were an acceptable way of treating people living and working in that municipality?

If Daniel Andrews is fair dinkum about being Premier of this state, he should immediately sack Natalie Suleyman as his candidate for St Albans and declare the wretched filth and thorough rottenness of the Labor Party a thing of the past. We know Labor neglects Melbourne's west — —

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

Geelong aged-care facility

Mr KOCH (Western Victoria) — Last Friday I was delighted to join my colleague and friend the Minister for Health, David Davis, for the signing of a lease to enable construction of a new aged-care facility in Geelong. A 1-hectare site fronting Barton Street in Bell Park, on the former Barton Street campus of Western Heights College, is being leased to Victorian Croatian Aged Care Services. Securing this surplus public land will enable this not-for-profit aged-care provider to develop a 100-bed residential aged-care facility.

With Victoria's population ageing, the Napthine government recognises the need for additional aged-care accommodation in Geelong. Unlike the Labor government in 2010, the coalition made a commitment to provide land for Victorian Croatian Aged Care Services to build a new residential aged-care facility for the large Croatian community in northern Geelong. Disappointingly, the member for Lara in the Assembly, John Eren, in whose electorate this new aged-care facility will be built, has been critical of this initiative and directed social media accordingly to Croatian advocates who have worked so hard for well over eight years for this opportunity.

I am glad to have worked with Geelong's Croatian community to achieve this important outcome and am confident this purpose-built facility will serve the Croatian community for many years to come. I congratulate Joe Pavlovic, chairman of Victorian Croatian Aged Care Services, Paul Saric, a strong community advocate, ward councillor Eddy Kontelj and the Croatian community in Geelong on their commitment to this project.

RULINGS BY THE CHAIR

Residential Tenancies Amendment (Housing Standards) Bill 2013

The PRESIDENT — Order! Before we embark on general business, one of the items that I anticipate will be debated today, according to the motion moved by Mr Lenders yesterday, is an order of the day referring to a bill proposed by Mr Barber. I was asked to give consideration to the bill in terms of whether or not it could constitute a money bill and is therefore not within the competence of this house to consider.

Clause 5 of Mr Barber's bill proposes to insert a number of new sections in the Residential Tenancies Act 1997. Amongst other things this would require the director to investigate complaints relating to minimum housing standards and the role of the tribunal to enforce certain decisions. The director is defined in the Residential Tenancies Act 1997 as the director of Consumer Affairs Victoria as provided by the Australian Consumer Law and Fair Trading Act 2012. Section 109 of that act sets out the functions of the director, and Mr Barber's bill in my view does not amend that section, because the functions of the director prescribed by the Australian Consumer Law and Fair Trading Act 2012 are broad enough to include investigation of minimum housing standards, particularly as the Residential Tenancies Act is listed as a consumer act in schedule 1 of the Australian Consumer Law and Fair Trading Act and

subparagraph 109(n) includes 'any other function conferred on the director by or under this act or any other act'. Under section 108 the act also provides for staff to be employed. Therefore, in my opinion, Mr Barber's bill does not provide for employment of new appointments.

Further, Mr Barber's bill does not propose to amend the Australian Consumer Law and Fair Trading Act 2012 at all. Section 62 of the Constitution Act 1975 in regard to appropriation bills applies very clearly when a bill directly appropriates part of the Consolidated Fund. Such a bill would have to originate in the Assembly. In my view Mr Barber's bill does not directly appropriate part of the Consolidated Fund. While section 62 may, in narrow cases, also apply to bills which while not directly appropriating the fund have a clear effect on the fund, a new function proposed by a bill would need to be so significant in my view that there is a clear effect. Mr Barber's amendments do not appear to have that clear effect on the Consolidated Fund in my view, and therefore I have no problem in allowing that bill to be considered by the house later this day.

Indeed I note that the government also proposes to introduce some bills to this house, again probably later this day. Notice has been given of them, and they are likely to be first and second read this afternoon during government business time. I have also considered whether those bills would have an impact in terms of being money bills as we know them and therefore not within the competence of this house. I understand from my consideration of those bills that they also pass the test and are able to be debated in this place.

I thank the house for the courtesy of allowing me to make that statement at this time, because it is likely that I will not be in the chair at the time Mr Barber's bill is considered.

WATER (LONG SERVICE LEAVE) AMENDMENT REGULATIONS 2014

Mr LENDERS (Southern Metropolitan) — I move:

That the Water (Long Service Leave) Amendment Regulations 2014 be disallowed.

It is particularly pertinent to be speaking on this disallowance motion given that the President has just made a statement on the roles of the two houses and the Legislative Council being a house of review.

In simple terms I am asking that these regulations be disallowed because of what they do, their history and how they affect individual Victorians. I will precis what these regulations are for those who have not followed these matters. Under the Water Act 1989 and various other acts the minister makes regulations to dot the i's, cross the t's and fill in the gaps. In 2001 a regulation was made which, among other things, put in place nine particular rights, I guess, covering workers' entitlements to long service leave — that is, things that might happen during their employment that would still not disqualify them from receiving long service leave, one of which was being on WorkCover benefits. As is the case with all our regulations, that regulation expired and was sunsetted in 2011. The Minister for Water, Peter Walsh, then sought to reintroduce the regulation with the nine rights reduced to six. There was no discussion or debate about this. It appeared in the *Government Gazette*.

In 2011 I sought to convince this house to disallow that regulation and the house voted 21 to 19 against the disallowance. At the time there was a long debate, and I will reiterate small parts of that debate. Anybody who is particularly interested in the history of these regulations can certainly go back to *Hansard* and read the debate. The long and the short of it was that without any discussion with the workforce, other than a cursory letter to four industrial organisations informing them of a review dealing with regular periodic matters and reducing red tape — that was essentially the nature of the discussion — workers rights and entitlements were taken away.

This was done at a time when the new government was introducing its wages policy and the then Premier, the member for Hawthorn in the Assembly, Mr Baillieu, and the then Minister responsible for the Teaching Profession, Peter Hall, were under the hammer in dealing with the teachers' enterprise bargaining agreement (EBA). They said, 'We will make our teachers the highest paid in the country, but we'll do it by negotiating real bankable productivity'.

As I said in my speech in 2011, the only people in the world I have ever heard use those words during my time in government have been the Secretary of the Department of Treasury and Finance and the deputy secretary responsible for budget and financial management, yet here are the Minister for Police and Emergency Services, Kim Wells, Peter Hall and all these people using a term like 'real bankable productivity'.

The long and the short of it is that it is fine for a workforce to negotiate higher pay rises, provided there is an agreement whereby the employer can expect greater productivity. But while the government is saying it is happy to negotiate conditions, whether it is Mr Davis talking about ambulance enterprise

bargaining agreements or any other minister talking about this type of thing, there is a regulation that takes away a series of rights and conditions by stealth, without any negotiation or discussion. This is taking place while the government is lecturing the workforce and saying it is happy to negotiate pay rises higher than the wages policy of 2.5 per cent. The hypocrisy and bad faith of this is quite profound.

We can also look at the government's wages policy in the context of the Minister for Health using his 90-second statement in this place this morning as a bully pulpit to lecture the union about how generous his agreement is. He does not have the courage to sit down face to face with the union, but he uses his parliamentary privilege to abuse it. That is the wages context.

In an industrial context, the one member of this government who was actually a union official, a former president of the Victorian Farmers Federation and now Minister for Water, Peter Walsh, is seeking to take away rights for a second time. Let us put this into the context I used in my contribution to the debate in 2011, which has now come back writ large in 2014. In 2011 Minister Hall, whom I thought was a decent man, came into this place and genuinely tried to defend what was happening, saying, 'This is unintended. It is unclear' or 'It was a review of the regulations. We are negotiating with people. We sent letters out to departments and unions' and all the rest of it. If this happened once, you would maybe put it down to misadventure — although that is perhaps a bit charitable on my part given it was in the middle of an EBA discussion. But it has now happened twice. The government has never negotiated or discussed an EBA during this process. Instead, away from the negotiation table, in coward's castle, it creates a regulation that takes away rights.

In 2011 the regulations sunsetted. They were reviewed, things happened, and now in 2014 a specific regulation exists. I am confident that government members will say, 'It is just that the name of the Accident Compensation Act 1985 has been changed. Nothing has happened — ho, ho, ho!'. But something has happened. If we look at the objectives of this three-clause regulation, we see they state that the regulation's purpose is to take away compensation entitlements. It is not a red-tape reduction. It is not a streamlining or rolling over of a sunsetted clause. It is a specific regulation that takes away workers compensation. That is the chronology of events up to now: real bankable productivity, finding something to negotiate, then the government twice taking something away in bad faith.

Mr Koch interjected.

Mr LENDERS — I take up Mr Koch's interjection and repeat: in bad faith. It is bad faith if you have a Premier, a Treasurer, an industrial relations minister, a health minister and a teaching profession minister — you name the minister — who says when negotiating with his or her workforce, 'We will give you stronger wage increases if there is real bankable productivity. We can negotiate something with you. We are flexible. This is a modern industrial relations system', and all the cant, hypocrisy and oozing of insincerity that has come from one minister in particular. I concede that in 2011 a pro forma letter was sent to four of the unions, but the first most of the public knew about it was if they happened to read the *Government Gazette* and get to clause 3, which talks about a clause being amended or deleted. The bargaining process is hardly in good faith when you say, 'Give us things with which we can negotiate wage increases', and then twice silently, stealthily and in bad faith take away conditions.

We start off with nine cases in the original 2001 regulations, which are cut down by three and then cut down by a fourth. For Mr Koch's benefit let me explain what this means. Who are the people covered by this? Mr Melhem will speak on this issue on behalf of the Labor Party. Having worked with real working people in this area, Mr Melhem has an understanding of these matters.

Let us imagine that I am an employee of Melbourne Water, which is covered by these regulations, and I am sent by Minister Walsh — as was the case in 2012, if my memory is correct — to the Thomson Dam where, without using too much hyperbole, I am asked to put myself between an approaching bushfire and the wall of the dam in order to protect Melbourne's catchments. It is what Melbourne Water employees are asked to do as part of their employment, but they have to volunteer for and agree to perform these duties. As part of their employment they can, in the interests of Melbourne Water, take paid work time to defend the Thomson Dam.

Let us imagine that I am paid to go to the dam and, without being too dramatic about it, risk my life — or however you want to describe it — as part of that front line of Melbourne Water workers who have been seconded to defend the dam, and I get injured. I am entitled to compensation because I have been injured while carrying out work-related duties. My employer has paid me for my time, but that time will not be taken into account for the purpose of calculating my long service leave. That is the consequence of this heartless and deceptive amendment the government snuck through the executive council in the dead of night, and in bad faith. That is the consequence.

Government members talk about unions, this and that and all the rest of it, but the example I have given is a real-life example. Potentially some 60 people a year will be affected by this change. Let us go back to it. Why is this being done? Is it being done to save a lot of money? In government terms, the amount will be negligible for such bodies as water authorities; however, my Melbourne Water example is a real-life case of how this applies.

Let us again imagine that I am a Melbourne Water employee — whether working in an administrative job in Melbourne or out in Koo Wee Rup or somewhere maintaining channels; I might be anywhere — and I get a call saying, 'Your state needs you'. I am sounding like Lord Kitchener, with 'Your country needs you' printed on a poster.

Mr Koch interjected.

Mr LENDERS — Mr Koch may say I am going over the top, but I ask him to put himself in the position of a Melbourne Water employee who leaves the depot at which they are working — perhaps in the west Gippsland swamp, working on channels in Cardinia or Koo Wee Rup, or on the foreshore at Carrum or along the Patterson River. Perhaps I might be in an administrative role in Docklands or undertaking research and analysis. Imagine that I am asked to put on a uniform and to go to the Thomson dam and form part of a line of people who are clearing rubble, bulldozing and putting out fires — whatever needs to be done. They are protecting the Thomson dam and protecting Melbourne's water catchments, and in so doing they are injured.

Mr Koch interjected.

Mr LENDERS — Mr Koch may say I am amazing, and this may just be an example of how out of touch some government members are and why the scrutiny of these matters has lapsed. If a government process cannot pick up that this is a consequence of a regulation, then it is up to this house to provide that scrutiny. Presumably the department bowled it up and the minister signed it without knowing what it was. Perhaps there was no scrutiny of it inside government, either in cabinet or in the government party room.

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

Mr LENDERS — I will take up Mr O'Brien's interjection. He is shaking his head and laughing. How else can government members explain such a heartless regulation that does that to a volunteer from the public sector who goes out to fight a fire at the Thomson dam. We have seen the Premier and the Minister for Water surrounded by such workers. We have seen the Premier and the minister wearing hard hats and fluoro vests, basking in the workers' glory and saying how they are fighting the fires.

Mr Koch — A bit of licence; an administrator on a bulldozer.

Mr LENDERS — Through you, President, I ask Mr Koch to reflect on what he said — 'A bit of licence; an administrator on a bulldozer'. All I am waiting for is for him to say, 'He's wearing a cardigan'. His statement probably reflects how out of touch the government can be. Administrators from Melbourne Water, administrators from Parks Victoria and administrators from the Department of Environment and Primary Industries frequently get on bulldozers, frequently don the uniforms and go out and fight fires. Anybody, particularly a member for a regional area, who cannot see this — —

Mr Koch interjected.

The PRESIDENT — Order! I notice that Mr Koch is not on the speaking list. I invite him to put his name on the speaking list if he wishes to make a contribution to this debate rather than to do so by way of constant interjections.

Mr LENDERS — The reason that I on behalf of the Labor Party am moving that these regulations be disallowed is to protect employees of these state authorities in the course of their duties. Let us get back to the basics of what the WorkCover scheme is about. WorkCover is not some nanny state, namby-pamby, 'let us compensate someone because they are not well' scheme. WorkCover is a targeted scheme that compensates workers who are injured doing their jobs. Employers pay for it — including the state of Victoria, Melbourne Water and all those water authorities — based on the risk in their workplace. What we are seeing here are workers injured, by definition, while doing their jobs being penalised by these proposed regulations because their time off work on WorkCover will not be taken into account in their accrual of long service leave.

What is long service leave? Long service leave is a long-established practice where a person gets paid extra leave when they have been with an organisation for a long period of time. It is across the board and uniform. Some industries have negotiated more generous outcomes than others, but there is an underpinning belief in the state of Victoria that it is no different from annual leave. A person being paid long service leave is no different from any other form of employee

entitlement. In a sense this is no different from having someone's pay docked for any reason the employer might choose. The government somewhere, either in the department, the minister's office, the cabinet or by whatever the scrutiny mechanism is in the government party room, has either let this go through the keeper without seeing it — I will be charitable: that may have happened — or somebody has formed the view that we can have a go at these people.

Let us go briefly to that. Firstly, I advise all government members to read the press release of their colleague Ms Wendy Lovell, who said that the soul of a government is determined by the economic decisions it makes. I was taught at primary school by a nun called Sister Luke, long since departed, who said, 'You can spot a black soul easily'. There are a few of those around here if this is what has happened in this case. If, as Ms Lovell puts it, that is how you determine the soul of a government, why would you put this regulation in place? It involves a small number of people. It is not just the example of the firefighter I used; there are a lot of other examples of people who are injured at work in not so dramatic a way. We should not overdo this, but that is an example of what can happen. Is this the thin edge of the wedge of getting into long service leave entitlements more generally in Victoria? Will this be used as a precedent more broadly to take away the entitlement of citizens?

Long service leave is not some crazy, left-wing, Labor, union idea. Long service leave came from liberal and conservative governments in Britain who thought it would be a good thing for good chaps in the colonies to have three months off work to go to the mother country every 10 or 15 years to be enlightened. The union movement has grabbed onto it as a great thing that all workers should be entitled to, but let us keep in mind that long service leave has been part of the Victorian industrial relations framework in the public sector since before Federation. It is not as if it is some newfangled idea that has been extended to the entire workforce by Labor governments. Conceptually it is not some wacky left-wing idea; it is something which has a longstanding history.

I do not need to say much more, but I reiterate that this is not a one-off action. This is part of a pattern. This is the second time the government has sought to tamper with such regulations. It is not as if a minister has come into the Parliament and made a second-reading speech on why or how the government is doing something, what the public policy foundation is and what scrutiny or debate there has been. On the contrary, this is being done as if in the dead of night.

I predict that government members will ignore this motion or scoff at it, because the great Peter Walsh, the Minister for Water, has thought of these regulations and had them included in a *Government Gazette*, and the job of those opposite is to defend the regulations to the hilt and ridicule anybody who questions them. If these regulations are not a reason for the Legislative Council to disallow something, I do not know what is. Disallowance will not break the budget, as only a small amount of money is involved. The proposal is to change public policy without debate but by stealth. The proposal is cruel and potentially a thin edge of a wedge. If such a proposal were introduced to contracts anywhere else, we would have members on the other side screaming and bellowing.

Finally, if ministers wish to ooze insincerity, as the Minister for Health does periodically when speaking about bargaining in good faith and all the rest of it, they should do what is being proposed here. But ministers should not take anything away from people without negotiation. They should engage their workforce, particularly if their workforce includes the administrator, groundsman or field officer from Melbourne Water who actually puts himself or herself between a bushfire and the Thomson Dam. Those people should not be belittled; they should be respected. I urge the house to vote against these regulations.

Mr BARBER (Northern Metropolitan) — The Greens will be supporting Mr Lenders's motion. Along with Mr Lenders, we have followed this issue from back in 2011 when a similar set of regulations were proposed. I am not sure that I agree with Mr Lenders that the normal process of the use of subordinate legislation equates to sneaking off to cowards castle. If he were right about that, then every time a minister uses regulations under an act to achieve an objective, that minister would be sneaking around in a cowardly fashion.

However, the Greens take the overall policy point that Mr Lenders makes — that is, that through one process water boards are negotiating with workers over their wages and conditions and via another completely different process that the government alone controls they are stripping out certain rights. Unless the government wants to give a more detailed accounting of the negotiations, it does not seem to me that there was ever any attempt to raise this particular issue during the negotiations. It was effectively a governmental tool that was available to them and therefore they sought not to engage on the issue. We will listen to what the government has to say about that, but at the moment our inclination, as it was about a similar motion debated

previously, is to support Mr Lenders's motion for disallowance.

Mr RAMSAY (Western Victoria) — I rise to speak on behalf of the government on the motion moved by Mr Lenders. In my opening remarks I have to say that every time I listen to Mr Lenders I battle to take his contribution seriously, given that he is the man who gave us a desalination plant in Wonthaggi that currently has cost taxpayers just over $1 billion in penalty payments — $1 million per day — yet not one drop of water has been transferred to the Melbourne water users who are principally paying for that white elephant. Not only that, but Mr Lenders is credited with supporting the construction of a north–south pipeline, again costing Melbourne water rate payers in excess of $600 000, plus an additional $400 000 across the state, to transfer water out of the Goulburn system. Our food producers and irrigators in the north rely on a reliability of water supply to provide food for consumption by people in Melbourne. Every time Mr Lenders stands up and talks about water, I have great difficulty in having any confidence that there is any substance in what he has to say.

While Mr Lenders's motion seeks disallowance of the Water (Long Service Leave) Amendment Regulations 2014, the issue is not about water but is more an industrial issue relating to long service leave provisions and the impact of compensation payments being included in those provisions. I am not surprised that Mr Lenders's contribution broadened out to a whole range of matters, including wages, enterprise bargaining agreements and union action in wanting to further enhance wages and allowances for union members.

Again, it is no surprise to me to see Mr Melhem on the list of speakers as well. No doubt he will stand up with outrage, demanding that compensation payments should be included in long service leave provisions in these regulations. I am sure he will broaden his contribution to be rattling a sabre about a whole lot of union matters. As members know, in a former life he was the secretary of the Australian Workers Union. It is no surprise to me that we have the union members of Parliament here — union-affiliated, union-backed, union-employed members of Parliament on the other side — sabre rattling with their union propaganda about what the government is trying to do to workers, in this case those who work for water corporations. We will go through all that and no doubt we will get to a division and sanity will prevail and life will move on.

Mr Lenders took 22 minutes to make a contribution on six work changes in an amendment to the Water (Long Service Leave) Amendment Regulations. It is interesting to note that despite the sabre rattling from Mr Lenders, WorkSafe Victoria provided advice about the amendment to the Minister for Water to ensure that when the Workplace Injury Rehabilitation and Compensation Act 2013 came into effect after 1 July 2014 — legislation supported by Labor at the time — the provisions for calculating annual leave within these regulations were the same as they currently are under the Accident Compensation Act 1985.

There is no change to the status quo, yet Mr Lenders wants to relive the Battle of Gettysburg in relation to the debate on the original bill in 2011. It is a very minor change, but Mr Lenders took nearly 25 minutes to make his contribution, and of that time I suspect only 2 minutes was actually on the amendment itself. As we have come to expect from the contributions of those on the other side, it was a very wideranging contribution and no doubt members opposite are getting their speaking notes from their affiliated unions.

Under the regulations long service leave is not payable during any period in which the employee is absent from duty and in receipt of weekly payments of compensation under the Accident Compensation Act 1985 or any corresponding previous enactment, other than the first two months of that period. The amendment, or the Workplace Injury Rehabilitation and Compensation Act 2013, is the sole amendment to the 2011 regulations. This is inserted into the regulations where there is reference to the Accident Compensation Act 1985. In effect it is a name change.

As changed by the 2014 amendment, regulation 13(1)(f) of the Water (Long Service Leave) Regulations reads:

> any period which the employee was absent from duty and in receipt of weekly payments of compensation under the Accident Compensation Act 1985 or the Workplace Injury Rehabilitation and Compensation Act 2013 or any corresponding previous enactment, other than the first two months of that period …

The entitlement of an employee to long service leave is not affected by interruption or absence under the Accident Compensation Act or the Workplace Injury Rehabilitation and Compensation Act 2013 — that is, while long service leave or pay will not be payable for the period they were receiving weekly compensation payments, the period is counted towards the employee's continued period of absence. The 2011 regulations, which the amendment regulation updates, are a revision of the Water (Long Service Leave) Regulations 2001.

The next point I want to make probably demonstrates the hypocrisy of Labor in moving this motion because

the Water (Long Service Leave) Regulations 2001 contained similar provisions which noted that the calculation of the period of service must not include any absence of the employee due to illness or injury that is in excess of 14 days in a year.

Mr D. D. O'Brien — Which party was in government then?

Mr RAMSAY — That was a regulation supported by the government of the day, the Labor Party. Mr Lenders wants to relive the battle of 2011, but in 2001 he was supportive of similar provisions.

Mr Barber interjected.

Mr RAMSAY — They have done an about face, as we often see in Labor policy.

Mr Barber — Flip-flops.

Mr RAMSAY — They are flippers, they are floppers — but having said that, it is not unlike the Greens, particularly the Leader of the Greens in the state of Victoria. He has suddenly become a populist in his policies and is doing anything to be the farmer's friend to try to connive votes from the rural constituency because the Greens say they are here as their saviours. Talk about a flip-flop in policies; one minute they were the environmental vanguards of society, and now they are everyone's best friend — but I digress.

Mr Lenders — On a point of order, Acting President, it is unlike me to raise a point of order in defence of Mr Barber, and I let the discussion pass when the member was having a go at me. This is a specific motion about disallowing a regulation affecting a limited number of Victorians. The member is now debating the motion by reflecting on what the policies of other parties may or may not be. This is a motion about a regulation in the context of an industrial relations arrangement, and the member is now straying into a debate about the Greens party.

Hon. E. J. O'Donohue — On the point of order, Acting President, as Mr Ramsay pointed out, in nearly 25 minutes of a wideranging contribution Mr Lenders canvassed a number of issues beyond the scope of his motion and therefore set a precedent for the debate. Mr Ramsay, in canvassing and responding to matters raised by Mr Lenders, is following the lead of the mover of the motion.

The ACTING PRESIDENT (**Mr Tarlamis**) — Order! I uphold the point of order. Whilst the lead speaker's contribution to the debate was wideranging, Mr Ramsay is straying even wider. I direct him to come back to the motion at hand.

Mr RAMSAY — I cannot wait for Mr Melhem's contribution, and I am sure there will be plenty of opportunities to raise points of order, which I can assure the house I look forward to doing. I am sorry I was distracted, but Mr Barber did not help with his ongoing interruptions. Nevertheless, I will return to the motion at hand.

Mr Barber's motion to disallow the regulations will create two different classes of employees within the water corporations. I am not sure he has actually thought about what the impact of his disallowance motion will be, but it is going to create a significant problem among the employees themselves. I am sure Mr Melhem would be well aware of the fractious nature of having different classes of employees under the same employer.

It is an interesting route Mr Lenders wants to take us along with his motion to disallow this regulation amendment. The WorkCover laws do not specifically address the accrual of annual and long service leave while an injured worker is receiving WorkCover benefits. Access to and accrual of leave entitlements is covered by employment agreements under both the commonwealth Fair Work Act 2009 and the Victorian Long Service Leave Act 1992. The Water Act 1989 permits the Governor in Council to make regulations with respect to long service leave for water corporation employees.

The Victorian WorkCover Authority is not aware of any other areas of industry where the calculation of leave entitlements while on compensation payments is specifically addressed in regulations. However, this is not something that it would actively track, as it is an industrial relations issue rather than a compensation issue. There were some changes to WorkCover legislation following the 2008 review of the Accident Compensation Act that clarified that workers compensation benefits may be paid in conjunction with annual and long service leave entitlements. However, this does not relate to the way long service leave or annual leave is accrued.

There is a little bit of detail on the amendment. I look forward to my parliamentary colleague Mr Danny O'Brien making a more detailed contribution in relation to the technical impacts of Mr Lenders's motion, given his wide and vast knowledge of water and all things associated with water, even though I suspect industrial relations might well test his capacity. Nevertheless, this is a very minor change. I might remind Mr Melhem of

the Acting President's ruling in relation to focusing on the motion at hand and not elaborating too broadly on a whole lot of activities which I am sure he would like to cover in his contribution to the debate on this motion.

We will be opposing Mr Lenders's motion on the basis that it would cause significant damage and fracture significantly the goodwill of employees within water corporations, within which Mr Lenders seems to want to create different classes thanks to his motion. We are talking about a name change here. There is a precedent for Labor supporting the regulations, and on that basis I stand in my place speaking in opposition to the motion.

Mr MELHEM (Western Metropolitan) — I think Mr Ramsay may need to look at a career change, perhaps as a wizard. He has pre-empted my contribution to the debate by looking into his crystal ball and seeing what it is that I am likely to say. But let me address the issue we are talking about here and reveal what this government is up to. It is not about cutting red tape. It is not about a name change. It is about making a major change, and I will go through that.

Mr Ramsay said the Labor Party supported the notion that if an employee were absent for more than 14 days due to illness — that is, any injury which is not work related — that time would not count towards long service leave entitlements. However, he forgot to mention that in the same regulation the absence of an employee due to injury arising out of the course of their employment attracts no time limit. They could be absent for 6 months, 12 months or 2 years and still accrue long service leave. I say to Mr Ramsay that he should not confuse the issue. If he is going to quote something, he should do it properly. He should do his own homework. He should do his own research and not just rely on the notes he is given.

I suggest Mr Ramsay go back and look at the 2001 Labor regulations, which list nine things, and I will read them out for him: non-continuous service, absence due to recreation or sick leave, absence of not more than 14 days due to illness or injury, interruption of service if the intention was to avoid payment of entitlements, industrial disputes, dismissal reversed within two months, standing down when no work is available, any absence due to injury arising out of the course of their employment, and naval, military and air force service. With all of these, employees are not disadvantaged and will continue to accrue long service leave.

Mr Ramsay said that the government is not making any changes, but it is. The proposed regulations state very clearly that any time an employee is absent from duty while in receipt of weekly payments of compensation under the Accident Compensation Act 1985 or any corresponding previous enactment, other than the first two months of that period, will not count towards long service leave entitlements. Clearly there is a change, because the current regulations do not specify an end date and if an employee is injured, they will continue to accrue long service leave while they are in receipt of workers compensation payments for an indefinite period of time.

People who are receiving workers compensation do not stay on workers compensation forever. In this particular instance we are talking about 60 people at Melbourne Water. We are not talking about hundreds or thousands of people. Mr Ramsay mentioned the website of the Victorian WorkCover Authority and its various reports. I know something about this because I used to deal with injured workers and used to be a member of various committees convened by the authority, but I am not sure that Mr Ramsay knows what he is talking about. The reports on the website clearly show that the vast majority of injured workers returned to work within 13 weeks, so we are not talking about large numbers of workers who are injured and then bleed the system. The government says it has a massive financial problem on its hands and needs to cut costs, but the truth is that it does not. Most of these people go back to work before the end of the 13 weeks, so are we just going to pick on a small number?

I will come back to that in a moment, but let me do a comparison because Mr Ramsay talked about whether we are trying to streamline the process to make sure everyone is treated equally. They are not being treated equally for a number of reasons. One reason is that the regulations are taking away an existing entitlement. Any decent employer — —

Mr Ramsay interjected.

Mr MELHEM — Then this is an opportunity for the minister to come out and actually prove that. I have read the regulations and, basically, instead of being open-ended they are now specifying a maximum of two months.

Mr Ramsay interjected.

Mr MELHEM — Mr Ramsay has had his chance. If he is saying it is not taken away, then he should get the minister to correct that — it is as simple as that.

If we look at the rest of the public service, they have got 12 months. If they are on workers compensation for 12 months, they continue to accrue long service leave. If we look at the Victorian Long Service Leave Act

1992, which covers non-government employees, again employees will continue to accrue long service leave while on workers compensation if they stay on WorkCover for 48 weeks in a year, so basically they are not disadvantaged.

What is being proposed in these regulations is a backward step that takes away entitlements of workers such as the firefighters Mr Lenders talked about, whom I had the pleasure of representing before I came to this place, who fought the fires on Black Saturday. They are the ones who are actually defending our resources against fires, but we are taking their entitlements away. These are the people who get injured while defending the resources of the state and protecting people's lives. If they are injured in the course of their employment, what is it we are proposing now? We are going to kick them if they are injured, if they are down, instead of giving them a helping hand. The opposition would not kick you if you were down, but that is what this government is doing. We should not be doing that to people. If we injure someone, we should look after them, but obviously that is the last thing this government is going to do — that is, look after injured workers.

If you want to change something, I get that. There is nothing wrong with an employer going to their workforce and saying, 'I want to change some employment conditions'. There is nothing wrong with that, and it is perfectly within their rights as employers to go to their workforce and say, 'I want to sit down with you and negotiate your employment conditions' and even take away some conditions, because it is an equal right for employees and union members to ask to change employment conditions and seek better conditions of employment. That is a perfectly legitimate process under our current industrial relations system, but it is done around the bargaining table at negotiation time when a new enterprise bargaining agreement (EBA) is being negotiated. To my understanding, the issue in these regulations has never been raised by the authority or by the government during EBA negotiations with the Australian Services Union. Instead, under cover of darkness, the government has come in and taken entitlements away. That is not the way to do business.

I hear Mr Davis complaining about the militant paramedic union because he says it is too unreasonable and will not accept what he wants to implement in the EBA negotiations and it does not want to accept his offer. That is the union's right, as it is the minister's right to prosecute whatever case he wants to prosecute, but that is done at the negotiating table when the EBA is being negotiated, not when the EBA has been signed off with the government and then the government goes back and says it is going to take away a condition.

Where does it stop? What could be next? The government could turn up one day and say, 'That particular condition of your employment is not within your EBA in black and white, and we are going to pass legislation to take it away from you'. As a matter of fact it could go as far as the South Australian government did some years ago when long service leave was actually in an enterprise agreement but because that government decided it did not like that anymore, it passed an act of Parliament to abolish it and take it away. That is not how to do business. That is not how to be an employer of choice. That is not the way we, as employers of people, should be treating people. If the government wants to negotiate that issue, it should sit down with the employee representatives when the EBA is up for negotiation and negotiate a package, not just take away an entitlement.

Let us talk about the motion before us. We are talking about 1.3 weeks per year of service. If you have had 10 years of service, you accumulate 13 weeks, and that has become an entitlement if you have served 7 or more years. If you leave your employment before accruing seven years of service, there is no entitlement and you do not get anything, but after seven years it becomes a pro rata entitlement. We are not talking about a huge amount. We are talking about 1.3 weeks per year for injured workers, and that is something I am really passionate about. When someone is injured it is our obligation to look after them and help them out. The last thing we want to do is kick them, take away their entitlements and penalise them financially because we injured them. We are the employer, we have injured these people and we should look after them. The last thing we want them to worry about is the financial impact on their lives at a time when it is hard enough to be recovering from an injury.

Melbourne Water employs all sorts of people, such as administrative personnel, construction workers, people working in the field, firefighters and others. If we are asking these people to perform a job and they get injured in the process, the last thing we need to do is take away entitlements.

If the government is seriously saying that it has not changed anything, it is very simple. The motion moved by Mr Lenders is an invitation for the minister, via his representative in this house, to make a statement in response to this motion that the changes the regulations are making will not take away existing long service leave entitlements. It is as simple as that and the problem will be solved. Mr Ramsay said that nothing is

being taken away, nothing is being changed, but on the other hand he contradicted himself and said, 'We want them to be exactly the same as everybody else because we cannot have two classes of people and some people are getting more generous entitlements than others', so which is which? I am a bit confused.

My understanding of the current entitlement these workers have is that if they are injured at work their long service leave calculation will continue whilst they are receiving payment from the Victorian WorkCover Authority. That is my understanding of the current regulation. What is being proposed is that that will now be capped at two months. That is my understanding.

An honourable member interjected.

Mr MELHEM — If that is not right, then here is the opportunity for the minister and for government members to clarify that. The rest of the public service and other workers in Victoria enjoy a minimum of 12 months, and other workers enjoy an unlimited time because they have provisions in enterprise agreements.

The opposition is simply seeking that the government does the right thing and assures the house that Melbourne water workers will not be disadvantaged and will not be going backwards from their current entitlement based on the 2001 regulation, which is that whilst they are in receipt of workers compensation payments their long service leave entitlements will continue to accrue. It is as simple as that. If the government gives us that assurance, we will be comfortable with that. This is an invitation for the government to clear the air. That is what the motion is all about. It is basically saying that the government should not take away these conditions from workers unilaterally. If it wants to do that, it can negotiate when the enterprise bargaining agreement is up, but in the meantime it should leave the entitlements as they are today.

One last thing I want to point out is that this regulation has nothing to do with the Workers Compensation Act 1958. The Workers Compensation Act does not deal with the issue of long service leave. It is a matter between employers and employees and is governed by the Long Service Leave Act 1992. The Victorian WorkCover Authority is doing pretty well. It has the lowest premiums in the country. It is doing a good job and there are great benefits for workers. Employers have had a lot of discounts or premium reductions over the years, which is a good thing and is something which we support. But we should not start taking away workers' conditions. With those comments, I commend the motion to the house.

Mr D. D. O'BRIEN (Eastern Victoria) — It is interesting that today, 20 August 2014, when on my calculations we are 101 days from the state election, this motion seems to be the most important thing that the Labor Party can come up with. It is now 101 days until the election and Labor members do not want to talk about the $27 billion the government has delivered through the budget this year in infrastructure and job-creating expenditure, including $73 million for the Latrobe Regional Hospital in my electorate, or $220 million for the Murray Basin rail project. Those opposite do not want to talk about the 1700 extra police that the coalition government has delivered, as promised. They do not want to talk about the hospital waiting list that has had a 11 000 reduction in numbers. They do not want to talk about the extra floor at the Box Hill Hospital as a result of the government's management of that project. If they even talk about industrial relations issues, they do not want to talk about the actions of the Construction, Forestry, Mining and Energy Union. Now there are some real workplace relations issues.

We also do not hear a lament about the previous government's handling of the desalination plant, which has cost Victorians over $1 billion so far and is costing us something like $1 million a day. We are not hearing anything about the legacy of the north–south pipeline and the $750 million that was wasted on that project. No. The first item of general business today, with 101 days to go until the election, from the Labor opposition is a motion for a minor amendment to regulations that take away no-one's rights and make no change to anything that people will be affected by. This is the best that the Labor Party can come up with. It is really quite extraordinary that we are having this debate.

The last little contribution, from Mr Melhem, perhaps highlights why the Labor Party is struggling. Mr Melhem quite rightly noted that WorkCover in Victoria has the lowest premiums in the country and says that it has been reducing WorkCover premiums. That highlights the fact that the coalition government is doing a good job on WorkCover through WorkSafe Victoria, and again highlights that the Labor Party has little to complain about.

A number of things the Labor Party has raised about this issue today are factually incorrect. What these regulations do is recognise the fact that last year we introduced basically a new workplace safety act, the Workplace Injury Rehabilitation and Compensation Act 2013. That happened before my time in Parliament, but, as I understand it, the measure was supported by all parties in the Parliament, including those in the Legislative Council. All the regulations do is ensure

that the provisions for calculating annual leave within the regulations are the same as they currently are under the Accident Compensation Act 1985.

Mr Melhem invited the minister to come in and declare that there is no change. Mr Ramsay has done it, and I am now doing it on his behalf. I am advised that this is simply an addition of the name of the new act, the Workplace Injury Rehabilitation and Compensation Act 2013, to ensure that it is also covered under the regulations. We have heard a lot from the other side about the taking away of entitlements and the removal of safety and other provisions for workers. I invite members of the Labor Party to point out to us where in fact that is done.

I refer to regulation 3 of the amendment regulations, which simply says:

> **Computing period of service — service not to be included**
>
> In regulation 13(1)(f) of the Water (Long Service Leave) Regulations 2011 after "previous enactment" **insert** "or the **Workplace Injury Rehabilitation and Compensation Act 2013**".

That is in addition to the Accident Compensation Act 1985. There is nothing about removal of entitlements or about reducing long service leave entitlements, so this is a very minor change. I am absolutely baffled as to why the Labor Party is making such a big deal about it. It is not causing anyone particular hurt.

Even Mr Barber made the point that Mr Lenders was taking a little bit of licence here when he highlighted the firefighting efforts of workers from Melbourne Water — and we also heard that from Mr Melhem in his contribution to the debate. I do not for a minute dismiss the work of those workers in defending our strategic assets from fire, but I suspect that has perhaps brought in an element of overreach in this debate.

From what we heard from the contribution made by Mr Lenders, it seems the Labor Party is going back to try to fight a battle it fought and lost in 2011, because as I have pointed out there is no effective change to the entitlements with respect to long service leave in this regulation. Mr Lenders said he in fact lost the battle in 2011 and that he is going back to try to revisit it again. For what purpose I am not quite sure, because as I am advised there is no actual change to the entitlement arrangements here.

Mr Melhem tried to tell us otherwise and that this was something the Labor Party had also done in 2001, but he was not convincing because the Water (Long Service Leave) Regulations 2001 contained very similar provisions. They noted that the calculation of the period of service must not include any absence of the employee due to illness or injury that is in excess of 14 days in any year, so they should not be included in the calculation of long service leave arrangements. Who was in government in 2001? It was the Labor Party; so the Labor Party has form on this. As I heard Mr Barber interject earlier, Labor has seen the light perhaps and changed its view.

I do not want to dismiss any workers compensation claim or people who are affected by injury at work — it is important that we look after them — but by the Labor Party's own admission we are talking about 60 people who might be affected by this. I highlight that in fact this does not apply to all water corporations, because there are a number of water corporations that provide long service leave rights through employment agreements — through enterprise bargaining agreements — so they do not even use these regulations. It is quite strange that this is getting such attention today when nothing is actually being taken away.

The Labor Party is again trying to find some problem where there is no problem. As I said, we can find problems for them in the water space, there is no question about that, or in the industrial relations space. Time and again in this place we have heard about the antics of the Construction, Forestry, Mining and Energy Union in particular. Recently I was reading about another area in my electorate — the Bald Hills wind farm — where there are two unions literally brawling over access to the site and about who has the coverage. Rather than looking after the interests of their workers, they are fighting among themselves in the union movement. It should be a concern to anyone that that is happening in the lead-up to the election.

Then again in the water space, as I mentioned, there were significant failures by the Labor government, including not only the desalination plant but of course the $750 million north–south pipeline. I am baffled about this. It is not often that I agree with Mr Barber in this place, but I endorse his comments that Mr Lenders had overreached somewhat in his assertion about the use of cowards castle to amend the regulations. That is a bizarre thing to say, because governments and ministers of all persuasions make changes and do things through regulations under legislation.

I conclude by saying that we have to look at the bare bones of the facts. Are we taking away long service leave entitlements? No, we are not. Are we taking away workers WorkCover payments? No, we are not. Have we changed what Labor did when it was in government? No, we have not. This does not affect all water corporation employees, as I said, because some do not utilise these regulations.

Labor has failed to convince us that we are in fact changing anything. This is a very simple amendment to the regulations to include the fact that we now have people covered not only under the Accident Compensation Act but also the Workplace Injury Rehabilitation and Compensation Act 2013, and that needs to be reflected in the regulations. This is a very minor matter that makes no change to worker entitlements, and that is why the coalition will not be supporting Mr Lenders's disallowance motion. Mr Melhem has invited the minister to come in and say there is no change. I have pointed out there is no change, so I invite Mr Lenders to withdraw the motion and we can get on with the rest of the business of the day.

Mr LENDERS (Southern Metropolitan) — My reply will be brief, but let us just sum this up by describing what the debate has been about. The Labor Party has for the second time — in 2011 and 2014 — sought to disallow changes to these regulations, because we assert unequivocally they are taking away rights of injured workers in this particular instance and maternity leave and other things in a previous instance. Government members can assert that we are wrong as much as they like, as they read from prepared notes given to them presumably from a minister's office or the Premier's office.

What is disappointing in this debate is that, compared to 2011 when the then minister, Peter Hall, came in and sought to explain and listen, the current minister, Mr Drum, is presumably doing something far more important than defending this particular regulation.

The onus is on government members to do more than simply read from notes and say, 'You are wrong' in response to what Mr Melhem and I have said. The onus is on the government to do more than avoid talking about real people — at least 60 people having their long service leave entitlements cut because they were injured at work. Rather than talk about that, government members have been indulging in a rhetorical flourish about anything they think the Labor Party may or may not have done, or what the Greens for that matter may or may not have done.

This is a real situation. Twice in this Parliament the Labor Party has sought to disallow a regulation; it is not something that has been flippantly done every second or third day. Twice we have sought to disallow a regulation, and twice it has been this same regulation, because it is seeking to take away rights without any particular discussion. I am disappointed that the best we get from the government is two members, I guess heroically, trying to defend the indefensible, which is in the end a decision that has come from somewhere in government, whether by mal-intent or lack of intent, and has come out of nowhere. And the tribe has rallied.

If the government had come in here today and moved that we adjourn this debate for a week on the basis of new information, or come to us and suggested that, we would have been absolutely amenable to it. Had it sought to get some information, to get the minister in here or perhaps to get an adviser in the box to actually try to answer some of these queries, we in the opposition may have taken this with far better grace. What we have had is a political defence, 100 days from an election, to something that was raised in this Parliament three years ago and has now been raised again, so it is hardly a last-minute election thing.

The political defence is if there is a firefighter who may lose entitlements because they are injured defending the Thomson Dam, the answer is, 'My gosh, Labor built a north–south pipeline or a desalination plant, and some Labor people are union officials'. That does not give a great deal of comfort to the firefighter who puts himself at risk defending the state. It does not give a great deal of comfort to any other public sector worker who thinks this is the thin end of the wedge. This debate has reinforced my resolve to urge this house to support the disallowance motion, because the regulations are poorly thought out. They are bad, and the government has not even tried to defend them.

House divided on motion:

Ayes, 18

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

Noes, 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	Ramsay, Mr
Guy, Mr	Rich-Phillips, Mr
Koch, Mr	Ronalds, Mr

Pairs

Viney, Mr	Peulich, Mrs

Motion negatived.

EMPLOYMENT

Ms TIERNEY (Western Victoria) — I move:

That this house notes that —

(1) when the coalition took office, the unemployment rate was 4.9 per cent — 2.1 percentage points below today; and

(2) under Dr Denis Napthine, MP, Victoria's unemployment rate has rocketed to 7 per cent, the highest it has been for 14 years, which means under the Napthine government more than 70 000 people have lost their job;

and agrees that this record level of unemployment is a direct result of the Napthine government not having a jobs plan, not delivering any major projects in its term of office and cutting $1.2 billion from TAFE, forcing the closure of many campuses and reducing retraining opportunities for the unemployed.

It would come as no surprise that Labor has brought this motion before the house today during opposition business, because the Australian Bureau of Statistics (ABS) statistics that were released last week provide a telling signal of where this economy is at. The figure of 7 per cent is a frightening reminder of the growing number of people who are joining unemployment queues.

In the Geelong region we now have an unemployment rate of 10.5 per cent, which has doubled since the Liberal Party came to office. In Warrnambool and the south-west it is up by 2.3 points to 9.5 per cent. Headlines in the Warrnambool *Standard* have included 'More out of work — unemployment rate soars to highest level in 10 years' and 'Jobless rate soars'. On Monday the *Geelong Advertiser* had the headline '15-year high — Geelong unemployment worst in state — 1 in 10 jobless' on its front page and on page 4 had 'Our employment level soars'. Today the *Geelong NEWS* has the headline 'Geelong jobless rate soars'.

This would be of no surprise because as recently as last week Peter Martin, the economics editor of the *Age*, was writing articles about the lack of confidence in the direction of this government that is now apparent within industry. There have been headlines such as 'Victoria drifting under Napthine' in the Ballarat *Courier*. Yesterday in the *Australian Financial Review* Frank Costa, a well-known business identity from Geelong who was appointed by this government to the Premier's business round table, was also expressing his grave concern about the direction of this government, its economic management and its inability to put its message across. He is very concerned about the ongoing and growing levels of unemployment in this state.

As I said, unemployment in Victoria has reached its highest level for more than a decade, yet the comments of the state Treasurer, Michael O'Brien, demonstrate an absolute incapacity to grasp the urgency of the situation. Earlier this year, when members on this side of the house warned of the coming catastrophe, the government was almost up-beat about the economy. Government members were confident with their strategy and, for want of a better description, were saying they were capable of managing the situation. Despite our warnings that the state had not yet experienced the impact of the closures of Holden, Toyota, Ford and Alcoa, the government remained immune to all advice provided by this side of the chamber. Government members were oblivious to the realities that were there for everyone to see.

Back then we witnessed Victorian unemployment lurch higher to 6.2 per cent, despite assurances that the ship was under control, but the latest figures are a clear demonstration that the ship is not at all under control and that the Treasurer's pronouncements about job creation, transitioning people into new jobs and retraining are just a smokescreen to deflect attention from this government's inability to attract investment to this state and create jobs for the future. The ship is giving all the appearance of being the *Titanic*, and the Premier's and Treasurer's arguments about the health of our state amount to nothing more than all tip and no iceberg.

The latest ABS statistics, announced last week, signal a crisis point for this state, which now has an unemployment rate of 7 per cent. Under Premier Napthine, Victoria's unemployment rate has skyrocketed to a 10-year high of 7 per cent. This has not gone unnoticed. As Peter Martin reported in the *Age* of 12 August:

> The last Premier to face an election with an unemployment rate of 7 per cent was turfed out of office. His name was Jeff Kennett. The year was 1999.

Yet the government still remains buoyant about the direction of this state. Treasurer O'Brien is confident it will all get better from here. He always says, 'Just trust me', but unfortunately I do not believe what he says, particularly when it comes to levels of unemployment and getting people off the employment queues and into jobs. He is starting to sound like a lemming.

Earlier this year, despite all the signals that Victoria's manufacturing problems were set to intensify, Treasury remained sanguine about the overall jobs outlook. Back then it said the fundamentals for Victoria were solid and predicted an average of 6 per cent unemployment

this financial year and 5.75 per cent next year. To quote Peter Martin again:

> The four figures released since have been 6.6, 6.8, 6.6 and now 7 per cent.

Martin goes on to predict that this trend will continue at least up until November. How can Treasury be so wrong? How remote is this coalition from the realities of life? It is not just missing the target; it is forgetting to actually fire the arrow. Our state is in crisis. As I said, the unemployment rate has not been this high for over a decade, and that was during a period of worldwide recession and when the state saw the collapse of Ansett Australia.

Recently the *Age* reported that statistics showed Victoria as having the largest increase in people out of work. It is the 10th month in a row that unemployment in Victoria has been above 6 per cent, and I stress that the gap between 6 per cent and 7 per cent is in fact a chasm. Under the Napthine government more than 70 000 people have lost their jobs. I remind members that the figures for the number of workers affected by the closure of Ford, Holden and Toyota, as well as Alcoa, have not come onstream yet. It was too early to register the effects in terms of this survey and the Australian Bureau of Statistics figures. Although the current figures are stark, they do not reflect the tsunami that is about to come, because we know it is not just the Ford, Holden, Toyota and Alcoa workers who will be affected. The companies that supply those large employers will also have a dreadful time of making ends meet and continuing to operate.

Later in my contribution to this debate I will talk about my concerns for the remaining parts of the automotive sector and what the industry is saying about this government.

Mr Ramsay interjected.

Ms TIERNEY — It is not just blue collar, Mr Ramsay. It is not just manufacturing. Mr Ramsay knows that it is his government that was directly responsible for sacking thousands of public sector workers and contributing to the unemployment levels by putting those people on dole queues. We have also seen huge numbers from the professional sector and the white-collar sector lose their jobs. In the finance sector alone thousands of jobs have gone. In call centres thousands of jobs have gone. But what has been the response from this government? Absolutely nothing. Zip.

On the Labor side, we have rolled up our sleeves and got work going. Not only have we come up with a jobs plan for the state, we have come up with a jobs plan for Geelong and a jobs plan for local people that is specifically tailored to the white-collar and the financial sectors. We outline what the problem is.

Mr Ramsay interjected.

Ms TIERNEY — That is part of your problem, Mr Ramsay. You will not even recognise that we have a serious issue before us. Until you recognise that we have a problem with jobs and economic growth in this state, you will not be interested in trying to find a solution.

The ACTING PRESIDENT (**Mr Finn**) — Order! I would appreciate Ms Tierney directing her remarks through the Chair. I am sure that will also discourage Mr Ramsay from interjecting.

Ms TIERNEY — One can only hope. Labor is about recognising the problem, being able to solve the problem and then moving on and providing the solutions. Those are the very things that this current government finds impossible to do. This government is simply incapable of doing it. If it is not able to do those basic things, the Napthine government does not deserve to be in government in this state. Come 29 November the people of this state will determine whether this government stays in power. While all these jobs have gone — and they will continue to go — this government has sat back and done nothing. It has allowed a massive exodus of industry from the state and has given no thought as to how to curb that exodus. The government has made no realistic policy announcements whatsoever.

Mr Ramsay interjected.

Ms TIERNEY — We will get to the employers in a minute, Mr Ramsay.

In addition, the Napthine government has had an ongoing and direct role in contributing to the employment queue with the slashing of public sector jobs over the last three and a half years.

I agree with Tim Pallas, the member for Tarneit in the Assembly, who said last week that the Napthine government had a lot to be proud of. He is reported as saying:

> Denis Napthine will forever be remembered as the Premier who did nothing while our major industries collapsed.

He also said:

> Labor has a plan for jobs and growth, and Denis Napthine has a plan to cut TAFE, cut skills and make it harder for young people to find work.

That is a very proud legacy for future generations.

Without wanting to labour the point, I will allude to some facts. For the sake of this debate I will put five simple facts on the table, and I look forward to those opposite addressing them in their contributions — when it is their time to make contributions as opposed to the barrage of interjections I have been subjected to this morning.

Fact one: Premier Denis Napthine has cut $1.2 billion from TAFE, forcing the closure of many campuses and reducing retraining opportunities for unemployed people. That is a fact. Fact two: when the coalition took office the unemployment rate was 4.9 per cent — 2.1 percentage points lower than it is today. Fact three: nearly 15 000 full-time jobs were lost in Victoria last month. Fact four: Victoria's unemployment rate has been higher than the national unemployment rate every month since July 2013. Fact five: Victoria has Australia's second fastest rate of population growth, yet it has its second slowest rate of jobs growth. These are inescapable truths, and while I appreciate they may be uncomfortable facts for those opposite to deal with, deal with them we must.

The Treasurer, Michael O'Brien, is reported in the *Age* of 10 July as saying:

> … Victoria had been leading the nation on full-time employment growth, with the state also recording a relatively high proportion of working-age people in work or actively looking for a job.

However, the ABS's analysis of real unemployment, which combines the official unemployment rate with discouraged jobseekers, the underemployed and those who want to start work within a month but cannot begin immediately, sets the unemployment rate at double the official figure, with 13 per cent of Australia's workforce wanting a job or longer hours. This new measure includes underemployment and workers in part-time or casual positions who want a permanent job or longer hours. It also counts those discouraged jobseekers who want to work but have given up looking because they are ill or disabled, lack the necessary training or experience, cannot find a job locally or in their line of work or cannot speak English well or because employers consider them to be too old or too young.

Mr Ondarchie interjected.

Ms TIERNEY — I did not say that; it is what the ABS says. That same report identified that in Victoria 14.2 per cent of the workforce is under-utilised. This is just one more example of the ship not performing and its captain having to take a nap in the life raft to prepare for the unavoidable.

Digressing for a moment, I had the good fortune to view an episode of *Yes, Minister* the other day, and I could not help but admire its ability to capture the nature of things in a simple sentence. On this occasion it was the potential for negativity in government:

> In government, many people have the power to stop things happening but almost nobody has the power to make things happen. This system has the engine of a lawnmower and the brakes of a Rolls Royce.

I pondered this for a while, and I was amazed at how apt this was in expressing — —

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Finn**) — Order! There is far too much interjection from members on my right. I would appreciate it if they restrained themselves.

Ms TIERNEY — I pondered that comment for a while, and I was amazed at how aptly it expressed how I feel about this government's approach to the issue of employment. Labor has been saying for a long time now that this government is not committed to creating jobs. It is essentially fiddling while Rome burns. It is prepared to sit by and watch manufacturing, the mainstay of the Victorian economy, sink to the abyss and allow thousands of white-collar and professional workers to slip through the jobs net and into unemployment queues.

Put simply, this government has no plan. The government has now been exposed by those in the industry who have had direct experience with it and determined it is not genuine about job creation. It is all about window-dressing. When it comes to jobs, important employer groups and industries are now saying publicly that they have lost confidence in the Napthine government, as demonstrated by the comments made by Mr Costa in yesterday's *Australian Financial Review*. Not only that, but Michael Emerson, director of Economic and Market Development Advisors, told the *Age*:

> … business and consumer confidence had also been shaken by concerns about the future of … manufacturing and the federal budget …

Earlier in the year the *Age* quoted the director of the Victorian branch of the Australian Industry Group, Tim Piper, as saying:

> … 2014 was shaping up as a tough year for manufacturers, with confidence having been shaken by Holden's decision to cease production …
>
> I see it as a tough year, especially in Victoria with some of the recent announcements … We will need to be vigilant to maintain a level of confidence in the economy.

Time has marched on since Mr Piper's comments, and guess what? The horse has bolted. The genie is out of the bottle.

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Finn**) — Order!

Ms TIERNEY — Thank you, Acting President. The coalition's industry policy is in tatters, and the government is in tatters. All the icing and pretence cannot hide the fact that Labor has a well-developed jobs plan that is out there in the electorate and is supported. I cannot believe that government members have been so lazy as not to have even read Labor's jobs plan, which has been out and about for at least 18 months. Maybe that is another sign of the laziness demonstrated by those opposite.

Honourable members interjecting.

Ms TIERNEY — Those opposite can carry on and make comments about manufacturing and union backgrounds and all those sorts of things, but the reality is that industry is now coming to Labor members and letting us know how badly you — —

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Finn**) — Order! Mr Ondarchie and Mr Ramsay! I understand that Mr Ramsay is on the list of members who wish to speak on the motion. If Mr Ondarchie would like to put himself on that list as well, we will hear his contribution with enthusiasm. At the moment perhaps not so much enthusiasm on his part would be appreciated.

Ms TIERNEY — I was starting to talk about how industry and employer organisations are now publicly making statements about their lack of confidence in the Napthine government's direction and effort in relation to industry policy. In fact key stakeholders in the business sector who are members of the automotive round table are scathing about what has occurred.

Mr Ondarchie interjected.

Ms TIERNEY — They walked into that arrangement believing that this government was genuine about the round table, but the round table has barely met. It has met only twice — maybe three times, but definitely twice. Members of the round table believed that this government was serious about dealing with the loss of 25 000 jobs from the Victorian economy over the next three years. They participated in that round table in good faith, believing that the coalition government was genuine about making sure that those people who worked for the larger manufacturers and were going to lose their jobs would be able to segue reasonably easily into the components and aftermarket sectors.

Mr Ondarchie — Aftermarket! Finally you have recognised the aftermarket. Finally! It has taken four years. Finally!

Ms TIERNEY — Don't tempt me, Mr Ondarchie.

Mr Ondarchie — You can count as part of the automotive sector — —

The ACTING PRESIDENT (**Mr Finn**) — Order! I asked Mr Ondarchie to restrain himself, and I have asked Ms Tierney to direct her comments through the Chair in the hope that Mr Ondarchie — and indeed Mr Ramsay earlier — might restrain themselves. Clearly Mr Ramsay has got the message, but at this point Mr Ondarchie is struggling. I ask Ms Tierney to direct her comments through the Chair. I believe that would help maintain order in the house no end.

Ms TIERNEY — Thank you, Acting President. I also live in hope that that occurs in terms of the level and frequency of interjections.

As I understand it, the stakeholders who are members of the automotive round table also asked for a range of things to be provided to them so that the round table could function and so that its members could work together to plan and map out what potentially might occur as a result of the cessation of vehicle manufacturing in Victoria. It is my understanding that that information has not been provided. I understand that not only have many requests been made but those requests have been ignored. People have attempted to contact the government about this matter, but no-one has picked up the phone and there has been no response to any messages that have been left.

Members of the round table are highly committed people, and the futures of a number of their businesses are at stake. It is an absolutely horrific situation. A structure was put in place so that an exercise could be undertaken to facilitate the employment of people as

they leave one part of the sector and move into another. People in the industry wanted to do that because they knew that doing so made sense. In contrast, members of this government have been there for media releases and for media grabs and media spin, but as soon as the cameras stop rolling and the media leaves the room, people in industry and business and members of the government walk out two different doors.

Mr Ramsay — That's rubbish.

Ms TIERNEY — When the cameras stop rolling, Mr Ramsay, it is like — —

Mr Ondarchie — On a point of order, Acting President, on two matters. Firstly, you directed Ms Tierney to furnish her comments through the Chair. She has just made a point of talking directly to Mr Ramsay. Secondly, in her contribution she has made ambit claims about people saying things, and she was reading from a document. I wonder if she would like to table that document from the industry that makes the matter clearer for us all.

The ACTING PRESIDENT (**Mr Finn**) — Order! I uphold the first part of the point of order because I have asked Ms Tierney a couple of times to direct her comments through the Chair — directing her comments across the chamber is adding to the disorderly nature of the debate from time to time — but I do not have the power to order her to table any document that she may be referring to. However, she is free to make the document from which she is quoting available to the house. I will leave to her discretion whether she does so.

Ms TIERNEY — At this time I will not be providing that document to the house because I believe it is only proper that the author be consulted prior to my doing so.

Industry has been saying to us that it wants a plan. It says it wants a strategy and a vision for the future, but that the recent allocation of a mixed bag of investment grants has been made on a very ad hoc basis and that this has been our wasted opportunity to embark upon a planned and meaningful transition. Industry is saying to us that it believes this government has lost interest in having a properly planned approach to how we handle the cessation of car manufacturing in this state. It was bad enough that the government just sat by and allowed it to happen, but it does not want and cannot find the capacity to have a planned approach to ensure that the fallout from major car manufacturers' decisions to cease production could mean that more people will be employed and more people will have food on the table for them and their families.

To those opposite, particularly the member who in the past in his contributions in this house referred to a particular sector of the automotive industry, I suggest he may need to pick up the phone because clearly — —

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Finn**) — Order! Mr Ondarchie and Mr Ramsay should restrain themselves.

Ms TIERNEY — The very sector he proclaimed himself to be the saviour of is one of the parts of the automotive round table that is very concerned. If you do not believe me, Mr Ondarchie, you should text, email or ring them now.

The ACTING PRESIDENT (**Mr Finn**) — Order! I am not sure how many times Ms Tierney needs to be asked to direct her comments through the Chair in the interest of the orderly conduct of the house. I think this is the fourth or fifth time. I am being polite.

Ms TIERNEY — We have a Napthine government that is not proactive in relation to industry policy. It does not understand how to work as a government in its dealings with business at all. It does not understand that it has a role in facilitating the right economic settings so that we can secure investment and economic and jobs growth. The government has demonstrated even in just this one sector that it cannot work with industry and business. It does not believe that it is important to sit down and grow relationships and knit those relationships so they are meaningful and can then deliver real opportunities for Victorians.

The government is not genuine, and it now has a record of false promises. It seems that instead of rolling up its sleeves and doing the hard work to get jobs up and running in this state, this government is about media spin and window-dressing; it likes handshakes and smiles when the cameras are rolling, but as soon as the cameras leave the room there is no substance whatsoever. It makes promises to stakeholders and it does not fulfil those promises. It continues to jilt relationships in the business sectors.

I look forward to the ongoing debate on this matter today and into the future because unemployment is not going away and Labor is not going away. Labor will continue to take this issue up to this government day in and day out because this is a core issue that affects the lives of thousands and thousands of Victorians. I put on the record that in terms of the debate we should stick to

the facts. I want government members in the chamber today to respond to the five facts I have mentioned.

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Finn**) — Order! The level of interjection is a little over the top. I am not one to be against interjections, but members are getting a bit carried away at the moment. I ask members to control themselves.

Ms TIERNEY — I am calling on those opposite to not do what they always do on Wednesdays, which is instead of really dealing with matters of serious public importance, such as unemployment, to just default and make personal attacks on Labor members. With these personal attacks they only serve to demonstrate how bereft the government is of ideas and practical ways of growing the economy and jobs and making sure that there is food on the plate and greater opportunities for all Victorians in this state. Government members should stop their laziness and stop pointing their fingers.

Mr ELSBURY (Western Metropolitan) — It is a pleasure to rise and speak after Ms Tierney, who used more metaphors than you can poke a stick at. We heard about tips of icebergs, horses bolting, the *Titanic* and its sinking and every other metaphor you could come up with. We also heard some very tall tales when it comes to the unemployment figures in this state. Indeed the Australian Bureau of Statistics labour force statistics show that Victoria's participation rate is increasing and employment growth was strongest in Victoria compared to any other state. We have seen an extra 14 600 people join the workforce in July this year. That is 14 600 more Victorians working today than last month. That was the strongest growth rate of employment in the country. Cumulatively 78 700 extra people are now in work in Victoria since we came to office.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Housing

Ms MIKAKOS (Northern Metropolitan) — My question is to the Minister for Housing. Can the minister confirm that each housing region has been given a financial target to sell off public and social housing?

Hon. W. A. LOVELL (Minister for Housing) — There has certainly been no direction from me to do that.

Supplementary question

Ms MIKAKOS (Northern Metropolitan) — Can the minister rule out selling Elenara at 2 Fitzroy Street, St Kilda, a 37-bedroom rooming house owned by the office of housing since 1983 and home to some of the area's most vulnerable residents?

Hon. W. A. LOVELL (Minister for Housing) — The assets that are managed by the director of housing are owned by the director of housing. The assets are a matter for his consideration. Part of any good management of any large property portfolio is to have some disposals and some acquisitions. I am not aware of any proposal to sell that particular property.

Box Hill Hospital redevelopment

Mrs KRONBERG (Eastern Metropolitan) — My question without notice is directed to the Honourable David Davis, the Minister for Health. Will the minister update the house on recent developments at Eastern Health and in particular the redevelopment of Box Hill Hospital?

Hon. D. M. DAVIS (Minister for Health) — I thank Mrs Kronberg for her question and note that she is a strong supporter of the redevelopment that has occurred at Box Hill Hospital.

Mr Jennings interjected.

Hon. D. M. DAVIS — I have a bit more to say. This is a specific question about this redevelopment, and there is more to say on this important redevelopment.

There have been a number of developments at Eastern Health, including a 5.3 per cent budget increase — an increase of more than $33 million to Eastern Health — and a significant drop in the waiting list at Box Hill Hospital, by 954 patients, from 2755 in June 2013 to 1801 in 30 June 2014. I was very pleased to be at Box Hill earlier this week to compliment the doctors, nursing staff, surgical teams and a number of the support staff who have played a critical role in lowering the number on the waiting list at Eastern Health.

I think the story at Eastern Health is a remarkable outcome. The Box Hill Hospital elective surgery results are fantastic. They have provided surgery for 7180 patients on the hospital's elective surgery waiting list in the 12 months to 30 June — 791 more operations than for the same period in 2013, and a record. These are very good outcomes for Box Hill Hospital and for Eastern Health more broadly.

Last week I was fortunate to be with the Premier and a number of people from this chamber, including the President, and others who were strong supporters — —

Mr Jennings — Everyone.

Hon. D. M. DAVIS — Everyone was there, and it was a very big day out for the eastern suburbs of Melbourne.

I have to say the $447.5 million redevelopment of Box Hill Hospital is something that the community will be proud of for decades to come. Box Hill Hospital will serve the community. I want to pay tribute to the construction groups — the architects, those involved in the service planning arrangements and particularly the project control group, with Allison Harle from the hospital side and also Liz Marshall from my department, and led by Leanne Price. It was a very good outcome, an outcome that the community can be proud of in terms of the financial result. This has been brought in ahead of time, under budget and with a whole additional floor — massive new capacity, growth potential for the future and done within the envelope.

What is clear is that Labor underfunded this hospital. The President, Mrs Kronberg, myself and others were strong advocates for upscaling this stingy project that had been put out by the Labor Party. We increased the capacity by $40 million, a very significant increase in the project, and that has delivered a much better outcome for the community. I know there is the fantastic additional capacity in terms of theatres, intensive care and specialist cardiology services. The community can be very proud of what has been achieved there.

This process created 1300 construction jobs, which is critical at this time when we see enormous numbers of health projects around the state as well as other construction projects — more than $4.5 billion worth of projects. I see Mrs Millar nodding about Bendigo Hospital and other similar projects. I want to pay tribute to Alan Lilly, his team and the staff at Box Hill Hospital for the work they have done.

Firefighter compensation

Ms HARTLAND (Western Metropolitan) — My question is to the Assistant Treasurer in his role as the minister responsible for WorkCover. Today marks the one-year anniversary of the government's announcement to establish the firefighters assessment panel, which it claimed would assist in the management and assessment of career and volunteer firefighter cancer-related WorkCover claims. At the time, many people felt this would not assist and would do nothing to help firefighters make successful WorkCover claims when they contracted work-related cancer. I am hoping that the minister can prove me wrong, so my question is: since the assessment panel has been in place, how many firefighters have made a WorkCover claim for cancer, how many claims have been approved and how does that compare to previous years?

The PRESIDENT — Order! That was a multipart question, I think, with parts (a), (b) and (c), but nonetheless, Mr Rich-Phillips to answer.

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I thank Ms Hartland for her question and her ongoing interest in the issue of compensation for firefighters who contract cancer in the course of their work. As Ms Hartland indicated, the government last year established the firefighters assessment panel in recognition of the fact that firefighters in Victoria are already entitled to compensation in the event that they are injured in the course of their firefighting activities — be they volunteer firefighters through the Country Fire Authority (CFA), be they professional firefighters through the Metropolitan Fire Brigade or be they employed elsewhere in government.

Firefighters who are employees are covered by the WorkCover scheme, as all employees are covered by the WorkCover scheme. That coverage extends to the contraction of a disease or an illness as part of their work. Firefighters who are volunteer firefighters — that is, within the scope of the CFA — also have entitlements which are parallel to those offered under the WorkCover scheme by virtue of the operation of the Country Fire Authority Act 1958. So the government recognises that there are already mechanisms for compensation under the existing legislation.

What the government did last year was put in place the firefighters assessment panel to streamline the process by which firefighters can seek compensation if they believe they have contracted cancer as a consequence of their work in firefighting. That process was put in place, as Ms Hartland indicated, about 12 months ago, to provide advice and support to firefighters who were seeking to bring forward cancer-related claims.

The government has been very clear with firefighters. If firefighters believe they have contracted cancer as a consequence of their firefighting work, we encourage them to make a claim either through the CFA for volunteers or through the WorkCover mechanism for employed firefighters. With respect to the number of cancer-related claims from firefighters, I am advised

that we have had approximately 27 cancer-related firefighter claims, of which around 4 have currently been accepted.

Supplementary question

Ms HARTLAND (Western Metropolitan) — I am aware of several Country Fire Authority volunteers whose claims have been rejected. Can the minister indicate whether any of those Country Fire Authority volunteer claims have been accepted?

The PRESIDENT — Order! I will allow the minister to answer, but essentially the question posed was that some claims have been rejected. Whether they are included in the figures is the issue, is that right?

Ms HARTLAND — I am specifically asking about CFA volunteers.

The PRESIDENT — So you are asking if any CFA claims have been accepted?

Ms HARTLAND — Yes.

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — To reiterate, I can tell Ms Hartland the aggregate numbers. Approximately 27 claims in total have been received, of which I am advised that around 4 claims have currently been accepted, and I believe some are still pending.

Information and communications technology

Mr D. R. J. O'BRIEN (Western Victoria) — My question is also to Mr Rich-Phillips but in his capacity as Minister for Technology, and I ask: can the minister advise the house what the Napthine government is doing to enhance public access to government-owned datasets?

Hon. G. K. RICH-PHILLIPS (Minister for Technology) — I thank Mr O'Brien for his question. In its first whole-of-government ICT strategy the Victorian government recognised that the release of government data was a powerful way to drive innovation and development, particularly in our ICT industry. As members of the house would appreciate, the Victorian government collects and generates vast volumes of data but does not necessarily make great use of that data.

In the first iteration of the ICT strategy we adopted a policy of encouraging and requiring the broadscale release of government data through the data.vic.gov.au website. I am pleased to advise the house that to date around 3300 individual datasets have been released through that portal. These datasets span areas such as demographic data, economic data and, importantly, spatial data — an area of data which has been highly sought by the private sector and is now being made available through that portal.

Today I am delighted to advise the house that this week the revamped data.vic.gov.au website has gone live. It provides a simpler design for users of that website. It has been customised to be used on mobile devices, given the now very broad reach of mobile and tablet devices throughout the community, and it has improved search facilities and far better data categorisation, so it is far easier for users to find the types of data they are seeking. Additionally, the Suggest a Dataset facility has been upgraded. This provides an opportunity for members of the Victorian public to nominate the types of datasets they would like to see released through the portal. That information is then fed back to responsible agencies and departments to encourage those datasets to be prioritised.

As part of releasing the upgraded data.vic.gov.au website, I am delighted to advise the house that the Victorian government also supported this year's GovHack 2014 event, which took place in mid-July. This is a national event which brings together the developer community to encourage the use of government data for the development of new applications. In Victoria that competition took place in Melbourne and in Ballarat in Mr David O'Brien's electorate. Around 200 people participated in 23 different teams and developed 28 separate projects over the weekend. These projects drew on data available through the portal, covering areas such as environmental data, wheelchair accessibility data, building permit data and road accident data, to develop 28 applications of use to the Victorian community. This highlights the value of releasing government data.

As I said, government typically does not use the vast volumes of data that are created, but by releasing those datasets publicly we can encourage innovation and development in the private sector. In this case 200 people participated in developing 28 separate applications which will not only drive innovation in the IT area but importantly provide usable apps to the Victorian community. The government, through its data.vic access policy, is delighted to support the developer community. We look forward to releasing further datasets over the coming months.

Melbourne Health aged-care facilities

Ms MIKAKOS (Northern Metropolitan) — My question is to the Minister for Ageing. Cyril Jewell

House, run by Melbourne Health, includes specialist beds for residents with multiple sclerosis and neurological disorders. Can the minister advise why families are being told that there are no beds available at Cyril Jewell House when staff are reporting that there are vacant beds?

Hon. D. M. DAVIS (Minister for Ageing) — As the house would know, health services and aged-care services manage their own activities, and they do that in a constructive way. They do that to meet the community needs of their particular areas, and they make decisions in this area in the interests of their community. I am not aware of the specific point the member has raised, but I presume from what she is saying that it is a matter for Melbourne Health to manage that service.

Supplementary question

Ms MIKAKOS (Northern Metropolitan) — I am also advised that there has been a reduction in beds being utilised at other Melbourne Health aged-care facilities — namely, Gardenview House in Parkville and Boyne Russell House in Brunswick. Gardenview House also has a number of specialised beds catering for people with acquired brain injuries. Is keeping beds vacant part of the minister's plan to close or privatise the remaining public aged-care facilities run by Melbourne Health?

Hon. D. M. DAVIS (Minister for Ageing) — I cannot be clearer: the fact is that services run their own facilities, whether they are health or aged-care facilities, and they will make their own decisions. In terms of closures, it is important to note that between 2002 and 2010, under Labor, Peninsula Health closed 60 beds at Lotus Lodge, Ballarat health closed 39 — —

Ms Mikakos — On a point of order, President, I asked the minister a very specific question. He is now debating the question. He has not responded as to what Melbourne Health's plans are. He may not be aware of the fact that there are vacant beds at Melbourne Health. If he is not aware, he should say so and look into the matter. He is not responding to the question; he is debating the question. I ask you to call him back to respond to the question I asked.

Hon. D. M. DAVIS — On the point of order, President, I was being very responsive. One of the points raised by the member in her supplementary question — which introduced a new factor into this question, but I am keen to answer it — was her mention of the word 'closures', and I thought it was very important to understand the historical context of closures.

The PRESIDENT — Order! On the point of order, as members would be aware, I am not able to precisely direct the minister in his answer, but I encourage the minister to be apposite in responding to questions. It is true that the member's supplementary question introduced some other facilities and therefore there was some new material which expanded on the original question. The minister is in effect addressing that, although perhaps not to the satisfaction of the member. He is certainly addressing the matter.

Hon. D. M. DAVIS — As I was saying, under Labor between 2002 and 2010, for example, decisions were made to close — —

Mr Jennings — What was the net change?

Hon. D. M. DAVIS — The net change was 80 high care and 117 low care in fact. That was the net change — down. It was down in both categories.

Mr Jennings interjected.

Hon. D. M. DAVIS — No, they were not added. They were cut.

Mr Jennings interjected.

Hon. D. M. DAVIS — I am quite well informed on this. Ballarat health, 18; Ballarat health's Queen Elizabeth Village Hostel at Wendouree, 20; Peninsula Health, 30 — in fact a total of 197 beds were closed by Labor. The important thing — —

The PRESIDENT — Order! Thank you, Minister.

Broadmeadows youth foyer

Mr ONDARCHIE (Northern Metropolitan) — My question is to the Honourable Wendy Lovell in her capacity as Minister for Children and Early Childhood Development. Can the minister update the house on any recent developments for the Victorian coalition government's youth foyer program to tackle youth homelessness?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — I thank the member for his question and his ongoing interest in those who are less fortunate than ourselves. Last week, together with Craig Ondarchie and a Liberal Party candidate for Northern Metropolitan Region, Gladys Liu, as well as the member for Broadmeadows in the Assembly, Frank McGuire, I was delighted to officiate at the opening of our second youth foyer. This is a youth foyer located in

Broadmeadows at the Kangan Institute. It is co-located with the TAFE so that it produces really great education outcomes. Our youth foyer program is known as the Education First Youth Foyers because the program is putting education first in its work to provide accommodation and improve young people's lives. In fact at a conference in England recently it was noted that Victoria is now leading the way in policy for youth foyers by having co-located facilities and a strong education emphasis as part of the youth foyer program.

This is a $10 million investment by the Victorian coalition government which will provide secure accommodation for 40 young people aged between 16 and 24 while they continue their education. The foyer model is about early intervention to break the cycle of homelessness. It also ensures that young vulnerable Victorians have access to vital services at a time when they will have the greatest impact, and it will keep them engaged with their education.

This is part of the government strategy to break the cycle of homelessness. It will create pathways to independence for young people by giving them the resources and support they need to build a better future. The first Education First Youth Foyer was built at Holmesglen Institute in Glen Waverley and was opened in August 2013. This has already been very successful with students graduating from the certificate in developing independence course and continuing on with their education.

The third youth foyer will be constructed opposite the Goulburn Ovens Institute of TAFE in Shepparton and is scheduled to open in 2015. The youth foyer program is another way the Napthine coalition government is building a better Victoria. It supports our young people to realise their potential and breaks the cycle of homelessness.

Medicare co-payment

Mr JENNINGS (South Eastern Metropolitan) — My question is for the Minister for Health. When the minister made a policy statement in the chamber on 27 May in relation to the commonwealth's proposal to introduce a $7 GP co-payment, he said:

> I have said it high, I have said it low, I have said it near, I have said it far, I have said it again and again — we do not support this decision.

Last week the Premier indicated that he was prepared to support the $7 co-payment if there was an exemption for children, pensioners and concession card holders. Is the Premier now superseding the minister's view when he says, 'We are opposing this decision'?

Hon. D. M. DAVIS (Minister for Health) — I am not going to have the Premier verballed by Mr Jennings. What I will say is that governments of several political colours in Victoria have worked for many years to ensure that we have a stronger primary care system. The government wants to strengthen its primary care system and will work hard to strengthen its primary care system. We have been quite clear that there was an invitation, I suspect from some levels at the federal scene, for us to put charges on emergency departments. That is in the state's control, but the state did not agree with that. Nor did New South Wales or Queensland. That is our clear position. The state government wants to see a stronger primary care sector, not a weaker primary care sector.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — If the minister believes I have verballed the Premier, I would encourage him to read the transcript of the Premier's interview with Neil Mitchell last Tuesday to see whether I have misrepresented his position. But one way or another, whether the Premier is of that view, whether the minister is of his original view, can the minister outline to the house what may be the advice he has received from his department about the impact a $7 co-payment would have on health services in Victoria?

The PRESIDENT — Order! I invite Mr Jennings to reword that supplementary question. It goes to a totally different subject matter to that which the member put in his substantive question. The substantive question was whether or not the minister had changed his position — whether or not the Premier's position was a change from the minister's answer to this house. That was Mr Jennings's substantive question. The member's supplementary question is about advice that the minister has been given, which is a totally different aspect.

Mr JENNINGS — President, I do not want to debate the issue with you, but surely the minister's view about the $7 co-payment is based on advice that he has received. I am calling on the minister to share with us what advice he has received from his department that would affect his view, so they are one and the same item.

The PRESIDENT — Order! I suggest to Mr Jennings that the question might be in the context of whether or not the minister or the Premier has received advice that might have changed the minister's original position and supported what the Premier said last week. Something along those lines would be better.

Mr JENNINGS — I am very happy to reword my supplementary question to ask the minister whether he or the Premier has received any advice from the Department of Health, or for that matter from the Department of Premier and Cabinet, which would indicate what the impact would be on those differing policy positions on health services in Victoria.

Hon. D. M. DAVIS (Minister for Health) — Let me be quite clear again. I am not going to accept a verballing by Mr Jennings of a certain position.

Mr Jennings — Your colleagues, clearly by their body language, demonstrate they know that I am not verballing him.

Hon. D. M. DAVIS — I am not sure that is right. The government has been very clear. We want a stronger primary care system and we have supported our primary care system. We have said we will not be putting co-payments on our emergency departments. I have also been quite clear at a national level, at health ministers meetings, about the lack of support for that particular proposal. Whether the proposal will ever come to fruition, I simply do not know. As I have also said in this chamber, I do not control nor does Mr Jennings control what happens in the federal scene and what the Senate does and so forth, so we will wait and see in that regard.

Sporting shooters

Mr D. D. O'BRIEN (Eastern Victoria) — My question is to the Minister for Sport and Recreation, the Honourable Damian Drum. Can the minister inform the house of the government's recently announced program to support shooting clubs throughout Victoria?

Hon. D. K. DRUM (Minister for Sport and Recreation) — I thank Danny O'Brien for his question. It is a question which goes to one of the state's very popular pastimes, the various disciplines associated with shooting. The coalition government has made its support for sporting shooters and the industry surrounding shooting sports very clear. We have made it even clearer as of 18 July when, along with Deputy Premier Peter Ryan, I had the opportunity to launch a $12.5 million grant program, the Shooting Sports Facilities program. We will be assisting sport shooting clubs from around Victoria with two rounds of different program grants. There will be a minor facility grant up to $100 000, which will be matched by $2 from the state to every $1 from the shooting club; and a major facility grant round which will make available uncapped amounts made up of $1 for every $1 matched by the respective shooting clubs.

From the end of this month sport shooting clubs will be able to apply for grants through Sport and Recreation Victoria for assistance with a whole raft of facility upgrades and like projects. Again, clubs will be able to make a grant application — and this grant application process was outlined yesterday — where they will be able to use in-kind support such as building materials or labour to act as their contribution from the members and their sponsors towards these facility grants. It is going to be possible to use these grants to purchase land, and that is a very important issue for shooting clubs to create the buffer that they need for their long-term security and long-term tenure.

We have installed an advisory panel to help us with the assessment process of the various applications that will come in to the department. The chair of the panel will be David Hawker, a former Speaker of the House of Representatives. Also on the panel will be Russell Pearson; Russell Bate, a former mayor of Mansfield Shire Council; Clive Whelan; and James Corbett, a former Queen's Prize winner in the full bore rifle discipline. We hope to have representatives from the vast majority of the shooting disciplines, whether that be clay target, pistol and rifle, field and game, full bore — all the sporting shooters.

We also understand that many shooting clubs are looking for support with facilities in relation to gun security, and again that is a very important issue. Other clubs are looking for support in relation to holding major events and tournaments, which is something that is a huge economic driver, not only for the clubs but also for the areas within which they are located.

Guidelines have been completed and we expect applications to be pouring in by the end of the month. This grant program will also assist with improved pathways from community grassroots level right through to elite level participation. I have just spoken to some of the shooters who have returned from the Commonwealth Games in Glasgow, and they were very happy with their performances representing not only Victoria but Australia. The grants will also play a role in assisting shooting clubs with their vital role of educating the community in the safe use of firearms, which is also a critical component of the firearms sector.

Hospital beds

Mr JENNINGS (South Eastern Metropolitan) — My question is to the Minister for Health. In the very same radio interview with Neil Mitchell on 12 August referred to earlier, the Premier indicated that 730 beds have been added to the hospital stock in Victoria under

his watch. Can the minister confirm or deny that, or have I verballed him again?

Hon. D. M. DAVIS (Minister for Health) — Let us be quite clear. We know the figure to 30 June 2013 was 520 additional beds on the base from the period before we came to government. What I can say is that there will be additional beds and the final number will be reconciled in the normal way.

Mr Jennings interjected.

Hon. D. M. DAVIS — No, what I am confirming is — —

Mr Jennings interjected.

Hon. D. M. DAVIS — I am actually. I am saying there is a very significant increase in bed numbers and it may be even slightly greater, so we will wait to see the precise numbers as we go forward — the precise numbers in the normal way, the average available beds across the system and the expansion in beds that has taken place under this government and that continues under this government.

Mr Jennings interjected.

Hon. D. M. DAVIS — I have got to say to Mr Jennings that his 326 subacute beds included hospital in the home. The former Minister for Health, Daniel Andrews, included hospital in the home in counting those beds, as did the Australian Medical Association. They all had them in there, so let us be quite clear that they are all there and they are additional beds and different prevention and recovery care beds. If somebody is treated in a private facility as a public patient under the competitive elective surgery arrangements and they get their hip done with public money, I am going to count some capacity there too. I will be quite clear here. We have got more than 520 beds already up to 30 June 2013, with more up to the end of this year, and more being added all the time. Mr Jennings will have to wait in the normal way to get the final figures as they are calculated, but I can tell him that the number is much greater.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — Given that the minister did not confirm that the Premier's number of 730 was correct, and his concluding words were, 'The number is much greater', I assume he was not necessarily indicating that it was much greater than 730. I encourage him to outline how many beds of that target, whatever the number may be that he wants to draw our attention to, have been funded by the current state government. Given that 100 of the additional beds at Box Hill Hospital were funded by the previous government under Labor, and 330 subacute beds were funded by the commonwealth government during that period of time, how many has his government funded?

Hon. D. M. DAVIS (Minister for Health) — As members will understand, beds are built in a construction capacity and then brought forward as time goes on, so actually none of the additional capacity at Box Hill Hospital was funded by the previous government when Mr Jennings was a minister. The previous government funded part of the project and we upscaled the project from its tawdry size. We needed a more complete project that would deal with the future of the eastern suburbs over the next 40 to 50 years, instead of building a half-baked proposal.

Mr Lenders will remember the debates in this chamber before the change of government, when our side of politics, including the President, pushed very hard to see the Box Hill project upscaled from $407 million ultimately to $447.5 million — a very significant upscaling. In terms of beds statewide, members will be surprised. Just like — —

The PRESIDENT — Order! Thank you, Minister.

Multiculturalism

Hon. R. A. DALLA-RIVA (Eastern Metropolitan) — My question without notice is to Mr Guy in his capacity as Minister for Multicultural Affairs and Citizenship. Can the minister inform the house of what action the government is taking to advance our state's multicultural advantage and promote Victoria's new multicultural policy, Victoria's Advantage?

Ms Mikakos — It is not Team Victoria? Do you support Team Australia?

Hon. M. J. GUY (Minister for Multicultural Affairs and Citizenship) — I support the Liberal Party as well, Ms Mikakos. I thank Mr Dalla-Riva for his question and acknowledge his good work with a number of multicultural communities in his electorate of Eastern Metropolitan Region, work which he has done for more than a decade now. I also begin by saying that the government's multicultural affairs policy, Victoria's Advantage, is entitled Victoria's Advantage for a reason — because the coalition government views multicultural affairs and our multicultural communities as an advantage. We may not have a mining resource akin to Western Australia, we may not have the weather

of Cairns and we may not have a Sydney Harbour, but we do have a multicultural people in Victoria that is without doubt our state's strongest asset.

I took the time a week ago, with the Premier, Dr Napthine, to talk about the government's multicultural affairs policy, Victoria's Advantage, with a number of key communities. The first stop was to join Mrs Peulich and my ministerial colleague Gordon Rich-Phillips at the Hallam mosque — the first time the Premier had visited the Hallam mosque and the first time the community in Hallam had — —

Ms Mikakos interjected.

Hon. M. J. GUY — Ms Mikakos may interject and mock an issue like multicultural affairs and treat it with disrespect, but on this side of the house we actually think that the Premier of the state engaging our Islamic community and speaking to them about an important topic like Victoria's Advantage, a policy about engaging our multicultural communities that puts Victoria ahead of anywhere in Australia, is a sensible and reasonable topic to discuss and inform the chamber about without the unnecessary smart alecry that she might offer up as an unintelligent contribution to this debate via interjection. I simply say that that was a very well received visit to the Hallam mosque by the Premier and me, Mrs Peulich and Mr Rich-Phillips. Straight after that — —

Mr Tee interjected.

Hon. M. J. GUY — Mr Tee, you would pipe up too. Just after someone gets mocked for unintelligence, you come down to the scene. As Paul Keating said, you are like a fish that jumps on the hook!

Straight after a very sensible visit to the Hallam mosque, the Premier, myself and the Assembly members for Mitcham and Forest Hill visited the Sikh Gurdwara temple in Blackburn — President, you might remember me trying out the 7½-metre turban — which again was very well received. It was very important that the Premier of the state visited that temple, as John Brumby did when he was Premier, to talk about multicultural affairs, and Dr Napthine reiterated to the community there how important Victoria's advantage is in multicultural affairs.

Straight after that we visited the Hare Krishna temple in Albert Park, again to mention how important it is to talk up Victoria's advantage on multicultural affairs — something we take as an absolute strength of this state. This government, through its multicultural affairs policy, Victoria's Advantage, is going to ensure that Victoria leads the nation in social cohesion and cooperation to build a better Victoria.

The PRESIDENT — Order! Just following on the comments by the Minister for Multicultural Affairs and Citizenship, I wish to inform the house that this afternoon the Speaker and I will be meeting with the Chinese Consul General. Whilst the Consul General has actually sought the meeting — and I do not think the meeting is related to recent news events — I nevertheless convey to the house that I intend to advise the Consul General that Victoria and this Parliament value the relationship we have with the Chinese government, which is underscored by the sister state relationship we have with Jiangsu Province, that we also recognise China as a major trading partner for this state and we value the investment and the partnership we have with China as a country and indeed its corporations, and that we reject the intemperate remarks made by a member of the Australian House of Representatives on a TV program earlier this week.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Southern Metropolitan) — I would like to follow up on unanswered questions on notice. The first was to the Minister for Sport and Recreation, representing the Minister for Water. I have unanswered questions, 13 in total, mainly about the Office of Living Victoria, which were sought on 31 October and 21 August last year. I wrote to both ministers on 6 August this year seeking an explanation. I seek an explanation from Minister Drum as to why these 13 unanswered questions about the Office of Living Victoria have not been provided.

Hon. D. K. DRUM (Minister for Sport and Recreation) — I will inquire with the Minister for Water as to the whereabouts of these responses and get back to Mr Lenders as soon as possible.

Mr LENDERS (Southern Metropolitan) — On that particular point, can I request that the minister come back to me tomorrow? I requested these answers some time ago, and I am always anxious with these issues that there is a time. I wonder if I could specifically request that the reply be provided tomorrow.

Hon. D. K. DRUM (Minister for Sport and Recreation) — I may not be able to give Mr Lenders an answer tomorrow. I will come back to him when I have an answer to give him.

Mr LENDERS (Southern Metropolitan) — President, I have an opportunity to take note of the answers, but I make the observation and ask the minister a second time. From this side of the house, it has been almost a year since these questions were asked. Several weeks ago we again requested the answers. I make the observation that Wednesdays is the only opportunity for us to ask these questions.

I will ask about my next one, which was to the Assistant Treasurer. I have written to the Assistant Treasurer and to the Treasurer on this matter, again regarding the issue of the Office of Living Victoria. On 21 August last year I asked a specific question of the Treasurer. I wrote to the Treasurer and the minister on 6 August this year seeking an answer to that question. My request to the minister is for an explanation as to why an answer has not been received.

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I can confirm that I have received Mr Lenders's letter of two weeks ago or thereabouts. That matter has been followed up with the Treasurer. I understand from Mr David Davis that we do not have the answer today, but I will continue to follow that up for Mr Lenders with the Treasurer's office.

EMPLOYMENT

Debate resumed.

Mr ELSBURY (Western Metropolitan) — Before question time commenced I was explaining to the house that the premise of this motion was less believable than the latest Marvel movie, *Guardians of the Galaxy*. The facts are that the Australian Bureau of Statistics labour force statistics show that Victoria's participation rate is increasing and that employment growth is stronger in Victoria than in any other state. In July 14 600 additional people entered the workforce in Victoria. That is the strongest increase of any state in Australia. Since coming to office we have increased the number of people in work by 78 700. That is 78 700 more people in the workforce than when Labor was in power.

Also in this motion we have claims being made about the TAFE sector that are just completely wrong. The premise is that we have somehow cut funding when we have actually increased funding for vocational training in this state. We have increased it from $808 million.

Honourable members interjecting.

Mr ELSBURY — Read the figures — $808 million is what those opposite were putting into TAFE when they were in power versus $1.2 billion. I know you guys are not good with figures, especially Mr Lenders as a former Treasurer, but when it comes down to it $1.2 billion is more than $808 million. I do not think it is overly difficult to argue that particular point.

Ms Tierney chose in her contribution to highlight the reduction in public sector jobs, which was an interesting thing to do because when it comes down to it Labor is pretty good at increasing the public sector when it is in power. I have here a document from the Menzies Research Centre entitled *The Performance of State Labor Governments*, a very independent document.

Mr Jennings — The Menzies centre? That's an objective source.

Mr ELSBURY — It is as objective as the documents that you would use. Under the Bracks and Brumby governments public sector employees in Victoria increased by 52.4 per cent while the population of Victoria increased by only 16.7 per cent. We had public sector growth that was completely outstripping the increase in our population. Those opposite may well say that this was very important, that we had front-line services that needed this increase.

When you break down the figures further — they have been broken down a lot further in this document — across all states that were under Labor control, the education workforce increased by 2.5 per cent. You have got a 2.3 per cent increase in health and community services and a 2.3 per cent increase in the number of police officers. I know this is an average across all states — it does not break it down just for Victoria — but there was an 8.5 per cent increase just in administration. That is taking away from the front-line services that we as a government are giving to. In fact we now have more police on the streets than when Labor was in government.

We have got 1700 extra police now on our streets thanks to the initiative of the Napthine government, and we also have 940 protective services officers (PSOs) on our train station platforms. This is a great achievement. Not only is it providing people with safety on public transport but it also opens up employment opportunities. The other day I was speaking to one of my PSOs at the Hoppers Crossing train station. He had a gentleman come up to him with his wife and they said:

> Thank you very much for being here. We really do appreciate the work you do in protecting this community, because my wife is now back at work. She is now back at work because she is no longer fearful of coming home late at night on the trains.

She is able to undertake work and not be fearful of catching trains like she was under Labor, which totally ignored the issue of what was going on with our public transport network. That is providing people with further employment opportunities so they can obtain gainful work.

We also know what Labor can do when it comes to debt. It just ploughs into it like you would not believe. In 2000–01 net debt in the state of Victoria was $3.6 billion, and somehow the then Treasurer got it up to $19.8 billion. Labor got it up to $19.8 billion during its 11 years of mismanagement of this state, yet members opposite come in here and start lecturing us about how we are trying to rectify the issues they left us with in the public service. I cannot understand how we can keep squeezing the productive part of the economy, keep squeezing the private sector, keep squeezing the taxpayers of this state to maintain growth. During this time total revenue in the state of Victoria was increasing at 6.2 per cent, but expenditure was increasing by 7.7 per cent. It is like being given $6.20 and spending $7.70 — it runs out over time. You cannot keep dipping into your savings.

We know that Labor is into retaining jobs. If you happen to find a dictaphone and work for someone on that side of the chamber, they will protect you to the hilt. They will protect your job until there is nothing left. For most other people it would be called theft, but over there it is called good work.

Ms Tierney — You are bereft of ideas.

Mr ELSBURY — We will get to the ideas now, Ms Tierney, because we are able to hold our heads high on this side of the chamber. We have been able to initiate some great projects — and I can point these out to those opposite — in Western Metropolitan Region. It starts with the East Werribee employment precinct. This project was initiated under the Napthine government and we have been able to progress it extensively. We are looking at putting 58 000 new jobs into the western suburbs of Melbourne. These are not just manufacturing jobs, but there will be some manufacturing jobs. There will still be a manufacturing base that needs to be looked after. There will be retail jobs so people can buy a coffee or even a kebab. Mr Barber decided that that was a lowly job I was going to be taking. I was able to say that if you decide to become a small business owner, good on you and well done. That is exactly the sort of enterprise that we need here in this state.

We are also going to be providing white-collar jobs in the western suburbs of Melbourne to allow those who live in the western suburbs and who have the appropriate qualifications to work and live in the place that they want. They can live in the west, and they can work in the west with high-quality jobs.

Certainly it has been a dream for many decades in Werribee to get the Werribee employment precinct up and running, although it has come under many guises in the years since it was first conceived. In fact, if I am not mistaken, the member for Tarneit in the other place in his maiden speech rose and spoke of a technology precinct — the Werribee technology precinct. What happened during his time as a senior minister of the Labor government? They ran sheep on that patch of land, and they sprayed the weeds that grew on the land. Nothing else happened.

In stark contrast to those times, we now have a structure plan in place for East Werribee. Two East Werribee sites have been sold to private developers so that project can now go ahead. There is also a tendering process under way for the town centre of East Werribee. This is a major project that will bring construction jobs into the western suburbs of Melbourne and deliver the retail, white-collar and manufacturing jobs that we desperately need in Melbourne's west.

St Vincent's Private Hospital has decided it will construct facilities in the East Werribee employment precinct. A cluster of health providers will be established in that area. The St Vincent's facility will be built on Hoppers Lane, almost directly opposite the Werribee Mercy Hospital — a hospital that has served the people of Werribee exceptionally well for many decades. The people of the west will not only have increased medical care but the addition of a private hospital will also provide for people who can afford to use private health care. Those who can afford it can go over to St Vincent's Private Hospital, and that will free up beds at the Mercy Hospital and in the public system.

This precinct will also provide high-demand, high-education jobs — doctors, pharmacists, lab technicians, radiographers, the specialists who will be required and the people who do the specialist work in theatres. The cleaning of operating theatres is not an easy thing to do, I suspect; I do not know, because I am not a cleaner of an operating theatre, but it is a highly skilled job. Highly skilled jobs will come into the western suburbs and will benefit everyone across the region. I look forward to further announcements about different companies that will want to come to East Werribee. They will want to establish themselves there, whether they be an ICT company, a telecommunications company or any of the other myriad groups that want to set themselves up in this exciting new precinct.

We have also given great support to the Essendon Fields Airport West redevelopment. This is a conjunction between the Essendon Fields development, which is part of Essendon Airport and is owned by the federal government, and the Airport West area, which is currently a little tired with a lot of the manufacturing businesses in the area being run down. It is time for a renewal of business in that area. The City of Moonee Valley agrees, and it has come on board with this initiative so that we can rejuvenate the Airport West area and bring new, highly skilled jobs into the region.

This government has a plan to assist this transition. The precinct structure plan is being developed now to incorporate Airport West into the plans that are already in place for Essendon Fields. I look forward to many announcements from Essendon Fields about what it wishes to achieve there. It wants a hotel and convention centre in the Essendon Fields precinct, and that will bring great opportunities for companies that come to the area. They have the advantage not only of a major regional airport that is close to the city but also a precinct with high-quality office space with great proximity to Melbourne Airport. It will be an easy short trip down the Tullamarine Freeway for international visitors.

Works being undertaken at the moment by Transurban to widen the Tullamarine Freeway — the CityLink-Tullamarine Freeway upgrade — are also bringing more jobs into the area. Eight hundred construction jobs are coming into the area due to the widening of the western section of CityLink. I will refer to the east–west link later; I get a bit fixated on that topic. The widening of the freeway will create greater connectivity between the Essendon Fields site, Airport West and the Melbourne CBD.

At the same time as all this development is occurring at Essendon Fields, the airfield operations will be continuing, which will be of great benefit to the people of Victoria. This is the case not only in terms of the jobs that are secured at that site — the jobs that are secured by the various regional airlines and the various charter companies that call Essendon Airport home — but it also assists people in regional areas, as the air ambulance uses this site as a major base, as does the police air wing.

The coming together of all those initiatives will assist in bringing greater job prospects for the people of Essendon and Airport West. It is not just the government pushing these initiatives; we have heard recently that the old Orica site in Deer Park will be made into a new jobs precinct. This is exciting for the people of the outer western suburbs, certainly for those in Deer Park, Cairnlea and Derrimut. Those communities will be able to utilise the new business park that will be constructed on the old Orica site — a site that has been left neglected for many years. It has been maintained but was under-utilised for far too long, and it has great connectivity onto the Western Ring Road.

Councils across the western suburbs are also putting forward initiatives. Brimbank City Council, now that it does not have to worry about the Labor Party factionalism that brought it to its knees, will now be able to come forward with the Sunshine Rising project. This project will see the city centre of Sunshine rejuvenated. This area has benefited greatly from the regional rail link project, which has seen the Sunshine train station transformed into a modern, open space. It is now somewhere people can go to catch public transport without feeling threatened by thugs on the platforms. The layout of that train station has been changed and protective services officers now patrol the platforms. The last few months has seen significantly more activity in the area.

Sitting suspended 1.00 p.m. until 2.03 p.m.

Mr ELSBURY — It is a pleasure to be able to stand for a third time today.

Mr Ondarchie interjected.

Mr ELSBURY — I might as well start again, says Mr Ondarchie, because it is very important information I am providing. I had to marvel at the huge amount of restraint shown by my colleagues on this side of the house while Ms Tierney was speaking, because some of the information she provided to this house was completely concocted and made up on the spot. Almost 80 per cent of all data she provided was made up on the spot! It was absolutely ridiculous. In any case, I digress ever so slightly — —

Ms Tierney interjected.

Mr ELSBURY — It is not the truth, Ms Tierney, and you know it. Ms Tierney knows there are now more people working then when Labor was in power. There are more people working now than there were in July. Again, I state that 14 600 more people are working. A huge amount of work has been going on. Just this week there was an announcement of a further 1000 jobs that McDonald's will provide to the state of Victoria. Those opposite may scoff — Mr Leane is having a bit of a giggle about it — and it shows the complete disconnect — —

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Melhem**) — Order! We have had enough interjection from both sides. I ask Mr Elsbury to address the Chair and resume his contribution.

Mr ELSBURY — Thank you, Acting President, for your support as a fellow member representing the western suburbs. An extra 1000 jobs will be coming our way because of McDonald's, and these are good entry-level jobs for young people to gain experience in the workplace. In the recent past Coles and Woolworths have also announced they will be expanding their enterprises.

A lot of work has been going on in Laverton North in my electorate of Western Metropolitan Region. Off the top of my head while I was listening to Ms Tierney I jotted down just a few of the companies that have been doing great work and expanding in the western suburbs. Coles has opened a new facility since we came to power and has also increased its logistics capabilities with the new warehousing it has built in the Laverton North area. Foresite Training has expanded its operations in the Laverton North area. It teaches young men and women how to drive trucks, commercial vehicles, forklifts et cetera. There is huge demand in the Laverton North, Truganina and Deer Park area for this sort of training so they people can take up the thousands of jobs that are available. Haines Hunter, a boat company, has established a service centre in Derrimut because it is a good centralised location. You can come straight off the freeway with your boat and have specialised technicians look it over, refurbish it or just give it a tune-up.

Digital Realty is another company that has come to the Deer Park area. This company maintains a series of mainframe computers that hold vital company data, whether it be banking information or information about stock, design work or whatever. The company has mainframe computers in place to provide cloud technology. I do not exactly understand cloud technology, although I probably should, but instead of having — —

Ms Tierney interjected.

Mr ELSBURY — Instead of having inane interjections from Ms Tierney and instead of having a computer on-site, you can store your data in the cloud. That technology is being provided by Digital Realty in Deer Park. Fresenius Kabi, a pharmaceutical company, has decided it will establish its first manufacturing and distribution plant outside Germany in the western suburbs of Melbourne. It provides a lot of the chemotherapy drugs needed to treat people who are fighting cancer. Having these high-tech, high-value jobs coming to the western suburbs is of great benefit, and we have seen that with an increase in the number of people participating in the workforce.

I was pleased to visit Schütz Australia, another German company that has decided to expand its operations in the western suburbs of Melbourne. It produces mostly industrial plastic containers for moving chemicals from point A to point B in a safe fashion. It has numerous pieces of technology that not only protect the plastic liner from the chemicals inside the container but also, using a layer of material — and I think this is magnificent — stop static electricity from building up. This technology can ground the items so that static electricity does not build up in the container; it discharges into the ground rather than creating a spark inside the container. It is unique technology that will benefit the people of not only the western suburbs but also Victoria, as the company provides containers right across South-East Asia.

I have spoken a little about the private investment being made and about some of the government initiatives that have been launched to encourage private investment in this state. Strangely enough, when you encourage private investment you get jobs — jobs that do not cost the taxpayer and do not impact on the delivery of services across the government sphere of influence. We are not talking about exchanging teachers or nurses; we are talking about generating additional jobs that bring people who pay taxes, which then allows us to provide yet more services.

I will now talk about some of the major projects this government is supporting. I would be remiss if I did not point out the biggest and most important project for the city of Melbourne, and that is the east–west link, stages 1 and 2. This project will create 3000 jobs in the construction industry. That is 3000 jobs that none of the members opposite support. It does not matter whether they are red or green; they do not support the east–west link. They are willing to throw away 3000 jobs and allow the people of Victoria to do without.

The east–west link is a massive project which will bring about not only great economic benefits but also great social benefits. People will be able to get home a lot quicker than they can now. Instead of being stuck in traffic on Alexandra Parade, those who travel from the west to the east or the east to the west will have the benefit of being able to access the east–west link. They can choose to use that route.

We will be talking about truck movements in the west of Footscray and Yarraville later, so I will not go too far into that now or it will use up all my time.

Mr Finn — Francis Street.

Mr ELSBURY — Francis Street. The east–west link will reduce the number of trucks that drive through Francis Street, Yarraville, at all hours of the day and night so only local traffic will use that road. The east–west link will bring not only 3000 jobs, which those opposite do not support, but also the economic benefits of improved logistics supply and improved connectivity to the port of Melbourne at Swanson Dock.

Another vitally important project is the Melbourne rail tunnel. We will build this new rail tunnel to enable more people to be moved at a lower cost and we will do it without ripping up Swanston Street. Those opposite want to rip up Swanston Street. They want to kill the town centre and rip out the commercial viability of Melbourne — the world's most livable city. They want to rip its guts out. Instead we will build the Melbourne rail tunnel to provide for more movement of passengers, particularly as we commence the rejuvenation of Fishermans Bend — something those opposite do not think about. They do not think about the future; they just think about the here and now. Fishermans Bend will be a major commercial precinct, and yet more jobs will be created through that redevelopment.

In addition to the Melbourne rail link we will have the benefit of the airport rail link, possibly one of the most-needed pieces of rail infrastructure yet to be constructed in the state. To have an airport that does not have a rail link is completely backward thinking in this modern age. We need to have one in place and that is why this government supports the construction of the airport rail link. Not only will it improve people's capacity to get to and from the airport but it will also bring great prosperity. As I said earlier, the Tullamarine Freeway will be widened to make traffic movement more efficient on that roadway.

We have a record number of projects for the state. I start with the regional rail link. I grant that regional rail link project was started under the previous government, but if it could stuff that up, it did. The previous government did not do its homework on this project at all. It provided no money for signalling, no money for the Anderson Road crossings, no money for rolling stock and no money for the fit-out of any of the train stations that will be provided under this project. Once again it was the that-will-do attitude from the Labor Party to the people of the western suburbs and the people of Victoria. That will do.

We have given that project the resources it needs. We have included in the scope the cost of the signalling and the rolling stock. We are going to ensure that the regional rail link is utilised to its highest capacity, because the fact is we need greater rail capacity to the western suburbs of Melbourne, to the west of our state and to our regional centres. Instead of the pie-in-the-sky idea of a regional fast rail service — which this never has been — this project will achieve its goals. It will separate metropolitan rail trains from regional trains, which will be a great benefit for the state of Victoria. Not only that but we have now made such savings on this project that we have been able to purchase more trains to put on the tracks for our V/Line friends. People coming from Bendigo, Ballarat, Traralgon, Geelong and Warrnambool will have access to more trains because of this project.

Last but not least, and possibly the most important project for the western suburbs in terms of the regional rail link, is the removal of the Main Road, St Albans, level crossing. We have $200 million in this year's budget to remove one of the most notorious crossings in the western suburbs.

Mr Finn — In Victoria.

Mr ELSBURY — In Victoria, Mr Finn, in Victoria.

Work has already begun on that project. Work has begun because the stabling, which is currently located at St Albans station, is being moved to Calder Park. The rail works are currently underway, and we hope to have other preconstruction works started as soon as humanly possible at that site now that we have the room that we need to be able to make this construction a reality — a reality that should have been realised after the 1999 election, if you believe the Labor Party's rhetoric.

Mr Finn — After the 1982 election.

Mr ELSBURY — Indeed, Mr Finn, it should have been built after the 1982 election. Unfortunately for Mr Kennett, not only did he not win the election in 1999 but when he was elected as Premier in 1992, he found that the state had been left as a basket case by those opposite. As a result he could not commit the necessary resources. In 1999 we made the commitment to build that crossing, as did those opposite, but when Labor won office, it did not lift one finger to make it a reality. Instead we have dirt being moved now to make sure that this project becomes a reality and that the

people of St Albans can enjoy a safe, separated level crossing and a brand new train station at that site.

The port of Melbourne Webb Dock expansion is also underway. Ms Tierney would have to be blind to not see it as she travels over the West Gate Bridge. She would have to be blind to be unable to see the cranes that are moving around down there, the roadworks that are underway and all the construction work being done. It is just unbelievable — —

Mr Lenders — You are sounding like John Cain.

Mr ELSBURY — I am into cranes, Mr Lenders. I enjoy seeing cranes on the skyline, and I certainly enjoy seeing cranes over the Webb Dock project at the port of Melbourne, a $1 billion project that will provide greater port capacity. This project will increase the profitability of this state by enabling us to get our products out into the global market.

Another project we greatly need is the port of Hastings, a project those opposite do not support. Labor does not support a deep water port in this state. If we are going to have the freight ships of the next three or four decades actually visiting Victoria, we will need to build the facilities that can accommodate them. But to build those facilities without putting the appropriate planning and infrastructure in place now would result in Victoria becoming a backwater state, as has been the case in Tasmania under the Labor-Greens coalition. It took a Liberal government to get international shipping back into Hobart, and it will take a Liberal government to bring ships into the port of Hastings. We should be proud of the work we will have to do to make that a reality.

Meanwhile those opposite believe in the Bay West proposal. It is a proposal, as we have seen from several accounts reported in the *Age* today, that will threaten endangered species and affect the use of Corio Bay for recreational fishing and even for bringing ships into the port of Geelong. These are serious considerations that those opposite need to make. They need to seriously consider whether it is practical to build a wharf several kilometres from the shoreline to be able to service large ships. How will the Greens handle the dredging of the bay that will be required to enable the ships to travel to Melbourne? These ships will not be able to make it into the bay without us blasting the Heads, dredging the bay and completely destroying its ecology. It was the Kennett government that took up the cudgel to protect our bay by stopping the scallop dredges from polluting the bay with spoil, yet once again we have a Labor Party that is more than willing to dredge the bay, build up silt and cause huge damage.

We are also investing in the western interstate freight terminal in the industrial estates of the Truganina area, a project of great importance. This project will enable trucks and trains to interact in bringing freight to the state and the country. Containers will be collected from the ships docked at the various ports — such as Webb Dock, Swanson Dock or even the port of Hastings — and brought to the intermodal hub, the western interstate freight terminal, to be loaded onto trucks and delivered to their destination communities. We will even be able to have freight trains to Ballarat, Bendigo or Geelong — although the Bendigo line is in a bit of strife because when Labor changed its configuration, it left it with only a single track between Kyneton and Eaglehawk. That was a great move. Labor and the member for Bendigo East in the Assembly, Jacinta Allan, ripped up the second line to Geelong, the duplicated line between Kyneton and Eaglehawk, and the result is reduced capacity on that particular rail line.

Infrastructure construction is not the only thing creating jobs in Victoria. We have made several changes to the way we do business in this state. Those opposite choose to scoff whenever the words ‘super trade mission’ are uttered, but the super trade missions to India, the Middle East, China and South-East Asia have opened doors that will provide us with jobs for many years to come. The ability for industries to enter potential markets in these areas cannot and should not be ignored. There are growing markets in China as that country embraces capitalism; in India the middle class is becoming stronger every day; in the Middle East there is a growing middle class; and we cannot ignore the markets across South-East Asia, with its massive population and similarly growing middle class.

They were very serious missions during which very serious meetings were undertaken by government members and government officials to make sure that we in Victoria are able to attract the investment we need now and into the future. Indeed during one of these super trade missions we reopened the Victorian government business office in Jakarta — the first time it has been open in decades. Opening that office and talking to our Indonesian colleagues and people in business has enabled us to work together in an economic environment that will benefit everyone involved.

The coalition government has also changed the way we do business at home by locating Victorian government business offices in suburbs and in regional areas. We have put those offices where they are needed rather than hiding them in Melbourne.

In addition, this government has changed the way we do business when it comes to the private sector bringing ideas to government. We have designed a new framework to allow the private sector to provide new infrastructure. This is important because government is not the font of all knowledge. Unlike those opposite, ours is not a closed shop. We do not have a no ticket, no start, Construction, Forestry, Mining and Energy Union style — we listen to people who have different ideas and who want to bring those ideas to the government for the benefit of all Victorians. We will be opening the doors to unsolicited proposals so that we can work with business rather than against it. We will not be demanding everything under the sun of business; rather we will work with business well into the future.

We heard a tirade from Ms Tierney on her motion, which makes no sense. There has been an increase in the number of people who are participating in the workforce. This government has increased investment in the tertiary sector. There has been a change for the better in the way we do business in this state. Instead of working against business and forcing it to negotiate red tape and swallow even more regulation, the coalition government is working with business to make things easier.

Last but not least, we on this side supported the repeal of the carbon tax, which was a tax on business and on families. It was a restrictive tax which would have brought this country down completely, but, due to the foresight and the strength of Tony Abbott in Canberra, the federal government has been able to repeal what was a useless tax that achieved nothing and would have achieved nothing if it had remained in place.

With those words, I say that I do not support the motion put forward by Ms Tierney.

Debate interrupted.

DISTINGUISHED VISITORS

The ACTING PRESIDENT (**Mr Melhem**) — Order! I welcome a former member of the Legislative Council, Bill Forwood. He is most welcome here today.

EMPLOYMENT

Debate resumed.

Mr BARBER (Northern Metropolitan) — I support Ms Tierney's motion, but with one addition. Her motion says that the record level of unemployment is a direct result of the Napthine government not having a jobs plan, not delivering any major projects in its term of office and cutting $1.2 billion from TAFE, which has forced the closure of many campuses and reduced retraining opportunities for the unemployed. I have to pick Ms Tierney up on a very important factor that she has left out — that is, the ability of the federal Treasurer, Joe Hockey, to almost single-handedly talk down the economy and destroy consumer confidence. His talking down the economy has coincided with the very difficult period in which we find ourselves right now in terms of unemployment which, despite its best efforts, the government cannot explain away.

To give some recent economic history, Victoria came out the other side of the global financial crisis with about 2.8 million people employed in this state. We weathered that storm very successfully as a result of the stimulus package put together by the Greens and the Labor Party in the federal Parliament. At a time when the then federal opposition leader, Malcolm Turnbull, was still consulting his microeconomics textbooks and playing with his slide rule, the Greens voted for that package. That package stimulated the economy, which allowed Australia, amongst all the other Organisation for Economic Cooperation and Development countries, to weather the global financial crisis extremely well. Crisis averted!

But from that date onwards, and with this government in charge in Victoria, we have seen very little in the way of employment growth, despite a growing population. Each week almost 1200 people are coming to live in Melbourne and more are coming to live in regional areas. The government explains this by saying that there has been an increase in the participation rate. That is a polite way of saying that more people are looking for jobs that do not exist, which otherwise is known as unemployment, the subject of this motion.

What are we to do about it? In her motion Ms Tierney points to a number of major policy gaps that members of this government have left since they have been in charge, and those gaps need serious addressing right now, starting with the issue of the long-running, trusted, efficient, effective, publicly owned, not-for-profit TAFE system that this government has taken the axe to. We need to return TAFE to the centre of our vocational education and training system. In times like this, when major transitions are going on in parts of the economy and in certain regions, TAFE should be the tool we use to make sure that no-one is left behind as those transitions occur.

It was interesting to see a poll during the week in which 51 per cent of people said they thought Victoria was heading in the right direction. In fact for the most part Victoria has a healthy economy, and there is a lot of

wealth in this state. In material terms Victorians are some of the wealthiest people who have ever lived, and with all that wealth one would think we could ensure that nobody would be left behind and that everybody would be looked after. An unemployment rate of 7 per cent does not mean you, Acting President, me and Mr Finn and the rest of us and everybody out there is unemployed for 7 per cent of the year or for 7 per cent of our working lives; it means that some people take a larger share of the burden of unemployment while some others do quite nicely. I do not think the government has any real problem with unemployment if it helps keep wages down and profits up in certain sectors in which the government has an interest.

I will also pick up the issue of major projects and the government not delivering any major projects in this term of office. I had concerns about some of the major projects that were thrown up during the time of the previous government, but this government is on an absolutely massive, taxpayer-funded investment splurge, with many of its projects being dubious in terms of long-term value, productivity, sustainability or even prosperity.

The biggest problem is that we know almost nothing about these projects. We have projects for an east–west road tunnel, new lanes on the Tullamarine Freeway, an underground rail loop and an airport rail link, the port of Hastings development and the Pakenham rail corridor project. The government is very proud of these projects and spends a lot of taxpayers money advertising what these projects are going to be, but the fact is that we, the public — with, I estimate, around $35 billion of taxpayers money being put into these projects — know virtually nothing about what these projects are. We have nothing more than a few squiggles on a map and maybe a YouTube animation video if we are lucky.

The benefits of these projects, the costs of these projects and the risks associated with these projects are all completely unknown. Information about these projects is made commercial in confidence, cabinet in confidence and locked away forever, and we are supposed to just stand up and cheer about them. There are a range of other less risky, more job-creating projects that I could point the government and the opposition to if they are really interested in fast job creation.

I note that the government said there are 3000 jobs associated with the $18 billion east–west road tunnel and that somehow the Greens are willing to throw those jobs away. First of all, that is $16 million per job, which sounds like an expensive way to prime the economy. We do not know the benefits and costs because they are secret. It is a case of, 'Take our word for it'. We are supposed to take the government's word for it.

It is 101 days until the election, and I am talking to a lot of voters. There are very few voters out there who are simply willing to take the Napthine government's word for it. 'Trust me' has kind of given way to 'show me', yet we have never had so much secrecy about public money and how it is being spent. I have doorknocked all the way from Frankston and Edithvale to the central city, Ballan, Bacchus Marsh and Warrnambool, and always by taking the train. You can get around this state by train if you know what you are doing, but it is not so easy to make a trip if you are further out in Victoria.

That brings me to what the $18 billion ought to be spent on. The government has ordered 43 railway carriages, and some time after Christmas we are going to see one of those go onto the V/Line tracks. In the meantime people are crushed to the gunwales on the morning commute from Geelong, Ballarat and Bendigo and sometimes even from Gippsland as well. That is not part of livability. That is not part of productivity. That is not how to use the proceeds of prosperity to build on the job-creating potential of the Victorian economy.

The best the government can offer us is a few photos of government members watching the trains get built down at the Bombardier factory. It has not been able to deliver a single carriage in its four-year life. There was an order for 50 new trams in place before this government was even formed. They have started to arrive now but are a year late, and those trams will have barely any impact on the overcrowding in the system.

The Acting President will be interested to hear that down at the Bombardier factory in Dandenong, which I visited last week, they are also building rolling stock for Adelaide's new electric train system. If we had a government that was more serious about putting some of its money into public transport rather than into a giant polluting, congestion-inducing, highly expensive toll road, would it not be possible that we could actually create jobs in that part of Melbourne?

At Bombardier I was told by staff there that in addition to the 400 or so employees at the 41-acre site they have 110 different suppliers feeding them, 90 of which they said were based in the immediate area of south-eastern Melbourne. Many of these are suppliers not only for public transport rolling stock at Bombardier but also for the automotive industry. It is very clear that with extra investment and an ongoing plan for the purchase of more rolling stock into the future, which we are going to need, we could create jobs immediately for those

people who currently rely on jobs in the automotive sector by transitioning them to jobs making public transport vehicles.

But this government has just dithered around in its four years. Some of this stuff is starting to happen but right at the end of its term. There is no plan that we have heard of for a second term. Speaking of making stuff out of metal, there is a pipeline of renewable energy projects — that is, wind farm and now solar projects — that has completely stalled due to the vandalism of Prime Minister Tony Abbott, Treasurer Joe Hockey and the rest of them up there in Canberra who have threatened the renewable energy target such that not only is there a risk that they might succeed in abolishing that target but they have also scared off most of the private investors who might have been relying on the target continuing.

There are 2500 turbines already approved across 18 as-yet unbuilt wind farms here in Victoria, and they are ready to go as part of multibillion-dollar investments that will not only employ many people across many trades, particularly in regional areas, for a long time to come but will also carry out the very important task of reducing our greenhouse gas emissions, which is essential in order to head off global warming.

On Sunday I will be taking the train and bus to Portland, in the Premier's electorate, and I will be sharing a stage with Dr John Hewson, who is lending his support to a plan by local manufacturing groups to boost renewable energy development with projects spread all the way from the South Australian border back towards Geelong, all of which are absolutely ready to go.

During the week people read in an article on the front page of one of the newspapers that the Abbott government may be threatening to abolish the renewable energy target entirely. A few paragraphs down I read that Greg Hunt, the federal Minister for the Environment, had perhaps been cut out of the decision-making on this. I wonder who might have been the source for the newspaper article. Even if Greg Hunt and others — the so-called moderates in that group — achieve the scaling back rather than the complete abolition of the target, that will be enough to not only freeze the pipeline of construction but also put at risk existing wind farms, whose owners make their money from selling not only the electricity but also renewable energy certificates. Those certificates have been at a very low price for a very long time and those prices will go even lower if the program is scaled back or cut off. Yet across Victoria we have some of the best renewable energy resources in the world: sun, wind, geothermal, tidal and biomass — produced by farmers and used in the same places as energy is used across the regional economy.

Earlier there were a few jibes from government MPs about the Tasmanian economy.

Mr Finn interjected.

Mr BARBER — If Mr Finn is so focused on Tasmanian politics, maybe he ought to listen to what people in Tasmania are saying about the renewable energy target. People in that state as well as in New South Wales are calling not only for the renewable energy target not to be scrapped but for it to be maintained and continue.

Mr Finn — Who in New South Wales?

Mr BARBER — In fact the Liberal Party's renewable energy minister up there has been leading the charge. What is Premier Napthine offering? On renewable energy development he is saying no to that group of farmers in western Victoria but he is saying yes to more gas drilling — which those farmers see as a threat to their long-term prosperity — for a few short-term profits and maybe a few jobs with it, as opposed to a sustainable, long-term industry providing energy that is clean and green.

The motion moved by Ms Tierney is timely. The government struggles to articulate its plan to reduce unemployment or increase employment. Government members seem to spend most of their time getting caught out arguing about the numbers and what they really mean instead of putting out a clear plan that could actually tap into Victoria's natural sources of wealth, address our driving need to become more sustainable as an economy and create stable, high employment with sustainable, high-skilled, high-paying professions that a modern state such as Victoria should be aiming for. For those reasons, I will be supporting the motion.

Mr FINN (Western Metropolitan) — For my sins, of which there are obviously many, I have been in this chamber with Mr Barber for close to eight years now. I think today he has outdone himself. I have to say he really has gilded the lily to the point where we can say that he is probably a professional at it. Members heard Mr Barber tell us that he has doorknocked from Frankston to the city and that he has been doorknocking around Victoria.

Hon. D. M. Davis interjected.

Mr FINN — He did it on the train. I am not sure how you do that, but apparently he did it. Then he tried to tell us that he is going down to see the Premier on the weekend and that he is going to get the tram to Warrnambool. It has to be said that that will be a struggle. The best statement of all was the extraordinary one from Mr Barber, a statement that can surely be made by only the Leader of the Greens in this state — that is, that this government has no plans for a second term.

Where has he been for the past year? What has he been doing? Perhaps he has been out doorknocking. Perhaps he has been catching trains from Frankston to Timbuktu. He must have been doing something to miss the avalanche of plans for its second term that this government has put before the people of Victoria. There are so many plans that if I were to stand here today and list and go into just a little bit of detail about the plans the Napthine government has for its second term, we would be here until next week. Every time I turn on the radio I hear another minister announcing another plan. It is absolutely magnificent.

Perhaps Mr Barber does not have a radio or a television; I do not know. He does not realise, does not know, has no idea — indeed I have heard a number of people say that Mr Barber has no idea, but on this matter it is true — what the government has planned for its second term. I am just staggered by that because there is extraordinary excitement about what this government will do if the people of Victoria give us their blessing on 29 November.

I will leave Mr Barber's comments there because I have to say that most comments were a bit of a throwback to a time when the Greens religion had a stronger hold than it does now, when they talked about renewable energy resources, worshipped at windmills and all that sort of thing. That is no longer the case, and I am delighted to say that we are actually getting on with reality now. That will help the employment situation enormously.

Mr Barber might not realise — although it would be difficult to believe that he does not — that it is largely due to Greens policies that a lot of these jobs have been lost. A lot of these jobs have gone out the window because of the extraordinary Greens policies that have cost business not just across Victoria but across Australia so much money. If people want to talk about unemployment, the first place they should go is to the Greens to talk to them about the impact their policies have had on business and jobs in this state and this nation.

This afternoon I stand to speak on this motion in this place in the most livable city in the world. For the fourth year in a row Melbourne has been declared the most livable city in the world. That is obviously something we are all decidedly proud of. This motion attempts to besmirch the image that Melbourne has. This motion attempts to drag down what we are all so proud of as Melburnians and Victorians.

I have to give credit where it is due. I say to Ms Tierney that she is to be commended for the fact she has stayed in the chamber for the course of the debate on this motion. Listening to Mr Barber must not have been easy, but she has stayed for the course of the debate. Very few of her colleagues do that. Usually members of the opposition get up, make a speech and leave. They do not particularly worry about the motions they have moved. Ms Tierney has stayed here and she is staying the course so it would seem, to this point anyway. I commend her on that.

Of course Mr Leane is here. He is bearing the burden of his role in the opposition. It being his birthday and all, I would have thought that Labor Party members, claiming to be compassionate, might have let him off. But no, they kept him here listening to Mr Barber as well. I wish Mr Leane well, and I wish him a very, very happy birthday. Up to this point it is obviously not looking real flash, but it will improve.

There is a distinct difference between the philosophy of those of us on this side of the house and those on the other side. We believe there is a direct correlation between business and employment. I do not know how anybody can come to any other conclusion, but apparently the other side has some other weird view of the world.

We heard Mr Barber talk about how the then Labor-Greens government in Canberra saved the nation by putting us $300 billion in debt. If that is the way we are going to be saved, please let me go, because that is not the way I would save a nation at a time of difficulty. Spending money that you do not have is not a way to help business, produce jobs or stimulate employment, but that is exactly what the Labor Party and the Greens in government in Canberra did, and if they get the chance to be in government in Victoria, that is exactly what Labor and the Greens will do again. They will put Victoria back in exactly the same position that it was in back in 1992 after the Cain-Kirner experiment blew up in all of our faces. Nobody should be in any doubt about what Labor and the Greens will do to this state if they ever get the opportunity to be in government. They will send us broke, and they will send a clear message to every investor and business wanting to put money

into business and jobs — and that is that they should not come to Victoria. If they want a hard time, then they should come to Victoria, this is the place, but otherwise they should forget it.

It is interesting to note the strong criteria set by the panel that awarded Melbourne the world's most livable city award. Melbourne got a 100 per cent score for health care, education and sport, which is perfectly understandable after Richmond's performance over the last seven weeks — we can all be pretty happy about that. Perhaps of most importance is that when it came to our infrastructure, we also received a 100 per cent score. We have to go back a little way and give credit to a government that gave us the sorts of infrastructure that we now have, and that was the Kennett government. As Premier, Jeff Kennett not only saved this state from what a lot of people thought was the inevitable fate of bankruptcy that we saw in some small and not-so-small countries overseas, but he also introduced infrastructure projects of which we are now very proud — indeed other nations are very envious of them.

One project that strikes me immediately is the CityLink project. At this moment where would we be as Victorians without CityLink? As a resident of a township just on the other side of the airport, I am a frequent user of the Tullamarine Freeway. I often ask myself where we would be if Jeff Kennett had not had the vision and foresight to push along the building of CityLink. I see very strong parallels with the current situation. I remember back to the 1990s when we were in government; while I had some concerns about tolls on the Tullamarine Freeway, at the time the Labor Party was opposed altogether to the CityLink project. Not only would it have knocked over the jobs created by the CityLink project but it would have knocked over all the jobs created which were a direct benefit of the project during the years that followed its construction.

It is gross hypocrisy for the Labor Party to come in here and lecture us about the lack of jobs and so forth. If there is one thing the Labor Party is particularly good at and can hang its hat on, it is gross hypocrisy. On this side of the house we are a government which is unashamedly pro-business, because that is what creates jobs. Business and people putting their necks on the financial line creates jobs. Businesses, particularly small businesses, are the heroes of the Australian economy. The government must provide the environment to enable them to prosper, thrive and create the sorts of jobs that this motion goes on about.

When I talk about this government being a pro-business government, I cannot help but reflect upon the views of the other side of the house on business. The Labor opposition has proven itself to be exceedingly incompetent on just about everything over a very long period.

If there is a stuff-up to be made, the Labor Party will stuff up. It is particularly good at that. I refer back to the period when the Labor Party was in government in Victoria, the Cain-Kirner disaster, and at the same time the Hawke-Keating government was in Canberra. Paul Keating gave us 1 million unemployed for the first time ever, and that was something he seemed to be pretty proud of, which astonishes me. The Labor Party seems to forget about that all too regularly. What concerns me enormously is that it was in fact a Labor government in Canberra that produced 1 million unemployed for the first time ever and created untold human misery the length and breadth of this nation, no more so than right here in Victoria.

Many members of the house will recall that there were large sections of the industrial sector that were declared the rust belt. I remember there were factories in the western suburbs that lay idle, where people had just walked out and left them. The same thing happened on the other side of town, and the unemployment was appalling. It was tragic, and as a result of that, 1 million people found themselves out of work. When you multiply that by husbands, wives and children, we are talking about a disaster of enormous proportions. That is what you get when the Labor Party is in government. State or federal, the Labor Party will create that every time because it does not understand business. In fact Labor is very hostile to business. Even when it thinks business might be able to assist, it does not quite know how to handle that.

Then we have another section of the left in this state, another grouping that could be in government after the election if things go very sadly awry, and that is the Greens. I mention the Greens and government in the one sentence and Mr Barber is up like a seagull in hot fat. He is animated in a way that I have not seen since he spoke about windmills half an hour ago. He would be Deputy Premier, I would imagine. But the Greens in this state — not just in this state but across the nation — are not just incompetent and big on stuff-ups; their ideology is fanatically antibusiness. They are fanatically antibusiness. They are fanatically antijobs. They are fanatically antigrowth. They are fanatically anticapitalism. They are fanatically anti free enterprise.

How are we as a state supposed to create jobs if we have as a government the Greens in coalition with the ALP? If we want to know what happens when the ALP

gets into bed with the Greens, we need only look at Tasmania and see what has happened down there.

Mr Ramsay — Bankrupted the state.

Mr FINN — They did bankrupt the state, Mr Ramsay. I fear how long it will take for that — —

Mr Ramsay — It will take a Liberal Premier to get them out.

Mr FINN — It might take three or four Liberal premiers to get them out, because that is how long it is going to take.

Mr Ramsay interjected.

Mr FINN — We will get to the Senate in a minute, Mr Ramsay. We see what Labor and the Greens did in Tasmania. We see the unemployment, and we see the economic devastation that was a direct result of the governments they had down there for far too long a time. We do not want a repeat of that in Victoria. It would be a disaster if we were to embrace that in Victoria, given that we are still largely a manufacturing state. You can put money down that a Labor-Greens coalition government would destroy the manufacturing and industrial base of this state. It would be dead within 12 months. There would be nothing left. They would all pack up and leave.

I am concerned about what might happen, because I have heard from members of the Labor Party and the Greens today. They are big on whingeing, stuff-ups and incompetence. That is what they are good at.

Mr Ondarchie — They are the P76 of policy.

Mr FINN — They are indeed. That is a good comparison — the P76 of policy. The Labor Party and the Greens are the P76 of policy, except that you would not get out and push them, would you? No, I would not either. These are the people who stand up in the house and talk about employment. They talk about the importance of jobs. They talk about how we need to create employment, stimulate the private sector and all these sorts of things. Mr Ondarchie talks about the stimulation of the private sector on a regular basis. It is something he takes a particular interest in, and he has done so for a very long time. Thank God he does, because quite frankly somebody has to.

I am deeply concerned that we have heard today from Mr Barber and Ms Tierney a very — how can I be charitable? — interesting — —

Mr Ramsay interjected.

Mr FINN — Mr Ramsay should know I am a very charitable person. We have heard a very interesting view of the world, yet these are the very people whose parties, until two or three weeks ago, not just introduced but kept the carbon tax in this country. I do not want to go into depth as to what the carbon tax achieved, because it did not achieve anything. Quite frankly, we all know that the environmental movement is not about the environment. The environmental movement does not care about the environment — actually I should say the hard left political extreme environmental movement, the Greens, because of course there is a large section of the environmental movement that does a great job, such as the people who are out planting trees and the great volunteer community groups all over the place who do a great job, and I congratulate them.

Mr Ondarchie interjected.

Mr FINN — They are the loony left, Mr Ondarchie. They do not care about the environment. What they care about is economic and political revolution. That is what they are on about, and that is what they were using the carbon tax for. They were using it to screw business. They were using it to go after those people in the business community whom they saw as their enemies.

Mr Ramsay — The wealth creators.

Mr FINN — The wealth creators and the job creators were the ones who were suffering under the carbon tax. I well remember, when this tax was being debated a few years ago, just after the then Prime Minister announced that there would be no carbon tax under a government she led — members might remember that — making a prediction that this carbon tax would cause enormous grief for a large number of businesses. It would cause the loss of a massive number of jobs, and it would cause what in some areas would be close to a recession, possibly the biggest recession we have seen since the 1930s. Sad to say, I was proven right.

We have seen a number of companies pack up and leave. We have seen other companies close down. Each time a company has done that jobs have been lost, people have been thrown out of work and breadwinners have lost their ability to support their families. That is the reality of the Labor-Greens carbon tax. It did not do anything for the environment. It could not do anything for the environment. They could not make it rain by putting on a tax, but that is what they tried to do, or so they would have us believe. As I explained earlier, their real motivation was much more sinister, and if they

were still in government, that would be something they would be continuing with.

I would be interested to hear the views of any future opposition speakers on the comments of the federal opposition leader, Bill Shorten. He said that if Labor wins the next election, it will reintroduce the carbon tax. Now there is a bloke who does not want to be Prime Minister; there is a bloke who is just not keen on the deal at all. There is a bloke who stood in the national Parliament with all the evidence put in front of him of the devastation the carbon tax caused business, the devastation the carbon tax caused employment and the jobs lost from one end of the country to the other, and he said, 'If we get a chance, we are going to reintroduce it, we are going to do it again'.

Christine Milne, the federal Leader of the Greens, jumped up and said, 'We are with you all the way'. What is new there? We have to realise that the Labor Party and the Greens are Siamese twins. I have not examined them closely enough to see where they are joined, but without doubt they are Siamese twins, and they cannot be separated. We just have to look at them, despite comments that come from the Labor Party from time to time, despite comments that come from the Greens and despite the little spats that we might see in the Assembly seats of Melbourne or Brunswick, to see that the Labor Party and the Greens are pretty much the same. That is a sad fact of life. It is a sad fact of life for business, a sad fact of life for industry and a sad fact of life for many people who have lost their jobs as a result of Greens policies introduced by the former federal government and a number of state governments around the country.

Who can ever forget, for example, the number of state governments that took the advice of Sandbags Flannery — Professor Tim Flannery — when he said it would never rain again and built desalination plants. One of them was built in Victoria, and it is still costing us $1.8 million a day. That is the sort of money we could put into creating jobs, but instead it is going down for the third time at the desalination plant at Wonthaggi. It is a scary prospect when one thinks about what would happen to the economy of this state and this nation if the Labor Party and the Greens were ever to get control of the reins again.

Mr Ramsay interjected.

Mr FINN — Anarchy and economic disaster. And that is exactly what they want, particularly the Greens members, because they know that in an environment where people are unemployed, living in poverty and struggling to that extent they will turn to extremists like the Greens. We have seen that down through the decades, if not the centuries. When people are down on their luck, when they have no jobs and no money, they will turn to extremists. That is what the extreme left — and I certainly include the Greens in that — are hoping for in this country.

We have heard from Ms Tierney today — —

Mr Ramsay interjected.

Mr FINN — It really was not worth repeating, but we did hear from her. She got a bit excited from time to time, it has to be said, and there is nothing wrong with that. I think a bit of excitement from time to time is a very good thing. What she did not tell us was that if Labor wins the election on 29 November, the minister in charge of the building industry will be a card-carrying member of the Construction, Forestry, Mining and Energy Union (CFMEU), Brian Tee.

Ms Tierney interjected.

Mr FINN — Ms Tierney thinks it is funny. I do not think too many builders or investors in this state would think that would be funny. If Dictaphone Dan wins on 29 November and he appoints Brian Tee as the minister for — —

The ACTING PRESIDENT (**Ms Pennicuik**) — Order! I ask the member to return to the subject of the motion and to be careful how he refers to other members.

Mr FINN — Certainly. I have not left the subject, and I am just about to talk about how many jobs we are going to lose if Brian Tee becomes the Minister for Planning. Can we imagine a card-carrying member of the CFMEU, the greatest mob of no-hopers who have ever walked — probably since Norm Gallagher anyway, and that is going back a few years — as the bloke who is going to be in charge of the building industry, the man who is going to oversee — —

Honourable members interjecting.

Mr FINN — It will be John Setka who is in fact running the show. What we will in effect be doing is putting a big sign up over Victoria which says, 'Closed'. We will be pulling down the shutters and putting up a big sign which says, 'Closed, come back again in a few years'. That is what is going to happen. Does anybody seriously think that any investor or any builder with half a brain would put a cent into Victoria with a planning minister who is a member of the CFMEU? Does anybody seriously think that anybody is going to put money into Victoria in that situation?

They might as well take their money out into the middle of Bass Strait and turf it over the side of the boat. It would be easier and less painful. Can we imagine how many jobs would be lost if Brian Tee were the Minister for Planning in this state? Brian Tee, a card-carrying member of the militant, extreme left, thuggish CFMEU — —

Mr Ondarchie interjected.

Mr FINN — Corrupt, indeed! If he were the Minister for Planning, I guarantee that within six months there would not be a construction job left in Melbourne.

Mr Ondarchie interjected.

Mr FINN — They most certainly are not defending him; in fact they are doing the very best they can to ignore the fact that Brian Tee is going to be the next Minister for Planning if the Labor Party wins the election. He will cause the subsequent job losses in Victoria because what we will see — and when you look at the skyline of Melbourne at the moment — —

Mr Ondarchie interjected.

Mr FINN — Is it 43 at the moment? I thought I counted 47 the other day, but it was after the Richmond game and I might have been seeing double. I know there are a significant number of cranes on the skyline, and cranes on the skyline, as John Cain used to say, are jobs. That is a sign that the economy is strong and that job growth is strong. But what would happen if Brian Tee were to become planning minister in this state?

Mr Ondarchie interjected.

Mr FINN — The skyline would be gaunt. It would shut down almost overnight. We would see tens of thousands, if not hundreds of thousands, of jobs lost, because we are not just talking about the immediate job losses on the construction sites; we are talking about the trickle-down effect right through all the associated industries. We are talking about massive job losses and the loss of an entire industry if Brian Tee — —

Mr Leane — I raise a point of order, Acting President, on relevance, to start with, and tedious repetition. When I say 'tedious repetition', I mean this is the same speech we have heard from Mr Finn week in, week out during general business. It is not today's contribution alone but it is the same speech every week, and it is tedious. Maybe he should give someone else a go.

Mr Ondarchie — On the point of order, Acting President, this is about jobs. I know the ALP does not like to hear the truth, but this is about jobs.

Mr FINN — On the point of order, Acting President, I was talking about the number of jobs that would be lost if Brian Tee, a member of the CFMEU, were to become the planning minister of this state. If that is not related directly to the motion before the Chair — —

The ACTING PRESIDENT (**Ms Pennicuik**) — Order! Thank you, Mr Finn; you do not need to debate the point of order. I tried to refer you back to the motion earlier. I think I have some sympathy with Mr Leane's assertion that you are repeating the same thing many times. If you could move on to a different point in the motion and stick to the motion, that would be much appreciated.

Mr FINN — I can understand your position, Acting President. I too have a great deal of sympathy for Mr Leane on a number of levels, and I wish him all the very best, as I mentioned earlier.

As part of the plans for job growth in this state we have a number of very exciting projects that have been outlined by various ministers and the Premier himself. The most exciting, I have to say, is the Melbourne rail link. This is something that I am getting a great deal of very positive feedback about, not just in Melbourne but right across Australia. This airport rail link will create 3700 new jobs. That is just on one project. We are looking at something that will not just be of enormous benefit to motorists and to visitors to our great state but will obviously create a lot of jobs for a lot of people, predominantly in my electorate, I am pleased to say. It will be a great boon. It will allow the Melbourne Airport to continue its growth and development.

It is interesting to note that when Melbourne Airport was controlled by the federal government there were some 10 000 jobs there; since the airport was privatised we have seen the airport employment rise to somewhere in the vicinity of 25 000 jobs. That will continue, and we will see many more thousands of jobs at Melbourne Airport as it becomes more user-friendly and as the rail link allows people to come and go. It will also give people in places like Gladstone Park, Tullamarine, Westmeadows and Bulla access to a public transport source that they currently do not have. It will help people who are looking for jobs and who are in need of public transport to get to and from employment. Whichever way you look at it, the airport rail link is a major plus for Victoria, is a major plus for — —

Mr Leane interjected.

Mr FINN — If Mr Leane wants to talk about it being built, he should talk — —

Mr Leane interjected.

The ACTING PRESIDENT (**Ms Pennicuik**) — Order! Mr Leane, that is disorderly. Through the Chair, Mr Finn.

Mr FINN — I was speaking through the Chair, Acting President. I am very concerned about Mr Leane. I do not want this to be his last birthday. I think he is about to blow a gasket, just between you and — —

Mr Ondarchie interjected.

Mr FINN — He will not blow the candles out at this rate; I am concerned about it.

That link will be a huge boost for not only the western and northern suburbs of Melbourne — I know Mr Ondarchie is very keen on supporting the northern suburbs of Melbourne — and a lot of the suburban areas around the airport, but also for Melbourne and for Victoria.

One of the great industries that has been resuscitated under this government — and I think we should congratulate the Minister for Tourism and Major Events, Louise Asher, on this — is tourism. Tourism has become a great job creator in Victoria under this government. First of all, as members might recall, the Kennett government kickstarted it. It died a very slow death under the previous Labor government, and now tourism is back in town. It is going to be boosted enormously, as will job growth, with the construction of the airport link.

It was interesting to hear Mr Leane over there saying, 'It won't happen'. He would know about things not happening. A lot of people do not know this — I do not know why, because I have said it a few times — but the first broken promise of the Bracks Labor government in 1999 was the scrapping of the promise to build the airport rail link. Labor promised the link back in 1999 — 15 years ago. Within weeks of its election the Bracks government did the old Ernie Sigley line, 'Only joking!', and turfed it. I am not sure how Hansard is going to report that. The Bracks government turfed it. It was a broken promise. As a result, the jobs were lost.

There will be no more broken promises, no more lost jobs. We are going to see an employment boom not just in the north and west of Melbourne but right through Victoria as a result of this great project. It will bring hundreds of thousands, if not millions, of extra people into Victoria. It will certainly add to our livability and our friendliness, which is something that I had not mentioned earlier. Despite what Mr Leane might think, we are the friendliest people in the world as well. I am looking forward to the airport rail link being built as part of the Melbourne rail link with the 3700 new jobs that that will create.

Those who travel by car will be able to enjoy the benefits of the CityLink-Tullamarine Freeway widening. That will improve the travel times to the airport by, I am told, between 15 and 20 minutes. I am pretty excited about that. It will get me home a lot earlier.

I do not know, Acting President, whether you are familiar with travelling on the Tullamarine Freeway at peak hour, but it is not a lot of fun. If we can do something — and we are going to do something — to speed that up and allow people to get home or to work in the morning a little more quickly, that will be a good thing. We will have the CityLink-Tullamarine widening at a cost of about $800 million, if my recollection is correct, with 700 new jobs. With the rail link, including the airport rail link and the widening of the Tullamarine Freeway, there will be 4400 new jobs, and that is just to begin with.

That is just two projects — and 4400 new jobs. And Mr Barber says we have got no plans for a second term. What does he reckon those projects are? We could go on to talk about the east–west link, because that obviously is going to be a huge boost for employment in Victoria. At the beginning it was just going to be the eastern section of the east–west link, and that was going to create 3200 new jobs; now there will be 7600 jobs on three new projects. The Prime Minister came to town — God bless him — and together with the Premier announced that we would also be building the western section of the east–west link. I am looking for the exact number of jobs that will be created — I will ask my advisers for help.

Mr Ondarchie — Lots.

Mr FINN — There are lots, thank you. There will be many, many jobs.

An honourable member interjected.

Mr FINN — There will be thousands more jobs on the western link. That will make the western suburbs far more accessible for many people, and it will provide new job opportunities, new businesses and new industries. Trucks and heavy vehicles will be able to access those areas, so in places like Truganina and other

parts of the western suburbs we will see industry growth and jobs growth. That is going to be very good for Victoria, very good for Melbourne and very good for people who are looking for jobs. There is no doubt that what is planned by the Napthine government in its second term is very exciting. It is particularly exciting for those people who are looking for jobs. There are going to be jobs everywhere. That is the reality, and it might be worthwhile — —

Mr Ondarchie — Did anybody lose their job over a dictaphone?

Mr FINN — I might mention the dictaphone in a minute. At this moment it might be worth just drawing a parallel between what is being provided by the Napthine government and what the alternative is. If Labor were to be elected, we would lose the thousands of jobs that will be produced by the coalition government because Labor will scrap those projects.

As I mentioned earlier, the construction industry will pack up and leave as a result of Brian Tee, a card-carrying member of the Construction, Forestry, Mining and Energy Union, becoming the Minister for Planning. I know the members of the Labor Party do not like me saying that, but it is something of which people really should be aware before they vote — that is, if they vote for the Labor Party or indeed for the Greens at the upcoming election, they will be handing the entire construction industry and every construction job in this state over to militant unionists in the CFMEU. They will be voting to kill the construction industry in this state.

There is a very clear position on both sides. On one side, with the coalition, you have got jobs, jobs, jobs, growth and more jobs. On the other side you have got economic destruction, with the gross unemployment that will create.

It is pretty clear to me that what this government is putting forward is something everybody who is concerned about jobs in this state should be supporting, and that includes Ms Tierney. If Ms Tierney is fair dinkum about jobs and about producing and growing jobs in this state, she will get up and say, 'In November I am voting Liberal'. That is what she would say if she were fair dinkum; but we know she is not. We know she is having a lend of us, as the opposition does every Wednesday. Members opposite love to come into this chamber and have a lend of us, and no more so than what they are doing today.

I could go on for quite some time. I have to say that I am exceedingly excited about the future of Victoria under the Napthine coalition government. Bring on 29 November and let us go on with building a better Victoria and making Victoria an even better place for us all.

Ms DARVENIZA (Northern Victoria) — I am delighted to have the opportunity to make a contribution to this debate and speak in support of Ms Tierney's motion. Mr Finn has given us a lot of rhetoric to work with. It has been pretty repetitive, and we have heard it all before many times. It is as if he has the one speech that he rolls out at least every Wednesday for opposition business and then several other times on various bills and other motions.

Mr Finn told this chamber that he and his government are pro-business. 'We are pro-business', he kept on saying. He could not say it often enough, and he referred to his colleagues and how interested they are in private business. He told us about how they have been working to improve the interests of private business, but what Mr Finn espoused flies in the face of what is actually happening in Victoria.

He should look at what is happening here in Victoria, whether it is in our small towns or our regional cities, of which there are many in my electorate of Northern Victoria Region. Also, Mr Finn should get off his telephone while there is a debate going on in the chamber.

Mr Finn — It is more interesting than you are!

Ms DARVENIZA — That may well be the case, Mr Finn, but I would not have to be very interesting to be more interesting than you, let me tell you.

You only have to look at the number of small businesses that this 'pro-business' government is closing down to understand. You walk around the towns and regional cities in my electorate of northern Victoria and there are businesses closing everywhere. There are shopfronts with big 'For lease' signs up. You do not have to look at rural and regional Victoria to see this. The other day I was walking down Chapel Street and I was amazed to find shop after shop closed, empty and for lease.

If this government is so pro-business, why is it that we have so many businesses that are going out of business, closing their doors and not employing staff? If, as he suggests, Mr Finn's government is pro-business, why do we not have new businesses? Why do we not have new entrepreneurs? People who are interested in opening up a shop — —

Mr Finn — We have. You have got to get out more!

Ms DARVENIZA — Let me tell Mr Finn that I walk around in town and people are not wanting to take up leases and set up new businesses. It is simply not the case. People are saying that some of the shops have been empty not for a week, not for a month, but for many months, with no prospect of anyone taking up leases and setting up new businesses.

How is it that Mr Finn can come in here and shout at us — I do not know exactly how long, but for 45 minutes or something he was roaring across the chamber — —

Mr Finn — I was not shouting.

Ms DARVENIZA — Mr Finn does shout. I always have to turn him down in my office; he is so loud. I always know when he comes on. If Mr Finn's government is so pro-business, why is it that all these businesses are closing? There are no new businesses coming to fill the empty shops. Why is unemployment so high? How can Mr Finn honestly stand here in this Parliament, in this chamber, and say how terrific this government is and what a great job it is doing for business when unemployment is through the roof? That is particularly the case in rural and regional areas, in my area of northern Victoria and around the Goulburn Valley.

What Mr Finn said in his contribution flies in the face of what is actually happening out there in the real world. If, as Mr Finn says, this Liberal-Nationals government is so pro-business and is so keen on creating new business, why is it not out there working with businesses and creating a jobs plan for this state? Why have we waited a whole term of this government and still not seen a jobs plan for this state? There is no jobs plan, and meanwhile unemployment is rising and youth unemployment is rising.

In my contribution I would like to fill Mr Finn, along with the rest of the chamber, in on some of the job losses that have occurred. He said there are no job losses. He said there is all sorts of jobs growth happening as a result of this pro-business Liberal-Nationals government. That is just not right; it is just not true. What we are seeing, particularly in my electorate, is that businesses are closing and jobs are going.

Unemployment has hit a 13-year high under this government. This is a huge concern. That Mr Finn can come in here and say that the government is pro-business and is working with business and creating jobs when the unemployment rate is at a 13-year high staggers me. In fact the last Premier to face an election with an unemployment rate of 7 per cent, as my colleague Ms Tierney has said, was Jeff Kennett, and he was turfed out of office.

Mr Finn says, 'Come on, bring on 29 November'. He says, 'Bring it on. Bring it on. I can't wait!'.

Mr Finn — I did say that. You got that part right. I am glad you listened to something I said.

Ms DARVENIZA — We are all looking forward to it, Mr Finn, let me tell you. The people of Victoria are looking forward to it.

As I said, I want to take this opportunity not only to fill Mr Finn in but also to tell the chamber about some of the very tragic job losses that have been occurring in my electorate. Only last week Fonterra in Echuca announced that 38 people will lose their jobs next month. That means a quarter of the 160 staff will go. That is a huge cut, a huge reduction in staff for that company.

In June 2014 unemployment in the Murray area, which includes Echuca-Moama, was at 9.4 per cent for those aged 15 and over, and 13.1 per cent for those aged between 15 and 24. I have spoken in this chamber at some length about the cuts being made to the services that are so important to people aged between 15 and 24, services that mean some disengaged people within that group are able to find employment or stay in education and get the training they need. Members of this government, along with their federal colleagues, have done nothing but cut the services and the support previously provided to those people. As I said, in June the unemployment rate in that region was 9.4 per cent. If Mr Finn and his so-called pro-business government are proud of a 13-year high in unemployment and a 9.4 per cent unemployment rate in the Murray area, including Echuca and Moama, they should seriously think about what their position is.

Echuca is included in the Shepparton area, which has reached a 9.2 per cent unemployment rate, with 10.5 per cent for youth unemployment. We have not seen figures like that for as long as I can remember. It is a long time since we have seen unemployment rates at that sort of level. These figures should be causing the state government serious concern, and when making contributions in this chamber Mr Finn should talk about the things his government is doing to alleviate unemployment, about where jobs are being created and about what sorts of support and education systems are being put in place, particularly for unemployed youth and for those in rural and regional areas, who have less access to jobs. It should be of serious concern.

In northern Victoria any job losses are keenly felt because they cause a huge ripple effect throughout the community. If somebody is out of a job, it means that they do not have the money to pay their mortgage or buy goods and services and that the businesses of those people providing goods and services are at risk and, in the worst of circumstances, have to close down. As I said earlier in my contribution, you only have to walk through the streets of country towns and regional cities to see the number of businesses affected by the lack of employment and the high unemployment rate in rural and regional Victoria.

In February one of Benalla's iconic restaurants, Don Giovanni's, closed its doors. The owner, Loris Hunter, told the *Benalla Ensign* that she was an absolute emotional wreck over the decision. It is one she did not take lightly; I am sure no proprietor takes lightly the decision to close their business. We know how hard small and medium business operators work to keep their businesses afloat and viable. Ms Hunter said the tough economy had made staying in business unviable.

Last year Bunnings Warehouse closed its frame and truss plant in Benalla, and that cost the community of that area 47 jobs. That is 47 people who worked at the Bunnings plant who lost their jobs, and the ripple effect of that was felt through the whole community — in the business community and the service community as well as in schools. The service and community sectors also feel job losses, as people who do not have jobs and an income have to rely on a greater level of social service.

In the past month alone 30 jobs were lost in Mildura when Sam's Warehouse closed its doors, and another 27 jobs were lost at the local mineral sands operation. In July 60 workers at Bruck Textiles in Wangaratta found out they had lost their jobs, which was a devastating blow both to the workers and to their families, who now face a very uncertain future. That is the thing that needs to be remembered about why jobs in rural and regional Victoria are important and why it is devastating that this Liberal-Nationals coalition government is doing little to support, protect and create jobs in rural and regional Victoria. There simply are not other jobs to fall back on. Job creation needs to happen in those areas because unemployment has a devastating effect on communities and towns.

In Castlemaine this week Don and KR Castlemaine made 20 people redundant. Rural and regional areas of Victoria are still reeling from the savage cuts to the former Department of Primary Industries and former Department of Sustainability and Environment, which saw 4000 public sector jobs slashed just from those two departments. Those cuts had a huge impact, and now an additional 20 jobs are going from that area.

Let us not forget that some of the big employers have announced cuts, such as Telstra, which in July announced it would cut 650 jobs, and Australia Post, which recently cut hundreds of jobs. All of these job cuts have an impact right across the state. Qantas has cut another 97 jobs from its engineering department as part of its broader program of 5000 job losses over three years, and these cuts have an impact on all rural and regional areas. Yet we did not hear Mr Finn in his contribution telling us what his Liberal-Nationals coalition government will do to keep jobs and create jobs or what it will do about these larger companies that are cutting jobs.

I have no hesitation in supporting this motion because job retention and creation in regional Victoria should be a top priority for the Liberal-Nationals coalition government, as it was for Labor when it was in government. After almost a full term in office we have seen nothing from the government. We have seen no jobs plan, and today government members have not talked about how they will rectify the fact that we are facing the highest unemployment rate in 13 years and one of the highest youth unemployment rates we have ever seen, particularly in rural and regional Victoria. I urge members to support this motion.

Mr RAMSAY (Western Victoria) — I rise to speak on Ms Tierney's motion. It is not with pleasure, I might add, because, given the contributions of opposition members, the level of intellect in relation to the debate is nearly at an all-time low. I could stand here for 30 minutes and talk about jobs that have been lost over a period of time, whether from the public service or private industry, which may well signal a whole lot of things, but the reality is that if we have a global view of where Australia sits, in Victoria we are lucky enough to have interest rates at an all-time low, a consumer price index in relation to inflation at an all-time low, a standard of living that is perhaps the best of anywhere in the world and a welfare entitlement system that is the envy of every country in the world.

It is not doom and gloom, it is not a crisis, it is not a tsunami and it is not some cataclysmic natural disaster heading our way; it is a significant transition from manufacturing, which I want to refer to given that Ms Tierney focused much of her contribution on the automobile industry. That was not surprising, given that she was a card-carrying member of the automobile industry union, but she added nothing productive to the debate about how we can transition those workers. It was Labor's policies that drove those manufacturing

businesses offshore, and I will talk a bit about that in a moment. To stand up here with some sense of hypocrisy in blaming the Liberal Party for job losses in manufacturing defies description. As I said, it drags down the intellectual debate on this important issue to a level where Labor seems to want to sit in squalor.

I will talk about some realities. In Ballarat, a regional city I represent, the unemployment rate is about 3.7 per cent, which is one of the lowest unemployment rates in regional Victoria. There are now 5200 more people employed in the Ballarat region than when Labor left office. It is interesting to note that Ms Tierney did not bother to acknowledge that when Labor left office Ballarat's unemployment rate was 8 per cent. It is now 3.7 per cent, so there has been a significant reduction in unemployment.

There has also been a significant investment in infrastructure. That is the Napthine government's job plan — $27 billion of infrastructure projects that will create thousands of jobs. We are investing $30 million in the Ballarat West employment zone, which will generate an estimated 9000 jobs: there will be $4.1 million for a new railway crossing at Rowsley; $90 million to Ballarat Health Services; $38 million to the Ballarat link road; $1.6 million for additional train services; $8.4 million for a new police station and emergency hub in Ballarat West; $7.8 million, with the promise of a further $10 million, for Ballarat High School; $42 million for the Western Highway upgrade; $46 million for Ballarat hospital; $18 million for the Phoenix P-12 Community College; and, if the government is re-elected, the promise of 400 jobs to relocate VicRoads to Ballarat.

There are good things happening in Ballarat and there are good things happening for small businesses. WorkCover premiums have been cut by 2 per cent to support employers, and payroll tax has been cut to 4.85 per cent. We are reducing red tape. We have reformed the fire services levy. All of these things are supporting businesses and employers to create more jobs right across Victoria.

I do not want to focus on Ballarat, because that is a real success story in relation to investment, jobs and obviously the reduced unemployment rate. It is Geelong where Ms Tierney focused much of her diatribe — in the name of a contribution — in relation to this motion. In Geelong a significant amount of work is being done to help Alcoa, which was talked about, and the car industries. I have to say these industries made decisions to relocate their activities offshore while Labor was in government and one of the reasons was the high cost of labour. As I mentioned initially, the standard of living has a direct correlation to the cost of labour.

In Australia we enjoy one of the highest standards of living in the world. We are certainly looked upon with envy by other countries. As we improve our standards of living, there is always a push to increase the cost of labour through wages and enterprise bargaining agreement negotiations. On a comparative basis, workers in Australia enjoy significant benefits that the workers of other countries do not enjoy. There is always a likelihood that businesses will seek to manufacture offshore because labour is cheaper and other countries do not have the same sorts of quality controls, environmental controls and business costs that we do in Australia.

The coalition cannot be blamed for the economic decisions made by businesses in order to stay competitive, whether it be through cheaper labour or input costs in other countries. Most of the decisions the manufacturing industry made in Geelong were made under a Labor government. Consequently it is the Napthine government that now has to respond with the policies and support to help the transition process, and we are doing that.

I appreciate that there is minimal time but there are some funds I want to briefly mention. In relation to the Ford closures we had the Geelong Regional Innovation and Investment Fund, which included $15 million from the federal government, $4.5 million from the Victorian government, $5 million from Ford and $5 million from Alcoa to help transition workers into other industries — and there are other industries. Ms Tierney did not bother talking about them. She just talked about a jobs plan, although it is unclear what Labor's jobs plan is. It is certainly clear what the Napthine government's jobs plan is. It is about investing in small businesses, investing in infrastructure and creating jobs.

The Geelong Ring Road Employment Precinct (GREP) G21 provides significant employment opportunities, with up to 10 000 jobs in a large industrial estate. The delivery of the Epworth hospital is supplying 780 new jobs, and the Victorian government has announced it will allocate a further $2.85 million towards that development. The Transport Connections program is providing not only services in relation to connection for travellers but also jobs. The local government infrastructure program provides local councils with a number of initiatives, which can include upgrading and maintenance of their assets through roads, bridges and community assets such as halls, theatres, sporting grounds and so on.

The Green Army initiative is a federal government program supporting and targeting youth unemployment. There is the innovative Carbon Nexus program at Deakin University, which the Victorian government has supported through $10 million funding, which has created 150 jobs. There is $15 million towards the Geelong cultural precinct redevelopment.

If anyone visits the Geelong CBD at the moment, they will notice all the cranes sitting on the rooftops of the redeveloped towers. They will note that there is an awful lot of building activity going on in Geelong. We have provided $25 million for stage 3 of the Skilled Stadium upgrade, $5 million for the planning and redevelopment of Avalon Airport and $50 million for the development of a rail link from Melbourne and Geelong to Avalon Airport. There is $80 million for the expansion of the Geelong Hospital — more cranes on the skyline. In fact Ms Tierney has the luxury of having an office overlooking the bay and she may see a lot of the development that is going on in the CBD.

We have new schools at Bannockburn, North Geelong and Torquay North, where my daughter works. There is funding of $25 million towards the establishment of the National Disability Insurance Agency headquarters in Geelong and $1.3 million for the planning of the Avalon Airport rail link. There is $28 million for Barwon Health North. Certainly my parliamentary colleague David Koch has been strongly advocating to meet the needs of those residents in the north of Geelong. Sadly, the member for Lara in the other place, John Eren, has done nothing to support those communities in the north in terms of health services, either in government or in opposition. The government has provided $27 million for a new secondary college at Torquay and funding of $22 million to build and operate a new train station at Grovedale, so there are a lot of good things happening in the Geelong precinct. Ms Tierney did not want to talk about that because these are positive and productive things. She likes to sit in the negativity of being in opposition and not actually acknowledge the significant work that is going on.

We are very lucky to have Darryn Lyons as the mayor of Geelong. He is a different style of mayor, to which Geelong is now becoming accustomed, but there is no denying his commitment and passion for wanting to drive prosperity in Geelong. I note a number of current projects, such as the Yarra Street pier, the Geelong Performing Arts Centre redevelopment, the Skilled Stadium redevelopment, the Bellarine link road or the LAND 400 project, which is an important opportunity for Geelong. A number of skilled workers are ready to be utilised in the Geelong area, and with the defence department potentially looking at new tenders for the building of defence equipment, I know Geelong is strongly advocating to be the home of the LAND 400 military vehicle. I strongly support the Greater Geelong City Council in pursuing that objective.

A number of priority projects are on the table before the state and federal governments in relation to driving prosperity in Geelong and helping transition those workers who are sadly moving out of the traditional manufacturing industry and into new fields. Deakin University vice-chancellor Jane den Hollander is a passionate driver of change through education using the university network, which complements the mayor's wish to have a smart city. We are moving from wool fibre to carbon fibre, and there are some exciting innovation developments in the Geelong region, strongly supported by the G21 which is very ably led by Elaine Carbines. Ms Carbines, who is doing a great job in her leadership role, was a Labor member representing the former electorate of Geelong Province in this house.

There are many good drivers for prosperity in regional and western Victoria. It is sad that all the opposition wants to do is focus on negativity without providing any productive debate in this chamber about opportunities that could be grasped when dealing with the significant challenges that this motion has outlined. There is no productive use in supporting the motion, and I certainly hope the brief contribution I have made has indicated that the Napthine government is clearly committed to looking at opportunities rather than looking backwards at the negativity.

Mr LEANE (Eastern Metropolitan) — Happy birthday to me. It is a pleasure to support Ms Tierney's motion, and I will be very brief in saying that there is a problem with the unemployment rate being at 7 per cent and there is an issue with the youth unemployment rate being so high. If the government delivered on the commitments and policies it took to the 2010 election, I believe the level of unemployment would be a lot lower. This is a government that came to office with a large commitment to rail. In opposition this government said it would build a Doncaster rail line, so I nearly ran off the road the other day when I heard the Treasurer, Michael O'Brien, say, 'No, we did not say we were going to build it, we said we would only do a study'. Unfortunately the Treasurer does not know the policy he took to the election — or he was just flat out lying to the people of Victoria. We can each form our own ideas as to which it was. Rightly or wrongly, the Liberal Party also committed to building a track to Avalon, as well as a number of other projects, including a train station at Southland.

The Leader of the Opposition at the time, Ted Baillieu, the member for Hawthorn in the Assembly, also made a commitment to the people of Victoria via electronic media that no public servants would be sacked. I clearly remember that interview. Straight after the election the Premier reneged on that and many public servants were sacked.

Mr Scheffer — Four thousand two hundred.

Mr LEANE — After there were to be no public servants sacked, 4200 public servants were sacked. Some of them were sacked directly, while others, when the defunding of the skills sector, particularly TAFE, kicked in — —

Mr Elsbury interjected.

Mr LEANE — Mr Elsbury should go to Lilydale and tell the people there that the Liberal Party has done a ripper job for TAFE. He should go to Greensborough and tell the people there how much money his government has spent and what a fantastic job it has done for TAFE. TAFEs have closed and courses have closed. The people who were supporting and delivering those courses have lost their jobs. They are part of this 7 per cent — the 7 per cent the Liberal Party is trying to talk up as being all good. The Liberal Party is trying to say in response to this motion that it has done a wonderful job — —

Mr Elsbury interjected.

Mr LEANE — Tell that to the 7 per cent. Mr Elsbury standing here making his longwinded 45 minute contribution of nothing means nothing to the people who make up that 7 per cent. He should tell that to the record level of unemployed youth; not only can they not get a job, but they cannot get training in the geographical area in which they live, because the Liberal government has slashed funding to TAFE and TAFEs have closed.

Mr D. D. O'Brien — You are wrong.

Mr LEANE — The member tells me I am wrong, that TAFEs have not closed. We should get a bus to Lilydale together to see the locked gates. While we are there we could look at the buses. Every 20 minutes a bus stops out the front of the former Lilydale campus of Swinburne University — every 20 minutes, every day — and there is no-one in the buildings, because this government closed that TAFE. Government members get up in here and say what a terrific job they have done and talk about their plans for projects that they will take to the next election, but they lied to the electorate about the projects they said they were going to push. Now that it is election time again we are hearing more lies from them about what they are going to do.

After committing to the Melbourne Metro rail project, government members are now saying that they are going to build a train station at Crown Casino which will run parallel to, or through, a major sewer line instead of honouring the commitment made to the voting public to commence the Metro rail project. The list of commitments that this government has broken is endless. No-one is going to believe that this government will build a rail link to the airport. No-one is going to believe that this government will increase capacity on the metropolitan rail system. No-one will believe it.

Mr Elsbury — You are delusional, Mr Leane.

Mr LEANE — I am delusional?

Mr Elsbury — Yes.

Mr LEANE — I will tell you what: I would be happy if you and I went and caught a train to Doncaster right now. Let us go and see who is delusional.

I promised to be brief, and I will be. Members of the government should dream on if they think that people in the electorate believe this government is doing a wonderful job and is creating so many jobs. Members of the government should dream on if they think that anyone believes this government has completed a major project, because it has not. The only thing this government has done is fund a design competition for Flinders Street station — a project this government is not intending to build.

Mr D. D. O'BRIEN (Eastern Victoria) — While Mr Leane's contribution was short, it was a wasted opportunity, because in 5 minutes he said nothing of any importance. However, in the spirit of goodwill I wish Mr Leane a happy birthday.

I think I will be the last speaker today on this motion. As my coalition colleagues have indicated, we will not be supporting this motion. There are many things that could be said about governments around the country, in particular the coalition government in Victoria, but doing nothing on jobs is certainly not one of them. As Mr Finn said a little earlier, we have done an extraordinary amount. On the question of where our jobs plan is, people only need to look at the budget for 2014–15 that recently passed through this Parliament. It is such a good budget that the Labor Party did not even say anything about it. Labor members did not oppose it. It was passed completely unopposed, and members of the Labor Party had nothing to say on it. This budget

will drive growth in Victoria, including growth in regional Victoria, and a number of factors will drive that growth.

Investments in rail and road have been talked about, and I will mention a few projects in my own electorate of Eastern Victoria Region. In Gippsland in particular a number of job-creating investments have been made in services and infrastructure that are critical. There is funding of $73 million for the Latrobe Regional Hospital; $11 million for overtaking lanes on Princes Highway east between Nowa Nowa and Orbost; funding of $22.69 million towards the Warragul rail precinct upgrade; funding of $6.9 million for the Omeo Highway; $4 million to progress works at Sale Specialist School; $5.6 million to modernise Korumburra Secondary College; and $32 million for the Sand Road interchange on Princes Highway east.

Some of those projects are not only investments for our community but also important investments for jobs and job creation. Over the years my area has faced many challenges, particularly in the Latrobe Valley. What we have heard from Labor members today reflects what has been going on recently in some of the unions.

Sadly, HRL recently announced the closure of Morwell's Energy Brix Australia plant, which is both a briquette producer and a small power station. The government was criticised by the Gippsland Trades and Labour Council for not doing enough to prepare for the closure. Firstly, the Energy Brix plant was scheduled for closure in 1994 when it was privatised by the Kennett government. The plant has had another 20 years of life because of that decision — for 20 more years people have had jobs.

What was quite extraordinary was that at the time of the closure the Gippsland Trades and Labour Council said that the government had not done enough to prepare for the closure. The member for Morwell in the Assembly, Russell Northe, has pointed out that the coalition government, led by The Nationals member for Morwell, produced the $35 million Latrobe Valley industry and employment road map. What was most astounding about the Gippsland Trades and Labour Council's comments was that that program provided funding of an officer for the trades and labour council for the purpose of assisting at-risk industries to transition to other sectors and industries, yet the council is complaining that the government did not do enough when the council itself had funds to do exactly that job. It is a similar sort of complaint that we have heard from members of the Labor Party today. They do not understand jobs and do not understand the Latrobe Valley.

I will go so far as to give a plug for the ALP candidate for the Assembly seat of Morwell. On being preselected, he said:

> Taking back Morwell is going to be tough — The Nationals have held it for some time now —

and this is the important bit —

> and in terms of the ALP in the valley in recent years, there's no denying the area hasn't felt the love from Labor …

There is an understatement, but it is good to see a candidate from the Labor Party speaking the truth. He has been honest.

Mrs Coote interjected.

Mr D. D. O'BRIEN — That is right, Mrs Coote; Labor has not given any love to the Latrobe Valley in recent years. On the other hand, as I mentioned when I listed some of the important projects that we are funding, the support of the coalition government has been critical. Right across Gippsland we are doing quite a bit, and we are supporting our strategically important industries, particularly agriculture.

This government has delivered 74 trade missions since 2010. Those trade missions have gone to 32 countries and more than 3000 companies have taken part in them. It is interesting that in terms of delivered, on-the-ground outcomes which would lead to jobs, those trade missions have led to the companies involved forecasting $4.5 billion in sales over the next two years. I will give some local examples. Burra Foods received $1.5 million from the Regional Growth Fund towards a $20 million project which created 26 new jobs in Korumburra. Maffra Cheese received a small investment from the state government — $150 000 — which has created another 16 jobs. Only last week the Deputy Premier and the member for Bass in the Assembly announced that Nine Mile Fresh at Tynong would receive $410 000 towards a $17 million apple development, which will create 50 new jobs and will grow to 100 jobs over the years. These are some of the great things in the agriculture sector that we are doing to provide jobs and opportunities to build for our future.

Finally, there was funding of $1.5 million to upgrade the Latrobe Valley aerodrome, which was opened last week by the Deputy Premier. There have been some issues there. GippsAero dropped to about 99 jobs some time last year, but it is now up to 160 jobs — that is, 160 jobs in a regional area in manufacturing and growing. It is good news, particularly for Gippsland, and this government has good news for the state all round. Yes, we have some troubles at the moment, but what is important to note about the recent employment

figures is that there has been a significant increase in the participation rate. That shows one thing. It shows that people know that jobs are available and that if they get back into the market they will find jobs under a coalition government.

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

Debate adjourned until later this day.

RESIDENTIAL TENANCIES AMENDMENT (HOUSING STANDARDS) BILL 2013

Second reading

Debate resumed from 16 October 2013; motion of Mr BARBER (Northern Metropolitan).

Mrs COOTE (Southern Metropolitan) — The Residential Tenancies Amendment (Housing Standards) Bill 2013 was introduced by the Greens. At the outset I say that the coalition has treated this bill with the respect that is due to a bill presented to this house. The bill seeks to set minimum housing standards for rented premises by regulation; resolve disputes between tenants and landlords arising from these minimum standards not being complied with; and provide that landlords must give a reason in a notice to vacate to the tenant.

The Greens have brought this bill before the house and, as I have said, we have treated it with the respect it is due. We asked for a briefing on the bill from the Greens, and I thank them for giving the Minister for Housing's office a briefing. I note that the Greens member did not come to the briefing but instead sent a staff member. If the staff member was the person I have in mind, then I am sure she was particularly good. However, I further note that this staff member was not across some detail of this bill, including such things as what qualifies as possession and occupation of rental premises and why the bill contains a clause about a transitional provision. I note that the Greens followed up after the briefing and provided the missing information via email later that day.

This is a particularly complex and complicated area. It sounds easy and straightforward, but the reality is that it is not. It is quite complex and very difficult. There is no doubt at all that everyone in this chamber will agree that it is important that it is correct and that everything is in its due place. However, the government will not be supporting this bill. I am sure Mr Barber, who put this bill forward, will be interested in why we are opposing the bill.

Enacting this bill would create a two-tiered system whereby rental premises would be required to comply with certain standards but owner-occupied properties would not. The second-reading speech talks about the need for standards and says that standards exist for everything from food to cars. The difference is that those standards apply regardless of whether the car is privately owned or rented. The regulations proposed in this bill, on the other hand, do not apply to dwellings that are privately owned, only to those that are rented. If the Greens were serious about introducing new regulations regarding housing, it would have been more appropriate to have amended the existing act that relates to building health and wellbeing so that the standards apply to rental properties and privately occupied properties alike.

One of the other reasons for opposing the bill is that it duplicates regulations. The coalition government has been absolutely and utterly dedicated to reducing red tape. We have tried at every level across government to reduce red tape. Introducing this bill would add a whole new area of red tape that would be seriously complicated and confusing for all. It would create a regulatory mess. Minimum standards for rental accommodation already exist across various legislative instruments. The bill acknowledges that it is likely to duplicate existing rules and regulations and create possible problems. In clause 10(2) it provides for possible duplication of regulations when it says that when a regulation is inconsistent with another act the other act or regulation prevails.

This creates unnecessary confusion. When we bring bills to this place one of the aims is to clarify things, not to make them worse. I think this bill makes things far more confusing not less. As acknowledged by the bill, minimum standards already exist across a number of pieces of legislation, acts and codes. I will talk about some of those things today.

Structural integrity is mandated through the Building Code of Australia, or BCA. Sanitary and cooking facilities are covered in the Public Health and Wellbeing Act 2008, which I will refer to as the PHWA. It sets out standards for cleanliness and provides that a fine of up to 20 penalty units can be levied against a landlord who does not maintain bedrooms, toilets, bathrooms, laundries, kitchens, living rooms and any common areas in good working order, in a clean, sanitary and hygienic condition, and in a good state of repair. The Electrical Safety Act 1998 provides that safety switches are mandatory for all new and substantially renovated dwellings in Victoria. Running water, a stove and a sink, laundry and

sanitation facilities, and protection from damp and its effects all come under the PHWA.

The Residential Tenancies Act 1997 sets out that a landlord must ensure that if an appliance, fitting or fixture provided by the landlord that uses or supplies water at the rental premises needs to be replaced, the replacement has to be at least at a prescribed level of rating in a prescribed rating system. Energy efficiency, including energy and water efficiency standards to transitional rental homes, must be to 5-star rating. Since 2006 the BCA has contained energy efficiency measures for all types of new buildings and for alterations or amendments to existing buildings. All new buildings must have a minimum of a 6-star efficiency rating.

I have three more to go, but members are starting to get the picture. Security is covered by the Residential Tenancies Act 1997, which states that the landlord must provide locks to secure all external doors and windows of rented premises. The conditions upon occupation, including windows with glass and weatherproofing, are covered by the Residential Tenancies Act, which states that the landlord must ensure that on the agreed move-in date the rented premises are vacant and in reasonably clean condition. The tenant is not obliged to pay rent until the premises comply and they can move in, and the landlord must ensure that a rented premises is maintained and in good repair.

It is also important to note that the rights of consumers and renters are protected by the Residential Tenancies Act. If standards are to be changed, it is appropriate that they be changed under the relevant existing acts and codes so that the new standards apply to all housing and not just to rental housing.

Another issue is the rooming house regulations in the Residential Tenancies Act. The Greens say that the act is not the appropriate place to regulate minimum standards for general accommodation and ask why the provision for minimum standards in rooming houses is included in the Residential Tenancies Act. The answer is that rooming houses exist only as rental properties and most house the most vulnerable. Other types of accommodation — houses, apartments, units et cetera — exist for both private occupation by owners and for rental. In order to ensure that we do not create two different regulatory systems, both need to be regulated outside the Residential Tenancies Act in the appropriate acts.

In referring to adequate consultation and assessment of costs and benefits, I have a very interesting quote from an article from the Age online. It is written by Clay Lucas and is headed 'Renting now the norm for a generation of families — report'. It refers to the Greens bill and states:

> Labor housing spokesman Dick Wynne said the Greens proposal was 'unclear and uncosted' and could backfire on tenants by having the unintended consequence of driving investors out of rental housing.

I thought that was quite interesting, particularly considering that Mr Wynne, the member for Richmond in the other place, has been Minister for Housing and so he has some understanding of this issue.

I will expand on this issue because adequate consultation and assessment of costs and benefits have been left out of this entire process. The Greens have not provided detail on their proposed minimum standards, so we have been unable to quantify the impact on the rental market, landlords and renters, which is likely to be significant. The Greens would need to not only articulate the changes they wish to make but also to conduct consultation.

The introduction of additional standards may exacerbate problems associated with limited affordable housing supply, as landlords transfer the cost of improvements to rent or withdraw premises from the rental market to avoid the cost of compliance with standards. Any changes in these areas need to be well thought out to ensure that they do not make the provision of rental accommodation cost prohibitive.

Another area is gas heater servicing. In his second-reading speech Mr Barber also talked about gas heater servicing to avoid further tragedies following the tragic death of those little boys Chase and Tyler Robinson. This is not the place to regulate this area. Gas heaters exist in all types of accommodation, and any regulation should be standard across both privately owned and rental accommodation.

The Victorian coalition government is leading the way in providing regular servicing of gas heaters. I will provide some statistics on this area.

Mr Lenders interjected.

Mrs COOTE — The 2013–14 budget had $9.1 million allocated to service gas heaters in publicly owned homes. This initiative establishes a regular servicing program for gas heaters in public housing. The initiative will reduce risks to public tenants and improve safety in public housing properties. I think even Mr Lenders, who is bubbling away over there, would agree that $9.1 million is not an insignificant allocation for this very important area.

The department has commenced regular gas heater inspections in all public housing properties as part of an ongoing inspection program. Under the former government gas heaters were serviced only when the tenant requested a service or when a property changed hands. Given that the average duration of a standard public housing tenancy is approximately nine years, the former government may have been a negligent landlord. What do I hear? No bubbling from Mr Lenders, so he obviously is very ashamed of this.

The coalition government has also led the way in building quality public housing rental properties. Actions recently undertaken to improve the environmental sustainability of Victoria's public housing stock include all new public housing being built to a minimum 6-star energy rating, the installation of solar hot-water systems for more than 10 000 public housing residents, the installation of water-efficient toilets and showerheads in the majority of public housing dwellings, and other water conservation projects across Victoria.

I refer to the proposed repeal of section 263, which provides for eviction with no reason given. The bill repeals the current power for a landlord to evict a tenant for no reason provided the landlord gives 120 days notice to the tenant. The second-reading speech claims that there is no reason for section 263 to exist. I point out that the repeal of section 263 potentially represents a significant interference with a landlord's rights in relation to their property and impedes the rental of private properties by the director of housing to supplement the public housing stock. The director of housing leases privately owned property and either sublets to a tenant or uses the property for transitional housing. If the section were repealed and the owner required the property for their own personal use, the director would be without means to end the tenancy and rehouse the tenant. That would require the owner to take additional steps to recover possession of their property from the subtenant. That may result in a reduced willingness by private landlords to lease properties to the director.

While the concept of the bill is probably very noble, sadly, given the many details I have outlined, Mr Barber has not met the very things he was wishing to achieve with this bill. He has not been able to see the details and understand the ramifications of those details. This debate has given me a good opportunity to talk about what the coalition government has done and what the very good Minister for Housing has done in her portfolio responsibilities. This has given members a good opportunity to see just how good the achievements of the coalition government have been.

For all the reasons outlined, the government will not be supporting the bill put forward by Mr Barber.

Mr SCHEFFER (Eastern Victoria) — While Mr Barber's aspiration in introducing the Residential Tenancies Amendment (Housing Standards) Bill 2013 — that is, to improve the quality of rental housing — is well motivated and laudable, I will be moving that it be referred to the Legal and Social Issues Legislation Committee for further and detailed consideration. If that motion is not agreed to, the opposition will not be supporting the bill before the house this afternoon.

The bill creates a head of power for the Minister for Housing to make regulations for minimum housing standards for rented premises and provides a mechanism for enforcement through the director of Consumer Affairs Victoria. The scheme created by the bill allows a tenant to make a complaint to the director where a tenant believes that a landlord is offering for rent a residence that does not comply with the minimum standards. The director is then obliged to investigate the matter and within 28 days provide a report to the person making the complaint. The bill also amends the Housing Act 1983 to provide that the landlord must give a tenant a reason when issuing a notice to vacate.

While the opposition of course supports constructive efforts to improve the condition of rental properties, the bill before us today proposes a scheme that opposition members believe entails a series of what are most likely unintended consequences that are potentially counterproductive. The scheme would also require significant government resources. It would be irresponsible to endorse legislation for which the budgetary implications have not been examined or assessed. If the bill is referred to the Legal and Social Issues Legislation Committee, these matters should be examined.

The implications of provisions contained in any bill brought before the house need to be fully worked through and based on well-grounded policy. Unfortunately, neither the bill, the explanatory memorandum nor the second-reading speech give much confidence that this preparatory work has been done. By way of example, the second-reading speech provides an extract from a 2009 document from the then Department of Sustainability and Environment that succinctly sets out the difficulty involved in improving the energy efficiency of rental accommodation. For the landlord, there is an expense that is hard to understand as an investment because the benefits of cheaper power bills and a more comfortable and healthier domestic

environment do not go to the owner — that is, the investor — and they translate into higher rent only minimally. There is not much incentive to negotiate for the tenant to fit out the rental property with energy-saving alterations because their tenure is almost always limited, and so the benefit for them is short term.

After correctly pointing out this problem, the second-reading speech says, for example, that formulating energy efficiency standards as part of the regulated minimum standards would permit the minister to devise ways of overcoming this lack of motivation on the part of both the tenant and the landlord, but on my reading it is difficult to see how this could be achieved. The provisions in the bill as they exist do not assist the situation.

The longstanding policy debate around changes to negative gearing shows that where the value proposition for landlords is detrimentally changed they will simply abandon the asset class, which creates a shortage of rental properties and in turn can lead to increased rents. The increase in costs that would follow from landlords having to make further investments in their property in order to comply with the minimum standards provided for in the bill, as well as the additional management and administrative requirements and costs, would have the accumulated effect of reducing the attractiveness of investing in residential rental assets. I indicated at the outset of my contribution that improving the standard of rental properties is a laudable objective, but on the basis of evidence the method proposed in the bill would lead to a reduction in the supply of private rental properties on the market and would push up rents. That would not be good for the very tenants Mr Barber seeks to assist.

Another matter to keep in mind is that regulating minimum standards and requiring the director of Consumer Affairs Victoria to investigate of his or her own volition whether or not a landlord has failed to comply or to require the director to investigate a breach on the basis of a complaint from a tenant would be a huge and expensive task. It is not unreasonable to say that it is likely that thousands of complaints would be received within a short period of time, and the second-reading speech gives us no sense that this issue has been worked through. The bill does not indicate the establishment, for example, of an inspectorate regime, and it does not mention whether there would be a financial or some other impact on Consumer Affairs Victoria, especially when we consider that the required turnaround for complaints processing is 28 days. They are also matters that the Legal and Social Issues Legislation Committee could examine.

The fundamental reason the bill cannot be supported is that not enough work has gone into it. There are too many unanswered questions concerning the implications of the measures contained in its provisions, and as far as I can see there is no evidence that any third parties have been consulted or are prepared to speak in support of the bill.

At the beginning of my contribution I indicated that Labor is absolutely supportive of constructive approaches that assist in the bettering of standards of rental accommodation, but the bill does not indicate that the provisions it contains are the way to go. Mr Barber's second-reading speech gives some indication of the standards that might be included. He said they fall into two broad areas: those relating to health and those relating to energy efficiency. Under the heading 'Health', the second-reading speech refers to structural integrity, security, sanitary facilities, and cooking facilities such as stoves and sinks.

Mr Barber — What an outrageous list!

Mr SCHEFFER — No. Other issues he refers to are an electrical safety switch, fixed heating, windows with glass in them, weatherproofing, locks, running water, lighting and protection from damp. Specific energy efficiency measures are not detailed in the second-reading speech, but they would obviously include insulation, perhaps window shades, sealing air gaps, perhaps solar panels and double glazing. Here we begin to get some sense of the difficulties of imposing standards of regulation, especially when the bill gives so little indication of what is involved.

As I said earlier, the opposition will not be supporting this bill. It is important to put on the record that Labor believes it is essential that private rental housing should be more secure, affordable and appropriate to renters' needs than is the current situation. Labor has given a commitment to review and strengthen the Residential Tenancies Act 1997 and the regulations that protect consumer rights and improve accommodation standards. Labor is committed to examining whether it should be mandated to offer a standard tenure of leases in the market environment under normal circumstances, and it encourages a greater length and security of tenure as well as access to transparent and independent mechanisms for reviewing rental increases.

There is no argument that maintenance regimes for rental properties should be strengthened and that minimum standards for water and energy efficiency could be improved, but the proposals contained in Mr Barber's bill need to be more thoroughly examined before we could agree to them. Labor also believes the

practice of rental bidding or auction should be outlawed and that investment in appropriate private rental accommodation should be encouraged.

While I think everyone would agree that as far as they go the proposals set out in Mr Barber's bill are all good initial ideas which we could put on a whiteboard, for example, but there is no evidence that they have been researched, examined, tested or costed against any criteria whatsoever. While it is true that many tenants are not getting a fair deal from landlords, that too few landlords and property managers value tenants as paying customers and that longer term tenants are still largely seen in this country as people who will never achieve the great Australian dream of a mortgage, it is doubtful that the bill before us would improve the situation.

Today's *Age* and the Age online carry a piece by Clay Lucas on a report by the Tenants Union of Victoria about the changing profile of the average renter in Victoria. New analysis is showing that 42 per cent of the state's privately leased homes are now being rented by families, and the reason for this is the massive increase in the price of real estate over the last decade and a half in particular. The report says that there is a need to give tenants more power and to make it harder for landlords to evict long-term renters.

The piece contains a useful comparison of rental conditions across comparable economies and jurisdictions and looks at Hong Kong, the Netherlands and France and other countries in the European Union (EU) as well as the United States. Leases in the Netherlands and Germany are likely to be indefinite; in France and Hong Kong, two to three years; and in Australia and the UK, an astonishingly short 6 to 12 months. The notice period that tenants need to give landlords in Germany and France is three months or more; in the UK, two months; and in Australia, one month. Making minor alterations to a rental property in Germany and the Netherlands is permitted and considered to be absolutely normal, whereas in Australia and in some states in the United States they can only be done with a landlord's consent.

This is an interesting window into the culture of renting. In some countries — Germany and the Netherlands, for example — tenants are more likely to be regarded as valuable customers. I know that in the Netherlands it is common practice for real estate agents to send a bottle of wine or maybe a bunch of flowers to a new tenant by way of welcome and thanks and a promise of good service. That gives the sense that tenants in private housing are valued customers who are buying a service; it is a legitimate business transaction. In Australia that is far from the case.

The report also says that in 1981 single people made up around half of private renters and families made up barely 25 per cent, whereas today around 42 per cent of renters in the private rental market are families. Notwithstanding this, the perception is that most renters are young singles and couples saving to buy a home, so private rental is seen as a kind of transitional move that does not have legitimacy in the market. Clay Lucas's piece says the Grattan Institute reported last year that Victorian renters have fewer rights than those in other jurisdictions and instances security of tenure, longer lease terms, narrower reasons for eviction, more rights to keep pets — it may be trivial in some people's assessment, but to have companion animals is extremely important to the wellbeing of people — the right to make minor alterations and the right to be given longer notice periods.

The context of these demographic changes is, as I indicated, the dramatic escalation in the price of houses, which are far less affordable than they were three decades ago when most families could afford to take out a mortgage. The demographic changes require a change in the culture of renting. It seems to me that it needs to be put on a proper business footing, as occurs more and more often in the EU where tenants are seen as people who are purchasing a form of accommodation rather than as second-class citizens.

The Clay Lucas piece miraculously comes on the same day as we are debating this bill, and it comes as no surprise that Mr Barber and the Greens get a mention.

Mr Barber — One line at the end of two pages!

Mr SCHEFFER — One line at the end, but nonetheless, Mr Barber, a mention.

Mr Barber — It is a miracle!

Mr SCHEFFER — The shadow Minister for Housing, Richard Wynne, the member for Richmond in the Assembly, was also quoted, after Mr Barber, I must admit, as saying it was 'unclear and costed' — that is, the legislation — and that it could backfire on tenants by having the unintended consequence of driving investors out of the rental market. Labor does not support proposals that will further increase the regulatory burden on owners of private rental accommodation without demonstrable community benefit. If this legislation were to be implemented, it may have the unintended consequence of reducing the current level of investment in the private rental market. As I indicated earlier, the cost of policing this minimum

standards proposal is unspecified and has the potential to overwhelm the Victorian Civil and Administrative Tribunal.

It is clear that a lot more work should have been done on the bill before it was introduced for debate. Its lack of clarity, its vagueness in terms of its implications and the disregard of potential costs makes it not possible for the opposition to support it.

Mr TEE (Eastern Metropolitan) — I welcome the opportunity to make a few remarks on this proposal by the Greens, which, as Mr Scheffer has indicated, is laudable.

Mr Barber — He said 'aspirational'.

Mr TEE — Aspirational? It comes in the context of reports that construction standards in Melbourne are slipping. We are seeing smaller apartments. We are seeing apartments that have no amenity, poor ventilation and no natural light. We are seeing design standards going backwards under this government. We can now find designs that have been approved by the Minister for Planning which would not be found in other cities. An apartment can be built in Melbourne that could not be built in, say, Hong Kong or in any number of other cities.

We are finding apartments which are barely habitable being approved and constructed in Melbourne. We know that under this minister about 60 apartment blocks in Melbourne have been approved and there are another 63 on his desk. We know that the minister has no regard for minimum standards and we know he has no regard for the impact that these developments will have on Melbourne and on Melbourne's future. I share the aspiration in Mr Barber's bill that we look at the issue of residential tenancies, but we also need to make sure we address minimum standards in terms of design as part of that. I think the two are linked closely together.

Some work is being done on design standards. The standards proposed by the Victorian government architect were leaked. They talk about minimum sizes and things like natural light and ventilation. The process has been of concern because in the first place, as I said, the minister has not released them; they were leaked. In the second place the minister now says, having approved a whole raft of tower developments with no minimum standards, he is committed to enforcing minimum standards — long after the horse has bolted. We have a situation where the Melbourne of the future might have ghetto-like tall towers approved by this minister; his legacy will be tower upon tower of barely habitable ghettos.

Now the minister says — he has had a sort of conversion — he has an interest in minimum standards, but it is interesting to look at the detail of what he has said. In terms of minimum standards he talks about sunlight, but curiously he says that the report he is considering will not see the light of day officially this side of the election. He says there is consultation going on, but the minimum standards will not be released this side of the election. Let me predict that if the government wins this election, the minister will never produce the minimum standards. The minister's actions have seen tower upon tower approved without any regard to the long-term impact on Melbourne and without any regard to whether or not these apartments are livable, and now all of a sudden at 5 minutes before the election he tries to convince people that he has an interest in the human beings who are expected to live in these apartments. I do not think that has any credibility at all.

People will understand that the minister is kite flying; he is taking people for a ride. He is pretending one thing, but he has absolutely no commitment to what we have seen, as has been reported repeatedly, because the size of apartments is shrinking, the level of amenity is collapsing and it has reached a stage where the minister feels he is compelled to say something positive. I have no doubt that if he has not been able to deliver minimum standards in the last four years, he will never deliver minimum standards. We know minimum standards exist elsewhere. We have seen them operate in New South Wales, which has minimum standards. You do not see the same outcomes there that you get here, such as the approval of developments without any regard to standards, and in fact the existence of minimum standards has been proven to have no impact on development in New South Wales.

I am disappointed that after all this time the minister thinks he can get away with pretending he cares about minimum standards. It is also worth mentioning, as Mr Scheffer has indicated, that more people are opting to rent and more people are opting to live in apartments in the city. We can see that very much as the future, that we are experiencing a new phenomenon in terms of apartment living and an increased number of people renting. It is unfortunate that at this particular moment in Melbourne's history we have a minister who does not have any concern or regard for these sorts of minimum standards. The impact of that will be felt in the years to come. The unfortunate legacy of this minister will be apartment upon apartment without any natural light, without any proper ventilation and so

restrictive in terms of size that it is almost impossible to have any sort of lifestyle in them.

It is an important debate, and I thank Mr Barber for bringing the bill to this chamber. I note the issues that Mr Scheffer has raised about Mr Barber's approach, and I think it is right that we need to act in a considered way. It would have been great, for example, if the government architect's report had been put out and we could have had a public discussion about those standards, in the same way that it would be great if further work were done and an assessment were made about the sorts of proposals that Mr Barber has put forward. In the absence of those and in the absence of an evidence-based approach, which we have now seen time and again from this minister — that is something which is very difficult to do from opposition or certainly from the status of the Greens political party, so I understand the difficulty — we cannot simply legislate without having that rigour or background.

It is unfortunate that we are where we are after four years of this government. It is unfortunate that we do not have any decent standards or any decency when it comes to our developments. I wish we had a different outcome, particularly at this stage in the development of our city, because it will have an impact on our livability. It will take some of the shine off the accolade of Melbourne being one of the most livable cities in the world, and there is no doubt about that. There is no doubt that is the legacy we will inherit as a result of the work of this minister, but unfortunately Mr Scheffer is right that Mr Barber's bill is a good step but is just not sufficient.

Mr BARBER (Northern Metropolitan) — I thank those members who took the time to read my bill and prepare themselves to enter the debate. I appreciate the opportunity the house has given me to present the measures in this bill more or less in the same format in which I presented the bill in the previous Parliament, when Labor was in government. No doubt I will have an opportunity to bring it into the next Parliament as well.

We will keep giving this legislation a go because it is an important issue. In fact of all the product markets and all the areas of consumer protection that one might address, housing, I would say, is possibly the most critical, and yet at the moment offers the least protection. It is staggering to think about it. With electricity ombudsmen and public transport ticketing ombudsmen and banking ombudsmen, government ombudsmen and ombudsmen's ombudsmen, there is not really an advocate out there for someone in relation to their housing.

An honourable member interjected.

Mr BARBER — The department of consumer affairs is supposed to take care of that, but I will come back to that in a moment. I listened to the arguments from the opposition and the government. Basically what I heard from the opposition was that this is so complicated that it would be almost impossible to achieve. What I heard from the government was that it has already been done but under different legislation and I would simply be doubling up. You guys need to get together and work it out. I disagree, and I am just as convinced that this measure is necessary as when I first brought in the bill.

The government's side of the argument started off with something that sounded like a bit of a dis on the quality of the briefing that I arranged to be given by my office to the office of the Minister for Housing, Ms Lovell. The only real complaint was that we had to follow up with an explanation of a couple of terms, such as the term 'possession', which are already in the Residential Tenancies Act 1997. My bill does not add any new definitions in that respect. It was surprising to me that we were asked to brief the Minister for Housing on this matter, because this bill and the act it amends are actually the responsibility of the Minister for Consumer Affairs. The interest I imagine the Minister for Housing would have in this matter is that she is in fact the state's biggest landlord.

It was no different under the previous government, I am here to tell you. The Labor governments struggled with this issue. While the Minister for Consumer Affairs might be happy to take on some more powers to advocate for consumers, it was very much the Minister for Housing and the department of housing who were saying, 'Hang on a second. If we have to comply with this, what impact will it have on Victoria's budget bottom line?'. That is in fact a very good question.

We were surprised to have to brief Ms Lovell's office on the meaning of the term 'possession' in the Residential Tenancies Act, because if you go down to the Victorian Civil and Administrative Tribunal (VCAT) on any given day, you will see the Office of Housing in there seeking possession of its properties — in other words, seeking to boot out tenants. In fact if you are sitting at VCAT, you would see that the vast majority of the matters there involve the Office of Housing evicting people. You would have to wait a very long time — —

Hon. W. A. Lovell interjected.

Mr BARBER — I am glad I passed your test, Ms Lovell. You would be waiting a very long time sitting in the residential tenancy part of VCAT to hear a tenant trying to get a better quality of housing by taking their landlord to VCAT. The reason is that they would immediately be hit with a retaliatory eviction under section 263 of the Residential Tenancies Act — that is, the no reason notice to vacate, which the government referred to. That is why the Greens want to remove section 263, which was not there in the past. When I was an advice worker on the Tenants Union of Victoria helpline there was no such thing as a no reason notice to vacate; I think the Kennett government might have brought it in. Anyway, it is high time we got rid of it, because if there is no reason to evict someone, then there is no reason. If the landlord wants to renovate the house or move in themselves, there is provision in the act for them to do that. I believe that eviction for no reason is not necessary. As it happens, it makes it very hard for a tenant to enforce their rights, including the new rights that I would like to introduce through this bill.

There is the question of transitional housing, and it is a fair enough point that the government has made. Various bodies out there provide transitional housing for homeless people, and it is meant to be transitional. It is meant to be for the period between leaving your old place of residence and going to another. Perhaps you are a woman with kids trying to escape domestic violence; you could get a few months in transitional housing while you get set up for a house either in the private rental market or in the public housing area.

Not due to any fault in the act but due to the policies of the funding bodies — notably, the state government under the former Minister for Housing, the member for Richmond in the Assembly, Mr Wynne — those transitional housing providers were giving eviction notices to these homeless people on the day they arrived so they could be evicted at the end of three months. That was soon sorted out administratively. Suffice to say, there are other administrative provisions within the act that can be used to avoid that difficulty. If only it was so easy to solve the housing crisis.

Government members went on for quite some time talking about the various other acts that could be used. Their overarching argument seemed to be that if we are going to do this, it should apply to all housing. There is a very good reason it would apply to rental housing — that is, that it is only in rental housing where there is that split incentive between the landlord, who has to pay out for measures that make a house livable, and the tenant, who might like to but cannot afford to when they know they can be booted out at short notice. Perhaps the solution could come along the line of Mr Scheffer's European experience where tenancies are generally much longer and therefore tenants have an incentive to do minor, or even major, repairs to their property. In fact I know from the experience of young friends in Europe that often when you move into a rental house in Amsterdam or somewhere like that the first thing you do is paint the house. You invest in painting the house.

Mr Scheffer — Re-carpet it.

Mr BARBER — Yes, you might re-carpet the house because you are expecting to hold that lease for quite a long time. As we know, in Victoria the incentives are set up very differently. Government members went through a number of other laws, such as the Public Health and Wellbeing Act 2008. Good luck using that one to try to get your rental house brought up to a livable standard. You are more likely to either get yourself evicted by the landlord or have the place condemned and taken out from underneath you. Either way, you will be back on the streets. My bill provides that landlords must meet a certain standard at the time they offer the property for rent and gives the tenant a remedy to bring it up to standard if it turns out that the house does not meet that standard, while still living in the house.

As to the various measures that Mrs Coote, for the government, mentioned, such as safety switches, Building Code of Australia amendments, that is my whole point. Those standards apply to a new or upgraded dwelling. There is no trigger for a house to be brought up to standard on the rental of the property. In fact the new standards would only start to apply if a house was to be built from scratch or was to be renovated by the landlord. Given that the vast bulk of rental housing here in Victoria dates from the post-war period through to the 1980s, we know that that housing is not going to be brought up to standard by the small number and irregular cases of houses being renovated and landlords moving into them and then somewhere down the line those properties perhaps being offered for private rental.

In relation to the section referred to by Mrs Coote, on behalf of the government — the section about repairs being required to achieve a certain standard — then sure, if your hot-water heater blows up, the landlord must replace it with a more modern version. That could be a bare minimum, but in any case you are waiting for the hot-water heater to blow up before this happens. There is no provision that any appliance meet a certain standard, including a safety standard, or even that appliances such as heaters be in the house when you

rent it. I make it very clear to any of those members who have not gone to an open for inspection for a long time that whatever standard the house is in when you rent it, that is the standard. You cannot enforce it as you go and so on and so forth down through the various other acts Mrs Coote referred to. None of them do this thing. None of them set a basic standard for a house at the point of rental, and none of them would ever address the split incentive between a landlord and a tenant.

That brought us to the question of consultation — the level of consultation, the level of costs and the costs and benefits of this measure that both Mrs Coote and Mr Scheffer were somewhat concerned about. They seem to have missed the point. The only thing this bill does is create a head of power whereby a minister can create a standard; the bill itself does not set the standard. The minister, in creating a standard, would of course do wideranging consultation. If the government were to propose major changes, there would be a regulatory impact statement. Allen Consulting Group would get flicked another $50 000 to go and do one of these hokey cost-benefit analyses which are always completely arguable, but that is the way we do it these days — a regulatory impact statement. At that point we would all have the opportunity to decide whether particular measures, such as locks that are unlockable in the event of a house fire or the requirement that a window that is smashed and stuck back together with tape should be repaired, might have both costs and benefits.

In the case of the cost of repairing a broken window, there would be a cost and maybe the landlord would try to recover that through rent; however, at the same time the tenant would be saving a fortune on their power bills because they would now have properly sealed windows. The point is that there are costs and benefits to any type of regulatory measure. In this case we have the further problem of the split incentive between the landlord and the tenant — neither of whom wants to pay for it — but there is no doubt that the broader society benefits when these measures are brought in via regulations. That is why we have standards for all these things. I have no doubt that the requirement for a car to be roadworthy has increased the cost of used cars, but it is comforting to know that a car with dodgy brakes is not going to wipe me out on a street corner one day. That is why we have standards for cars, but we do not have a roadworthy for rental homes. They only need to meet the building code on the day they are built.

I am completely nonplussed as to why the government and the opposition think there needs to be further consultation, because the whole point of the bill is to create a head of power that would allow for a standard. By the way, that head of power was in the act from around about the end of World War II through to the 1980s, when it seems to have been inadvertently taken out during a review of the act.

In terms of Mr Scheffer being somewhat hard of hearing when he said he had not heard of any groups that were supporting this, I will let him in on a hint. The Tenants Union of Victoria supports it, and the Real Estate Institute of Victoria does not. Right there — the real estate institute will fight it like wildcats, as it will any type of regulation of private rental. If you go back and look at the history of Mr Scheffer's government, you find that way back then a former housing minister was proposing a minimum standard for rental housing. She was subjected to a well-organised campaign by the real estate institute, and that measure was never implemented by the former Labor government. It did, however, release a brochure for landlords that kind of suggested some of the standards they might want to think about if they were renting a house. An advisory brochure is a pretty long way down from the promise of a minimum standard for rental housing, but it is interesting that both Labor and Liberal sides of politics have already accepted the principle of setting minimum standards. In fact we legislated a minimum standard for one subsector of the market, being rooming houses, in the last Parliament — and we all voted for it. All I am trying to do is extend that idea to private rentals.

The Liberal Party went to the last election with a policy of bringing all houses up to 5-star energy standard. In three and a half years we have not only seen no delivery on that promise, but the government has not even gone out and kicked the tyres as to how it might do that, as far as I am aware. So, no stars for the government; it scores zero on that promise. Members may know that if we did a star rating on Victoria's housing now, it is estimated that the average would be about 1½ stars. That is a function of the old cold, draughty, poorly sealed and often poorly maintained ancient housing stock that is the lot of most people who are seeking a rental house, including those who are most vulnerable.

There is a range of other issues that the opposition said it thought — —

Hon. R. A. Dalla-Riva interjected.

Mr BARBER — Mr Dalla-Riva may want to spend some time sitting in the — —

Hon. R. A. Dalla-Riva interjected.

Mr BARBER — I thank Mr Dalla-Riva for disclosing his interest in this matter. It is timely when

one comes to vote on a bill that one discloses any interest not just on the written register that sits over there but also at the time of voting.

If Mr Dalla-Riva spent some time, as I have, sitting in the waiting rooms of community health and legal centres in the outer suburban areas of Melbourne and particularly in country areas, he would have the opportunity to ask housing workers what their options are when a person presents with homelessness. Those housing workers have a list of landlords who are well known for renting out the crappiest properties in the whole district. The housing workers do not like sending elderly people into a house somewhere out in the bush, in the country, in the middle of winter, that does not even have a heater, much less a working one. We should put that in a regulatory impact statement, if and when we ever get to see a measure like this before the Parliament.

I would like to make one last point: we are about to be left behind in this aspect by Tasmania.

Hon. W. A. Lovell — The only state!

Mr BARBER — Thank you. Tasmania, as always, is one of the leading states when it comes to progressive law reform. On some issues it may start a long way behind the other states, but when it catches up, it catches up quickly! On freedom of information law reform: I think it went from no act to one of the best. On gun law reform: it went from the worst controls in Australia to the best, which were subsequently adopted by former Prime Minister John Howard. And now it has done it again — it is leading the nation again — with a minimum standard for rental housing. Our own Minister for Housing just noted that it is the first state to do so. It is happening for the same reason that all of those other reforms happened in Tasmanian legislation: because a Greens MP got the law up.

An article was published on 22 March 2013 in the Hobart *Mercury* headed 'Rental rules boost for tenants'. It reported:

> Tasmanian tenants will be legally entitled to a toilet under new laws aimed at improving the minimum standards of rental properties.

Welcome to civilisation! There is now a requirement that houses have toilets, but only in Tasmania! We have not quite reached that point in Victoria. One of these days we may; we are working on it. The consumer affairs minister, Nick McKim — he is a Greens member — —

Ms Pennicuik — I have met him.

Mr BARBER — Ms Pennicuik has met him, yes. The article reported that:

> … Nick McKim has introduced a range of new laws to Parliament to provide some of the strongest minimum standards for rental properties in the country.
>
> It is now possible to rent a property that does not have a toilet or hot and cold running water.
>
> New minimum standards will make these essential, along with electricity.

Welcome to civilisation!

> In addition, rental properties will have to be weatherproof and structurally sound, clean and adequately ventilated, connected to a sewer, contain a separate bathroom and/or toilet and have an appropriate number of hotplates and an appropriate oven.

I am not even asking for that much! I am simply asking for a provision in the act that might allow some future minister — who could be Labor, could be Liberal, could be from The Nationals — —

Hon. R. A. Dalla-Riva — Never Green!

Mr BARBER — They might even be Green! There is precedent for it; it has happened before. It is happening in the ACT right now. It is possible that a future minister might actually promulgate a stance requiring that a house have a toilet. The *Mercury* article went on:

> Mr McKim said having a comfortable and settled place to live was a fundamental right for all people.
>
> 'Most of us have enough pressure in our lives and demands on our time', he said.
>
> The last thing we need is extra stress and hassle around our living arrangements.
>
> That's why it's crucial to provide clear and just laws governing the relationships between landlords and tenants.

The law is not quite in place in Tasmania. It is overdue to be implemented. I understand there is a new Liberal minister down there who now has responsibility for consumer affairs. I have heard rumours that maybe he is stalling on the entry into force of this legislation, but I think we will get there. And I think we will get there in Victoria.

It does not seem as though we are going to get to the committee stage of the bill here today. I did prepare amendments to change the date of the entry into force, and I circulated them to the other parties. I am happy for them to be circulated if that is of any assistance to anybody who has not already got them.

Greens amendments circulated by Mr BARBER (Northern Metropolitan) pursuant to standing orders.

Mr BARBER — I applaud Mr Scheffer's motion to refer this bill to a committee. I am very happy for it to be referred to a committee. In fact, one of my other bills in this Parliament was referred to a committee and it ended up in law, through regulation. That was the measure providing tougher fines for people who carelessly hit cyclists when opening car doors. That is now in law as a result of a private members bill that the Greens brought here.

I certainly look forward to the opportunity to present to a parliamentary committee about this bill and how it works in more detail. We could open the hearing up to public submissions and have housing workers, housing associations, the Tenants Union of Victoria and maybe individual tenants making submissions to such an inquiry. There is still time to do that before the election: we have 101 days. So I will be supporting Mr Scheffer's motion on referral, but I am disappointed that I am not obtaining the support of any other political party here today for a very basic and very modest measure that in any case leaves all the big decisions in the hands of the Minister for Consumer Affairs, which I would have thought any party might be able to agree to.

House divided on motion:

Ayes, 3

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

Noes, 36

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

Motion negatived.

Business interrupted pursuant to sessional orders.

STATEMENTS ON REPORTS AND PAPERS

Auditor-General: *Coordinating Public Transport*

Mr ELASMAR (Northern Metropolitan) — I rise to speak on the Auditor-General's report entitled *Coordinating Public Transport*. The results of this audit come as no surprise to me or the Victorian travelling public who use our public transport system.

I am not sure where the SmartBuses have gone. These buses were supposed to link up with other transport services such as trains and trams. My understanding is that a coordinated public transport network means being able to get to a destination within a practical and efficient time frame and that all services are streamlined to provide quick access to all destinations. This is clearly not happening. Commuters are being left stranded, and journeys are just as long as they ever were.

The purpose of coordinated public transport is to ensure that bus, train and tram timetables are strategically matched to ensure maximum efficiency. Deficiencies in the current system include gaps in the frequency, availability and directness of bus services and the poor location and design of many bus-train interchanges. The inadequate provision of customer information means travellers are kept in the dark and their frustration grows with each passing minute.

Many millions of taxpayer dollars were invested in the establishment of a strategic plan and infrastructure designed to assist commuters to reach their destinations with a minimum of time and fuss. According to this report it appears that plan was abandoned halfway through its implementation in favour of — what? I am not sure what was put in its place. I do know that, despite $2.7 billion having been reaped by the Victorian government, the private provider franchise arrangements for some unknown reason do not include any provision for or focus on instituting a comprehensive program to ensure the streamlining or coordination of public transport timetables. It appears that Public Transport Victoria is not managing this process at all and that commuters are being let down by a system that initially sounded marvellous but in reality has delivered nothing.

The Auditor-General has made nine recommendations. They mainly focus on the establishment of a proper framework for constantly evaluating performance and instituting strategic timetables to enable public transport users to have confidence in the system. The current situation is untenable and indefensible. Something must

be done to attract more commuters back to our trams, trains and buses. The Auditor-General's report provides a reasonable and positive formula, and I fully support its recommendations.

Auditor-General: *Coordinating Public Transport*

Mr RAMSAY (Western Victoria) — By an interesting quirk of fate I too will speak on the Auditor-General's report entitled *Coordinating Public Transport*, dated August 2014. As Mr Elasmar said, it includes a number of recommendations to improve the harmonisation of rail and bus services. Labor members tend to be selective and highlight the negative aspects of a report rather than focusing on some of the positives, so I am pleased to make a positive contribution on a report that identifies some weaknesses, some challenges and some recommendations for improvement, and I think that is healthy.

The report acknowledges that there have been significant improvements to the harmonisation of transport modes since 2010. In section 3.4.1 headed 'Harmonising services' the report states that since 2012 Public Transport Victoria:

> … has implemented three major timetable changes, and has updated the timetables of more than 200 bus routes across Melbourne based on assessed priorities and conflicts that undermine performance. This has resulted in some positive results in parts of the network, with increased patronage and satisfaction with bus-train connection …

There is also good news in relation to the encouraging results in bus-train connections on the Frankston, Ringwood and Dandenong lines where train frequencies have increased.

That leads me to an opportunity to respond to some announcements that the Leader of the Opposition made last week in Geelong. With the Premier I was attending the opening of the newly upgraded St John of God hospital in Geelong, which has over $65 million of improved health services. The opposition leader, Daniel Andrews, made some statements in relation to improving timetables for the Geelong to Melbourne service. Lo and behold, Mr Andrews seemed to be just parroting the announcement made by the Minister for Public Transport, Terry Mulder, last year of increased train services from Geelong to Melbourne to be effective from July 2015 when the regional rail link comes on line.

The state opposition was trying to flog a very pale imitation of what the Victorian coalition government had already planned, funded and delivered as part of the new April 2015 V/Line timetable. The timetable will be consistent with the full operation of the regional rail link, which is particularly important for my constituents in the Western Victoria region. We are going to see more frequent train services running from Geelong to Melbourne and Ballarat to Melbourne, particularly at peak times. On the Geelong line there will be a total of 120 extra weekly trains from April 2015 and these will move many more passengers, particularly during the peak periods.

Off-peak trains usually have plenty of spare seats, so the government has indicated it will introduce additional trains to encourage more passengers to travel and connect to Geelong and Melbourne. Part of that connectivity is in providing harmonisation of bus services, particularly in areas like Bacchus Marsh and Ballarat North which have a regular rail service. Improved connectivity between bus and rail timetables will allow more regional commuters to travel from country areas to the city in a timely and efficient manner.

It is interesting to note the recent announcement that the regional rail link is $900 million under budget. What a fantastic result from the Minister for Roads.

Auditor-General: *Access to Education for Rural Students*

Ms LEWIS (Northern Victoria) — I wish to draw the attention of the house to the Victorian Auditor-General's report entitled *Access to Education for Rural Students*. The report cites research on data that shows rural students are behind metropolitan students in academic achievement, attendance, secondary school completion, connectedness to their school and the number of students completing higher education.

Barriers to education for rural students are noted as sociocultural factors, including socio-economic status, parental and student aspiration, distance and availability of public transport and difficulties in attracting and retaining a skilled teaching workforce to enable schools to provide a breadth of curriculum and a range of educational models. The report acknowledges that the Department of Education and Early Childhood Development (DEECD) started work on a rural and regional plan, but major research to support this plan has been delayed.

The report acknowledges various funding initiatives to support rural students and schools but notes that the DEECD has not evaluated the impact of these funding programs. Two specific programs noted in the report relate to the final years of schooling: managed

individual pathways and the local solutions for year 12 retention fund. Federal funding programs, while not specifically targeting rural schools, put greater funding into rural schools due to demographics. Again the programs focus on secondary school retention, achievement and transitions. DEECD has made an effort to improve access for rural students to maths and science specialist teachers as well as science laboratories and language study. While the DEECD believes its programs are having a localised impact, there is little information to demonstrate improved educational areas for rural students overall.

Many of the programs focus on fixing the problems in middle and late secondary schools, which is an important and worthwhile aim. However, they do not address the cause of the problem, which commences in the early years of childhood. Access to child care, preschool and a wide range of early childhood services is needed to ensure children and their families have the best possible start to education. Locating these services and facilities in a hub attached to the local primary school assists the seamless transition through early childhood services to school education and provides a connection with the community from an early age.

The report suggests that a strategic approach is needed to address barriers for rural students. However, the dismantling of dedicated regional structures means that there is no one to deliver and support for services required by rural schools and students.

In 2010 Victoria's Rural Education Framework was launched by the Labor government and linked to the successful regional policy document *Ready for Tomorrow — A Blueprint for Regional Victoria*. The guiding principle of Victoria's rural education framework was that improving educational outcomes requires wide-ranging approaches which particularly include school, family, community, local networks and regional input. As noted, the dismantling of dedicated regional structures has removed the personnel who have the knowledge and experience to support and coordinate the wide range of approaches needed to address access problems for rural students.

The development of the current rural and regional plan appears to have stalled, which is not surprising given the lack of regional support structures. The report notes that the full range of information needed to inform the plan has not been identified and that there has been little or no stakeholder consultation. In fact the stakeholder engagement plan has not been established. The report adds that even if the current plan is completed, there is no certainty it will be sufficiently robust to make a difference to rural student outcomes.

The report concludes:

> DEECD has not provided access to high-quality education for all students …
>
> DEECD does not understand the impact of its funding and programs on the major barriers to rural students' achievement. Its programs have not been developed as part of an informed strategy.

When the coalition came to government in late 2010 Victoria's rural education framework, a framework that made provision for supported professional development for teachers and the development of community education plans, was dumped. As a result, according to the Auditor-General's report:

> … DEECD's approach to overcoming barriers to rural students' participation and achievement in education remains fragmented, comprising stand-alone programs that do not comprehensively cover all barriers.

The report documents a very poor record for the Liberal-Nationals government. It demonstrates a poor policy basis for DEECD to work from and a disappointing disregard of the needs of rural students and communities.

Auditor-General: *Technical and Further Education Institutes — Results of the 2013 Audits*

Mrs MILLAR (Northern Victoria) — I am very pleased to make a statement today on the Victorian Auditor-General's report entitled *Technical and Further Education Institutes — Results of the 2013 Audits*, commonly known as TAFEs. I want to speak on this report because of the huge amount of shamefully misleading and inaccurate information being constantly put about by Labor and the Greens in relation to TAFE and vocational education and training (VET) in Victoria.

The Auditor-General's report shows that Victoria's TAFEs are still working through the reform process and that some are struggling to adjust to the contestable environment introduced by Labor and the then Minister for Skills and Workforce Participation, Jacinta Allan, the member for Bendigo East in the Assembly, in 2008. Those changes were designed to increase competition for students between public and private vocational training providers. When Labor introduced these changes it failed to provide any form of assistance to help TAFEs adjust to the open market, and this is a process that these institutions are still working through. The report notes that TAFEs have not effectively adapted to the changed environment for a number of reasons.

I wish to thank the staff of the Victorian Auditor-General's Office for the work done in delivering this report and more generally, but having worked in auditing at KPMG I am aware that the reports it produces examine only a narrow scope of focus without reporting on a great many other aspects of, in this case, TAFEs. One of the significant factors missing from this report is the private vocational education institutions in the market. We only see a part of the picture, leaving the report potentially open to being misquoted by those unable to see the broader picture, and I believe this has occurred since the report was tabled.

Thus when the report notes a net deficit of $16.2 million, which it reports as being due to a decrease of $116.3 million in government operating and capital grants, it ignores funding allocated across the wider VET sector, which has more funding and more students than ever before. According to departmental figures, the change in VET enrolments between 2008 and 2013 is as follows: the total number of enrolments in VET has increased from 381 300 to 645 000, a staggering increase indeed. However, this is split between the total number of enrolments in TAFE, which was 181 100 in 2008 and 207 900 in 2013 — only a small increase — and the total number of enrolments at private registered training organisations, which has increased from 54 000 in 2008 to a staggering 312 000 in 2013. There has been a dramatic increase in the number of students receiving vocational education and training in Victoria. However, the TAFE market share has dropped from 47 per cent in 2008 to 32 per cent in 2013.

It is also important to note that the amount of funding available to TAFEs has not decreased. In Labor's last year in office little more than $800 million was budgeted for VET. The Napthine government is currently spending $1.2 billion on VET each year, a commitment that was reconfirmed in this year's budget. An increase in funding from $800 million to $1.2 billion is significant. In addition to providing more funding for VET, we have seen the number of enrolments in areas of skills demand increase from 49 per cent in 2010 to 70 per cent in 2013. This means more students are now enrolled in courses that lead to strong employment opportunities.

I further note that during the course of 2013 the then Minister for Higher Education and Skills, Peter Hall — a truly outstanding minister with whom it was a great pleasure to work in this place — allocated $200 million to help institutions innovate and develop new training pathways to adjust to this new environment. The new minister, the Honourable Nick Wakeling, has also done an outstanding job, and I particularly note that he has supported the establishment of the new Bendigo Kangan TAFE, an exciting initiative for Bendigo and for the staff and students of the newly merged institution. Kangan is supported by a $64 million coalition government investment and offers students in Bendigo and the surrounding region more quality courses leading to strong employment outcomes and links with the significant developments of the new Bendigo Hospital and La Trobe University.

This report is welcome for identifying the current transitional status for a number of TAFE institutions in which more work does need to be done — —

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

Auditor-General: *Technical and Further Education Institutes — Results of the 2013 Audits*

Ms PENNICUIK (Southern Metropolitan) — I will also speak on the Auditor-General's report entitled *Technical and Further Education Institutes — Results of the 2013 Audits*. Sitting in the chamber during Mrs Millar's amazing contribution I could not believe what I was hearing as she tried to spin what is really a devastating report on the TAFE system. The Auditor-General has reported a net deficit of $16.2 million, which is a decrease of $74.6 million from the $58.6 million surplus of 2012. That was affected by a decrease of $116.3 million, or 15 per cent, in government operating and capital grants.

The Auditor-General's report says:

> So far, the impact has been an increased reliance on student fee revenue in the contestable environment. While a majority of TAFEs reduced their expenditure during the year, the cost reductions and increases in student fee revenue were still not sufficient to offset reductions in the level of operating funds secured from government.

The Auditor-General has assessed the financial sustainability of five of the TAFEs as being at high risk and eight at medium risk.

Figure 5B on page 31 of the report tells the story. In 2009–10 all TAFEs were considered to be at low risk in terms of their underlying result risk assessment. After the introduction of the contestable funding model by the previous government, which was continued by this government, that figure continued to change so that by 2011 some 29 per cent were regarded as being at medium risk and the same in 2012, but by 2013 some 36 per cent were considered to be at high risk, 14 per cent at medium risk and only 50 per cent at low risk.

Figure 5C on page 33 shows the weakening of self-financing indicated results for the TAFE sector over the past five years, and that TAFE self-financing results have deteriorated since 2009 — that is, since the introduction of the contestability funding model. In particular, over the last three years the average result for the sector decreased from 10.6 per cent in 2012 to 0.2 per cent in 2013. The report states:

> This indicates that where TAFEs have not responded sufficiently to policy changes —

and of course the Auditor-General cannot make any comment on the actual policy, just on the outcomes of it —

> and where they require net capital investment in the short term, they are finding it increasingly difficult to generate sufficient cash to fund asset replacement from their operating activities.

There is a lot more information for people to look at in the report. With regard to capital investment, for example, in 2008 93 per cent of the TAFEs were considered to be at low risk in terms of capital investment, and by 2013 that had fallen to 21 per cent. Some 21 per cent are also at medium risk, and a whopping 58 per cent were considered to be at high risk.

I note the spin that Mrs Millar tried to put on this report, but the report documents the destruction of the public TAFE system. Mrs Millar claimed that somehow or other the increase in student enrolments in the private vocational education and training (VET) sector represents a substitute for the public TAFE system which has been funded by taxpayers over decades. The Greens would like the Liberal-Nationals government and the Labor opposition to hear what is being said by people who are close to the TAFE sector about the failure of market contestability and to admit to the damage being done to TAFE and, by extension, to VET.

TAFE has fallen from providing around 70 per cent of VET five years ago to around 40 per cent now, which is an absolute disaster. We need to restore TAFE as the primary provider of VET in Victoria, and we need to do this in the interests of students, in the interests of business and in the interests of the economy. Leaving it up to the private sector will mean that skills and training will continue to decline in Victoria.

Department of Health: report 2012–13

Mrs COOTE (Southern Metropolitan) — It gives me a lot of pleasure to talk about the Department of Health's annual report 2012–13. I am not going to talk about the health aspects of this report; I will speak about aged care. Members should listen to what I have to say because we are all getting older, and the reality is that we should all be cognisant of the information in this report. It is salutary to understand that people are living longer thanks to better health care, and we need a sustainable system to be in place ahead of us.

Under the heading 'Ageing' on page 7 the report says:

> Residential and rehabilitation care for older people, along with support and assistance to enable them to remain independently in their homes.
>
> Promoting healthy ageing and the participation of older people in social and economic activity in the community.

It is extremely interesting. I am sure that we all think about getting older and about what might be the next steps for ageing members of our families, our friends and our neighbours. I hasten to add that when members of the Family and Community Development Committee conducted an inquiry into participation by senior Victorians, we were told that a senior Victorian is anyone aged over 45 years. Looking around this chamber, I can see that that would apply to almost all of us. The reality is that, if we are not already in that age group, we are certainly heading that way, so it is important that we get it right, because there are enormous numbers of people coming down this track.

Senator Mitch Fifield, the federal Assistant Minister for Social Services and manager of government business in the Senate, recently quoted from a new report entitled *Patterns in Use of Aged Care 2002–03 to 2010–11*. The report found that 29 per cent of people aged 65 years and over accessed aged-care services, and that in 2010–11 the figure was up 26 per cent on that for 2002–03 and increasing. It is interesting to note that the report says the greatest increase was in community care programs, which were used by 79 per cent of all aged-care clients in 2010–11, up from 76 per cent in 2002–03, with the vast majority of those people receiving home and community care (HACC) services.

In speaking about the Department of Health's annual report, I will make particular mention of HACC services. HACC services in Victoria are delivered slightly differently from those in other states. Indeed it is interesting to see how much money is spent. The state of Victoria is far more involved in the supply of HACC services than other states. We need to see some of the figures in the annual report to understand to just what extent elderly people in our community are being provided for by our Department of Health. Under the heading 'HACC primary health, community care and

support' on page 179, the report notes that in 2012–13, 295 423 clients were receiving home and community care services in Victoria. That is an enormous number and, as I said earlier, it is increasing.

It is also interesting to see details of aged-care support services. The number of pension-level beds available in assisted supported residential services facilities was 1876. Another interesting element of this report concerns what else the Department of Health does to make it easier for elderly people so that they can continue to be economically and personally involved in the community. In 2012–13, 26 374 personal alert units were given to people in Victoria, and the Victorian Eyecare Service provided services to clients on 74 019 occasions. These types of services enable our elderly people to live in the community as well as they possibly can and to get the services they need at the right time, when they need them.

The ACTING PRESIDENT (**Mr Ondarchie**) — Order! Thank you for your contribution, Mrs Coote. I suddenly feel a lot older.

Auditor-General: *Access to Education for Rural Students*

Ms DARVENIZA (Northern Victoria) — I rise to make some comments on the Victorian Auditor-General's report entitled *Access to Education for Rural Students*, which follow on from comments made by my parliamentary colleague Ms Lewis. At the outset I would like to acknowledge the contribution by the Auditor-General, John Doyle, and his staff for their insightful report. The audit assessed the effectiveness of the activities of the Department of Education and Early Childhood Development (DEECD) to ensure that Victorians in rural areas have access to high-quality education, which is something we should all want to see. The findings are indeed concerning but are in no way surprising. The report found that the state government is not providing quality education to rural students and does not understand the disadvantages faced by kids in the country. I wish to read the following passage from the Auditor-General's report as it is very important and underpins what should be happening in relation to education for all students in all areas of our state:

> In Victoria, a person's right to access education is enshrined in legislation. Our laws state that — irrespective of the institution attended, where people live or their social or economic status — Victorians should have access to a high-quality education that realises their learning potential and maximises their education and training achievement.

All children deserve these fundamental necessities to give them the best opportunity to learn and to participate fully in their schooling regardless of their geographical location. Every primary and secondary school student deserves to be educated in an up-to-date classroom with strong student support. Sadly the audit has found that this is not the case. Students in rural areas have for a long time not performed as well as their metropolitan peers.

The Victorian Auditor-General is not alone in saying this. A University of Melbourne report entitled *Deferring a University Offer in Victoria* states that financial and travel-related factors are two of the biggest barriers for regional and rural students and that many struggle to make the social transition after leaving home. As a member for the rural electorate of Northern Victoria Region I hear this time and time again as I travel around my electorate. DEECD has not developed a targeted strategy to address known barriers to rural students participating in and achieving in education. The question needs to be asked: why is geographical location still the cause of educational disadvantage? Rural students are behind their metropolitan peers on academic achievement, attendance and senior secondary school completion. Only 60 per cent of rural secondary students are completing the Victorian certificate of education, down from just over 70 per cent last decade. Comparatively, about 73 per cent of metropolitan government school students complete the Victorian certificate of education. The report found the disparities were a result of a variety of social and economic factors in rural communities, including peer attitudes, social and economic status and rural infrastructure.

DEECD's actions to date appear to have had little impact. Rural students are provided the same programs as all students in the state, and the impact of where they live is not taken into consideration in the evaluation process. The reorganisation of the state's education regions from nine to four is a concern and has had a huge impact on rural and regional areas, particularly as 74 senior advisers now have to cover vast geographical areas. The advisers have not been able to give the principals the support or assistance with school planning and performance issues that the principals need. There is a lack of clarity about who to contact, and obtaining information from the education department has become increasingly difficult since these changes. Previously advisers would only look after 28 to 30 schools. The number has now jumped to 50 and advisers have to travel much longer distances. This is a very good report and it is worth members taking the time to look at it more closely.

Department of Education and Early Childhood Development: report 2012–13

Ms CROZIER (Southern Metropolitan) — I rise to speak on the Department of Education and Early Childhood Development's annual report 2012–13. I made mention of this report last week. I referred to the information about the early childhood education sector in this report and highlighted some of the great achievements. I will now talk about the tertiary sector and note that some members have been speaking about various issues in this sector. The report highlights some of the achievements of this government. Firstly, I congratulate Mr Wakeling in his position as Minister for Higher Education and Skills and the former skills minister, Mr Hall. People who represent regional Victoria certainly understand the importance of education needs in regional Victoria. I refute the previous speaker's remarks about the government not giving much consideration to those issues. This government is very concerned about regional education and its ministers are certainly putting a large focus on it. In the report it says in the secretary's foreword:

> The Regional Partnerships Facilitation Fund is a $20 million investment by the Victorian government that supports the development of regional educational alliances between VET and higher education providers in regional Victoria.

That is a significant amount of money. Vocational education and training enrolments across the board are trending, especially in the higher education sector, and that has been emerging since 2008 when the changes were made. There has been some discussion about TAFE, as there constantly is in this chamber. I find it quite extraordinary that those opposite never mention the reforms undertaken by the Brumby government and the then skills minister, Jacinta Allan, the member for Bendigo East in the Assembly, who in relation to this issue signed a policy document proclaiming that 'change' in the training system 'must be far reaching and it must begin now'. That change started in 2008 and we have seen the impact. Unfortunately the previous government did not give assistance to TAFE providers to undertake the required transitional program, and hence we have seen a market system put in place by the former government and a change in the level of enrolments. In the TAFE sector enrolments have fallen. However, this government has put significant amounts of money into the tertiary education sector.

Coming back to the report, many areas are highlighted, including refocusing, growth and participation. Growth in vocational training has occurred since 2008, when that change was made. The number of students enrolled in government-subsidised courses has increased by 215 000 or 73 per cent and the number of unemployed people in subsidised training has also increased, by 184 per cent to 118 500, so there have been increases in numbers. I thank and acknowledge the responsible ministers for the work they have done.

Regional enrolments have increased. In 2010 there were 126 300 enrolments, and in 2013 there were 168 200. Under this government enrolments overall have increased. In 2010 the number of government-subsidised enrolments was 426 900, and in 2013 the number was 645 000, a 51 per cent increase. Members opposite should take note of some of those figures, and they should also acknowledge that the Napthine coalition government has put $1.2 billion into the 2014–15 budget for training. That is significantly more than any other government has allocated.

The report notes that what is required includes better alignment with industry needs, and that is certainly being undertaken. There is improved industry engagement, with 550 consultations having been undertaken with associations and peak bodies. I am also pleased to see that the government has undertaken a number of reskilling projects, especially in Geelong, where there have been changes in the city's economic fortunes.

Auditor-General: *Technical and Further Education Institutes — Results of the 2013 Audits*

Mr MELHEM (Western Metropolitan) — I rise to speak on the Auditor-General's report entitled *Technical and Further Education Institutes — Results of the 2013 Audits*. There have been substantial changes to the market settings in the TAFE sector over recent years, culminating in changes to the funding model that were implemented by the government in 2012. The changes were designed to increase competition for students between public and private vocational training providers. As a result of these changes, the TAFE sector saw a net deficit of $16.2 million in 2013, a $74.8 million decline from the $58.6 million surplus in 2012. This was caused by the $115.3 million, or 15 per cent, cut in government grants for TAFE.

The report finds that many TAFEs have not effectively adapted to the changed operating environment, and consequently the financial sustainability of the sector has declined. The lack of appropriate direction by the Department of Education and Early Childhood Development has resulted in inconsistent presentation of performance information that is not easily comparable across the sector.

The government's cuts to TAFE have seen the sector fall into a net deficit of $16.2 million, as I mentioned earlier. The majority of TAFEs have responded by slashing their expenditure and hiking student fees, yet these measures have not been sufficient to offset the reductions in operating funds from government. In other words, the government's TAFE cuts have forced TAFE administrators to make changes that have hurt students, hurt staff and hurt the quality of the classes, yet these changes still have not been enough to stem the bleeding in the TAFE sector.

Alarmingly, the Auditor-General found a significant decline in the financial sustainability of the TAFE sector. At a time of high youth unemployment, high adult unemployment and Victoria's manufacturing sector being under attack, it is absolutely vital that we can train and retrain our workers. It is both an economic and a social imperative, yet the government's policies have made it harder for our workforce and economy to structurally adjust to the changes in the national and global economy.

Five TAFEs face immediate or short-term financial challenges, causing their financial risk to be rated as high. Another eight are at medium risk. This continues a pattern of deterioration. The only dim ray of light for the government in this report is the improved financial position of a meagre four TAFEs: Chisholm, Goulburn Ovens, Kangan and Sunraysia. They were the only four TAFEs to report a surplus in 2013. How did these four TAFEs improve their financial position? The answer is by outsourcing their courses, changing courses, firing staff, rationalising campuses and reducing costs.

Since 2013 TAFEs have been allowed to borrow money commercially, subject to the Treasurer's approval. The Auditor-General warns TAFEs about using debt to finance their operations, noting that although they now have more opportunity to use debt as a business tool, they should do so with caution. TAFEs should consider their capacity to service and repay debt in the context of their underlying results and any liquidity issues.

What I see is a disturbing new trend. Here is the government cutting TAFE funding so harshly that TAFEs are potentially being forced to resort to borrowing and going into debt to finance programs that should be paid for by the government. TAFEs are being forced by the Napthine government's cuts to take the risky move — that is the Auditor-General's warning, not mine — of going into debt to make up for the government's cutbacks. If in the future we find ourselves in a world of TAFE insolvencies and TAFEs massively in debt, we will know whose bright idea that was and where it all started. I condemn the government for its continuing attack on TAFE and cuts to TAFE funding going forward. Hopefully one day government members will see the light and reinstate the funding that has been cut and continue funding TAFEs.

Outer Suburban/Interface Services and Development Committee: livability options in outer suburban Melbourne

Mrs KRONBERG (Eastern Metropolitan) — From my perspective this is a week of great celebration because for the fourth year in a row Melbourne has been awarded the title of the world's most livable city. You, Acting President, and I were very dutiful in discharging our responsibilities when we served as members of the Outer Suburban/Interface Services and Development Committee as it embarked on its inquiry into the livability options in outer suburban Melbourne. This award is cause for great celebration, and clearly the Napthine coalition government is doing a brilliant job in not only underpinning Melbourne as the world's most livable city but also enhancing it and getting further endorsement for that award for a fourth consecutive year.

I invite members to consider the cities that Melbourne was pitted against. Vienna came in second; Vancouver, third; Toronto, fourth; Adelaide and Calgary, equal fifth; Sydney, seventh; Helsinki, eighth; Perth, ninth; and Auckland, tenth. When members of parliamentary committees travel they do so judiciously and in the best interests of finding appropriate information. It is very interesting to note the cities that committee members chose to visit so that we could compare Melbourne's livability against cities judged for livability by the Economist Intelligence Unit. We visited three cities in Canada: Vancouver, Toronto and Calgary, which came in third, fourth and equal fifth. We also visited Perth, being ninth, and Adelaide, being equal fifth. The current rating of the cities we chose to see as comparators from which we could learn and on which we comment in our report is proof positive that we did our work judiciously.

It is really exciting to be able to place on the record what the Premier said:

> It's terrific to know that we scored the perfect score in health care, education, infrastructure and sport.

What a fantastic result for this government in its fourth year, to see Melbourne's livability being re-endorsed for a fourth consecutive year. When we talk about livability and our recognition of that concept it is important to understand what livability means. A number of quotations are embedded in our report. The

Victorian Competition and Efficiency Commission in its report entitled *A State of Liveability — An Inquiry into Enhancing Victoria's Liveability* came up with this definition:

> Livability reflects the wellbeing of a community and comprises the many characteristics that make a location a place where people want to live now and in the future.

The Victorian Competition and Efficiency Commission identified a number of elements as common to the concept of livability in the Victorian context, including — and this is one of our strong suits, especially the way the Minister for Multicultural Affairs and Citizenship vigorously approaches a cohesive multicultural Victoria — community strength, economic strength and built infrastructure, including hospitals, libraries, housing, public transport, education, sport and leisure facilities. Our program of infrastructure is there for all to see: hospitals have been completed or are under construction, contracts are about to be signed for road systems, and there are new rail links. An improved built environment for schools and building programs has already been pledged. Everything we are doing is very much contained in that livability definition.

Auditor-General: *Technical and Further Education Institutes — Results of the 2013 Audits*

Ms TIERNEY (Western Victoria) — I rise to make a statement on the Victorian Auditor-General's report of August 2014 entitled *Technical and Further Education Institutes — Results of the 2013 Audits*. The Auditor-General's report details findings of an audit into the financials of 14 TAFE institutes and 13 entities under their control. My attention is drawn to significant concerns held by the Auditor-General, specifically in relation to the changed operating environment TAFEs have been confronted with under the Napthine government. TAFEs have been working unremittingly to adapt to the government's substantial funding cuts while continuing to offer education that is crucial to our communities. Labor holds grave concerns that if the current government is re-elected, we will see the unemployment rate skyrocket even further as Victorians are denied access to education and struggle to find employment. A subsequent skills shortage will hit our manufacturing industry, an industry that knows the effects of this Napthine government all too well.

The changes to TAFE funding introduced by this government in 2012 were intended to increase competition between public and private vocational training providers. However, the real impact of these changes is a decline in financial performance by TAFEs and what the Auditor-General describes as a decline in the financial sustainability of the sector. The TAFEs experienced a net deficit of $16.2 million in 2013, a deterioration of $74.8 million from the $58.6 million surplus in 2012. The Auditor-General outlines that the main driver for this decline is a decrease in government funding to the tune of 15 per cent, or $116.3 million in operating and capital grants. Capital funding in itself declined by 36 per cent in 2013.

In order to adapt, TAFEs reduced their spending by increasing the courses provided through third parties, changed course offerings, made staff redundancies, reorganised campuses and reduced their operating costs. Essentially TAFEs have had no choice but to adapt. Students are paying higher fees while being impacted by staff cuts, course changes and their access to campuses. Domestic student fees increased by 125.2 per cent between 2009 and 2013. TAFE enrolments decreased from 208 400 in 2012 to 196 500 in 2013 — a 6 per cent decrease in enrolment. The cost reductions and increases in student fee revenue were nonetheless still insufficient to offset the cuts in government funding.

The decline in financial performance led the Auditor-General to identify the decline in financial sustainability for the sector. Of immense concern is that five TAFEs have been rated as high risk in financial sustainability. A further eight TAFEs are at medium risk and it is expected that these TAFEs will follow a pattern of deterioration. In 2013 the government introduced flexible financing arrangements, which means the TAFEs are now able to incur borrowings with the Treasurer's approval. The Auditor-General warns that TAFEs currently have very low debt levels, and incurring debt through borrowing should be done with caution. In light of the funding cuts and subsequent lack of financial sustainability, their capacity to service and repay debt is questionable.

The significant decline in financial sustainability within the TAFE sector in 2013 is attributed to the funding cuts made by this government — a decrease of $116.3 million or 15 per cent. TAFEs are struggling to maintain the services offered to students and communities, a role that is essential to employment and industry. Victoria's future is bleak under this government, as is the sustainability of our TAFE system. As I said, five TAFEs have already been identified as high risk in the context of financial sustainability and are expected to deteriorate in the current environment.

The Auditor-General's report shows quite clearly that the Napthine government's priority does not lie with education, employment or manufacturing. The cuts are simply making it more and more difficult for people, especially our young people, to get skilled up enough to find employment. The Labor opposition has a firm focus on these issues and Victorians will have an opportunity to make their priorities known come November.

Outer Suburban/Interface Services and Development Committee: livability options in outer suburban Melbourne

Mr D. R. J. O'BRIEN (Western Victoria) — I follow Mrs Kronberg in making a contribution to debate on the Outer Suburban/Interface Services and Development Committee's report of December 2012 on the inquiry into livability options in outer suburban Melbourne. I too would like to pick up on the theme that the chair of the committee, Mrs Kronberg, made in her contribution on part of the report's recommendations in chapter 6, which was headed 'Liveability and the Environment'. As Mrs Kronberg touched upon, it follows the announcement today that for the fourth year in a row Melbourne has been awarded the title of the world's most livable city.

It is important to acknowledge that the report from the Outer Suburban/Interface Services and Development Committee relates not only to the outer suburban areas of Melbourne but also to its inner core and the environment in which Melbourne finds itself in relation to its regional environment and regional Victoria. The livability of Melbourne is partly defined by and inherently relies upon the ability for there to be sustainable design in Melbourne's growth areas. This important point that was made by the committee has been picked up by the Minister for Planning in his coordinated strategy of metropolitan planning and regional growth plans in relation to the need for open space in our growth areas, and I am pleased he is in the chamber today.

It is also something that is picked up by international visitors to Melbourne, who are very important for both the growth of our population and for tourism and exports. In announcing Melbourne's ranking as the world's most livable city yesterday, the Invest Victoria website featured a quote from Lilian Jiang, state manager, Victoria, at the Bank of China Limited, who said:

> My family loves our regular weekend trips to nearby beaches, vineyards and mountains, which are all within an hour's driving distance. Melbourne is truly my home away from home.

I commend Mrs Kronberg on her chairing of the committee. It will be a sad day for the Parliament when Mrs Kronberg's term as a legislative councillor comes to an end. However, she can be assured that in producing such a report her legacy will live on, because many of the findings and recommendations in this report have not only found their way into government policy but will be there to guide future governments, no matter what their persuasion, for many years to come. The Acting President, Mr Ondarchie, was also a member of the committee, and I commend all members on their work.

Other important issues that I wish to touch upon include the reference to sustainability and the environment, particularly sustainable design. Paragraph 6.5.1, headed 'Sustainable housing design', at page 412 of the report, notes that in 2011 Victoria moved to a 6-star standard, requiring all homes and major renovations to meet these important ratings, and it is possible for current houses to obtain higher star ratings than even the 6-star rating.

I attended an environmental forum chaired by Ms Sonia Smith, The Nationals candidate for the new Assembly seat of Buninyong, at the Museum of Australian Democracy at Eureka. That forum was attended by a number of people, including Simon Reid and others, who talked about the potential of 10-star houses and sustainable housing design. These are market-led innovations at the moment, including houses made out of straw, such as the Ballan house. The future potential of other products such as industrial hemp and other bio products was also discussed, not only to increase sustainability but also for insulation and to reduce the use of power at the source.

What was ironic and perhaps unfortunate was that some Greens representatives took it upon themselves to express the opinion that The Nationals ought not be hosting any conference that concerns the environment. This is where they get it wrong, because it is through the coalition in government bringing in policies to support livability and support regional growth — like the Regional Growth Fund, which has delivered 1500 projects across the state — that the livability of our outer suburbs and our regions across this great state of Victoria can be supported. With that, I commend the report to the house.

Department of Education and Early Childhood Development: report 2012–13

Mr LEANE (Eastern Metropolitan) — In consideration of there being 20 seconds left for

statements on reports and papers, I would like to make a statement so that it is recorded in *Hansard*.

The ACTING PRESIDENT (**Mr Ondarchie**) — The time for debate on statements on reports and papers has expired.

JUSTICE LEGISLATION AMENDMENT (SUCCESSION AND SURROGACY) BILL 2014

Introduction and first reading

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) introduced a bill for an act to amend the Administration and Probate Act 1958, the Wills Act 1997 and the Status of Children Act 1974, to make consequential and other amendments to other acts and for other purposes.

Read first time; by leave, ordered to be read second time forthwith.

Statement of compatibility

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

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter act'), I make this statement of compatibility with respect to the Justice Legislation Amendment (Succession and Surrogacy) Bill 2014.

In my opinion, the Justice Legislation Amendment (Succession and Surrogacy) Bill 2014, as introduced to the Legislative Council, is compatible with human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

Overview

The bill makes important changes to Victoria's succession laws, including implementing a number of recommendations of the Victorian Law Reform Commission's 2013 *Succession Laws* report (the report). It also provides for commissioning parents of a child born in Victoria under an interstate surrogacy arrangement to be recognised as the child's parents on the child's birth record and birth certificate, subject to certain safeguards.

Human rights issues

Succession laws amendments

The bill amends the Administration and Probate Act 1958 to narrow the categories of people who may challenge a testator's will by bringing a claim for family provision. While there is no right to inherit under the charter act, by providing that usually only close family members may challenge a testator's will through such a claim, the bill is consistent with section 17 of the charter act, which provides that families are the fundamental group unit of society and are entitled to be protected by society and the state.

The bill also amends the statutory wills scheme in the Wills Act 1997. That scheme provides for the Supreme Court to authorise a will on behalf of someone who does not have testamentary capacity. The bill makes the process of applying for a statutory will more accessible by removing the current requirement to first apply for leave. It also provides the court with the power to order the production of any available evidence as to the ability of the person to participate in the proceedings and/or otherwise express his or her preferences. These amendments enhance the right to equality before the law in section 8 of the charter act and the section 24 right to a fair hearing by making it more accessible for applications to be made for people with an intellectual disability or cognitive impairment.

Surrogacy amendments

Section 17(2) of the charter act provides: 'Every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child'. The proposed surrogacy amendments will promote the protection of families and children by enabling the commissioning parents of a child born as the result of a surrogacy arrangement to obtain an order for registration in the surrogate birth register when they have obtained a corresponding surrogacy parentage order in another Australian state or territory recognising them as the parents of the child.

The bill sets out criteria which must be satisfied before the Supreme Court or County Court may make a registration order, including that the order is in the best interests of the child and that the commissioning parents did not enter into the arrangement to avoid Victoria's surrogacy and assisted reproductive treatment legislation.

Victoria's criteria for surrogacy arrangements establish key safeguards for the surrogate mother, the commissioning parents and the child, as recommended by the Victorian Law Reform Commission in its 2007 report on *Assisted Reproductive Technology and Adoption*. Including similar safeguards for the making of a registration order is necessary to ensure that any registration order is in the best interests of the child, within the meaning of section 17(2) of the charter act.

The right to a fair and public hearing in section 24 of the charter act is relevant to registration order proceedings and proceedings for revocation of a registration order, as these proceedings are to be heard in closed court. Section 24(2) of the charter act provides that a court or tribunal may exclude members of media organisations or the general public from all or part of a hearing if permitted to do so by a law other than the charter act. Thus, the right is not limited, as the exclusion of the media and general public will be specifically permitted by the Status of Children Act 1974.

Section 24(3) of the charter act provides that all judgements or decisions made by a court or tribunal in a civil proceeding must be made public unless the best interests of a child otherwise requires or a law other than the charter act permits it. The prohibition on publication of identifying material and the restriction on access to court records from registration order proceedings or revocation proceedings will be permitted

by the Status of Children Act 1974. Further, in surrogacy proceedings and registration order proceedings, the child's best interests are promoted by court decisions not being made public.

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

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation).

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

That the bill be now read a second time.

Incorporated speech as follows:

The bill makes a range of changes to the Wills Act and the Administration and Probate Act to make the law clearer and fairer.

The changes will help to ensure that families are not caught up with unnecessary disputes about wills and that when they do need to go to court the costs are contained.

The death of a family member is usually a time of great sorrow and distress and if the law relating to wills and the administration of estates is not clear, it can quickly become a source of stress and conflict for families.

Complex and time-consuming succession laws can also result in a significant proportion of the estate being consumed by legal fees and administrative costs.

The bill implements a number of recommendations of the Victorian Law Reform Commission (VLRC) in its 2013 *Succession Laws* report.

The bill also makes a small but important change to Victorian surrogacy arrangements to allow parents to be registered on the birth certificate of their child even if the surrogacy treatment is undertaken outside of Victoria (but within Australia), and certain other conditions are met.

Succession laws

A key concern with current succession laws is that they allow for family provision claims — that is, claims that the will of the deceased, or the operation of statutory intestacy rules, should have made provision, or greater provision, for them — to be made in a broad range of circumstances. The ability to make such claims has historically been confined to cases where the deceased had a clear responsibility to provide for the claimant, which has usually been associated with family members for whom no or insufficient provision is made and a maintenance allowance is appropriate. The original legislation in this area provided only for claims to be made by widows and orphans. Over time, the range of persons entitled to make a claim was gradually broadened to reflect changing social and family circumstances.

In 1997, the Victorian legislation was amended to remove any requirement for a specific relationship with the deceased, and instead based a person's entitlements to family provision on demonstrating that the deceased had a responsibility to provide for them. However, the fact that there is no restriction on who can make a claim, together with the broad nature of the test to be applied, has led to a wide range of claims, putting pressure on executors, administrators and other beneficiaries to settle even dubious claims in order to prevent the estate being consumed by legal costs.

To reduce the potential for opportunistic claims, and to better reflect the underlying policy objectives of family provision laws, the bill amends the current family provision scheme to limit who can make a claim on a deceased estate and the grounds on which a claim can be made.

Only specified categories of people will be eligible to make a claim. The deceased's children and stepchildren under 18 (and full-time students up to the age of 25), children with a disability, spouses or domestic partners at the time of death, and former spouses and partners who have not had recourse to the Family Law Act 1975 before the death may apply for a family provision claim as of right. For other specified applicants, the court will also need to be satisfied that they were financially wholly or partly dependent on the deceased at the time of the deceased's death. This category includes adult children or stepchildren, registered caring partners, grandchildren and other members of the deceased's household at the time of the deceased's death.

The bill also replaces the requirement that the deceased must have had a responsibility to provide for the eligible person with a requirement that the deceased must have had a moral duty to provide for that person. This change is designed to emphasise that simply because a person is eligible to bring a claim, either as of right or in circumstances of dependency, is not sufficient of itself for the person to have provision made for them from the deceased's estate. The starting point is that a deceased is entitled to dispose of their estate as they see fit, and this should only be departed from where they had a moral duty to provide for the needs of the claimant and yet failed to do so. Thus, for example, adult children successfully leading independent lives would not usually have grounds to claim on an estate. On the other hand, a deceased would almost always have had a moral duty to provide, whether by way of their estate or by other means, for a spouse or partner and under-age children who were dependent on them at the time of their death. In other instances, such as where a person had become a member of the deceased's household dependent on the deceased, whether or not the deceased had a moral duty to make provision for that person will very much depend on all of the circumstances, including whether those circumstances gave rise to a legitimate expectation that provision would be made.

In addition to limiting who can make a claim on a deceased estate, the bill seeks to deter unmeritorious family provision claims by repealing the current family provisions costs provisions. Under the current provisions, the court may order that the applicant pay the defendant executor's costs if an application has been made frivolously, vexatiously or with no reasonable prospect of success. The courts have interpreted the inclusion of these specific costs provisions to mean that the usual rule as to costs does not apply in family provision cases. The result is that parties do not usually bear the risk of paying costs in the event that they are unsuccessful, removing a disincentive to bringing weak or opportunistic claims while

forcing some families to settle those claims to avoid having legal costs taken out of the estate. The bill repeals this cost rule as a signal that there is no need for particular leniency towards successful claims in family provision matters, and that the usual cost rules should apply.

The bill introduces the ability for a person to make a release of rights agreement. A release of rights agreement will permit a person to make a written agreement to relinquish their rights to make a family provision claim in the future. Such agreements will be able to be made during the life of the property holder, but not after the property holder's death. They will not be effective unless the person relinquishing their rights has had independent legal advice on the effect of the release of rights. Such agreements may be of particular benefit with succession planning in relation to farm properties, which can be difficult to distribute amongst family members but are currently exposed to family provision claims leading to the potential disruption of the property and business. These new provisions do not affect the law relating to settlement of family provision or other claims subsequent to the death of the deceased.

The bill simplifies and updates the rules for the payment of debts. The revised rules give primacy to the willmaker's intentions when the estate is solvent and clarify the application of the commonwealth Bankruptcy Act 1966 when the estate is insolvent.

The bill also gives effect to the VLRC's recommendations about the administration of small estates. At present, the Administration and Probate Act includes special measures to assist the administration of an estate with a monetary value of less than $25 000, or $50 000 where the only beneficiaries are the deceased's partner and/or children, or the deceased's sole surviving parent. These estates are described as 'small estates'. The thresholds have not been amended since 1995.

The VLRC recommended that these measures be strengthened to encourage applications for grants of representation in respect of small estates. Obtaining a grant lessens risk, clarifies the role of the personal representative and protects the interests of third parties, such as banks who hold an account in the name of the deceased. The bill increases the monetary value of a small estate to $100 000 and indexes this amount to the consumer price index. This will provide a cheap and accessible option for obtaining a grant of representation for small estates, noting that small estates rarely involve real estate or administrative complexity.

The bill repeals the separate expedited grant process in the Trustee Companies Act 1984 currently available to State Trustees Limited and private trustee companies. State Trustees do not use this process, opting instead to use the deemed grants process. Similarly, private trustee companies do not use this specific statutory expedited process.

The bill also recognises informal administration of a deceased estate in some circumstances. Informal administration may arise where assets of a deceased person are distributed to those entitled to them without a grant of representation, or where significant estate assets have passed by survivorship (for example, where an asset was jointly owned) or can be accessed without a grant of representation. The bill facilitates and validates simple transactions of property or money under a specified value without a grant of representation in certain circumstances.

The bill simplifies the process in relation to statutory wills. In general, a will may only be made by a person who is capable of understanding the nature and effect of the act of executing it. That is, the person must have testamentary capacity. Since 1997, the Wills Act 1997 has provided for a statutory wills scheme that allows the Supreme Court to authorise a will on behalf of someone who does not have testamentary capacity. For example, where a person has been hospitalised in a traffic accident and is unable to communicate their wishes, the court may consider it appropriate to create a will on behalf of that person where there is credible evidence of how they might have wished to allocate their estate.

In accordance with the VLRC's recommendation, the bill makes the application process for a statutory will more accessible by removing the current requirement to first apply for leave to bring the application. It also provides the court with a greater opportunity to ascertain the views of the person on whose behalf the statutory will is proposed, where this is possible.

Surrogacy amendments

In a surrogacy arrangement, the 'commissioning parents' intend to become the legal parents of the child and the 'surrogate mother' is the woman who gives birth to the child. The surrogate mother's partner may also be a party to the arrangement.

If a surrogate mother becomes pregnant with the child outside of Victoria, but gives birth to the child in Victoria, there is currently no way for the commissioning parents to be recognised as the child's legal parents and be named on the child's birth certificate. The commissioning parents may be able to obtain a parentage order in another Australian state or territory, but this is not sufficient in Victorian law for the commissioning parents to be recognised as the child's parents on the child's birth record or birth certificate.

When the Status of Children Act 1974 provisions dealing with surrogacy and parentage orders were introduced by the Assisted Reproductive Treatment Act 2008, a transitional provision was included to recognise the commissioning parents of a child conceived under a surrogacy arrangement where the child was born in Victoria before the commencement of the relevant provisions or within 10 months of commencement. This transitional provision applied if the commissioning parents were ordinarily resident in Victoria at the time the child was conceived and applied whether or not the child was conceived in Victoria.

However, this transitional provision did not assist in all cases. The government is aware of at least one family who had sought treatment interstate prior to the commencement of Victoria's surrogacy provisions, but was unable to be brought within the scope of the Victorian law, as the birth occurred after the time provided for in the transitional provision.

To resolve this situation and any similar situations in the future, the bill provides for commissioning parents of a child born in Victoria under an interstate surrogacy arrangement to be recognised as the child's parents on the child's birth record and birth certificate, subject to certain safeguards.

The commissioning parents may apply to the Victorian County or Supreme courts for a 'registration order' and the court may make the order if satisfied of particular criteria, including that: the making of the registration order is in the

best interests of the child; the commissioning parents did not enter the surrogacy arrangement for the purpose of avoiding requirements under Victoria's surrogacy or assisted reproductive treatment laws; and the commissioning parents had a genuine connection to the state or territory in which the child was conceived. The bill includes transitional provisions allowing commissioning parents to apply for a registration order if they entered their surrogacy arrangement before commencement of the amendments made by the bill.

If the Victorian court makes a registration order, commissioning parents may then present the registration order and the interstate parentage order to the Victorian registrar of births, deaths and marriages, who must amend the child's birth registration to recognise the commissioning parents as the child's parents.

Being able to have a birth certificate that accurately reflects a child's legal parents is important for families, not just practically but also symbolically. These amendments allow for formal recognition of a child's legal parents in Victorian law, while the court process in the bill provides the necessary safeguards to ensure that Victoria's laws regarding assisted reproductive treatment and surrogacy are not circumvented.

I commend the bill to the house.

Debate adjourned for Mr TEE (Eastern Metropolitan) on motion of Mr Leane.

Debate adjourned until Wednesday, 3 September.

FAMILY VIOLENCE PROTECTION AMENDMENT BILL 2014

Introduction and first reading

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) introduced a bill for an act to amend the Family Violence Protection Act 2008 and the Personal Safety Intervention Orders Act 2010 and for other purposes.

Read first time; by leave, ordered to be read second time forthwith.

Statement of compatibility

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

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter act'), I make this Statement of Compatibility with respect to the Family Violence Protection Amendment Bill 2014.

In my opinion, the Family Violence Protection Amendment Bill 2014, as introduced to the Legislative Council, is compatible with human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

Overview

The bill makes amendments to the Family Violence Protection Act 2008 (FVP act) with the objective of delivering swifter protection and greater empowerment for victims of family violence.

Human rights issues

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

Extension of operation of family violence safety notices

The bill expands the system of family violence safety notices (FVSN) issued by police by allowing FVSNs to be issued 24 hours per day, 7 days per week and extending the maximum period before a FVSN has to be reviewed by a court from 120 hours to 5 working days. As a result, a FVSN can be issued at any time (and not only outside of court hours) and any limitations on charter act rights arising from the conditions included in the FVSN may operate for a longer period before judicial review of the FVSN.

The FVSN conditions generally, are relevant to the charter act rights:

not to have privacy of the home unlawfully or arbitrarily interfered with as the respondent may be excluded from their family home;

not to be deprived of property other than in accordance with law, because the respondent may be directed to hand in personal property;

freedom of movement as the respondent may be prohibited from being within a certain distance of the affected family member or a specified place;

freedom of expression as the respondent may be prohibited from contacting the affected family member or other protected persons; and

protection of families and children.

The rights to privacy and property are not limited as any interferences or restrictions are not unlawful or arbitrary. The right to freedom of expression is subject to lawful restrictions (such as those created by non-contact conditions in a FVSN) which are reasonably necessary to respect the rights of affected family members and to protect public order (see charter act, section 15(3)). Any limitation on freedom of movement of a respondent to a FVSN is justifiable under section 7(2) of the charter because FVSNs only operate for a limited duration, can only be issued in circumstances that require an urgent response, are confined to prohibiting movement near particular family members and particular locations and are subject to the supervision of the Magistrates Court. The limitation is also necessary for the important purpose of protecting the safety of affected family members and enhances the right to protection of families and children under the charter act.

Interim family violence intervention order amendments

The bill provides the Magistrates Court with the discretion to include a condition on an interim family violence intervention order (FVIO) so that it becomes final without further hearing unless the respondent wishes to contest the final order. The

automatic nature of a finalisation condition is relevant to the right to a fair hearing because an interim order is made in urgent circumstances and can be made in the absence of the respondent so an order may automatically become final without the respondent being heard.

An interim order with an automatic finalisation condition is a limitation on the right to a fair hearing but is demonstrably justifiable because:

> it is made in the magistrate's discretion and can only be made if the magistrate is satisfied it is appropriate after considering a non-exhaustive statutory list of factors such as whether the vulnerability of the parties, or the legal complexity of a matter may warrant the continued involvement of the court in finally determining the matter;
>
> the finalisation condition can only take effect if the respondent is personally served with the interim order and so has notice of the finalisation condition;
>
> if the respondent challenges the interim order within 28 days then the matter proceeds to a contested hearing; and
>
> if the respondent does not challenge the interim order within 28 days, the respondent can apply for the order to be revoked or varied, or that it proceed to a contested hearing, if there are exceptional circumstances.

There are also a number of other safeguards on automatic finalisation conditions. The court cannot include a finalisation condition in circumstances where the respondent is a child, is cognitively impaired or the affected family member does not consent.

Publication restriction reforms

The bill also amends the FVP act by permitting publication of a report about a criminal proceeding which states that the adult victim of the offence and the person convicted or accused of the offence were the subject of a FVSN or FVIO. This publication is only permitted in circumstances where the accused or offender has been charged with or convicted of:

> a contravention of a FVSN or a FVIO;
>
> a family-violence-related offence which would have contravened the FVSN or FVIO;
>
> an offence which contributed to the making of a FVSN or FVIO;

and where the adult victim of the offence provides their consent.

These amendments are relevant to the right to privacy as they permit the publication of the fact that a FVSN or FVIO exists and applies to the adult victim of an offence and the person accused or convicted of this offence. However, publication can only occur with consent of the adult victim and in the context of a report of alleged or proven criminal offending by the respondent. In most cases, the names of the victim and the respondent can already be published. Permitting publication of the existence of a FVSN or FVIO is a justifiable limitation on the respondent's privacy for the purpose of increasing public awareness of family violence offending where the respondent is accused or convicted of family violence offending. Importantly, the adult victim's consent does not permit the publication of information, which could identify a child subject to a FVSN or FVIO. This prohibition recognises that the privacy of children should be strongly protected. The right to freedom of expression is enhanced by these amendments as the victim of a family violence crime will now be afforded the opportunity to have their story reported including the existence of a FVIO or FVSN, without the obligation to first obtain an order.

The bill also provides the courts with the discretion to make a publication order in respect of a child who is a party to or a witness in a proceeding under the act or is the subject of a FVIO. These amendments (which will be mirrored in the Personal Safety Intervention Orders Act 2010) are again relevant to the right to privacy and freedom of expression and the right to the protection of children. However, the effect on privacy is not arbitrary and any limitation on the other rights is considered to be reasonable as the court is required to consider whether publication of information is in the public interest and is just; and must also have regard to the views of any parent or guardian of the child before it can make such an order.

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

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation).

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

That the bill be now read a second time.

Incorporated speech as follows:

The bill amends the Family Violence Protection Act 2008 (FVP act) and the Personal Safety Intervention Orders Act 2010 (PSIO act).

Family Violence Protection Act amendments

The FVP act reforms aim to improve the family violence intervention order (FVIO) system by strengthening the family violence safety notice (FVSN) regime, promoting early consideration of risk factors and avoiding unnecessary multiple hearings and stress for victims. Additionally, reforms to the publication restrictions that apply to family violence intervention orders will strengthen perpetrator accountability by providing the victim with an opportunity to speak publicly about their experiences and have the perpetrator's details made public.

The bill amends the FVP act to extend the operation of FVSNs, and to enable some interim FVIOs to become final orders without the need for a further court hearing. The bill also amends the publication restriction provisions in the FVP act.

These reforms align with commitments in Victoria's *Action Plan to Address Violence against Women and Children* (action plan) to promote victim safety, hold perpetrators to account, and deliver swift and effective justice responses. Consistent with the action plan and the principles underpinning the family violence system, the protection and wellbeing of women and children has been the paramount consideration in the development of the bill.

FVSN amendments

Police-issued FVSNs were introduced to enhance access to protection for family violence victims and their children outside of court hours. A sergeant (or higher ranked officer) may issue a FVSN where necessary to ensure the safety of the affected family member or protect their children until the FVIO application can go before a magistrate.

Currently, FVSNs can only be issued outside of court hours. This has the anomalous result that police have less capacity to protect victims during court hours than they have after court hours. It also contributes to unnecessary differences in the handling of family violence matters depending on the time of day, and the day of the week, on which they occur. The bill therefore provides for FVSNs to be issued at any time of the day and on any day of the week.

These FVSN amendments will provide swifter protection for more affected family members by enabling police to take immediate action whenever a family violence incident occurs.

The amendments will also improve the operation of the FVSN system for police. It is more efficient for police to commence FVIO applications by FVSN, which are also resolved with fewer court hearings. Courts will be better able to manage their listings, as a result of police making fewer FVIO applications during court hours and through the longer period of operation of FVSNs.

The bill also extends the timeframe for the first mention before the court following the issuing of a FVSN, and expresses the timeframe in terms of working days rather than hours. Legislation introduced by the current government has already extended the operation of FVSNs from a first mention date within 72 hours to a first mention date within 120 hours of the notice being served on the respondent. This will be extended to five working days, which will give affected family members and respondents more time to obtain advice and make decisions before attending court.

Interim order amendments

The bill provides that when making an interim order, the court may include a condition providing that the order becomes final 28 days after being served on the respondent if the respondent does not challenge the order. This is called a finalisation condition.

If no challenge is lodged with the court, an affected family member will be saved the trauma of having to attend the court for a further hearing and potentially having to face the respondent at the court. The matter will still come to court if the respondent seeks to contest the order or any conditions, but unless they do so, the interim order will automatically become a final order. A finalisation condition does not change the current requirements for respondents to attend court when a hearing is to be held. However, at present, the respondent does not attend court for a final hearing in over a third of cases, and the order is made in the respondent's absence. This arrangement exposes victims of family violence to undue stress, inconvenience and cost in preparing for and attending hearings. Allowing an order to become final without a further hearing where the order is not contested will avoid this time, cost and stress for victims and allow the court to focus on cases where a hearing is required.

A finalisation condition will only be included where both the court and the affected family member consider it appropriate. In determining whether it is appropriate to include a finalisation condition, the court may have regard to a non-exhaustive list of factors, including whether there is a history of family violence or other recognised family violence risk factors and the views of the police or the applicant, if they are not the affected family member. A finalisation condition cannot be included unless the affected family member consents to its inclusion.

A finalisation condition will not have any effect if the respondent contests the FVIO application, an application is made to vary or revoke the interim order, the court varies the interim order, or the affected family member seeks to withdraw the FVIO application during the 28-day period. In these circumstances, the matter will return to court for final determination.

A finalisation condition must not be included in an interim order in a range of circumstances, including where the respondent is a child, has a cognitive impairment or the interim order would be inconsistent with a family law order. These exclusions recognise that there are matters where the vulnerability of the parties or legal complexity always warrants the continued involvement of the court.

Interim orders that include a finalisation condition must be personally served on the respondent if the condition is to take effect. This requirement will ensure that respondents know an interim order has been made against them and that they must act if they want the matter to return to court for final determination.

Publication restriction amendments

The FVP act currently prohibits publication of reports about intervention orders or proceedings under that act that are likely to lead to the identification of individuals protected by a FVIO or any person involved in the proceeding, unless the court has made a publication order. A publication order may be made where publication is in the public interest and is just. However, a court cannot make a publication order in relation to matters involving a child.

The bill introduces a specific exception to the publication restrictions where there is a charge or conviction for a family-violence-related offence by a person subject to a FVSN or FVIO and the adult victim of that offence consents to the publication.

More specifically, an adult victim or another person with the adult victim's consent may publish permitted content (which could otherwise be prohibited) where an accused or offender is charged with or convicted of:

contravening a FVSN or a FVIO; or

another offence that would have constituted contravention of a FVSN or a FVIO (i.e. where there was an safety notice or an order in place but there is no contravention charge or conviction); or

an offence that contributed to the making of a FVSN or a FVIO.

A report published under the amendments by the victim or with the victim's consent may contain permitted content which is:

that a FVSN or a FVIO applies to the person accused or convicted of the offence and protects the adult victim of that offence;

the type of restrictions imposed by the conditions of the safety FVSN or a FVIO;

the conduct constituting the contravention of the FVSN or a FVIO; and

details of and conduct constituting the offence.

The person who published the original report or another person may publish further reports containing permitted content. Where a further report is published by another person who is not the adult victim that person must reasonably believe that the original report was published with the consent of the adult victim.

The proposed amendments will allow honest and open reporting and discussion about the extent of family violence and its impact on Victorian families, by giving victims the right to tell their stories publicly without having to seek permission from the court. These amendments will also contribute to perpetrator accountability, consistent with the action plan.

Apart from the new specific exception, the publication restrictions continue to apply to the making of intervention orders (i.e. civil proceedings). This will ensure that the privacy of family violence victims seeking protection through the legal system is protected, and that victims are not dissuaded from seeking protection because of fear of public exposure.

The bill will also provide the court with a discretion to make a publication order in relation to matters involving a child, and to update the definition of publish in the FVP act. Similar amendments are made to publication restrictions in the PSIO act.

I commend the bill to the house.

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

Debate adjourned until Wednesday, 3 September.

CONSUMER AFFAIRS LEGISLATION FURTHER AMENDMENT BILL 2014

Introduction and first reading

Hon. M. J. GUY (Minister for Planning) introduced a bill for an act to amend the Owners Corporations Act 2006, the Retirement Villages Act 1986, the Sale of Land Act 1962, the Veterans Act 2005 and the Australian Consumer Law and Fair Trading Act 2012 and for other purposes.

Read first time; by leave, ordered to be read second time forthwith.

Statement of compatibility

Hon. M. J. GUY (Minister for Planning) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, (the 'charter act'), I make this statement of compatibility with respect to the Consumer Affairs Legislation Further Amendment Bill 2014 ('the bill').

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

Overview

The bill makes various amendments to several acts, including amending the Owners Corporations Act 2006 to better regulate the managers of owners corporations.

Human rights issues

Application for permission to be registered as a manager despite criminal record

Clause 11 amends the Owners Corporations Act 2006 to introduce a new ground for eligibility of a person to be registered as a manager of an owners corporation. The amendment provides that a person is not eligible to be registered if the person or, if a person is a corporation, a director of that corporation, has within the last 10 years been convicted or found guilty of an offence involving fraud, dishonesty, drug trafficking or violence punishable by a term of imprisonment for 3 months or more. Clause 13 makes amendments that provide that a person's registration as a manager is automatically cancelled 30 days after being convicted or found guilty of the above offences.

Clause 12 inserts new section 182A into the Owners Corporations Act 2006, which allows a person with a criminal record due to the offences outlined above to apply to the Business Licensing Authority ('the authority') for permission to be registered. Clause 14 inserts new section 186A into the act, which allows a person facing automatic cancellation because of their criminal record to apply to the authority for permission to continue to be registered.

In considering an application for permission, the authority may conduct any inquires it thinks fit; require the applicant to provide any further information that the authority thinks fit in the manner required by the authority; and seek advice and information on the application from any other person or body as it thinks fit. The authority may refuse to consider the application if the applicant does not provide any further information or does not give consent within a reasonable time to the authority to obtain that information.

Right to privacy

Section 13(a) of the charter act provides that a person has the right not to have his or her privacy unlawfully or arbitrarily interfered with. This right protects the individual's interest in the freedom of their personal and social sphere in the broad

sense, including the right to establish and develop meaningful social relations. Section 13(b) provides that a person has the right not to have his or her reputation unlawfully attacked.

Requiring a person to provide personal information related to past criminal activity, or to consent to such personal information being provided from other persons or bodies, is relevant to the right to privacy. Excluding a person from employment in their chosen field can affect their ability to develop relationships with others, as well as create social stigma and reputational damage.

However, I am of the view that these requirements do not constitute an unlawful or arbitrary interference with privacy, as they are reasonable in the circumstances.

Managers of owners corporations hold an influential and privileged position of significant responsibility in owners corporations. Managers are able to make decisions on behalf of owners corporations and deal with significant sums of an owners corporation's money, which can impact on the affairs of persons who own or occupy property managed by the corporation or are otherwise affected by the corporation. Managers are required to assume special duties and responsibilities, including to act honestly and in good faith in the interests of the owners corporation, and to refrain from making improper use of their position to gain an advantage for themselves or others.

Accordingly, in order to safeguard the interests of property owners, occupiers and other persons affected by the dealings of an owners corporation, it is reasonable that restrictions are placed on the registration of managers of owners corporations. These restrictions mirror similar requirements for estate agents that exist in the Estate Agents Act 1980, and apply only to convictions or guilty pleas occurring within the last 10 years and relating to types of offending which is considered relevant to the suitability of a person as a manager of an owners corporation.

In relation to the provision of personal information, a person will only be required to provide information to the authority if they have a relevant criminal record and are seeking permission to be, or to continue to be, registered. The information being sought by the authority is for the purpose of enabling the authority to properly determine applications for permission to be registered, in order to be satisfied that it is not contrary to the public interest for the person to be registered as a manager. Any information provided to the authority will be subject to the protections on privacy in the Information Privacy Act 2000. Further, a person whose interests are affected by a decision of the authority may apply to VCAT for a review of the decision under s 191 of the Owners Corporations Act 2006. The requirement to provide information in such circumstances is neither unlawful nor arbitrary.

Therefore, clauses 11 to 14 do not limit the right to privacy in section 13 of the charter act.

The Hon. Matthew Guy, MLC
Minister for Planning

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. M. J. GUY (Minister for Planning).

Hon. M. J. GUY (Minister for Planning) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

This bill demonstrates the government's ongoing commitment to modernise and strengthen the consumer protection framework in Victoria. The bill amends several consumer acts to clarify and improve their operation, remove redundant provisions, and to correct minor technical errors. The bill also makes a number of amendments to the Veterans Act 2005 that will aid the wellbeing of the Victorian ex-service community.

Part 2 of the bill will make a range of amendments to the Owners Corporations Act 2006 to implement the outcomes of a public review of the regulation of owners corporation managers. These amendments will lead to more effective regulation of owners corporation managers and will enhance the ability of owners corporations to deal with unsatisfactory managers.

The public review was initiated in 2013 following reports of managers with criminal records allegedly defrauding their owners corporations while retaining their registration under the act as owners corporation managers.

An issues paper was released in October 2013 seeking the public's views on a range of issues concerning the responsibilities and accountability of owners corporation managers.

After considering the submissions received and undertaking further targeted consultation with stakeholders, the government resolved to progress a package of amendments to enhance the livability of apartment blocks and other buildings with owners corporations. These changes will benefit approximately 1.5 million Victorians who live and work in such buildings by strengthening the regulation and accountability of owners corporation managers.

The bill will amend the Owners Corporations Act so that people who have been found guilty of an offence involving fraud, dishonesty, drug trafficking or violence punishable by a term of imprisonment of three months or more will no longer be eligible to either obtain or retain registration as an owners corporation manager. This is consistent with the manner in which the Estate Agents Act 1980 deals with applicants for and holders of estate agency licences.

Managers will be required to disclose, in writing, conflicts of interest in relation to contracts entered into by their owners corporations and disclose any commissions and other benefits receivable under such contracts. They will also need to report to the owners corporation annually on commissions and other benefits received during the year.

The bill will insert a requirement that managers take reasonable steps to ensure that any goods and services they procure on behalf of an owners corporation are sourced at competitive prices and on competitive terms.

Managers' contracts will be limited to three-year terms. At the conclusion of the three-year period the owners corporation and manager may enter into a further contract but again, for no longer than a three-year term. The bill will also introduce the capacity to prescribe appropriate exemptions in

regulations, for example, where an owners corporation can show that it cannot attract an appropriate manager without offering a longer-term contract.

In addition, the bill will amend the Owners Corporations Act to prohibit a number of contract terms. Provisions that allow the manager to renew the management contract at its option, or that require more than three months notice of non-renewal by large owners corporations or more than one month's notice by smaller owners corporations, or that provide for automatic renewal of the contract on failure by the owners corporation to give the required notice of non-renewal, will no longer be able to be included in a managers contract.

Where an owners corporation fails to give notice of non-renewal, the bill provides that the contract will rollover on a monthly basis.

Two unfair terms in management contracts will be prohibited: first, terms that require owners corporations to take certain procedural steps in revoking a manager's appointment that are not required by the act; and second, terms that fetter the ability of an owners corporation to refuse consent to an assignment of the management contract, other than a requirement that such consent not be unreasonably withheld.

These prohibitions are balanced by a provision that declares that the withholding of consent to an assignee who is a full member of an industry or professional body approved by the director of Consumer Affairs Victoria will be prima facie unreasonable.

The bill will extend the owners corporations jurisdiction of VCAT to enable it to determine disputes about management contracts, including unfair terms in management contracts.

The bill will tighten the record-keeping obligations of managers by requiring them to report annually on receipts and disbursements of trust moneys, and by requiring them to comply with any request by their owners corporation for copies of account statements, provided that the statement period is not more than three years prior to the request and that the request is otherwise reasonable.

The risks surrounding the current practice followed by some managers of pooling the funds of multiple owners corporations in one bank account will be addressed by prohibiting that practice unless the owners corporations in question are related, and they consent to the pooling or the pooling is in a statutory trust account.

The bill addresses the issue of developers using their voting power to have owners corporation managers appointed whose primary focus is serving the developer's interests rather than those of the members as a whole by extending the period during which developers who control owners corporations owe fiduciary obligations, from 5 to 10 years.

After 10 years, it is considered reasonable to allow those developers to act as any other member of an owners corporation and to use their voting power as they see fit.

The bill also refines the concept of control to refer to the ownership of a majority of lot entitlements rather than a majority of lots, as it is the lot entitlement attaching to a lot, rather than the lot itself, that determines voting entitlement.

The bill will impose a further conduct obligation on managers by prohibiting them from exerting pressure on members of owners corporations to influence the outcome of a vote or election.

The bill will also insert a new part 8A into the Owners Corporations Act to provide for the special position of owners corporations in some retirement villages.

New part 8A will prohibit a retirement village developer who has majority voting power in the owners corporation from voting on owners corporation fee increases.

This is because the other members of the owners corporation are residents of the village and they, rather than the developer, pay the bulk of the owners corporation fees. Fee increases will, of course, impact on their incomes, many of which are fixed. If the developer cannot convince the residents of the necessity or desirability of a fee increase, it is inappropriate for it to use its majority voting power to override their objections.

This protection will complement the control given to retirement village residents under the Retirement Villages Act 1986 over increases in the village maintenance charges they are required to pay.

New part 8A will also recognise the position of residents of villages with an owners corporation who lease rather than own their units, and who are therefore not members of the owners corporation. It will require that changes to the rules of the owners corporation can only be voted on at a general meeting of all residents convened under the Retirement Villages Act rather than at a general meeting of the owners corporation.

Finally, the bill will correct an anomaly in the Owners Corporations Act by relocating the provisions that apply the enforcement provisions of the Australian Consumer Law and Fair Trading Act 2012 from part 12 of the act to part 13. This will ensure that they apply to all offences in the act, not just to the offences in part 12.

Part 3 of the bill will amend the Retirement Villages Act to rectify a range of inconsistent and unclear provisions, clarify and strengthen existing resident protections, reduce regulatory burden on both operators and residents, and assist operators in the management of their villages.

These amendments were developed in consultation with key stakeholders and complement the range of reforms in the regulation of retirement villages already implemented by this government.

The bill will remove provisions in the Retirement Villages Act that conflate the annual meeting of the retirement village with the annual meeting of the owners corporation, and the operation of the retirement village residents committee with that of the owners corporation. These reforms, with new part 8A of the Owners Corporations Act, will resolve problems arising from the presence of owners corporations in retirement villages and confusion about the interaction of that act and the Retirement Villages Act.

The obligations of owners and managers to make pre-contract disclosure to prospective residents will be clarified to remove duplicated obligations, and village managers, as well as owners, will now be able to sign the pre-contract disclosure statement.

Payment of an ingoing contribution by a resident is a basic element of the definition of 'retirement village' under the act and distinguishes a retirement village from other types of seniors' accommodation. It is important that there not be any confusion about what constitutes an ingoing contribution.

The bill will clarify the definition of 'ingoing contribution' so that it expressly includes the purchase price paid by residents who buy their units in retirement villages, and an obligation to pay the ingoing contribution that is wholly deferred to a time after entry into the village, to close a possible loophole whereby the nature of the payment as an ingoing contribution is thereby disguised.

The payment of an ingoing contribution is essential for the existence of a 'retirement village' under the Retirement Villages Act and it is important to ensure that protections afforded to residents by the act are not artificially avoided.

The definition of 'maintenance charge' will be clarified to expressly include recurrent capital fund charges paid by residents, and charges for services to which residents are entitled under their management contracts but which are provided not by the village manager but by an owners corporation outside the village but within the overall development.

Currently, it is clear that the definition covers recurrent charges for recurrent services but not recurrent charges for services of a capital nature. Both types of recurrent charges affect residents' cost of living and it will be made clear that they are both subject to the controls in the Retirement Villages Act on increases in maintenance charges.

The separate rights of residents to rescind their contracts during the statutory cooling-off period and to rescind for a failure by the village owner of the obligation to include a cooling-off notice in the contract will also be clarified by this bill.

Village owners will be able to obtain early release of prepayments of ingoing contributions paid by residents who lease their units, to match their existing ability under the Sale of Land Act 1962 to obtain early release of prepayments of the purchase price paid by residents who own their units.

The Retirement Villages Act requires a stakeholder to hold prepayments of ingoing contributions, paid by residents who lease their units, in trust pending settlement of their village contract. However, the language is wide enough to include payments of the balance of the purchase price paid by a resident who is buying a vacant block in the retirement village on which to construct a unit such that the proceeds of sale would not be available to the village owner until the completion of the construction of the unit. It is not intended that village owners be deprived of the proceeds of these sales and the stakeholder requirement will be clarified to exclude them.

The bill will simplify provisions relating to the extinguishment of the statutory charge over retirement village land that protects payment of residents' departure entitlements, and simplify provisions for the cancellation of the notice on the title to retirement village land stating that the land is subject to the act.

The bill will also make special provision for owners of retirement village land that contains a 'supported residential service' under the Supported Residential Services (Private Proprietors) Act 2010. An owner must choose whether to be registered under that act or under the Retirement Villages Act. If the owner chooses the former, the process for the extinguishment of the statutory charge and the cancellation of the retirement village notice in relation to that land will be simplified by giving the director of Consumer Affairs Victoria discretion to waive all or some of the statutory requirements.

The bill will revive the provisions of the Retirement Villages Act that enable operators of aged-care facilities on retirement village land to have the statutory charge on the land extinguished and the retirement village notice cancelled by removing the long-expired limitation period.

Some confusion has arisen over whether the definition of 'owner' in the Retirement Villages Act includes residents who own their units, and whether the definition of 'retirement village land' includes such units. The bill will substitute new definitions of 'owner' and 'retirement village land' that clearly exclude these residents, to ensure that the obligations imposed on village owners and in relation to retirement village land do fall on them and their units, particularly in relation to statutory charges and retirement village notices, and disclosure to incoming residents.

To end confusion about when the act's rights and obligations cease to apply, the bill will clarify that the Retirement Villages Act applies to a village until the retirement village notice is cancelled.

Finally, the bill introduces changes to improve the operation of annual village meetings by requiring village managers to give residents notice of the meeting, including notice of the business to be conducted and, if a resident requests, copies of the meeting papers, and by allowing residents to retrospectively dispense with the need for village accounts to be audited.

The bill will also make a number of other minor clarifying and technical amendments to the Retirement Villages Act.

Part 4 of the bill will amend the Sale of Land Act to clarify the definition of a terms contract and the application of the terms contract provisions.

The amendments are the direct result of stakeholder concerns that legislative changes made in 2008 have resulted in the inadvertent exclusion of some contracts from the statutory protections afforded to terms contracts under the act.

The effect of the 2008 amendments is that if less than two payments are required under a contract after an entitlement to possession or receipt of rents and profits arises, the contract is no longer protected as a terms contract under the act. To address these concerns, the bill amends the definition of 'deposit' to ensure that all multiple payments terms contracts intended to be terms contracts will be captured by the terms contract provisions.

The bill will also clarify certain circumstances in which a terms contract is, or is not, created. In particular, the amendments will ensure that a terms contract is not inadvertently created where a purchaser is granted permission by a vendor to access the property before settlement. This change responds to stakeholder feedback regarding case law in which access of this nature has been considered to be an entitlement to occupation of the property, resulting in the creation of a terms contract.

However, the amendments will ensure that a terms contract is created where a vendor of tenanted premises grants the purchaser the right to the receipt of rents and profits before settlement. As in the case of a purchaser who is granted the right to possession before settlement, it is appropriate that this category of purchaser should receive the protections afforded by the terms contract provisions.

Finally, the bill will also ensure that any payment which a defaulting purchaser makes according to a variation of the contract in response to the default will not result in the inadvertent creation of a terms contract.

The effect of these changes is to clarify the circumstances in which the special requirements and protections relating to terms contracts will apply to a contract for the sale of land.

Part 5 of the bill will make a number of amendments to the Veterans Act 2005.

As we approach the centenary of the Gallipoli landings, it is important to focus on the wellbeing of the Victorian ex-service community. Recent changes to the veterans sector in Victoria, including the ageing of the veterans population, have brought to light a number of deficiencies in the current legislative framework for patriotic funds that require attention. The objective of these amendments is to make it easier for the trustees of patriotic funds to manage these funds and provide support to veterans and their dependants.

The bill will simplify the process for trustees who are seeking to transfer patriotic fund assets to other patriotic funds or charitable organisations. At present, under section 36 of the Veterans Act, where the trustee of a patriotic fund wishes to transfer patriotic fund assets to a charitable organisation located interstate, the trustee is required to obtain the approval of the Governor in Council.

As the number of Victorian veterans who have retired to aged-care facilities located in other states increases, it is important that patriotic fund trustees are able to continue to be able to provide them with support. However, the time involved in obtaining Governor in Council approval can cause problems where financial assistance is sought as a matter of urgency.

In order to address this problem, the bill will remove the requirement to seek Governor in Council approval for certain interstate transfers. Instead, the approval of the director of Consumer Affairs Victoria will be required for transfers up to $1000 in any six-month period, and the approval of the Minister for Consumer Affairs will be required for transfers up to $5000 in any six-month period. These limits may be varied by regulation. Both the minister and the director will be able to seek the advice of the Victorian Veterans Council in determining whether or not to approve a transfer.

In order to maintain an appropriate level of oversight for larger transfers, the approval of the Governor in Council will still be required for transfers of greater than $5000.

As a related amendment, the bill also amends the Veterans Act to clarify that the director of Consumer Affairs Victoria, the Minister for Consumer Affairs or the Governor in Council, as appropriate, can validate a transfer of patriotic fund assets that was inadvertently made without the necessary prior approval. However, a transfer may only be validated if approval would have been granted if sought prior to the transfer being made. At present, it is not clear whether there is such a facility under the Veterans Act, and this has brought into question the legal validity of a number of these transfers.

The bill will also amend the Veterans Act to provide that the director of Consumer Affairs Victoria has a limited power to consent to amendments to patriotic fund trust deeds.

Many older patriotic fund trust deeds do not contain a power of amendment. However, over time, trustees have changed, or new deeds that use modern language have been adopted, even though there was no power to make these changes. The trustees of these deeds have sought to regularise this situation, but due to the lack of an appropriate facility in the Veterans Act, have been unable to do so.

Accordingly, the bill will amend the Veterans Act to enable patriotic fund trustees to apply to the director of consumer affairs for consent to amend or adopt a new trust deed. The power of the director would be limited to approving amendments that are consistent with, and do not alter the purposes for which the patriotic fund was originally established.

Lastly, the bill will amend the Veterans Act to provide for a process to enable two or more patriotic funds to amalgamate.

In recent years, in order to ensure ongoing financial viability, an increasing trend has been for adjacent RSL sub-branches to seek to amalgamate. However, at present, there is no facility under the Veterans Act to enable two or more patriotic funds to amalgamate. This means that these sub-branches have been forced to maintain accounts for two separate patriotic funds, which is placing an increased and unnecessary burden on these sub-branches.

Including a facility to enable patriotic funds to amalgamate will reduce the regulatory burden imposed on these RSL sub-branches, and will better enable them to meet the needs of veterans and their dependants.

Finally, part 6 of the bill will amend the Australian Consumer Law and Fair Trading Act 2012 to clarify that it is not a prohibited debt collection practice for a creditor to contact a debtor for the purposes of complying with the requirements of the national credit code.

I commend the bill to the house.

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

Debate adjourned until Wednesday, 3 September.

SEX OFFENDERS REGISTRATION AMENDMENT BILL 2014

Introduction and first reading

Hon. M. J. GUY (Minister for Planning) introduced a bill for an act a bill for an act to amend the Sex Offenders Registration Act 2004, the Children, Youth and Families Act 2005 and the Freedom of Information Act 1982 and for other purposes.

Read first time; by leave, ordered to be read second time forthwith.

Statement of compatibility

Hon. M. J. GUY (Minister for Planning) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, (the charter act), I make this statement of compatibility with respect to the Sex Offenders Registration Amendment Bill 2014 (the bill).

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

Overview

The bill makes amendments to the Sex Offenders Registration Act 2004 (SOR act), the Children, Youth and Families Act 2006 (CYF act) and the Freedom of Information Act 1982 (FOI act), relevantly:

amending reporting obligations relating to contact with children;

removing the requirement to destroy evidence after the reporting period of a registrable offender ends;

providing for the sharing of information relating to a registrable offender in certain circumstances;

amending the time frames for reporting obligations for registrable offenders;

providing for new reporting requirements relating to overseas travel; and

providing that documents contained in the register of sex offenders are exempt under the FOI act.

Human rights issues

Right to privacy (s 13)

Section 13(a) of the charter act provides that a person has the right not to have his or her privacy unlawfully or arbitrarily interfered with. The right protects against interference with individual's personal and social sphere, including the physical and psychological integrity of a person, their private life and personal affairs, and multiple aspects of the person's physical and social identity, such as a person's name, means of personal identification and their image.

New definition for 'regular unsupervised contact with children'

The bill amends the current reporting obligations on registered offenders under the SOR act relating to contact with a child. Registered offenders currently have reporting obligations in relation to 'regular unsupervised contact with children'. Clauses 4 and 7 remove this expression in the SOR act and replace it with a detailed definition, which outlines when a registrable offender is deemed to have contact with a child for the purposes of his or her reporting obligations. The new definition includes when an offender: resides with or stays overnight in a place in which a child resides or is staying overnight; cares for or supervises a child; or, for the purpose of forming an ongoing personal relationship with a child, initiates any form of physical contact, oral communication or written communication, whether face to face, by telephone or by electronic means, or exchanges contact details with the child.

While the expanded definition of child contact is largely being amended to provide greater clarity and precision to registrable offenders regarding their reporting obligations, it is possible that the inclusion of this definition may increase the level of interference to an offender's right to privacy, as in practice it may lead to an increase in the number of reportable incidents. However, I am of the view that any subsequent interference that will occur will be neither unlawful nor arbitrary and will therefore not limit the right to privacy for the following reasons.

The primary purpose of the SOR act is to protect the community, and, in particular, children. Studies indicate that most child sexual offences are committed by persons known to the victim, and the register is intended to deter and reduce reoffending by those who pose the greatest risk to children. The current expression describing reportable contact is unsatisfactory as it allows for subjective meanings of what constitutes 'regular' or 'unsupervised' contact, which detracts from the scheme's aim of protecting children from potential harm.

The clarity provided by the inclusion of the definition in new section 4A will also protect registrable offenders who may be liable to serious penalties resulting from failing to comply with reporting obligations or providing false or misleading information to police, due to confusion over what circumstances constitute contact. The definition is formulated to exclude mere incidental contact with a child and any reportable contact can be notified by telephone within one day, which is not overly onerous, and constitutes the least restrictive means reasonably available to achieve the purpose of the SOR act. Accordingly, I am satisfied that these amendments are compatible with the right to privacy in the charter act.

Retention of material for certain purposes

Clause 13 of the bill substitutes section 30 of the SOR act with a new section that removes the current requirement on the chief commissioner to cause material retained through reporting obligations about a registrable offender to be destroyed at the end of the reporting period for that offender. New section 30 allows the chief commissioner to retain indefinitely copies of any documents, fingerprints, finger scans and any photographs taken as a result of reporting obligations for the purposes of law enforcement, crime prevention or child protection. It is noted that in cases where the registrant is subject to indefinite reporting, the information is already retained indefinitely. Consequently, the new section 30 will only apply where the reporting period is limited. Further, it is noted that the information on the register is subject to strict data privacy controls and safeguards.

The storing of personal data for law enforcement purposes in such cases may constitute an interference with the right to privacy. In my view, given the important purpose of retaining such information, I consider that the retention of such information is compatible with the right to privacy. However, I note that the retention of information in this context could potentially be classed as an arbitrary interference with privacy as it gives discretion to the chief commissioner to retain a

wide variety of personal information of all registrable offenders for an unlimited period of time, to be used for a wide variety of purposes connected with law enforcement and child protection. However, even if that view were accepted, I consider that any limit on privacy in this context is reasonable and justified under section 7(2) of the charter act.

The indefinite retention of information for law enforcement supports a key objective of the SOR act, namely facilitating the investigation of child abuse. The operational policing value of the information and intelligence relating to each registrable offender is significant.

The information and intelligence may be critically important in helping police to investigate alleged crimes in which the registrable offender is implicated, particularly alleged offences that occurred a long time ago. A large proportion of registrable sex offences relate to historical incidents where the offences are not reported and investigated until many years after the original offending, commonly in the range of 15–20 years. Similarly, there is often a significant time lag between many child abuse incidents and the time of their reporting.

Accordingly, given the significant value of the information on the register to future investigations, any restriction on the right to privacy is justified and is not arbitrary.

Information sharing

The bill contains a number of amendments that allow information disclosures relating to a registrable offender who is listed in the register. Clause 20 amends section 63 of the SOR act to provide that the chief commissioner may disclose to the Firearms Appeals Committee any information relating to a registrable offender that is in the register. Clause 22 will insert new section 64A into the SOR act to provide that the chief commissioner may provide de-identified information in the register to any person if considered appropriate to do so. This will enable the chief commissioner to disclose de-identified information to experts for the purpose of activities such as undertaking empirical research. As the information is de-identified it does not limit the right to privacy.

Clause 28 amends the CYF act to insert a new part 3.2A of that act to provide that the chief commissioner and the Secretary to the Department of Justice may exchange information relating to registrable offenders with the Secretary to the Department of Human Services. The information may be exchanged if it comes to the notice of any of those agencies that a registrable offender has had contact with a child. The amendments outline specific circumstances where information can be shared between departments and police to ensure that such bodies can exercise their respective statutory functions to protect public safety and the welfare of children. Information received from the Department of Justice or the Department of Human Services is protected in accordance with the information privacy principles in the Information Privacy Act 2000.

Clause 28 also allows the Secretary to the Department of Human Services or an authorised person to disclose certain information to any other person if the secretary or authorised person believes on reasonable grounds that the disclosure of the information to that person is in the interests of the safety and wellbeing of the child referred to in the information. An example of such disclosure is a child protection worker's disclosure to a child's parent, during a protective investigation, that a person having contact with the child is a registered sex offender. The Secretary to the Department of Human Services or authorised person must take reasonable steps to notify the registrable offender of the disclosure unless it is believed on reasonable grounds that doing so would endanger the life or safety of any person. Further, information obtained by a person employed or engaged in the administration of the CYF act or SOR act must not disclose that information without authority.

While the sharing of information between the chief commissioner and the Department of Justice and the Department of Human Services, and the provision of information to third parties limit the registrant's right to privacy, the purpose of the limitation is the safety and wellbeing of children. The circumstances in which the information may be provided is limited to where it is in the interests of the safety and wellbeing of children. Given the vulnerability of children, and the importance of that purpose, the limitation is reasonable.

Reporting time frames for changes in personal details

To address confusion arising out of different time frames for notification, the bill amends a number of sections of the SOR act to adopt a uniform notification time frame of seven days, which is consistent with other reporting obligations in the SOR act. This amendment will affect the requirement to report specified changes to relevant personal details under section 17 of the SOR act and the requirement to report a return to Victoria or change of intention to leave Victoria under section 20. The requirement to report contact with a child will not be amended and will remain as one day.

The consequence of this amendment is a reduction in the time frame of many notification obligations from 14 days to 7 days, which may increase the level of interference posed by the reporting obligation on an offender's right to privacy. However, in my view, the amendment is clear and necessary and therefore does not limit the right to privacy.

The purpose of the scheme is to require certain offenders who commit sexual offences to keep police informed of their whereabouts and other personal details for a period of time in order to reduce the likelihood that they will reoffend and facilitate the investigation and prosecution of any future offences that they may commit.

Failing to comply with a reporting obligation without a reasonable excuse is an offence punishable by imprisonment. It is identified that a discrepancy in reporting periods has led to cases where offenders have breached their obligations by accident or out of a misunderstanding of their obligations. By providing a uniform period of seven days for most reporting obligations, the clauses promote consistency and will reduce difficulties with compliance, while upholding the overall protective purpose of the scheme. For these reasons, any additional interference occasioned by the amendment to section 17 of the SOR act will be neither unlawful nor arbitrary.

Reporting time frames for interstate travel

Section 18 of the SOR act provides that a registrable offender must notify the chief commissioner of an intended absence from Victoria seven days prior to departure or within 24 hours if seven days is impracticable. Clause 8 of the bill reduces the threshold for what constitutes a reportable absence from

Victoria from '14 or more' consecutive days to '2 or more' consecutive days. Clause 9 of the bill makes a similar amendment to section 19 of the SOR act regarding change of travel plans while out of Victoria.

The result of these amendments is that offenders engaged in interstate travel of 2 or more consecutive days face more onerous reporting requirements. I am of the view that any resulting interference with the right to privacy is lawful and not arbitrary. The scheme in its current form only requires offenders to report interstate travel if they intend to be absent from Victoria for 14 consecutive days or more. Reducing this period to 2 or more consecutive days is more consistent with the purposes of the SOR, while still avoiding placing an unnecessarily onerous burden on offenders to report short trips or daily trips interstate for employment purposes. Consequently, in my view clauses 8 and 9 of the bill do not limit the right to privacy.

Additional reporting obligations in relation to travel out of Australia

Clause 11 of the bill inserts new section 21A into the SOR act, which provides for additional reporting obligations in relation to travel out of Australia. Registrable offenders intending to leave Victoria to travel out of Australia or returning to Victoria from overseas must, when complying with reporting requirements, produce their passport and any other document in the registrable offender's possession that contains information indicating where the registrable offender intends to travel, or has travelled, while out of Australia.

While this additional reporting obligation is an added interference with a registrable offender's right to privacy, I am of the view that it is lawful and not arbitrary. Documentary evidence pertaining to a registrable offender's overseas travel is necessary, among others things, to enhance law enforcement's capacity to combat international sex tourism.

Verifying movements of registered sex offenders overseas allows police to make registrants accountable for their movements in the context of the finite police resources that are available in order to investigate and establish the veracity of a registrant's report relating to movements overseas. Accordingly, I am of the view that this additional requirement to provide such documents is compatible with the right to privacy in the charter act.

Freedom of expression (s 15)

Section 15(2) of the charter act provides that every person has the right to freedom of expression. This includes the right to seek and receive information.

Freedom of information exemption

Clause 29 inserts new subsection 31(4) into the FOI act to provide that a document contained in the sex offenders register is an exempt document under the FOI act. This means that a person is unable to obtain access to such documents under the FOI act. Such information was already exempt under section 31(3) of the FOI act, as the register is maintained by the intelligence and covert support department (ICSD) of Victoria Police.

This amendment introduces a specific exemption relating to the register and will allow greater flexibility to the organisational structure of Victoria Police by removing the requirement for documents in the register to have been created by ICSD in order to rely on the exemption contained in section 31(3).

While the register is currently exempt, this amendment can be considered as further limiting the right of a person to receive information contained in documents on the register. However, section 15(3) of the charter act provides that the right to freedom of expression may be subject to lawful restrictions reasonably necessary for the protection of the rights of other persons and to protect public order.

The register contains documents that disclose personal information about offenders, including the identity of registrants, residential addresses and telephone numbers, employment details, internet user names, club affiliations, car ownership details, criminal records, identities of any children residing with the offender and travel plans of the offender.

The restriction of access to this information enables more effective case management of registrable offenders, ensures higher levels of compliance with reporting obligations, minimises the risk of vigilante activity and reduces the capacity of registrable offenders to network with other registrable offenders.

Accordingly, I am satisfied that this lawful restriction on the freedom of expression is reasonably necessary to protect the rights of other persons and for the protection of public order.

Matthew Guy, MLC
Minister for Planning

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. M. J. GUY (Minister for Planning).

Hon. M. J. GUY (Minister for Planning) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The bill amends the Sex Offenders Registration Act 2004, the Children, Youth and Families Act 2005 and the Freedom of Information Act 1982 to assist Victoria Police, the Department of Human Services, and allied federal, state and territory law enforcement agencies to better manage registered sex offenders and the risks they pose to the community.

This bill will:

increase registered sex offenders' accountability to police by overhauling the definition of what constitutes having contact with children;

impose stricter controls on registered sex offenders by requiring them to verify their movements when travelling overseas to combat child sex tourism;

improve child safety by clarifying that a police officer can disclose a registrant's identity to a parent, a guardian or other third party where doing so protects a child's safety;

help police to investigate child sex offences by allowing the chief commissioner to retain important information and intelligence on registered sex offenders after they have completed their period of registration;

create new indictable offences for registered sex offenders who fail to report changes in certain personal details or who furnish false or misleading information about certain personal details to police;

give the chief commissioner the power to suspend the reporting obligations of certain registered sex offenders if he or she is satisfied that a registrant does not pose a risk to the sexual safety of the community;

codify existing arrangements for relevant agencies to exchange fulsome and timely information to each other to protect the safety and wellbeing of any children coming into contact with registered sex offenders; and

simplify reporting obligations by reducing variability of the reporting periods within which registrants must report changes in their personal details.

New definition of contact with children

Under the SORA, registered sex offenders are required to keep the police informed about any 'regular unsupervised contact' with children for a period determined by that act. The imprecision of that term 'regular unsupervised contact' and its lack of definitional clarity in the act can create enforcement difficulties. For example, it gives registered sex offenders too much latitude to interact with children without a requirement to report that contact. Currently, a registrant may spend a night with a child without supervision and the act lacks clarity about whether such contact triggers an obligation to report that contact.

The bill amends the SORA to provide a sensible, balanced, unambiguous and more enforceable definition of contact with children developed with operational police and child protection practitioners. Importantly, the definition removes the need for the contact to be 'regular' or 'unsupervised' to recognise that sex offenders may abuse children, even those being supervised by non-offending protective guardians and recognises that only one contact with a child can afford an opportunity to abuse.

The definition will require registered sex offenders to report casually staying overnight in the home of a child as well as supervising, or caring for a child. Further, it requires registered sex offenders to report physical contact where such contact is for the purpose of forming a personal relationship with a child.

However, the new definition is crafted so that registered sex offenders do not have to report incidental contact such as being served in a shop by a person under the age of 18 years or sitting next to a child on a tram. For the avoidance of doubt, the definition will not capture civil, polite or friendly interactions with a child in a social situation. Requiring such contact to be reported would be unfeasible, create no value and would engender unmanageable operational imposts for police who must receive and analyse all reports of contact with children provided by offenders.

Rather, the definition of contact refers to the registrant making an effort to form a friendship or a social relationship that extends beyond the type of incidental contact a person might have because they live in a community or encounter a child in a social setting. However, if the registrant engaged a young person in conversation and attempted to develop rapport to form a personal relationship, that would be considered contact and it would be necessary to report that contact to police under the SOR act with criminal penalties for failing to do so.

Importantly, the definition addresses child sex offenders growing use of online environments and other electronic media to identify and groom children by requiring registered sex offenders to report communications and engagement with children in those domains. This new contact definition complements existing requirements for registered sex offenders to provide police with their internet service provider details, email addresses and online identities and further assists Victoria Police with its overt and covert online operations to detect and prosecute offenders engaged in online child exploitation.

Additional reporting obligations when travelling overseas — child sex tourism

Currently, registered sex offenders are required to provide police with certain details about their travel movements both within Australia and when travelling overseas. Victoria Police advises that finite resources make it particularly difficult to establish the veracity of reports made by registered sex offenders travelling overseas. In short, a registrant may advise police they are staying in one place but they are not required to prove this on return and police find that corroborating a registrant's reported and actual travel movements overseas is very difficult. Victoria Police also advise that intelligence suggests that a growing number of Australians, including registered sex offenders are travelling overseas in regions including South-East Asia and Africa for the purposes of child sex tourism.

To assist police in this regard and to make registered sex offenders more accountable, the bill amends the SORA to require registered sex offenders to provide police with their passport and documents to verify or support their movements when travelling overseas. Based on advice from Victoria Police, the requirement to verify details of international travel creates better information and intelligence to share with the Australian Federal Police and international law enforcement partners attempting to combat child sex tourism in particular.

Disclosing a registrant's identity to protect children

Child protection workers may, and sometimes do, disclose to a child's parent or guardian during a protective investigation that a person having contact with the child has been convicted of child sex offences. The need to do so may arise when a relative who is a registered sex offender moves into a household with children or when a sole parent commences a new relationship with someone who has not disclosed that they are a registered sex offender. In these circumstances, child protection workers may disclose the fact that someone has been convicted of sexual offences to a carer, parent or guardian of a child if doing so helps protect the child's safety.

However, there are no express powers that permit police or child protection practitioners to inform members of the community that a particular person is a registered sex offender who is subject of the SORA in such circumstances.

As a practical example, the bill will clarify that police or a child protection practitioner may advise an unwitting mother that her new partner is a registered sex offender where a police officer or child protection practitioner holds the view that doing so will allow her to protect her children.

The bill also codifies existing arrangements for relevant agencies such as Corrections Victoria, the Department of Human Services child protection service and Victoria Police to exchange with each other, fulsome and timely information and data on registered sex offenders to protect the safety and wellbeing of any children coming into contact with registered sex offenders.

Allowing the Chief Commissioner of Police to retain information on registered sex offenders

Currently, under the SORA the chief commissioner must destroy all records and intelligence collected from the registered sex offender when he or she completes their period of reporting. The Victorian parliamentary report *Betrayal of Trust*, which examined the handling of child abuse by religious and other non-government organisations confirmed that many child sex abuse victims do not come forward to report their abuse until many years after the event (commonly 15–20 years). This complemented other studies showing that there is very often a significant time lag between many child abuse incidents and the time of their reporting. Investigating such historical cases is difficult.

This bill allows the chief commissioner to retain all information and intelligence collected on registered sex offenders during their reporting period and to use it in investigations where the registered sex offender is implicated. This vital information and intelligence will be invaluable to police in those investigations. Retaining, rather than having to destroy the information, will assist police if that registered sex offender is convicted and again placed on the sex offender register.

Increasing consistency of reporting time frames

Victoria Police has identified a number of breaches of the SORA arising from a failure to follow reporting obligations. Many of these are not successfully prosecuted because breaches are judged accidental, or arise from an offender misunderstanding their reporting obligations which vary in terms of the number of days within which changes must be reported.

The bill amends the SORA to reduce the variability across the prescribed periods for reporting changes in detail to police.

Reforms to offences under the Sex Offenders Registration Act 2004

The bill reorganises the current offence provisions in the SORA to create new indictable offences for registered sex offenders who fail to report changes in certain personal details or who furnish false or misleading information about certain personal details to police responsible for managing them. This recognises the importance of having registered sex offenders accountable for advising police about personal details such as contact with children, any identities assumed in online environments and social media.

Suspending reporting obligations

The bill amends the SORA to give the chief commissioner the power to suspend the reporting obligations of certain registered sex offenders if he or she is satisfied that a registrant does not pose a risk to the sexual safety of the community. Victoria Police only intend to apply this power in respect of a small number of current offenders who present no risk because they are incapacitated through cognitive or physical impairments such as terminal illnesses causing incapacitation and vegetative states or very aged registrants with dementia.

The bill also makes a small number of technical and consequential amendments to the Freedom of Information Act 1982 and the Children, Youth and Families Act 2005 to ensure the Sex Offenders Registration Act 2004 operates efficiently and effectively.

I commend the bill to the house.

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

Debate adjourned until Wednesday, 3 September.

COURTS LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2014

Statement of compatibility

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

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the charter act), I make this statement of compatibility with respect to the Courts Legislation Miscellaneous Amendments Bill 2014 (the bill).

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

Overview

The bill contains a range of reforms to Victoria's civil justice system, including amendments to:

the Supreme Court Act 1986, to enable the Supreme Court to introduce reforms to civil appeals similar to the reforms to criminal appeals that the Court has previously introduced;

the Victorian Civil and Administrative Tribunal Act 1998 (and to various enabling enactments under which the Victorian Civil and Administrative Tribunal (the tribunal) has jurisdiction), to improve the operations of the Tribunal across its jurisdiction;

the Coroners Act 2008, to reform operational practices and reduce delays in the coronial process;

the Court Security Act 1980, to introduce new offences in relation to the unauthorised recording, transmission and publication of court and tribunal proceedings;

the Supreme Court Act 1986, County Court Act 1958, Magistrates' Court Act 1989, Children, Youth and Families Act 2005 and Coroners Act 2008 to enhance the independence of the office of judicial registrar;

the Supreme Court Act 1986, to remove certain constraints that impede the modernisation of the Supreme Court's fee structure in a way that takes account of the actual costs of different steps in litigation.

Human rights issues

Right to protection against discrimination (section 8)

Section 8(3) of the charter act provides that every person has the right to equal and effective protection against discrimination. For the purposes of the charter act, discrimination is defined to mean discrimination on the basis of an attribute set out in section 6 of the Equal Opportunity Act such as age, disability or race. The right to protection against discrimination is relevant to part 3 of the bill in relation to the tribunal.

Although part 3 does not introduce a new retirement age for any member, the right is relevant to the bill. The bill retains the existing restrictions in the Victorian Civil and Administrative Tribunal Act (sections 13 and 14), under which a non-sessional member of the tribunal holds office for either a term of seven years from the date of appointment or until the member attains 70 years of age, whichever occurs first.

The upper age limit for non-sessional members of the tribunal to hold office is a limitation on the right to protection against discrimination on the ground of age, but it is reasonable and justified by the inherent requirements of the office.

The role of a non-sessional member of the tribunal is a demanding one, requiring a high level of capacity. Issues of incapacity related to ageing are less likely to arise if non-sessional members are subject to an age limit, and removal on the grounds of incapacity is a complex and potentially lengthy process.

The compulsory retirement for non-sessional members of the tribunal at 70 years of age is therefore reasonable and justified.

Privacy (section 13)

Section 13 of the charter act provides that a person has the right not to have his or her privacy unlawfully or arbitrarily interfered with. The right to privacy is relevant to part 4 of the bill, which amends section 52 of the Coroners Act with the effect that a coroner will not be required to hold an inquest into the death of a person held in custody or care where the coroner is satisfied that the death was due to natural causes. Instead, a coroner will be required to investigate the death, establish the cause of death, and make and publish findings following the investigation. The publication of findings may include personal information about a person, for example, the deceased's family or a person about whose conduct the coroner makes comment.

However, in my view this will not limit the right set out in section 13 because any publication of personal information will not be unlawful or arbitrary. The publication of coronial findings following an independent investigation is necessary to achieve the important purposes of the Coroners Act, namely ascertaining the causes of reportable deaths and contributing to the reduction of preventable deaths and the promotion of public health and safety and the administration of justice in Victoria. Coroners will retain the discretion to redact published findings, including by removing personal information, a discretion which is regularly exercised.

Freedom of expression (section 15)

Section 15(3) of the charter act provides that every person has the right to freedom of expression, which include the freedom to seek, receive and impart information and ideas of all kinds. The right to freedom of expression is relevant to part 5 of the bill.

Part 5 introduces new offences into the Court Security Act in relation to the unauthorised recording, transmission and publication of court and tribunal proceedings. Part 5 prohibits the recording of court proceedings without the permission of a relevant court or tribunal, and the subsequent transmission or publication of those proceedings. A standing exemption applies to audio recordings (and the transmission of those audio recordings) by journalists and lawyers in certain limited circumstances. Conditions of entry into court buildings will continue to apply, and the offences do not limit general contempt powers.

Part 5 thus restricts the ability of people to record and communicate recordings of court proceedings. However, it is my opinion that part 5 does not restrict the right set out in section 15(3) of the charter act. There are internal limits on the right to freedom of expression, including those set out in section 15(3) of the charter act. Further, in *Magee v. Delaney* [2012] VSC 407 the Supreme Court held that what constitutes a protected form of expression under section 15 of the charter is limited by public policy considerations inherent in the nature of a free and democratic society. In my view, ensuring the proper administration of justice and good order of the courts is such a limit. Further, the amendments do not prevent a person from attending, taking notes of, or requesting to make an audio recording of court proceedings. The offences also provide an alternative model and less serious means of prosecuting breaches of good order of the courts than traditional contempt proceedings.

Part 5 also contains standing exemptions in relation to audio recordings of proceedings made by journalists and transmission of those recordings, which promotes the right to freedom of expression by facilitating the accurate and timely preparation of reports of court proceedings.

Fair hearing (section 24)

Section 24 of the charter act provides that every person charged with a criminal offence and every party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. The right to a fair hearing is relevant to a number of amendments in parts 2, 3, 4 and 6, as discussed below.

Part 2 — Civil appeals

(a) Requiring leave to appeal to be obtained in all civil appeals to the Court of Appeal subject to limited exceptions

Part 2 introduces a requirement for all prospective appellants to seek leave to appeal and demonstrate that the appeal has a real prospect of success in all civil appeals to the Court of Appeal (subject to the limited exceptions set out in part 2). This requirement is relevant to, but does not limit, the right to a fair hearing under section 24 of the charter act.

European jurisprudence has held that the fair hearing right (article 6(1) of the European Convention on Human Rights), which is similarly worded to section 24 of the charter act, does not guarantee a right of appeal (see for example *Tolstoy Miloslavsky v. United Kingdom* (1995) 20 EHRR 442 at [59] and *Lesage v. The Mauritius Commercial Bank Ltd* [2012] UKPC 41 at [26]). If an avenue of appeal is provided, access to an appeal is subject to reasonable limitations. A near universal leave requirement based on judicial assessment of whether the appeal has a real prospect of success is a reasonable limitation to achieve proper management of judicial resources: *S v. Rens* 1996 (2) BCLR 155.

Nothing in part 2 removes the right of a person to bring an appeal to the Court of Appeal. The bill merely imposes a threshold test requiring prospective appellants to demonstrate that their appeal has a real prospect of success. The court's resources should not be consumed by appeals that do not have a real prospect of success. It has been a requirement that leave to appeal be obtained in criminal appeals and in appeals from tribunal decisions for some time with no suggestion that human rights or fairness have been compromised.

The High Court has held that requiring leave to appeal is an accepted and longstanding curial procedure in Australia, enabling courts to manage their workload and make the most efficient use of their resources so that all court users can have their appeals heard and determined in a timely fashion: *Smith Kline & French Laboratories (Aust) Ltd v. Commonwealth* (1991) 173 CLR 194 at 217–218; *Coulter v. The Queen* (1988) 164 CLR 350 at 356, 359.

For these reasons, the introduction of a leave requirement for civil appeals does not limit the right set out in section 24 of the charter act.

(b) Determination of applications for leave without an oral hearing

Part 2 allows the Court of Appeal to determine applications for leave to appeal 'on the papers' without an oral hearing or the attendance of the parties. For the reasons that follow, I do not consider that this measure limits the right to a fair hearing under section 24 of the charter act.

The European Court of Human Rights has held that the fair hearing right does not include a general right to an oral hearing in all appeals, and the same must be true for applications for leave to appeal.

The High Court has also held that the discretion of the full court of the Federal Court to determine an application for leave to appeal on the papers does not constitute a denial of procedural fairness: *Coulter v. The Queen* (1988) 164 CLR 350 at 356.

Part 2 provides that where the court dismisses an application for leave to appeal because the application did not meet the threshold test, but the application was otherwise not totally without merit, the applicant can apply to have the decision set aside or varied at an oral hearing before two or more judges of appeal.

Even if part 2 of the bill did not contain this provision, in my opinion, the final determination of an application for leave to appeal on the papers does not limit the fair hearing right.

Part 3 — Victorian Civil and Administrative Tribunal

(a) Mediators

Part 3 allows a mediator who has conducted an unsuccessful mediation of a proceeding to hear the substantive proceeding (with or without others), subject to objection by any party. If a party objects, the mediator must take no part, or no further part, in the proceeding and the tribunal must be reconstituted if necessary.

In my view, this change will not limit the right of each party to a fair hearing because a party who is concerned about the impartiality of the decision-maker can object to the case being heard by that decision-maker, with the effect that the mediator cannot hear the case.

(b) Reopening an order on substantive grounds

Part 3 requires the tribunal to consider whether it is appropriate to reopen a case where a party did not appear and was not represented at the hearing, and had a reasonable excuse for not attending or being represented. In determining what is appropriate the tribunal must consider whether the applicant has a reasonable case to argue in relation to the subject matter of the order and any prejudice that may be caused to another party.

The common-law criteria for a judicial decision about whether to set aside a court order made in the absence of a party include:

> the reasonableness of the failure to appear (taking into account the legitimate interests of other parties, third parties and the public), and
>
> whether the party has a material argument that might reasonably affect the rights and duties of the parties in a way different to the impugned order (*Allesch v. Maunz* (2000) 203 CLR 172, [48]-[50], Kirby J).

At common law it will not be an injustice to deny the party who does not appear a second opportunity to be heard where these criteria are not satisfied.

Similarly, it is not an injustice to apply such criteria to a case where a party has not attended a scheduled hearing at the tribunal. This will not deny the right of that party to be heard in appropriate cases where they have a reasonable excuse for not attending or being represented. In my view, the changes do not limit the right to a fair hearing.

(c) Injunctions

Part 3 introduces a power for the tribunal to grant an interim injunction without giving an affected party an opportunity to be heard, in order to prevent contravention of an enforcement order or interim enforcement order. The power is most likely

to be used as a last resort, when the prejudice to a party which may result from the contravention of an enforcement order could not be remedied by a costs order or an order to rectify.

An interim order does not decide the proceeding. A person affected by an interim injunction may apply to the tribunal to challenge the enforcement order itself or to lift the interim injunction. Ultimately, the tribunal must afford natural justice to the parties before it decides the proceeding (and, if applicable, before it grants a permanent injunction).

Part 4 — Coroners — Coroners Act appeals

Part 4 promotes the fair hearing right by expanding the grounds on which senior next of kin and persons with a sufficient interest may appeal a decision of a coroner to not hold an inquest into a death, or a refusal by the Coroners Court to reopen an investigation into a death.

Part 6 — Judicial registrars — review of decision of judicial registrars

These reforms promote the right to fair hearing by strengthening the independence of the office of judicial registrar by protecting the remuneration and entitlements of judicial registrars from reduction and requiring judicial registrars to take an oath of office upon appointment or reappointment.

The amendments enable the court rules to provide for appeals from or reviews of a decision of a judicial registrar, which may be a different form of review than the current requirement of a de novo hearing by a tenured judicial officer as provided for in each of the acts creating the office of judicial registrar.

To the extent that the right to a fair hearing under section 24 of the charter act applies to decisions of judicial registrars, in my view, these amendments do not limit the right. European jurisprudence has held that the fair hearing right (article 6(1) of the European Convention on Human Rights, which is similarly worded to section 24 of the charter act) does not guarantee a right of appeal. Accordingly, the fair hearing right does not guarantee a de novo review of a decision of a judicial registrar by a tenured judicial officer.

In any event, nothing in part 6 removes the right of a person to bring an appeal from a decision of a judicial registrar. Part 6 merely allows court rules to provide that appeals from certain types of decisions made by a judicial registrar are to be conducted in a manner other than a complete re-hearing of the decision.

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

Second reading

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I wish to make a statement about changes that have taken place between the houses. The Legislative Assembly passed the Courts Legislation Miscellaneous Amendments Bill 2014 with 10 minor amendments: 3 amendments related to the limitation period for appeals to the Victorian Civil and Administrative Tribunal from decisions of the Transport Accident Commission and 2 amendments related to the limitation period for appeals from decisions of the Coroners Court. The remaining 5 amendments are consequential renumbering amendments necessary as a result of other changes. I move:

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

Motion agreed to.

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

That the bill be now read a second time.

Incorporated speech as follows:

The bill introduces a range of reforms to improve the effectiveness, efficiency, good order and security of court and tribunal proceedings. The reforms provide specific courts, and the Victorian Civil and Administrative Tribunal (the tribunal), with greater administrative and operational flexibility. They also modernise and simplify appeal processes and improve the flexibility of courts, and the tribunal, to finalise unmeritorious cases.

Together, the reforms will reduce administrative burden and allow the resources of the civil justice system to be deployed more efficiently and effectively. Details of the specific reforms made by the bill are set out below.

Civil appeals to the Court of Appeal

Central to a successful justice system is the effective operation of its appellate courts. In Victoria, the highest appellate court is the Court of Appeal. It hears the most important appeals in the state. The timely resolution of civil appeals in the Court of Appeal is vital for the parties involved, whether they be individuals, businesses, governments or other entities.

The bill will enable the Supreme Court to introduce reforms to civil appeals similar to the highly successful reforms to criminal appeals that the court has previously introduced.

First, the bill introduces a requirement that leave be obtained in all civil appeals to the court, except in appeals against a refusal to grant habeas corpus, cases arising under the Serious Sex Offenders (Detention and Supervision) Act 2009 and in other cases that may be provided for in the court rules.

Currently, in cases where a party may appeal to the Court of Appeal 'as of right', that party can have their full appeal heard and determined by three judges of appeal, even if the appeal lacks merit. The result is that a significant amount of the court's time and the parties' costs are taken up hearing and determining such appeals.

The universal leave requirement for civil appeals will enable the court to determine at an earlier stage which matters merit a full hearing. This will reduce costs for parties, and the time savings for the court will allow the court to focus on those

appeals that do merit a full hearing, enabling those matters to be dealt with more promptly.

This new procedure substantively mirrors the criminal appeals procedures introduced under the Criminal Procedure Act 2009. The United Kingdom introduced a requirement that leave to appeal be obtained in almost all civil appeals in 1999 and it has also been considered a success.

Secondly, the bill modernises and simplifies the test for leave to appeal by providing that leave to appeal may only be granted where the court considers that the appeal has a real prospect of success. This replaces the existing common-law test for granting leave to appeal which requires an applicant for leave to appeal to demonstrate that the original decision is attended with sufficient doubt to warrant it being reconsidered on appeal, and a substantial injustice would be caused were the decision allowed to stand.

Thirdly, the bill extends the time in which an application for leave to appeal can be filed from 14 days (or in some cases, 21 days) to 28 days. This will enable applicants to comply with new procedural requirements that the court intends to introduce, which will be modelled on the successful Ashley-Venne reforms in criminal appeals.

Fourthly, the bill clarifies that the appeals process is commenced by filing rather than by service. At present, the court rules provide that an appeal is commenced by serving a notice of appeal on the respondent. The difficulty with this approach is that the court is not involved in the act of serving the notice and is therefore unaware of the commencement of the appeals process. It therefore cannot usefully involve itself in the scheduling and monitoring of due dates for the filing of the necessary documents.

By providing that the appeals process is commenced by filing an application for leave to appeal, the court's registry will be able to take greater control of the administrative processes which in turn will assist the parties to comply with their procedural obligations under the rules.

Fifthly, in order to reduce the amount of time taken to finalise civil appeals, whilst maintaining fairness to all parties, the bill allows the court to determine applications for leave to appeal without an oral hearing.

If the court dismisses an application for leave without an oral hearing, the applicant may apply to have the dismissal set aside or varied at an oral hearing before two or more judges of appeal. However, if the court dismisses an application for leave to appeal without an oral hearing and has determined that the application is totally without merit, the applicant will have no right to have the dismissal set aside or varied. This will ensure that completely unmeritorious applications for leave will not unreasonably consume court time and resources.

Finally, the bill enables single judges of appeal to determine applications for leave to appeal to finality, without the applicant having the right to seek discharge or variation of that judge's decision. This reform will assist in reducing the amount of time it takes the court to finalise civil appeals by making better use of judicial resources.

The Victorian Civil and Administrative Tribunal

The bill contains a further phase of reforms to improve the operations of the Victorian Civil and Administrative Tribunal in hearing and determining disputes.

The bill will make amendments to improve the operations of the tribunal across its jurisdiction. A number of the proposed amendments enhance and clarify the powers of the tribunal to enable it to improve the progress of applications and reduce the time for parties to have disputes finally determined. Further proposals will benefit users by allowing the tribunal to hear a greater range of related matters in a single proceeding, reducing the need for parties to bring related proceedings in the courts.

General improvements

The bill sets out the circumstances in which a single member of the tribunal, or the principal registrar, may exercise powers of the tribunal. Clarifying these circumstances (for example, the giving of directions or the awarding of costs) will benefit users by reducing delay. Tribunal users will continue to benefit from having specialist members constituting the tribunal where required, for example, a member with knowledge of planning or environmental practice in planning matters.

The bill provides that a person who is entitled to intervene in a proceeding (for example, the valuer-general or the public advocate), and who does intervene, is also entitled to be joined as a party. Given that the tribunal almost invariably allows statutory interveners to be joined as a party, this change is intended to reduce delays by avoiding unproductive argument about whether to join such a person as a party.

The bill will allow parties to permit a tribunal member who has acted as the mediator in a proceeding to constitute the tribunal for the hearing of the proceeding, unless a party to the proceeding objects. If a party objects, the member must take no further part in the proceeding. This process already operates in residential tenancies proceedings. By allowing the parties to object to the mediator hearing the dispute, the bill strikes an appropriate balance between greater efficiency for tribunal users and the right of the parties to not have their matter determined by a person who has been privy to the 'without prejudice' discussions that typically occur during a mediation.

The bill requires the tribunal to consider whether an applicant has a reasonable case to argue and the prejudice that will be caused to other parties before it reopens an order made in the absence of a party. This amendment will reduce the number of unnecessary re-hearings in circumstances where a party had a reasonable excuse for not attending but the tribunal nevertheless considers that it is not appropriate to reopen the matter because the party does not have a reasonable case to argue or because the prejudice will be such that it is not appropriate to reopen the matter.

The bill clarifies that a member, or former member, of the tribunal may not appear as an expert witness in lists to which they are (or have been) assigned, except with the approval of the president. This codifies the current practice of tribunal members and is consistent with maintaining the integrity of the tribunal.

The bill expands the tribunal's rule-making power, empowering the tribunal to make rules for service outside of

Australia. Currently, tribunal applications cannot be served outside Australia. This creates difficulties for parties who wish to enforce their rights under legislation. It has been a particular problem in certain lists, for example, in relation to matters arising under the Owners Corporation Act 2006. Owners corporations must currently commence proceedings in the Supreme Court to recover unpaid fees from owners residing overseas, but can recover the same fees from owners who reside within Australia in the tribunal.

The bill will reduce the time spent by tribunal users having evidence that is already before the tribunal in one proceeding admitted in another proceeding. It does this by clarifying the tribunal's power to admit this evidence. The bill also clarifies that the requirement to provide reasons applies only to orders for substantive relief.

Planning and environment list

The bill addresses a number of issues specific to the tribunal's planning and environment list.

First, the bill provides that a responsible authority or any other person may apply to the tribunal for an injunction restraining any person from contravening an enforcement order or interim enforcement order. An enforcement order is a distinctive type of civil remedy available under the Planning and Environment Act 1987. The current requirement to seek injunctive relief in the courts is costly for parties and leads to delay. Allowing the tribunal to deal with these matters, using its existing powers in section 123 of the Victorian Civil and Administrative Tribunal Act 1998 (VCAT act), will reduce costs and delay for parties.

Secondly, the bill provides that, where an applicant has sought review by the tribunal of a decision following the failure of a responsible authority to grant a permit within the prescribed time, the tribunal will order the responsible authority to reimburse the fees paid in the proceeding by the applicant. This provision will reduce the cost to permit applicants who apply to the tribunal in circumstances where the responsible authority has failed to make a timely decision and will create an incentive for responsible authorities to make decisions within the prescribed time. The tribunal may decline to make the order if it is satisfied that the responsible authority has a reasonable justification for its failure to make a decision within the prescribed time. In considering whether there is a reasonable justification, the tribunal may take into account the nature or complexity of the application, the conduct of the applicant in relation to the application and any other matter beyond the reasonable control of the responsible authority.

The bill also provides that a permit applicant who lodges a statement of grounds is a party, that an objector who does not wish to become a party may elect not to be a party and also makes technical amendments to the definition of 'planning enactment' in the VCAT act.

Retail tenancies list

The bill will also amend the Retail Leases Act 2003 to allow the tribunal to make orders against a guarantor or indemnifier of a tenant's obligations under a retail premises lease and will allow a guarantor or indemnifier to refer a retail tenancy dispute to the small business commissioner for mediation. These amendments will allow parties involved in retail tenancy disputes to have their issues comprehensively addressed by mediation and, should it be necessary, at the tribunal, without the expense of a separate court proceeding.

Land valuation list

The bill will also provide for the valuer-general to be able to intervene in proceedings under the Valuation of Land Act 1960 if he or she so chooses to, in order to avoid frequent disputes as to whether the valuer-general is entitled to intervene. The amendment is consistent with the original intention of the provision to enable the valuer-general to determine whether or not he or she wishes to intervene in any matter. The general provision contained in the bill regarding the right of a statutory officer-holder who intervenes to become a party will also apply to the valuer-general.

General list — Transport Accident Act 1986 proceedings

The bill will allow those involved in transport accident proceedings to take full advantage of no-fault dispute resolution protocols applied by the Transport Accident Commission without affecting their ability to bring an application to the tribunal.

The bill provides that an application for review of a Transport Accident Commission decision may be lodged with the tribunal by the later of 12 months after the person becomes aware of the decision or 3 months after negotiations have concluded under the voluntary no-fault dispute resolution protocols.

The protocols are not currently recognised in the Transport Accident Act 1986. Parties are required to lodge their application with the tribunal within 12 months of a decision by the commission. This has resulted in a significant number of review applications being lodged with the tribunal merely to avoid missing the opportunity to do so if the negotiations fail to reach a successful conclusion.

In the 2012–13 financial year, the tribunal received 833 applications for review of commission decisions. However, during the same period, only 29 matters proceeded to final hearing. This is because the majority of proceedings under the Transport Accident Act 1986 settle through negotiations.

The proposed amendment will reduce the need for parties to lodge applications for review at the tribunal. Only parties whose disputes are not resolved by the protocols will be required to make an application to the tribunal. For legally unrepresented people, and for people represented by lawyers who do not participate in the dispute resolution protocols, the normal 12-month time limit to make an application to the tribunal will continue to apply.

Tribunal member service arrangements

The bill will introduce provisions into the VCAT act to streamline the process for deputy presidents, senior members and ordinary members (non-judicial members of the tribunal) to vary their level of service arrangements by agreement with the president, rather than through Governor in Council.

The current provisions for part-time service are inflexible and time consuming. The bill will provide increased flexibility to respond in a more timely way to the changing needs of the tribunal and its members.

The bill will also enable the Governor in Council to amend the appointment of a member who moves from sessional to non-sessional service, and vice versa, without the need for the member to resign and be reappointed.

The bill will clarify that the Governor in Council may determine the terms and conditions of service of non-judicial members in addition to the existing power to determine remuneration and allowances.

The bill reflects the government's commitment to assisting the courts and the tribunal to provide both expeditious and high-quality service for the benefit of all users.

The Coroners Court

The amendments proposed to the Coroners Act 2008 will assist the court in continuing its progress in reforming operational practices to reduce delays in the coronial process, while remaining sensitive to the needs of senior next of kin and other people affected by the coronial process.

Deaths in custody or care which are the result of natural causes will no longer require a lengthy (and in many cases unnecessary) inquest. Instead, deaths will be the subject of a full investigation, with findings made and published according to the rules. It will remain open to the coroner to hold an inquest, and a person may request that the coroner does so.

In addition, aspects of the pre-2008 inquest appeals provisions will be restored, so that senior next of kin may appeal to the Supreme Court on broader grounds from a decision not to hold an inquest or not to reopen an inquest. Rather than confining such appeals to a matter of law, an appeal will be allowed where the court is satisfied that it is necessary or desirable in the interests of justice. This appeal provision is an important safeguard in the operation of the proposed 'natural causes' provisions, but will also apply to decisions in relation to inquests more broadly. It will increase the capacity for senior next of kin and other persons with a sufficient interest to appeal in relation to significant decisions regarding coronial investigations and inquests.

Operational processes will also be amended to better meet the needs of both the court and of people involved in coronial proceedings. For example, while a senior next of kin will continue to be entitled, subject to the direction of the coroner, to be advised of the existence of and to receive medical examination reports under section 115 of the Coroners Act, these reports will not automatically be sent to them. This will both relieve administrative burdens on the court and allow senior next of kin to avoid being presented with the complex, and often distressing material contained in reports, unless they specifically request those reports.

Similarly, the bill will allow senior next of kin to waive the 48-hour objection period following a coroner's direction that an autopsy be performed. This will reduce delays in the coronial process, to the benefit of both the court and the family of the deceased.

Court security

The bill will introduce new offences into the Court Security Act 2005 in relation to the unauthorised recording of court and tribunal proceedings, to better provide for the good order and security of court proceedings. Specifically, the bill will prohibit the recording of proceedings without the permission of a relevant court or tribunal, and the subsequent transmission or publication of those proceedings. For the bill's purposes, the relevant courts and tribunals are the Supreme Court, the County Court, the Magistrates Court, the Children's Court, the Coroners Court, the Victims of Crime Assistance Tribunal and the Victorian Civil and Administrative Tribunal.

A standing exemption will apply to audio recordings (and the transmission of those audio recordings) by journalists and lawyers in specified circumstances, subject to the direction of the presiding judicial officer. Conditions of entry into court buildings will continue to apply, and the offences will not limit general contempt powers.

Judicial registrars

This bill makes a number of amendments to enhance the independence of the office of judicial registrar.

The office of judicial registrar was established in the Magistrates Court in 2005 and in the Supreme, County, Children's and Coroners courts in 2011. Unlike judges, who receive a permanent appointment until age 70, judicial registrars are appointed for limited terms of up to five years. Furthermore, the judicial functions which may be performed by judicial registrars are generally of a minor or limited nature, and are subject to the supervision of tenured judicial officers.

The bill enhances the independence of judicial registrars by providing that the Attorney-General may only recommend to Governor in Council the reappointment of a judicial registrar where the relevant head of jurisdiction supports the reappointment.

This requirement, which currently applies to the appointment of a judicial registrar at first instance, will protect the independence of the office by ensuring that the role of the Attorney-General in the reappointment process is balanced by a requirement to gain the agreement of the head of jurisdiction for all appointments and reappointments.

The bill will also enhance the independence of the office of judicial registrar by allowing the courts to determine, in the court rules, the manner of reviewing a decision of a judicial registrar. Currently all decisions of judicial registrars are reviewable by way of a hearing de novo, which is a complete rehearing where the decision is made afresh. Allowing the court rules to specify a more limited form of review will increase court efficiency and flexibility while retaining supervision by a tenured judicial officer.

The length and associated costs of the review of judicial registrar decisions will be proportional to the matter being dealt with by the judicial registrar, but the manner of review will still need to comply with the fundamental conditions on the exercise of delegated judicial power.

The bill will strengthen the independence of the office of judicial registrar by providing that the salary of judicial registrars is protected from reduction and by requiring judicial registrars to swear a prescribed oath or affirmation of office upon appointment. These measures are consistent with the approach for fully tenured judicial officers.

Supreme Court regulations

The bill will expand the regulation-making power in section 129 of the Supreme Court Act 1986 in relation to court fees to allow differential fees, the payment of fees in advance and the consequences of failure to pay a fee; and the reduction, waiver, postponement, remission or refund of fees.

The existing provision constrains the capacity to modernise the court's fees structure in a way that takes account of the actual costs of different steps in litigation.

Establishing the right structure for court fees will enhance the efficiency of the courts by supporting reforms to court operations and encouraging the optimal use of court services. In turn, this can enhance access to justice.

I commend the bill to the house.

Debate adjourned for Ms TIERNEY (Western Victoria) on motion of Mr Leane.

Debate adjourned until Wednesday, 27 August.

ADJOURNMENT

Hon. M. J. GUY (Minister for Planning) — I move:

That the house do now adjourn.

St Mary's House of Welcome

Mr MELHEM (Western Metropolitan) — My adjournment matter is directed to the Minister for Community Services, the Honourable Mary Wooldridge. It concerns the cuts announced in May 2014 to the Victorian government's funding model affecting St Mary's House of Welcome. It is very sad to hear that with the decrease in funding from the government St Mary's House of Welcome will be closing its Saturday program, which will affect services provided to the most vulnerable people in our community. Breakfast, lunch, free access to a safe environment and a refuge from the cold will no longer be available for some as the new budget measures impact on the way St Mary's operates. That is very disappointing.

St Mary's was established by the Daughters of Charity of St Vincent de Paul in 1960. Today, as a charity and public institution, St Mary's House of Welcome continues to provide support to and hope for hundreds of homeless, vulnerable and disadvantaged people in the community by providing vital support services, including meals for people in need, access to showers, emergency relief, information and network support. St Mary's has played a key role in the service system. It has prevented homelessness for many who are housed but are living on a shoestring, and it has supported those who live on the streets by helping them in every way possible to get into housing.

It is my understanding that the cut in funding will affect 70 to 100 people who will go without breakfast, 50 to 60 people who will go without lunch and many others who will go without showers. They would typically come in on Saturdays for those services. I am very disappointed to know that the St Mary's House of Welcome Saturday program will close in October given the impact that will have on the mentally ill and vulnerable people in the community who have nowhere else to go to.

The action I seek is that the minister take steps to make sure that the people I have mentioned do not miss out on the services they currently receive through St Mary's House of Welcome's Saturday program and that they are not disadvantaged in any way. I ask the minister to make sure that the funding cuts do not impact on that service in Brunswick.

Moonambel water supply

Mr D. R. J. O'BRIEN (Western Victoria) — My adjournment matter is for the attention of the Minister for Water, the Honourable Peter Walsh. I call on the minister to meet with representatives of the Pyrenees Shire Council and winegrowers in the area to discuss the possibility of future funding for water infrastructure in and around the district of Moonambel in Western Victoria Region, which I represent.

Moonambel is a highly regarded food and wine destination in the Pyrenees shire. Presently approximately 12 wineries operate cellar door facilities in the Moonambel Valley, with 2 of those ranked in the top 3 per cent of wineries in Australia by the renowned wine critic James Halliday. There are also a number of hospitality providers in the area, including the owners of cottages, bed and breakfast operators and businesses such as cafes, restaurants and a hotel. The Pyrenees area is a known winery area and Avoca has been a tourist destination of some renown not only in relation to wine but also for its country or picnic race meetings.

At present the potential for further tourism investment is being hampered by the lack of a sustainable potable water supply. The purpose of any supply options which may be identified, such as a pipeline, would be to provide potable water for the township, accommodation venues, food sector and wine industry. To illustrate the economic effect of this issue, the district's accommodation venues total 130 beds, are worth around $7.5 million to the local economy and presently employ 45 people. Two of the local wineries currently

purchase and transport water by tanker during summer months to meet the requirements of patrons in their accommodation businesses. It is not uncommon for them to order truckloads of water at costs of up to $400 a fortnight. However, the potential for expansion in this important area with appropriately designed and located accommodation and tourist infrastructure is vast. That is why the council is seeking to meet with the minister to discuss these options.

At the recent opening of the renovated Avoca town hall the council discussed the options with me and a delegation led by The Nationals candidate for the Assembly seat of Ripon, Scott Turner. We also met with the Deputy Premier. These issues have been raised with me, and Mr Turner in particular is keen to see them raised with the Minister for Water and the appropriate water authorities to discuss a way we could facilitate a strategic investment that could lead to greater accommodation provision and tourist infrastructure for this important area in western Victoria.

East–west link

Mr TEE (Eastern Metropolitan) — My adjournment matter this evening is for the Minister for Roads, Mr Mulder. It is in relation to the east–west link. I note by way of context that the latest Galaxy poll for the *Herald Sun* shows that only a small minority — some 28 per cent — of Victorians actually support the project, compared to 62 per cent who support the removal of 50 level crossings. This is the third poll which has shown that only about a quarter of the population supports the east–west link project. Three other polls have found a similar lack of support for the east–west link project and overwhelming support for alternative investments in public transport.

This project has been overwhelmingly rejected by Victorians. In fact councils in the eastern suburbs, including Doncaster and Boroondara, support a rail link before the freeway. Even the RACV does not rate this project as its highest priority. It makes sense that people have rejected the east–west link. I note that the Linking Melbourne Authority's figures say that by 2031 the project will improve travel time by only 0.11 per cent across wider Melbourne, which means Victorians travelling for an hour will get home only 4 seconds earlier. We will have an $8 billion tunnel which will deliver, effectively, a 4-second saving, which is about $2 billion per second saved.

My request to the minister is that he take note of the failings in terms of the outcome for Victorians and that, in view of the lack of support from Victorians for the tunnel, he does the right thing and holds off on finalising or signing the contracts until after the election so that Victorians can have an opportunity to have their say on this project. It was not a proposal that the Liberal Party took to the election, and certainly in my view it does not stack up. Victorians do not support it. What I am asking for is an opportunity for the people to express their view on this issue at the election.

Macedon Ranges planning

Mrs MILLAR (Northern Victoria) — My adjournment matter tonight is for the Minister for Planning, the Honourable Matthew Guy. It relates to continuing concerns raised by residents of the Macedon Ranges in relation to planning protections in this unique municipality. Yesterday in question time Minister Guy stated, as he has on many occasions in this place:

> This government was elected to provide four clear local planning statements … one for the Macedon Ranges … and we will implement those planning statements as committed.

Many residents across the Macedon Ranges — hundreds, if not thousands — have applauded these words. I know they hold the minister in very high esteem, having confidence that he understands why this unique status is warranted and is important to locals.

I have spoken about the planning protections for Hanging Rock at length, as has my predecessor in Northern Victoria Region, Mrs Donna Petrovich. The minister noted yesterday, and I concur, that suggestions by Labor last week of a possible future 'review' of the Rock are nothing short of a stunt after the protective action taken months before by Minister Guy and the Minister for Environment and Climate Change, Ryan Smith. The people of Macedon — who care deeply and have voiced their thoughts — deserve better than a cheap stunt like this on an issue of such significance.

Concerns about planning protections for the Macedon Ranges extend across the shire. I raise tonight for the minister's attention a recent proposal to build an early childhood centre on the UL Daly reserve — a small but exquisite piece of parkland bequeathed by Mr Daly from the larger Eblana estate in Gisborne in the 1970s. While the Macedon Ranges Shire Council has now backed away from building there, locals are not comforted and continue to call for long-term planning protection.

In recent months there have also been concerns about proposed commercial developments in Riddells Creek and in Macedon. Many locals have written and spoken to me and also to the Liberal candidate for the Assembly seat of Macedon, Donna Petrovich, in

relation to their concerns that their towns and landscapes may be thoughtlessly and senselessly changed forever. These residents are not antidevelopment. They have made it clear that they support appropriate development, but all are consistent in calling for a strong and protective planning framework for the Macedon Ranges.

I can think of no-one better to quote than the minister himself and his words of yesterday:

> … planning is not just about building things; it is also about protecting things. That is why the local planning statements are so important.

I therefore call on the minister, citing the trust the people of the Macedon Ranges have in him, to respond on this issue that is so precious to the people of the Macedon Ranges.

Sandhurst Centre

Ms MIKAKOS (Northern Metropolitan) — My matter this evening is for the Minister for Community Services. I wish to express my concerns at the government's announcement today that it will move to speed up the tender process relating to the Sandhurst Centre closure. Whilst Labor welcomes the closure of the Sandhurst Centre, which the government has announced will still close by the original time line of June 2016, the minister announced today that the government is proposing to speed up the tender process by up to five months to appoint community-based providers to manage the new homes for Sandhurst's residents. Effectively what this means is that the government is trying to lock in a private provider, potentially before the state election.

In June I was proud to announce that under an Andrews Labor government Sandhurst residents will have the choice of receiving continuity of care at five newly built Department of Human Services (DHS) residential care homes when the centre closes. Labor is the only party that is genuinely committed to real choice for residents. They will have the choice to go to either residential homes run by DHS and retain continuity of care and the relationships they have established with staff or a non-government disability provider.

Today's announcement is entirely politically motivated and is designed to remove this choice. The government is claiming that this announcement is all about providing certainty for staff, and yet the Health and Community Services Union, which represents the staff, has slammed today's announcement. In its release the union said:

> The Napthine government is just being totally bloody-minded and is prepared to tear up the normal standards of governance and proper tendering out processes just so it will get its way according to a political timetable.

What is certain about the government's announcement is that no-one wins out of this — not the residents, their families or their dedicated staff. I ask the minister to make it clear whether her intention is that contracts will be signed with a non-government disability provider prior to November's election.

Eastern Victoria Region crime prevention

Mr RONALDS (Eastern Victoria) — The matter I raise tonight is for the attention of the Minister for Crime Prevention, Mr O'Donohue. The action I seek from the minister is that he provide me with details about some of the recent crime prevention initiatives the coalition government has funded to improve community safety in our electorate of Eastern Victoria Region.

As the minister would be well aware, community safety is a significant concern not just for our constituents in Eastern Victoria Region but for all Victorians across the state. Community safety is one of this government's top priorities, and I note that the crime prevention ministry is a creation of the coalition government. Through this portfolio the coalition has made a range of excellent initiatives available to help communities address local community safety concerns. Here we have a portfolio that is benefiting local communities right across Victoria by providing local people with the tools to address their local crime prevention solutions.

I also note that Labor has no plans for a crime prevention minister should it win government in November, after the portfolio was dropped from its shadow ministry late last year. It is disgraceful that Labor has such scant disregard for community safety. Clearly Labor has no appreciation of just how much communities have embraced the community crime prevention program.

The PRESIDENT — Order! What was the action?

Mr RONALDS — That the minister provide me with details about some of the recent crime prevention initiatives in eastern Victoria.

The PRESIDENT — Order! Does Mr Ronalds not have access to press releases?

Western Victoria Region police resources

Ms PULFORD (Western Victoria) — Despite having a crime prevention portfolio, the crime

prevention strategies of this government have not worked.

The PRESIDENT — Order! Who is the adjournment matter for?

Ms PULFORD — It is addressed to the Minister for Police and Emergency Services. The crime rate has soared. Victoria Police are just not able to meet the challenges of properly responding to issues involving ice, family violence, road safety and much more. When the government on numerous occasions cut many millions of dollars from the Victoria Police budget we were assured that there would be no impact on front-line services. The matter I bring to the attention of the minister relates to police stations in Coleraine and Casterton.

Coleraine has a 16-hour station — this means it is open 16 hours a day — but it is of a particular status. It is supposed to have one senior uniformed officer and two others. It currently has just the one senior uniformed officer. The previous senior uniformed officer is on leave and has not been replaced. To fill the gaps at Coleraine, officers from other stations are called to help out. Casterton also has a 16-hour station, and again it is supposed to have one senior and two others. This small staffing pool is stripped to help cover Coleraine, in turn leaving Casterton understaffed. Hamilton also lends staff to Coleraine, and its station has also had its numbers reduced in the last few years. It has been put to me that Coleraine is not far off becoming a shopfront, open a few days a week for signing paperwork with not a lot of traditional policing work done.

The action I seek from the minister is that he restore adequate staffing numbers to the police stations in my electorate of Western Victoria Region, be true to the promise made time and again to not impact front-line services with state budget cuts and take some serious action to deal with soaring crime in western Victoria.

Prisons

Ms DARVENIZA (Northern Victoria) — I wish to raise a matter for the Minister for Corrections, Mr Edward O'Donohue, and the matter I raise concerns the number of escapes that have occurred from Dhurringile Prison within the past 12 months. Dhurringile Prison was designed as a low-security facility to house prisoners who are nearing the end of their sentence. On Friday, 1 August, another inmate walked out of the facility and has not been apprehended. That brings the total number of prisoners who have escaped the facility in the last 12 months to seven. Corrections Victoria has reassured concerned residents in the surrounding community that the prison's security is strong; however, members of the Dhurringile community action group are very upset.

Prisoner escapes cause alarm and concern for the surrounding community, and they also tie up valuable prison as well as police resources in trying to locate the escapees. The spokesperson for the Dhurringile community action group, Frank Niglia, said the group is not happy with the hit-and-miss communication they receive from the prison when an inmate has escaped. A text message system that was set up to alert the surrounding residents of an escape does not always reach all residents, and at other times the details on the messages are not correct.

The ongoing concern for residents and action group members is that if the walk-offs continue at the same rate, it will only be a matter of time before one is not resolved without something serious happening. Dhurringile Prison management acknowledges there are problems and is trying to implement new strategies but believes they do not seem to be working.

The specific action I am seeking from the minister is that he make a commitment, and that his government make a commitment, for additional funding resources and support for the Dhurringile Prison, thereby making a commitment to the safety of the Dhurringile community as well as the community of the surrounding area. We want people in the area surrounding Dhurringile Prison, which is primarily made up of farming land, families and residences, to have a feeling of safety and peace of mind. I believe that additional funding, resources and support will go a long way to achieving that.

Responses

Hon. M. J. GUY (Minister for Planning) — Mr Melhem raised a matter for the Minister for Community Services, Ms Mary Wooldridge, about the St Mary's House of Welcome, and I will seek a quick reply for him.

Mr O'Brien raised a matter for the Minister for Water, Mr Peter Walsh, about the Pyrenees shire, and I will have those matters addressed by Mr Walsh in writing.

Mr Tee raised a matter for the Minister for Roads, Mr Terry Mulder, about east–west link, and I will have a response in writing to that matter sent to the member.

Mrs Millar raised a matter for me in relation to Macedon Ranges planning issues.

Ms Pulford — On a point of order, President, relating to the appropriateness of Mrs Millar quoting the minister, Mr Guy, in an adjournment matter for his attention, I was wondering whether that was in order.

The PRESIDENT — Order! Mrs Millar is certainly able to quote the minister as part of the context of what action she is asking of him. I must say I missed the action that she sought, and hopefully the minister will address exactly what action she was asking for. There is no problem with her quoting the minister as part of the argument she is making for whatever ministerial action she is seeking.

I must say, whilst I am on my feet, in terms of Mr Ronalds: although I was a bit flippant in terms of mentioning press releases, what I was concerned about in that contribution was that it had all the hallmarks of a setpiece speech in that it was reflecting on the opposition's policies rather than on matters that would be within the jurisdiction of the actual minister and something that he was responsible for. Therefore it had, as I said, the marks of a setpiece speech, and that is not what the adjournment debate is about. The supporting remarks to an action or some sort of acknowledgement by the minister should be directed to establishing a case for that action or response rather than reflecting on other parties.

Hon. M. J. GUY — Mrs Millar raised a matter for me in relation to Macedon Ranges planning, and she has been very active on those issues, particularly around Hanging Rock. I will give her a written response to the matter she has raised.

Ms Mikakos raised a matter in relation to the Sandhurst Centre closure with the Minister for Community Services, Ms Wooldridge, and I will seek a written reply for Ms Mikakos.

Mr Ronalds raised a matter for the Minister for Crime Prevention, Mr O'Donohue, in relation to crime prevention initiatives in his area, which is predominantly Gippsland, and I will seek a response for him from Minister O'Donohue.

Ms Pulford raised a matter for the Minister for Police and Emergency Services, Mr Wells, in relation to police station operations in Western Victoria Region, in this case in Casterton and Coleraine, and I will seek a response for her in writing.

Ms Darveniza raised a matter for the Minister for Corrections, Mr O'Donohue, in relation to escapes from Dhurringile Prison, and I will seek a written response for her.

President, there is one written response to an adjournment matter raised by Mr Ramsay on 12 June 2014, which is for his attention.

The PRESIDENT — Order! On that basis the house stands adjourned until tomorrow morning.

House adjourned 7.01 p.m.