

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Thursday, 11 June 2015

(Extract from book 8)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

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Minister for Finance and Minister for Multicultural Affairs	The Hon. R. D. Scott, MP
Minister for Small Business, Innovation and Trade	The Hon. A. Somyurek, MLC
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms M. Kairouz, MP

Legislative Council committees

Privileges Committee — Mr Drum, Ms Hartland, Mr Herbert, Ms Mikakos, Ms Pulford, Mr Purcell, Mr Rich-Phillips, and Ms Wooldridge.

Procedure Committee — The President, Dr Carling-Jenkins, Mr Davis, Mr Jennings, Ms Pennicuik, Ms Pulford, Ms Tierney and Ms Wooldridge.

Legislative Council standing committees

Standing Committee on the Economy and Infrastructure — Dr Carling-Jenkins, Mr Dalidakis, Mr Eideh, Mr Elasmarr, Mr Finn, Ms Hartland, Mr Morris and Mr Ondarchie.

Standing Committee on the Environment and Planning — Ms Bath, Mr Dalla-Riva, Mr Davis, Ms Dunn, Mr Leane, Ms Shing, Ms Tierney and Mr Young.

Standing Committee on Legal and Social Issues — Ms Fitzherbert, Mr Melhem, Mr Mulino, Mr O'Donohue, Ms Patten, Mrs Peulich, Ms Springle and Ms Symes.

Joint committees

Accountability and Oversight Committee — (*Council*): Ms Bath, Mr Purcell and Ms Symes. (*Assembly*): Mr Angus, Mr Gidley, Mr Staikos and Ms Thomson.

Dispute Resolution Committee — (*Council*): Mr Bourman, Mr Dalidakis, Ms Dunn, Mr Jennings and Ms Wooldridge. (*Assembly*): Ms Allan, Mr Clark, Mr Merlino, Mr M. O'Brien, Mr Pakula, Ms Richardson and Mr Walsh

Economic, Education, Jobs and Skills Committee — (*Council*): Mr Elasmarr, Mr Melhem and Mr Purcell. (*Assembly*): Mr Crisp, Mr Perera and Ms Ryall.

Electoral Matters Committee — (*Council*): Mr Dalidakis and Ms Patten. (*Assembly*): Ms Asher, Ms Blandthorn, Mr Dixon, Mr Northe and Ms Spence.

Environment, Natural Resources and Regional Development Committee — (*Council*): Mr Ramsay and Mr Young. (*Assembly*): Ms Halfpenny, Mr McCurdy, Mr Richardson, Mr Tilley and Ms Ward.

Family and Community Development Committee — (*Council*): Mr Finn. (*Assembly*): Ms Couzens, Mr Edbrooke, Ms Edwards, Ms Kealy, Ms McLeish, and Ms Sheed.

House Committee — (*Council*): The President (*ex officio*), Mr Eideh, Ms Hartland, Ms Lovell, Mr Mulino and Mr Young. (*Assembly*): The Speaker (*ex officio*), Mr J. Bull, Mr Crisp, Mrs Fyffe, Mr Staikos, Ms Suleyman and Mr Thompson.

Independent Broad-based Anti-corruption Commission Committee — (*Council*): Mr Ramsay and Ms Symes. (*Assembly*): Mr Hibbins, Mr D. O'Brien, Mr Richardson, Ms Thomson and Mr Wells.

Law Reform, Road and Community Safety Committee — (*Council*): Mr Eideh and Ms Patten. (*Assembly*): Mr Dixon, Mr Howard, Ms Suleyman, Mr Thompson and Mr Tilley.

Public Accounts and Estimates Committee — (*Council*): Dr Carling-Jenkins, Ms Pennicuik and Ms Shing. (*Assembly*): Mr Dimopoulos, Mr Morris, Mr D. O'Brien, Mr Pearson, Mr T. Smith and Ms Ward.

Scrutiny of Acts and Regulations Committee — (*Council*): Mr Dalla-Riva. (*Assembly*): Mr J. Bull, Ms Blandthorn, Mr Dimopoulos, Ms Kealy, Ms Kilkenny and Mr Pesutto.

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

**MEMBERS OF THE LEGISLATIVE COUNCIL
FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

President: The Hon. B. N. ATKINSON

Deputy President: Ms G. TIERNEY

Acting Presidents: Ms Dunn, Mr Eideh, Mr Elasmar, Mr Finn, Mr Morris, Ms Patten, Mr Ramsay

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Deputy Leader of the Government:
The Hon. J. L. PULFORD

Leader of the Opposition:
The Hon. M. WOOLDRIDGE

Deputy Leader of the Opposition:
The Hon. G. K. RICH-PHILLIPS

Leader of The Nationals:
The Hon. D. K. DRUM

Leader of the Greens:
Mr G. BARBER

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Morris, Mr Joshua	Western Victoria	LP
Bath, Ms Melina ²	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFP	O'Brien, Mr Daniel David ¹	Eastern Victoria	Nats
Carling-Jenkins, Dr Rachel	Western Metropolitan	DLP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Dalidakis, Mr Philip	Southern Metropolitan	ALP	Patten, Ms Fiona	Northern Metropolitan	ASP
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Davis, Mr David McLean	Southern Metropolitan	LP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Drum, Mr Damian Kevin	Northern Victoria	Nats	Pulford, Ms Jaala Lee	Western Victoria	ALP
Dunn, Ms Samantha	Eastern Metropolitan	Greens	Purcell, Mr James	Western Victoria	V1LJ
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Ramsay, Mr Simon	Western Victoria	LP
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Shing, Ms Harriet	Eastern Victoria	ALP
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Springle, Ms Nina	South Eastern Metropolitan	Greens
Herbert, Mr Steven Ralph	Northern Victoria	ALP	Symes, Ms Jaelyn	Northern Victoria	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Young, Mr Daniel	Northern Victoria	SFP
Melhem, Mr Cesar	Western Metropolitan	ALP			

¹ Resigned 25 February 2015

² Appointed 15 April 2015

PARTY ABBREVIATIONS

ALP — Labor Party; ASP — Australian Sex Party;
DLP — Democratic Labour Party; Greens — Australian Greens;
LP — Liberal Party; Nats — The Nationals;
SFP — Shooters and Fishers Party; V1LJ — Vote 1 Local Jobs

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Thursday, 11 June 2015

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

STANDING COMMITTEE ON LEGAL AND SOCIAL ISSUES

Reference

The **PRESIDENT** — Order! I advise members that I have received a letter from Edward O'Donohue in his capacity as chair of the Standing Committee on Legal and Social Issues. He writes:

I am writing to advise the Legislative Council that pursuant to sessional order 6, at its meeting on 10 June 2015, the Standing Committee on Legal and Social Issues adopted the following terms of reference as a self-referenced inquiry:

That the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015 be referred to the Legal and Social Issues Committee for inquiry, consideration and report by 4 August 2015, and in particular the committee examine the extent to which the bill along with current legislation will protect vulnerable children.

PETITIONS

Following petition presented to house:

Police numbers

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that Premier Daniel Andrews has failed to commit to providing additional police officers as Victoria grows.

The petitioners therefore respectfully request that the Legislative Council of Victoria call on Premier Daniel Andrews to commit to providing additional police for our community as a matter of priority.

By Mr O'DONOHUE (Eastern Victoria)
(37 signatures).

Laid on table.

OFFICE OF THE RACING INTEGRITY COMMISSIONER

Live baiting in greyhound racing in Victoria

Mr HERBERT (Minister for Training and Skills), by leave, presented final report.

Laid on table.

Ordered to be published.

CHIEF VETERINARY OFFICER

Animal welfare and cruelty in the Victorian greyhound industry

Ms PULFORD (Minister for Agriculture), by leave, presented final report.

Laid on table.

PAPERS

Laid on table by Acting Clerk:

Statutory Rules under the following Acts of Parliament —

Meat Industry Act 1993 — No. 42.

Survey Coordination Act 1958 — No. 44.

Surveying Act 2004 — No. 43.

NOTICES OF MOTION

Notices of motion given.

Ms TIERNEY giving notice of motion:

Honourable members interjecting.

The **PRESIDENT** — Order! My apologies, Deputy President, could you read that from the beginning?

Ms Tierney continued giving notice of motion.

The **PRESIDENT** — Order! There was a fair bit of interjection even when I asked the Deputy President to read her notice of motion a second time. Just so that the house knows what that motion was, I intend to read it.

Mr Davis interjected.

Notices interrupted.

SUSPENSION OF MEMBERS

Mr Davis and Mrs Peulich

The **PRESIDENT** — Order! Mr Davis will leave the chamber for 15 minutes. I am on my feet.

Mr Davis withdrew from chamber.

Mrs Peulich — Can I have 15 minutes too?

The **PRESIDENT** — Order! Yes, you may.

Mrs Peulich withdrew from chamber.

NOTICES OF MOTION

Notices resumed.

The PRESIDENT — We may disagree with motions that are proposed to be put to this house by members, but the appropriate time to debate them is when they are called on for debate, not by way of interjection and particularly not when I request a member to read a notice again because clearly the interjections are unruly and over the top.

BUSINESS OF THE HOUSE

Adjournment

Mr JENNINGS (Special Minister of State) — I move:

That the Council, at its rising, adjourn until 2.00 p.m. on Tuesday, 23 June.

Motion agreed to.

MINISTERS STATEMENTS

Child protection

Ms MIKAKOS (Minister for Families and Children) — I rise to inform the house of the steps the Andrews Labor government is taking to recruit more child protection workers across Victoria. This year the Andrews government delivered a record budget for child protection and family services and an investment of \$283 million over the next four years. As an increase of at least 17 per cent on the previous year, this year's budget increase was the largest in over a decade of funding to these vital services. The government's priority is to keep our kids safe from abuse and neglect, and this extra funding means more workers, more assistance and more support for carers and vulnerable children and families. The budget includes \$65.4 million for the recruitment of more than 110 extra child protection workers across the state.

On 20 May I launched the department's campaign to recruit these extra workers at RMIT University at an address to social work and welfare students. Advertisements have also been placed in major Victorian newspapers under the banner of our recruitment campaign, 'Rewrite tomorrow, one child at a time'. Information is also available on the department's website. Recruitment of these extra staff will ensure that more children and families across the state will have access to the support and care that the department's dedicated and hardworking child protection staff provide.

As part of our extra child protection recruitment, more than 19 extra child protection workers have been recruited for the after-hours service. For the first time, the after-hours outreach service will be rolled out statewide to service the state's rural and regional areas, such as the Goulburn, Ovens-Murray, Mallee and East Gippsland areas. Currently only 50 per cent of the state geographically is covered by this service. Having a dedicated child protection team on call throughout the night right across our state will increase the safety of children, no matter where they live, and improve the workplace health and safety of dedicated child protection staff.

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

MEMBERS STATEMENTS

Harold Bould Memorial Award

Mr O'DONOHUE (Eastern Victoria) — It was a great pleasure to have at my electorate office recently the winners of the 2014 Harold Bould Memorial Award and to wish them every success as they head off to Kokoda during the school holidays. The two winners are Jake Templar from Berwick Grammar School and Ashley Ray from Emerald Secondary College. The Harold Bould Memorial Award has been created with the assistance of the 39th Infantry Battalion, the many wonderful people associated with the 39th Infantry Battalion Association and in particular Alan Jamieson, who has been a driving force behind the award.

It was a great pleasure to have Kokoda veterans at the celebration. The idea of the Harold Bould Memorial Award is to honour Harold Bould, who was a veteran of Kokoda and died on the Kokoda Track. He was a son of a local farmer from the Cardinia township. The award aims to honour Harold and others who fought to defend our country but also to give future young leaders from the Shire of Cardinia the opportunity of a lifetime to learn about Kokoda and sacrifice and to grow as individuals and pass on the Kokoda legacy.

I wish these two fine young men every success in their trip and thank all those involved in making this wonderful award possible.

Ivanhoe Aquatic

Mr ELASMAR (Northern Metropolitan) — On Saturday, 9 May, I was delighted to be in attendance at the official opening of the Ivanhoe Aquatic redevelopment. All invited guests were given a tour of the refurbished and revitalised aquatic centre by the

mayor, Cr Craig Langdon, and his deputy, Cr Jenny Mulholland, together with council officers and staff. This aquatic sporting destination is a wonderful achievement by Banyule City Council. I am sure it will give pleasure to countless Banyule residents and future generations to come.

George Seitz

Mr ELASMAR — On Friday, 5 June, my old friend George Seitz passed away. George was a well-known character within the halls of this Parliament, having served as a Labor politician for 28 years. There were many colourful stories around the traps about George and his ever-present camera. One thing I do know is that he served his constituents to the very best of his considerable abilities. He was a friend to me, and I shall miss his smile. I offer my sincere condolences to his family. Rest in peace, George.

Vellus Aureum Trophy

Mr PURCELL (Western Victoria) — It is with great pleasure today that I speak about a fantastic achievement by a farming family whom I have known throughout my life. The family resides in Orford, and the farmers, David and Susan Rowbottom, have just won an international competition to find the world's finest fleece.

The Rowbottoms run a specialist merino flock that produces ultrafine wool, and they have just won the Ermenegildo Zegna Vellus Aureum Trophy for the second consecutive year, after having taken out second place in the two years previous to that. To quantify the quality of the fleece, it measures 10.1 microns and weighs 850 grams. Wool of this quality is used to make suits of the finest quality. Next year the Rowbottoms intend to enter again and believe they can produce fleece of under 10 microns. The total world market for this is six bales per year. The Rowbottoms were recognised with 500 grams of pure gold ingots worth \$24 000. It gives me great pleasure today to congratulate them on this incredible achievement.

Youth Connect

Ms CROZIER (Southern Metropolitan) — I was absolutely delighted to have Steph Ryan, the member for Euroa in the Assembly, who is the shadow minister for young Victorians and the shadow minister for training, skills and apprenticeships, visit Bentleigh last week to meet with Youth Connect CEO Danny Schwarz. Youth Connect is a non-profit, community-focused organisation that offers assistance to young people, parents, the community, schools,

education providers, employers and industry in the south-eastern suburbs of Melbourne. More than 1000 young people have received flexible and specific support during the last five years under the Youth Connect program.

Youth Connect has developed a wide range of programs and services, including the significantly successful Right Step youth diversion program in Moorabbin and Frankston. Youth Connect worked closely with the former Victorian Attorney-General, Robert Clark, with a view to all young people having access to diversion where appropriate. It was as a result of this work that the former government provided the Children's Court with funding to develop a larger scale pilot program, and as a result young people can get access to vital intervention that has not previously been part of the youth justice system. I acknowledge and congratulate Danny Schwarz and his team on their hard work in providing support to disadvantaged youth within the south-eastern areas of Melbourne and for providing a very significant program for school-to-work pathways. I call on the government to maintain this program and others like it into the future.

Social enterprise sector

Mr MULINO (Eastern Victoria) — I rise today to acknowledge the work of Social Traders and others in the social enterprise sector. In particular I acknowledge an event I was fortunate to attend last week. Jonathan Bland, the managing director of Social Business International, visited from the United Kingdom to pass on some experiences from the social enterprise sector there. It is well known that the United Kingdom is currently world's best practice in this area and is probably 20 years ahead of Australia. That is where Australia could be and should be. In the United Kingdom as of 2010 there were something like 60 000 social enterprises employing over 800 000 employees and contributing more than €25 billion to the economy. Five years later the sector is probably employing something of the order of 1 million people.

A number of aspects of the social enterprise sector in the UK are worth us leveraging: the whole-of-government approach; the fact that it is an ecosystem with a number of different aspects working together; and its regulatory innovations, such as community interest companies. This is a different form of enterprise which has a much broader set of potential goals than for-profit enterprise. For-profit enterprise has been extremely successful at leveraging and harnessing the power of the market, but it is also worth using other forms of enterprise that can provide broader benefits to

society. I hope we as a government can learn from the UK's experience and build this sector.

Karen Alexander

Mr BARBER (Northern Metropolitan) — I was delighted to learn that one of Australia's great environmentalists and a dear, dear friend of mine, Karen Alexander, had been awarded the OAM. I could not think of a more deserving candidate for the OAM, particularly in the quiet achiever subcategory. Karen has spent her entire life in pursuit of the protection of biodiversity and nature. This love arose out of her childhood experiences in the hills around Melbourne. She has gone on to play leading roles in some of the major environmental battles in Australia, and beyond that, as environmentalism has become more mainstream, to develop systems and campaigns to protect the fragile biodiversity of Australia.

When the Franklin River campaign moved from Tasmania and went national, it was Karen Alexander who organised that as it migrated to Melbourne. She has been the president of Bush Heritage Australia and has been integrally involved in the Australian Conservation Foundation and the Victorian National Parks Association. Most recently she has put a huge amount of effort into biolinks campaigns designed to take Victoria's damaged biodiversity, restore it and preserve it for future generations. Congratulations to Karen.

Queen's Birthday honours

Mr MORRIS (Western Victoria) — I rise to make mention of several constituents within Western Victoria Region who received Queen's Birthday honours. Mr Kevin Tolhurst received an AM for services to science through bushfire management and to the community through providing advice at bushfire emergencies, including serving during the 2009 Black Saturday bushfires.

Mr Martin Westbrooke was awarded an OAM for services to ecology and environmental management, having worked for over 40 years at the Mount Helen campus of what is now known as Federation University.

Mr Edward Richards received an OAM for services to veterans and their families, the RSL and Legacy over many years.

Ms Margaret Littlehales was awarded an OAM for services to youth, including working as a guides leader and being a volunteer at the Ballarat Central Uniting Church for over 30 years.

Professor David Battersby — who I have worked with for quite a while now — was awarded an AM for his services to tertiary education and for being a strong advocate for regional universities.

Mr James Conroy received an OAM for services to cattle breeding and the sport of polo, having been a founding member of the Yaloak Polo Club in 1980.

Mr Denis Purcell received an OAM for services to emergency service organisations, including 30 years service in the State Emergency Service.

I would like to also make note that Western Victoria Region is certainly well above statewide volunteering rates, and that should come as no surprise to many.

South West Alternative Medium Project

Ms TIERNEY (Western Victoria) — On Monday, 1 June, I had the pleasure of visiting the South West Alternative Medium Project, or SWAMP, as it is more affectionately known.

SWAMP is an Indigenous-managed, volunteer-run, not-for-profit community arts organisation based in Portland, Victoria. Through its innovative programs, SWAMP aims to improve the wellbeing and disposition of people who are disengaged from society by improving their skills and socialising with the use of a common goal.

SWAMP's programs deliver a mix of life skills and health education programs aimed at empowering individuals and building their capacity to make a positive lifestyle change. Members of the community with mild and chronic mental health issues or drug and alcohol problems and those who are socially and economically marginalised have gained significant benefits through SWAMP's great work.

Through its volunteers and program participants SWAMP also participates in a number of cultural festivals in the Portland area, including the Upwelling Festival, Portland Community Markets and the Winter Arts Indigenous arts exhibition, and it often provides goods for sale at Julia Street Creative Space.

SWAMP provides a medium for local Indigenous artists to have their work displayed as well as encouraging Indigenous artists, some of whom have very low self-esteem, to follow their creative passion.

I would like to thank Ms Deb Saunders, who took the time to personally take me on a tour of the SWAMP facility and explain the importance of the work it does in the Portland community. It is clear that Ms Saunders

does an enormous amount of work for the not-for-profit organisation, as do all the volunteers involved in this excellent community organisation. I call on all locals in the district to support this wonderful organisation.

Melbourne Zoo

Ms PATTEN (Northern Metropolitan) — Last week I was extremely fortunate to get a tour of the Melbourne Zoo, and I met some incredible creatures there. The zoo welcomed the as yet unnamed pygmy hippo. Congratulations to his parents, Petre and Felix; both mother and baby hippo are doing very well.

Like many other innovative organisations in the Northern Metropolitan Region, Melbourne Zoo is engaging in unique and successful business practices to boost tourism to the area. I was very happy to learn about its Breakfast with the Koalas and Kangaroos event. It is a product that the zoo offers to tourists when they fly into Melbourne: before their hotel rooms are ready they can come in and have breakfast with the koalas and kangaroos and then go and check into their hotels.

Since 2014 visitation to the zoo has increased from 1.5 million to over 2 million, thanks to these types of programs. The membership program at the zoo has also been very popular. In 2010 the zoo had about 70 000 members; it now has over 250 000 members — a fantastic increase. The zoo uses the money raised for its anti-extinction programs and to work towards ensuring that no Victorian terrestrial vertebrate species goes extinct under its watch.

Orbost Secondary College

Ms BATH (Eastern Victoria) — Recently I had the pleasure of meeting five students from Orbost Secondary College in East Gippsland, all with different hopes and career aspirations but all facing big challenges in attaining a tertiary qualification.

Let me introduce them. Sam has decided to have a gap year in 2016 to work at KFC and save sufficient funds to support him the following year, when he will study games development. Bella is passionate about earning a degree in political and environmental science at RMIT University. Courtney is committed to enrolling in psychology at either RMIT or La Trobe University in 2016. Jeff has relatives in Melbourne who are willing to help him succeed in his goal to study architecture. He hopes to travel to Timor in the future and use his skills there. School captain Lachy is determined to study agricultural science at either the University of

Melbourne or La Trobe University and then one day to return home with these skills.

Orbost is equidistant from Melbourne and Canberra. It is an enormous commitment to seek a tertiary education four and a half hours away from home. For many rural students it is a huge financial and emotional stretch to follow their dreams, and I commend these fantastic students for their dedication and efforts. I also commend their year 12 coordinator, Rob Clay, and all the year 12 teachers at Orbost Secondary College. I wish them well for a great future.

Victoria University Sunshine campus

Mr EIDEH (Western Metropolitan) — I recently had the privilege of accompanying the Minister for Training and Skills, Steve Herbert, on a tour of the Victoria University Sunshine campus with Victoria University's chancellor, George Pappas, and its vice-chancellor, Peter Dawkins. Also present were my parliamentary colleagues Marsha Thomson, the member for Footscray in the Legislative Assembly, Cesar Melhem and Natalie Suleyman, the member for St Albans in the Legislative Assembly.

The tour showcased Victoria University's \$44 million state-of-the-art industry trades training facility located at the TAFE campus on Ballarat Road, Sunshine. This facility was opened in 2012 and is available for students to undertake apprenticeships, pre-apprenticeships, skills recognition and other important programs. These are vital pathways to create more skilled workers and tradespeople where they are most needed. This campus offers programs in bricklaying, carpentry, construction, fabrication and mechanical engineering, furniture making, plumbing and the sign industry, and it is one of Victoria's best training facilities.

This campus is helping to regenerate activity in the western suburbs, and it is addressing Victoria's need for training and skilled workers at a time when we are facing massive youth unemployment. Despite the \$1.2 billion cut to the TAFE system made by the previous government, Victoria University has been able to commit to providing high-quality trade facilities to students in not only my electorate but across Melbourne. The training that is desperately needed will be more easily accessible.

Allison Murphy Memorial Scholarship

Mr RAMSAY (Western Victoria) — It was an honour to be at the Allison Murphy Memorial Scholarship dinner last night at the Pier Geelong. Alli Murphy was a much-loved member of the Geelong

community, a successful businesswoman, a lobbyist, a manager of Redstick Strategic Communications and the loved wife of Peter ‘Stevo’ Stephens.

Alli’s life was cut short last year, leaving behind three children, two of whom are five-year-old twins, and a loving husband. The Geelong community was shattered, such was the love for this girl who endeared herself so much to the Geelong community. Her negotiation skills were honed early with her mentor Senator Judith Troth, and last night 326 people gathered to remember Alli Murphy through the inaugural Alli Murphy scholarship at Deakin University.

It was fitting that the Honourable Julie Bishop, federal Minister for Foreign Affairs, spoke at this dinner and met the recipient of the scholarship, Coral Reeve, whose early life revolved around a women’s refuge. She had a fierce desire to study, learn and pursue her dreams, just like Alli. This is a lasting legacy to Alli’s work and demonstrates the affection that the Geelong community has for Alli Murphy and her memory. It was pleasing to see that Judith Troth was in attendance, along with the vice-chancellor of Deakin University, Jane den Hollander, the federal member for Corangamite, Sarah Henderson, and Julie Bishop, to celebrate this announcement and keep Alli’s dreams alive.

Picnic racing awards

Ms SHING (Eastern Victoria) — I rise to congratulate everyone who participated in the picnic racing awards night held on 30 May at Cranbourne and attended by numerous representatives from Country Racing Victoria and Racing Victoria. As many people in the racing community are aware, picnic racing plays a significant role throughout Victoria, bringing people together in what is more casually termed a ‘flat shoe’ environment, where stilettos are not required to be hooked over a shoulder at the end of the day before a painful trip to find a tram. With over 33 race meetings spread across 14 picnic clubs, everywhere from Alexandra to Dunkeld and Swifts Creek, including Drouin on Boxing Day — which is a meet that is close to my heart, and always a good way to wind down after Christmas — the calendar is a very full one, great fun and an informal way for families to enjoy the racing environment.

A number of prizes were issued on the night to very well deserving winners, and I congratulate them. They include: the Picnic Horse of the Year, won by Immortal Fire, trained by Trevor Rogers; the Leading Rider of the Year, which was awarded to Courtney Pace for the highest number of wins at picnic meetings; the Runner

Up Rider of the Year was awarded to Reece Goodman, the rider with the second highest number of wins at picnic meets; the David Burke Picnic Racing Club of the Year was awarded to Yea Racing Club; the Neville & Bev Seymour Club Award (One Meeting) for a one-meeting club was won by the Dederang Picnic Racing Club; the Trainer of the Year was won by John Kilgour; the Dennis Foy Memorial Up and Coming Rider award was won by Toby Lake; and the Barry Ryan Medal, based on votes cast by Racing Victoria stewards regardless of final placing, was won by Courtney Pace. Congratulations to all!

Go Red for Women

Ms FITZHERBERT (Southern Metropolitan) — Looking around the chamber today, we can see that there is a little bit more red on display than usual, and I would like to explain the reason for that. The National Heart Foundation’s annual awareness day and fundraising campaign, Go Red for Women, is today, 11 June. Many believe that breast cancer is the biggest killer of women in Australia, but it is not. Heart disease kills around three times more women. Heart disease is the single biggest killer of Australian women, with one life lost every hour of every day.

Women do not have to be old or overweight, according to the website of the heart foundation, to be the victim of heart disease, and the risk increases after menopause. Funds raised from Go Red for Women will support life-saving research, education and awareness. Workplaces are encouraged to hold an event in support of Go Red for Women, and this workplace, the Parliament, will be holding its event on the front steps at 1.15 p.m. today. I encourage everyone to participate.

Ulumbarra Theatre

Ms LOVELL (Northern Victoria) — Barely a month after its official opening in April, the Ulumbarra Theatre in Bendigo has already had more than 35 000 people through its doors. That is a wonderful statement on the quality of the theatre, which is a project for which I had the pleasure of turning the first sod during the coalition’s term of government. It is a positive indication that visitor numbers will continue to swell and that Bendigo and central Victoria will be further cemented as a significant part of Victoria’s culture and arts scene.

Fruit industry employment program

Ms LOVELL — I am immensely proud of the success of the former coalition government’s fruit industry employment program. Initiated as a response

to SPC Ardmona reducing fruit intake, the \$2 million project, which is now completed, provided training opportunities and created jobs for 40 people from the horticultural industry who were affected by industry cuts in 2013.

Girton Grammar School

Ms LOVELL — Fourteen brave students from Girton Grammar School recently shaved their heads in support of the Leukaemia Foundation and the World's Greatest Shave. The students are aiming to reach \$10 000 in donations and are well on their way to achieving their goal. It is a great effort from a group of very generous young people. Well done to the kids.

Xavier Dole

Ms LOVELL — Congratulations also to 12-year-old Girton Grammar student Xavier Dole, whose invention of a concept that prevents drivers from locking children and animals in vehicles won the youth category at this year's Bendigo Inventor Awards. Xavier's invention reached the attentions of Toyota Australia's president, who praised his innovative thinking. What a wonderful achievement from one of our youngest community members.

VICTORIAN AUDITOR-GENERAL'S OFFICE

Financial audit

Message received from Assembly requesting agreement with resolution.

Assembly's resolution:

That, pursuant to section 17 of the Audit Act 1994 —

Mr Steven Bradby of PKF Melbourne Audit & Assurance in Melbourne be appointed for a period of one year:

- (1) to conduct the financial audit of the Victorian Auditor-General's Office for the financial year ended 30 June 2015;
- (2) in accordance with the terms and conditions and remuneration of a person appointed by the Parliament of Victoria pursuant to section 17 of the Audit Act 1994, in appendix 1 of the Public Accounts and Estimates Committee's *Report on the Appointment of a Person to Conduct the Financial Audit of the Victorian Auditor-General's Office* under section 17 of the Audit Act 1994 (parliamentary paper no. 45, session 2014–15); and
- (3) at a fixed fee level of remuneration of \$34 500 (plus GST) for audit services for the year ended 30 June 2015.

Resolution agreed to on motion of Mr JENNINGS (Special Minister of State).

APPROPRIATION (2015–2016) BILL 2015 and BUDGET PAPERS 2015–16

Second reading

Debate resumed from 28 May; motion of Mr HERBERT (Minister for Training and Skills) and motion of Ms MIKAKOS (Minister for Families and Children):

That the Council take note of the budget papers 2015–16.

Mr BARBER (Northern Metropolitan) — The government has done a very good job of going out and selling the bits of its budget it wants to sell. The main difference between the Labor and Liberal parties is that Labor knows it is very good at hawking its wares, whereas the Liberal Party knows it is not very good at doing that.

Since the budget was brought down, the role of the Greens has been to bring forward a bit more information about some of the bits of the budget the government was not willing to trumpet. The Greens team developed a series of questions on the budget, and our approach was to put these to ministers through the Public Accounts and Estimates Committee budget estimates process, where Ms Pennicuik represents us, and to sit back and wait for the non-answers from the ministers. It is those non-answers that I intend to canvass today as I talk about the response of the Greens to the budget.

We asked the Premier what was the rest of his plan to address climate change beyond the \$12 million he had allocated in relation to climate change in this one year of his budget. The answer was that he does not have one. The lack of money in future years to address climate change reflects the lack of a plan to address climate change in future years. When asked about something as impending as the El Niño drought, which has seen parts of Australia receive record low rainfall, the Premier told us he was keeping a close eye on it. This is not the type of crisis you can simply keep a watching brief on.

The highest levels of governance institutions on this earth, including most recently the G7 and most of our international institutions, are all deeply engaged in the question of how to avert a climate catastrophe — how in fact to get us to zero emissions as quickly as possible — and every time a target for emissions reductions is discussed we see more and more ambition being put on the table. Admittedly we are not seeing a great deal of action being taken through international

forums, but individual companies and individual countries are definitely implementing a range of actions that are starting to turn the ship around before it hits that incredible iceberg, threatening the survival on the planet of the human race and of every other living creature, which should be the central focus of every political leader. So much for that!

We asked a number of questions of the Treasurer. We asked about the sale of the port, the proceeds of which have already been budgeted for in the Treasurer's balance sheet. Beyond that there was not a lot of information about how the sale was to proceed and what sorts of considerations would be brought to bear. When Ms Pennicuik questioned the Treasurer about the rising level of concern from port users, the Treasurer said he did not want to go off on a tangent talking about the concerns from those groups, and he sidestepped the entire question of what the Australian Competition and Consumer Commission might make of the proposed sale of the port of Melbourne.

We have been asking for a bit more information than that. We have been asking that the original KPMG scoping study be presented to this Parliament, and we are making some small progress in that direction. In the meantime the Treasurer has gone and put a bill before this Parliament seeking our support to affect the sale. No deal! The Greens do not believe this is a good deal for Victoria, certainly not when the long term is considered, and there is no way the Parliament should be considering such a sale until we have the information we need to consider the various matters contained in the Treasurer's bill.

An important question put to the Treasurer related to the accounting trickery the previous government was using in relation to schools, which was highlighted by the Auditor-General. It is really quite a scandalous approach — that government would write down the value of schools it described as economically obsolescent, in some cases because enrolments were down in particular schools, and thereby reduce the asset base and thereby reduce necessity for future maintenance funding. It is good to see that this government has reversed that piece of accounting trickery, which had not been used by any other jurisdiction on earth that the Auditor-General was able to find.

The core problem, however, is still there — that is, that the model the Department of Education and Training uses to project demand for school places is the same model it uses to decide whether and how new schools should be built, whether that be on the outer fringes of Melbourne or even in inner-city areas such as the those

covered by the seat of Prahran. That model is flawed. It is the same model the department used for its accounting treatment, it is the model the department is using to project future needs in the school system and there is no transparency around it. There is no transparency around the current state of our schools, despite a series of Auditor-General's reports talking about many of them being in disrepair. We still have no more transparency than we did when we started scrutinising this budget.

On TAFE, the Greens pursued the question with a number of ministers about the problems in the TAFE system and when market contestability, the core of the problem, is going to be addressed. The answer we got was, 'The government is doing more monitoring and compliance'. It does not comfort me at all to hear the Minister for Training and Skills come in here and talk about all the dodgy TAFE providers he has been deregistering, because for every case he has there are students, young people, trying to make a start in life, trying to avoid the scourge of youth unemployment. They have done their dough, been messed around, had their time wasted and in many cases been set back a year with no qualification to show for it at the end of all that time.

We look forward to the results of the Mackenzie review. The government has ticked that off. What the Mackenzie review will inevitably uncover is that market contestability is at the core of the problem. There has been no recognition of that from the Premier or the Minister for Training and Skills.

On education we asked, 'What about Gonski?', and what we got was a big question mark. We asked about the long-term underfunding of capital in schools, and we got a spiel with a list of schools that the minister was funding. The Minister for Education came in and argued effectively that night is day. He argued that the guaranteed funding for non-government schools, now first in the queue, is consistent with Gonski, when one of the Gonski architects himself has come out and told the minister that that is wrong. In fact what the minister said in the end was, 'There's an agreement and Dr Napthine and Mr Rudd signed it, therefore it's okay'.

The Minister for Education then talked about the review that he has asked former Premier Bracks to do. Waving around the name 'Steve Bracks' like a magical incantation is not going to reassure the community. Mr Bracks's achievements in this state are starting to disappear into the mists of history. I know that in the charisma-free zone of this government they would love to be able to bring back some of the Bracks magic, but

simply appointing him to review schools is not going to do the job. The Greens and every other parent out there would like to know where their school sits on the priority list for funding, for capital and for services.

On the subject of orderly and long-term stable budgeting, we asked the minister, ‘What’s the score with rate capping?’. Again he said, ‘There’s a review underway’. We wanted to know specifically if the Essential Services Commission is going to review 79 different councils’ rating outcomes in the short window between when they bring down their budget, perhaps in May, and when they have to sign off on it in June, what is going to be the cost of that? Is any amount allocated in the budget for the Essential Services Commission to commence that work, which it will be doing in this financial year? We got no answer. Will councils themselves be charged for the privilege of having the Essential Services Commission review their proposed rate increase? No answer.

All of this chaos and confusion, expense, bureaucracy and red tape is based on a feel-good *Sunday Herald Sun* campaign that says, ‘Yes, we’d all like to pay less rates. We’d all like to see our rates capped at inflation’. This government is not capping its revenue from own sources at inflation, but it is now going to use local government as a whipping boy and make it do what the government itself cannot do.

On transport we heard the minister yet again claim that the government is addressing the 50 most dangerous level crossings. Will someone please unpack this statement? By every measure I have looked at, the government is not doing the 50 most dangerous level crossings in some kind of order. The government is doing something off the RACV wish list. It is not doing the crossings that have the most historical accidents. It is not even using the Australian level crossing assessment model list — that is, the level crossing risk assessment produced back in the days of Minister Kosky. The government has taken about 25 of the top 50 on that list and then started picking them off the map according to some local political needs.

It may be that removing level crossings in certain areas will have some beneficial effect on local traffic congestion, but until the government starts doing all the level crossings on a particular line it will not see the benefit of extra trains. There is no basis to the claim that the government is doing the 50 most dangerous level crossings, nor can it explain any other particular rationale or offer any kind of business case for why it is doing the 50 it is doing and what the benefits and costs will be for each of them or for the group.

As for extending tramlines: ‘Don’t know’, the minister says. The government never made a promise on that, and it is doing its promises. It is not thinking forward. Melbourne Metro rail, the government’s big signature project, depends on federal funding, and as we know we currently have a federal government that says it will not fund public transport. It thinks the federal government should stick to the knitting, in its words, and fund roads. Australia is one of the few jurisdictions in the world where the federal government is not involved in funding urban public transport. That promise depends on a change of government or certainly a change of heart at the federal level, and it is something the Greens have been campaigning on for many years.

We have learnt there will be no new South Yarra station. Metro rail has been sold to us as though we are getting the Paris Metro — that is, the benefit of this project is supposed to be accessibility across a large number of different destinations within a core area. However, that is not what the Melbourne Metro rail project is for. The purpose of Melbourne Metro rail is to add capacity to bring more suburban trains in and out of the city, so when we start asking questions about why South Yarra station is not part of the plan, the government says it will be too expensive. But what about the benefits of accessibility, rather than being able to access just a small number of stations in a small, concentrated CBD? If it is really about creating a Paris-style metro, then you want the maximum number of stations and the maximum coverage of what is now a broader activity centre, with much more employment around the CBD in addition to that which is in the CBD.

We will continue to pursue the rationale the government used to reject a new South Yarra station. The government tells us it will be acquiring properties there anyway, but there will not be the benefit of a new local station. Despite some efforts by various members, the information the government used to make that call has been kept hidden from the Parliament.

On signalling, which is a critical issue to get more trains running on our existing footprint of rail lines, we now learn it will take two years to complete the trial on the Sandringham line. At the same time as the government tells us 200 cities around the world are already introducing this technology, Victoria apparently has to dip a pinkie finger in the water and then see how it goes. The government has dumped a proposal for high-capacity signalling on the Cranbourne and Pakenham lines, where it is most critical. It is how we will get a major increase in capacity in the number of trains and the number of people on those trains being

moved safely and quickly along the rail lines. At the moment our technology is basically 19th century — it is effectively traffic lights for trains — whereas with modern computing and communications technology we can give a major boost to our train system, but the government has deferred that for at least another two years.

On regional development we asked the minister what plans she had to address particular problems with unemployment and the nature of change occurring in certain areas and certain industries. We asked the minister whether any money in her funds would be available to assist the workers who will be retrenched at the Anglesea power plant. The minister said:

Specifically on the question of the community of Anglesea in response to the recent decision in relation to Alcoa, there is nothing on that list of election commitments that responds to that, obviously, because one happened before the other.

In other words, the closure was announced after the election, and the minister is only delivering on election promises she made prior to the election. The government never saw it coming. This Parliament came together and voted to extend the life of the Anglesea coalmine for another 100 years, yet — surprise, surprise! — within just a few short years the company announced the closure. Depending on which side of the ledger you sit, you can see that as a positive or a negative. We could call it much more of a positive if the government had a plan in place.

The Greens understood that the closure of this mine and other mines like it was inevitable, because a series of policies had been put in place over many years. Many of those policies involved the Greens and the Labor Party voting together, including the carbon price, the Victorian energy efficiency target and the renewable energy target.

Mr Herbert — Good initiatives.

Mr BARBER — They were good initiatives. It was absolutely 100 per cent predictable that they would put more green power into the grid and that over time coal-fired power would be reduced, but the Minister for Regional Development says, ‘We didn’t see that coming’. When we asked what funds were available to assist the workers in this region, she said that they were funding the Geelong Performing Arts Centre. The Geelong Performing Arts Centre is staging *Miss Saigon* shortly, but I am 100 per cent sure that workers from the Anglesea coalmine do not really expect to get jobs as stagehands on *Miss Saigon*. That is why Ms Tierney, the local member, who I believe is sincerely dedicated to the welfare of workers in that area, had to come into

this chamber last night and plead with her own government to come up with something for those workers. The workers knew it was coming, Alcoa knew it was coming, the Greens knew it was coming, but the government had no plan.

Those workers are covered by the Australian Workers Union. God help them! With Mr Melhem as their representative throughout the time we had the debate in this chamber about the future of the Anglesea power station, it is no wonder those workers have been left to their own devices.

We need to do better. There is going to be an accelerating rate of change in the energy industry, and workers who have developed skills working in and around energy generation and transmission can, with a bit of assistance, be retrained for work in those new industries. In fact it takes very little retraining to move as an electrical engineer from coal-fired power to wind-generated power. With a bit of training around working at heights, you could effectively leave a coal-fired power station one day and go to work on a wind farm the next.

We asked the Minister for Energy and Resources twice whether she had a greenhouse gas production goal target, and twice she refused to answer. She informed us that there is money for solar panels for Woodend and Newstead — and good on them for moving forward as renewable energy communities — but beyond that, there is no plan for energy market reform. We have been told there is ongoing consultation. When the government wants to deliver a promise like selling the port, it gets on with it in record time. When the government is not in any real hurry to deliver a promise, it consults the community. These wideranging consultations take a very long time and involve everybody, and in the meantime we get crumbs from the table.

Mr Mulino — Don’t be cynical!

Mr BARBER — It is a clear pattern, Mr Mulino. We all agree with consultation, but we are not getting any consultation about the sale of the port of Melbourne; we are getting fast-tracked. On renewable energy, this government came to the election with no other plan than the promise that it would develop a plan. Government members are quite happy to spend the next four years in workshops and talking to people about what they think.

When asked to rule out clean coal as part of the government’s so-called New Energy Fund, the minister chose not to. She said that renewables would be the

focus of the fund, but she never specifically took the opportunity to say that renewables would be the only form of new energy. As we know, there is already quite a bit of money being thrown at the dream of clean coal.

Some of my other Green colleagues will address their own portfolio areas and what this budget does or does not do for those areas. Unfortunately the government went to the election with a strictly limited set of promises. We know the government is a highly divided family, and having a small group of promises does not really require its members to have any of the big internal fights it needs to have for things like setting an actual greenhouse gas reduction goal; there is another review allocated to that. When you ask government members what is in the budget to address a whole range of pressing crises, you suddenly come to realise that all they have really done is cross their fingers. They are hoping those issues do not bear down on them too soon so that they can get on and deliver the bits of the budget that they promised and get out there and sell it. That is no way to proceed.

Across a whole range of areas that I have discussed, from education to transport to climate to land management itself, the problems keep mounting up. The public is living with those problems every day, and this government simply turns its head.

Mr MULINO (Eastern Victoria) — It is an honour to speak today to the Appropriation (2015–2016) Bill 2015, the first budget of the Andrews government. In setting the context for my observations on the budget, I firstly make some comments about two long-running, high-level trends that are affecting our state, our economy and our society and how I believe the budget responds to them. These trends will continue to affect this state no matter who is in power.

One long-running trend is population growth. We all know in this chamber that the population has been growing at very high rates for some decades now and is projected to continue to grow for some decades to come. Victoria is growing faster than all but a couple of OECD nations. We are growing significantly faster than the economies of Brazil, Russia, India or China. We are growing faster than the other non-resource states. We are growing in the order of approximately half a percentage point faster than New South Wales, for example.

This has been occurring for some time and is projected to continue. Half a percentage point is significant when it is compounded over decades. This is clearly a challenge in that it makes it more difficult to keep up

with infrastructure and service delivery requirements and leads to congestion and other negative externalities.

But it is also an opportunity. Rapid population growth is in large part being driven by international and interstate migrants who are moving to Victoria in greater numbers than they have for many decades and at a greater rate than our state's proportion of the nation's population. It is a reflection of the fact that we are a magnet for the skills, the dynamism and the enthusiasm of these international and interstate migrants, and it is a real opportunity for our society and economy.

The high population growth rate is also an enabler when it comes to investing in our long-run economic and social infrastructure. The many trillions of dollars accumulated around the world in infrastructure funds, pension funds and sovereign wealth funds makes stable economies attractive investment destinations, and Victoria's stable economy and high population growth rate makes it a particularly attractive destination. This first long-run trend is a challenge in many ways, but it is also an opportunity.

The second long-run trend is the broad economic transition our national and state economies are experiencing. This is in large part a result of the changing nature of the resources boom. Our national economy is transitioning away from the investment phase of the resources boom to the export phase. This means that the massive investment projects that we have seen in WA and Queensland, and to some degree in other states, are largely going to peter out, with a significant impact on our overall economy. One of the major macroeconomic impacts is that our national terms of trade will decline, and we have seen this in the decline of our dollar. One consequence is that our national purchasing power will decline, and this will have both direct and indirect impacts on Victoria.

While the most direct impacts of the mining boom were seen in WA and Queensland, there were many indirect benefits to the Victorian economy — for example, through GST payments, fly-in fly-out incomes and interstate trade. Our economy is potentially going to be negatively impacted in many ways through this shift in the economy. As I said, there will be a decline in our national terms of trade and national purchasing power. There will also be a transition process, which always involves some pain. There are challenges for our state economy arising from the move from the resources boom experienced over the previous decade or two.

But again there are also opportunities. Some obvious opportunities on the macroeconomic front are that

interest rates are low and, with downward pressure, will probably fall further; the all-time low interest rates are an enabler for investment in new industries; and the dollar is also at very low levels relative to where it was just a few years ago, which again is a real opportunity for exporters. These and other conditions set up opportunities for new industries. Our government has identified six industries of the future, but of course there are many opportunities beyond that, and we could look at agribusiness and higher education exports as examples. There are all sorts of incredibly exciting opportunities. This economic transition is an opportunity as well as a challenge.

I want to look at three broad categories of policy initiatives that respond to these two high-level trends. They respond to them within a framework that firstly, involves the government partially or fully funding 96 per cent of its election promises in this first budget and secondly, responds in a way that is fiscally responsible, continuing the government's commitment to a AAA credit rating and the Bracks and Brumby governments' decade-long commitment to surpluses and our AAA credit rating. What are the three broad policy responses to the high-level trends being experienced in our economy and society? They are firstly, jobs; secondly, infrastructure; and thirdly, service delivery, and I will talk about each of them in turn.

Firstly, job creation is critical in an economy where there is rapid population growth because the labour force needs to continue to grow to keep up with people entering the labour force. Job creation needs to be flexible in an economy where there is an economic transition underway. We need to create jobs in the new emerging industries. We have a government that is committed to job creation as one of its top priorities. The Back to Work Bill 2014, of course, was the first bill introduced by the government. Through payroll tax credits and cash credits the government will support the creation of 100 000 jobs in the first two years of its administration. It is a very important initiative and one that is already seeing results.

Project 10 000 is a series of infrastructure initiatives that will support thousands of jobs throughout the state. The TAFE rescue package is critical, not only to create jobs directly but also to re-skill workers as they move to new industries, which is crucial in an economy in transition. There are a whole series of funds, including the Premier's Jobs and Investment Panel, funded at half a billion dollars, and the Future Industries Fund, funded at \$200 million, for these new emerging sectors. The Regional Jobs Fund and the Regional Jobs and Infrastructure Fund will be critical in my electorate of

Eastern Victoria Region. Jobs are being supported not only in new industries but throughout the economy, including new jobs through transitional support. Jobs creation is central to this budget.

Secondly, the government has a number of infrastructure initiatives, and they will support population growth and assist with the economic transition I have already identified. The main overarching theme in infrastructure that I would like to identify is that the government is reprioritising away from a focus on one project that did not have a business case that stacked up to an emphasis that is more balanced across the transport system and recognises the interdependencies across the transport system. We are reprioritising towards public transport, including the Melbourne Metro project and a level crossings program that will make the different layers of our transport system work better together. That is the first aspect of our infrastructure program that I want to identify.

The second aspect I want to identify is that we are setting up a coherent pipeline. This is something that the private sector is calling out for. The financiers, constructors, engineers and project managers are calling out for all the different aspects of the value chain. To set up a critical mass of expertise in Victoria and to maintain it in Victoria we need a credible pipeline across the different aspects of the transport system. That is something that can be seen in this budget. There are short-run, medium-run and long-run projects. We are setting up a pipeline that is predictable and that includes projects across all the different stages of the time line.

Thirdly, we have an infrastructure program that is creating a coherent plan across all the different layers of our transport needs. We are making investments in roads and rail, and those investments are being undertaken in such a way that the interconnectedness of our transport system is being enhanced. We are making significant investments in level crossings in this first year of the Andrews administration. The investments in level crossings will be critical both for the people in the communities directly affected and also, and importantly, for the workability of the system as a whole. They will provide increased services right across the train system and will lead to greater leverage and improved synergies across our transport system. The infrastructure program is larger in dollars than we have seen on average over the previous decade. Much more important than the increase in spending is the fact that we are spending it more intelligently — that is, as part of a more coherent plan.

Fourthly, and probably most importantly for a Labor government, there is improvement in service delivery.

We are increasing the spending on services, particularly for those who are vulnerable. Importantly, we are doing it in a sustainable way so that the increased rate of spending on services is not at a higher rate than the increase in revenue. While it is sustainable, the growth in spending on services is at a higher rate than had been planned by the previous government. That enables us to increase spending in targeted ways that will be felt by those most in need.

Importantly also, education and training will see the largest spend ever through a Victorian state government budget, and much of this will be seen in regional Victoria. That significant spend on education and training is clearly important for the life opportunities of the individuals involved. As many in this house have already stated, there is nothing more important than giving children, particularly those from disadvantaged backgrounds, that first opportunity in life. As I mentioned earlier, there is also the economic layer. For an economy in transition it is absolutely critical that we invest in people's skills and enable them to have the opportunity to re-skill where there are opportunities for them to shift across to new and emerging high-productivity sectors.

We have a huge spend in health, which will lead to tens of thousands of additional elective surgery places and tens of thousands of additional emergency treatments. We also have a whole range of spending initiatives for those most vulnerable in our community. Given the time constraints, I will not run through all of them, but I want to identify the Royal Commission into Family Violence as one particular priority that stands out. It is something that this government has put money into right from the start. This budget supports it, and future budgets will continue to support it.

I wanted to put the budget into a broader context. There are many trends affecting our state and our society. I picked two that I think stand out as being particularly important and in need of urgent policy attention. When people look at this budget they see a coherent response to some of the biggest challenges facing our society — that is, its rapid growth and the fact that it is going through a challenging transition. We have invested in the physical infrastructure, the economic infrastructure and the social infrastructure — our hospitals and schools — and also in service delivery.

We have invested in these areas in a very coherent way to improve the capacity of government and society in general to respond to the emerging challenges and to take advantage of the emerging opportunities we have. Our state has incredible opportunities facing it. We lie in the most productive, exciting and rapidly growing

part of the global economy, and Victoria has every opportunity to take advantage of where it is positioned. This budget enhances our capacity to take advantage of those exciting opportunities, so I commend it to the house.

Ms WOOLDRIDGE (Eastern Metropolitan) — It is a pleasure to be able to contribute to the debate on the budget. This is obviously Labor's first budget, and as such it sets the tone, providing a glimpse into what we can expect to see from the Labor government over the next three and a half years. When Victorians consider this budget they should be asking themselves, 'What does the budget do and what doesn't it do?'. That is the context in which I would like to make my remarks today.

The budget gives an indication of what lies ahead. From a health perspective, what we see of what lies ahead is exceptionally concerning. What does this budget actually do? First of all, it fulfils the deals that have been done with the unions. The budget funds those deals that were done before the election; those deals are now being realised. We keep getting repeated assurances from the minister that the deal with the paramedics union is 2.5 per cent, which is consistent with the wages policy, but what we have heard is an announcement from the minister that there is an additional \$17 million in the out years in terms of realising this deal. It is not the same deal that was agreed with the coalition prior to the election; it is a much-enhanced deal effectively to pay for the support that was given to get the Labor government elected.

The Premier has claimed that our paramedics are the lowest paid in Australia. In this regard, there is a referral to the Fair Work Commission for consent arbitration so that we can 'bring Victorian paramedics pay in line with that in other states'. I understand that work-value case has commenced or is meant to have commenced, and it is effective from 1 July 2015 or the date of the final determination, whichever is earlier. Once again there is no reflection in the budget of the actual cost that will be incurred to make sure we can, again in the words of the Premier, 'bring Victorian paramedics pay in line with that in other states'.

This budget incorporates increases, but there is no transparency in relation to those increases. There is funding that is yet to come but not yet incorporated in the budget to realise the promises that the Premier and the Minister for Health are making to the ambulance union. We want to make sure that we can cast some light on the genuine outcome — that is, an outcome from the support that was given prior to the election.

The second thing this budget does is to tick boxes but not finish projects. There is lots of show, lots of capacity to say, ‘We are taking action’, but things are not actually funded for completion. There are a few dollars here and a few dollars there. Things can get underway, but the full funding is not there. In fact so many things come under contingency funding that there is no doubt the contingency has been spent many times over.

I refer to some good examples. Less than 2.5 per cent of the funding has actually been committed for Casey Hospital. Even during the Public Accounts and Estimates Committee hearings the minister conceded it is an area that desperately needs investment, but a tiny amount of money has been committed and that does not deliver the \$106 million commitment that Labor made to rebuild Casey Hospital. Although of course there is a claim that it does. On the time line, the commitment before the election was a 2018 completion date. The budget papers reflect it is actually 2019–20, and when asked about it during the Public Accounts and Estimates Committee hearings, the minister said that making predictions around when a hospital is absolutely going to be completed is notoriously challenging. Once again solid commitments are made first, some wavering afterwards, then it is not funded and the time lines are fudged in terms of when they are going to be delivered.

What we also see in this budget is roughly \$40 million next financial year to pay for Labor’s additional public holidays. If we could, we would find out exactly how much that is. However, each and every time — whether it is the Treasurer, Premier or the Minister for Health herself — there is fudging, a cover-up, trying to hide the cost of the policy in terms of the implications not only for the public health system but also for Victoria as a whole. It is amazing to think, and I will come to what is not in the budget, what could have been funded with that money if it were not used to pay for Labor’s additional public holidays.

Another thing that has very clearly been done is that Labor has hidden what efficiencies, cost reductions and transfers are actually being done. This is another aspect of this government not being transparent and accountable in terms of its work. Previously, budget paper 3 would identify each of the reprioritisations against each of the departments. You would know how much was going in and how much was coming out or being used from existing funding sources to produce a net result. This government has taken those reprioritisations and put them in a single line item of billions of dollars that cannot be attributed to health and human services, education or transport.

Labor has done that because while in opposition under the former government it used to use those numbers, and still uses those numbers, as representing cuts in services. Labor now is doing exactly the same itself, but the situation with the money that is being removed is not transparent. We know that billions and billions of dollars are being utilised from existing programs that have been cut or replaced by commitments that the government is making and effectively claiming as new funding.

I move on to what this budget does not do. It does not fund the Aikenhead Centre for Medical Discovery. It does not fund the Maroondah breast cancer centre. It does not support vital preventive health programs, such as the program I raised in the house just last night, Healthy Together Victoria. There is no funding to continue that past 30 June. There is no funding in a whole range of areas. In each of these areas, and with the Aikenhead Centre in particular, the government has the gall to challenge the federal government to provide funding when it has not even funded them itself. This is absolutely incredible. Despite claims prior to the election, we now see these things being put on the out years. Particularly concerning is the cutting of that absolutely vital preventive health program that was making such a difference to so many Victorians.

We also have not seen funding for rural and regional health services. Of the \$560 million capital spend for health, less than 2 per cent is going towards rural and regional hospitals. The bush nursing hospital grants have been axed. The Rural Capital Support Fund has been axed. Those programs are for country Victorians who rely on keeping their vital health services. They do not have high access to capital. They have smaller budgets relative to the bigger metropolitan and regional health services. Every one of those programs has been axed by the Labor government, and there is no funding or commitment in this budget.

There has been no replacement of the 42 beds that have been ripped out of the Peter McCallum Cancer Centre. The government could have replaced the 42 private beds it has axed with an additional 42 public beds. The number of people diagnosed with cancer is going to increase. The rate of death is increasing. This is something that affects every Victorian, and we should not be cutting beds that provide cancer services. Given that the government decided to do that, it should be funding the replacement of those beds as public beds.

Again and again we see cuts across the board to vital health services. There has been a 20 per cent cut to the dental concession. The minister was so uninterested in the impact of this cut that we have not heard any

comments about how many people it is going to affect and the impact it will have. But we know that access to dental services, for example, is absolutely vital for people's wellbeing. The sector has been very concerned about the absence of funding for ICT. 'This can't be put in the "too hard basket"', was the quote from the president of Australian Medical Association Victoria, who went on to say that health IT is 'a vital investment and it is a glaring omission in the budget'.

This tells us that the unions are dictating the budget; that we have only got projects that are fractionally funded; that with these time frames, the election promises that were made are not worth the paper they are written on; that the Labor government either does not understand or does not value investment in preventive health; that health for rural and regional Victorians is not a priority of this government; and that funding is wasted on ideas that came from the Premier when he was Leader of the Opposition, so that things like public holidays are taking precedence over practical, proven and needed health policy investment. This is a very concerning budget for Victorians who rely on health services each and every day.

When I look at the budget a little bit more broadly I am pleased to see the government's support for some initiatives of the previous government. These include Springboard, Good Money, the Doorway project through the Mental Illness Fellowship, youth diversion initiatives and the HEY program for young LGBTI Victorians. I am pleased to see they have been funded and that the government has acknowledged the innovation and the work of these projects and the important impact they have. But I want to highlight how this government continues to claim credit for the work, investment and commitment of the previous government in relation to some key areas.

One example of this is family violence funding. In September and October 2014 the coalition government committed — outlined in the pre-election budget update — \$48 million this year for family violence. This government's commitment this coming financial year is only \$57 million. The net difference is \$9 million in additional funding for family violence. But when we acknowledge that the royal commission is costing \$20 million this year, there is a net reduction in funding for family violence services under this government. It will claim credit for everything, but we put in an additional \$47 million in funding for family violence in 2015–16. The ALP has a net increase this year of \$9 million. Taking away the cost of the royal commission, we have got a reduction of \$11 million in frontline family violence services. The services are feeling it; they need that support, they need the

innovation. This excuse that it is stopping all funding to wait for the royal commission is not acceptable for such a critical issue. This funding should be delivered.

It is a similar situation for out-of-home care. We put in \$16 million for it this year, and there is less money for out-of-home care in the 2015–16 budget than we committed to last year. It is very clear that the minister is taking the money that was committed previously, reworking it for her own purposes and directing it to other areas. We no longer have a commitment on things like the full rollout of therapeutic out-of-home care. What we are seeing again and again is a lack of transparency, a lack of genuine investment and the repositioning of funding and initiatives of the previous government as this government's own, often to the detriment of the state.

Lastly I want to touch on what has been happening in Eltham. The Labor Party made a big claim that it would fix Bolton Street, but the fact is that for a commitment of over \$10 million there is only \$300 000 in the budget. There will be more planning. Planning has been going on for years. VicRoads has done a huge amount of planning. To claim that Bolton Street is funded out of the budget is an absolute joke. This \$300 000 will not deliver Bolton Street. In fact the advice we had in government from VicRoads was that it would cost \$20 million to fix Bolton Street, so even if the \$10 million were delivered, it would only go halfway to fixing the issue. Once again Labor is shown up as being all talk and no action.

In terms of Eltham's schools — Montmorency Secondary College, Greensborough College — only 10 per cent of the promised funding has actually been delivered. We have seen again and again in so many aspects of this budget that 10 per cent is the magic number where Labor says, 'If we give them 10 per cent, that's enough. We'll say it's funded, everyone can celebrate and the other 90 per cent will be on the never-never'. We see that in the Eltham schools and right throughout the health budget. Eltham North Reserve is not funded, with over \$2 million committed and no funding delivered.

I go back to the starting point. This is a true Labor budget, as many Labor members have said. It delivers for the unions, it delivers for Labor's mates, it pretends to be something it is not. When you scratch the surface and look at the detail and substance there is a small amount of funding going in and a whole lot that is not funded in the future. There is a lack of transparency. There are issues about reprioritisation and how much is funded in contingency and hidden away. As I say, the contingency has been spent three or four times over at

least. We see a lot of claims about what has been delivered but very little substance. A number of things that have been cut — particularly rural and regional health and preventive health programs — are absolutely vital to our health future. This is a true Labor budget. It gives us a picture of what is to come over the next three and a half years for Victorians.

Ms SPRINGLE (South Eastern Metropolitan) — We are living in strange times when a government is congratulated on its budget because it has kept most of its promises. On this score the government does get credit. It is vitally important that voters can trust their elected representatives, and breaching electoral promises is one of the most damaging ways to undermine trust, not just in the government itself but in representative democratic politics across the board.

On the face of it this budget — the first in my experience as a member for South Eastern Metropolitan Region — reflects some good prioritisation, especially in the portfolio areas for which I hold responsibility on behalf of the Greens. The elevation of family violence to a ministry and a whole-of-government initiative is long overdue and is a good indication that a Victorian government has at last decided to begin to take the issue of family violence seriously.

The programs and services funded in the government's first budget reflect its prioritisation of family violence. There is much that is good about what is funded. A flexible Family Violence Fund to meet urgent increases in demand and the need for existing services during the period of the royal commission is one good thing. Others include the expansion of the specialist family violence courts program and the court integrated services program, more child protection and family violence support workers, more crisis support and counselling services for women and children, more legal support through duty lawyers at community legal centres, particular money for culturally and linguistically diverse communities and for Aboriginal communities, increased funding for men's behaviour change programs, the extension of the Safe Futures Foundation trial for the SafeTCard duress alarms for women at high risk of perpetrator violence and of course Australia's first Royal Commission into Family Violence.

All this is good and necessary, and long overdue. But the point must be made that a lot of this money is just funding that has been reinstated after successive governments have been withholding funds from services for decades — or worse, have been ripping funding away from services, which is what the two most recent federal budgets have done. Hundreds of

millions of dollars have been ripped out of capital expenditure on new shelters and emergency housing and homelessness peak bodies, the National Rental Affordability Scheme, domestic violence services and legal services. These federal cuts have substantially affected the capacity of Victoria to respond effectively to the scourge of family violence.

This government should be acknowledged for its decision to prioritise family violence, but if we are completely honest, it is not really new money. I was interested to hear in Ms Wooldridge's contribution about her take on the lack of new money in this area. It is not enough money from the point of view of a woman who cannot get access to safe housing or who is continually harassed — or worse — by her partner, who should be staying away but who is also homeless. No. On family violence prevention this government's budget does not go anywhere near far enough.

As the Minister for the Prevention of Family Violence herself has said on numerous occasions, we cannot respond our way out of the crisis. Family violence is like most criminal behaviour in that to really prevent it from occurring we need to take proper account of the evidence that tells us what causes or contributes to the behaviour. Family violence is also unlike most other criminal behaviour in that it is clearly gendered, especially in the most serious cases. As in crimes of sexual assault, serious family violence perpetrators are most likely to be men; and victims of serious family violence are most likely to be women and children. And much like sexual assault and child abuse, most family violence happens within the family unit, away from public view. Intimate partner violence is the leading cause of premature death and ill health among women under the age of 45.

Violence against women and children cost the Australian economy nearly \$15 billion in 2013 alone. This year in Australia two women have been killed every week, with most killed by men they knew well. Perhaps more than any other, this last truly shocking statistic demonstrates the urgency of the problem and the need to do much more than just respond to each incident of violence or indeed wait for the royal commission's recommendations for any substantial work on prevention.

Responding to violence when it has already happened is what we have been doing for the last three or four decades. While it is absolutely essential of course, it is clearly not enough. It is very expensive, and it does not actually do very much to prevent future violence. We are still not very good at recognising that investing money in evidence-based programs much earlier in

people's lives not only saves much greater expenses down the track but also helps to prevent criminal behaviour, including family violence.

Of the \$71 million that is being directed at the issue of family violence in the 2015–16 budget, just \$3 million is being invested in real prevention and early intervention. There is \$1 million going to men's family violence services, including additional voluntary places in behaviour change programs, and \$2 million is going to three evidence-based projects for preventing family violence against women and children. The rest of the money is divided between the royal commission and addressing family violence after the violence occurs.

Both the Victorian and the national action plans to address violence against women emphasise the need to fund measures that go towards real prevention and early intervention, before the violence occurs. International and Australian research is clear on the fact that funding crisis services and other measures after the violence occurs, while vitally important, is very expensive and rarely has preventive effects.

In March this year the Centre for Innovative Justice released its report into family violence prevention entitled *Opportunities for Early Intervention — Bringing Perpetrators of Family Violence into View*. The report is an excellent how-to guide that tells government what works and what does not work in terms of preventing family violence from happening in the first place.

In Tasmania a comprehensive approach to the prevention of family violence called Safe at Home has been in place for some years now. The Centre for Innovative Justice report or the Tasmanian Safe at Home approach could have provided the basis for programs, even pilot programs, while the royal commission goes on and does its more comprehensive work. Instead the minister is spending just \$3 million out of the total of \$71 million in the 2015–16 budget on real prevention before the violence starts and is saying, 'Wait for the royal commission recommendations before any real work on prevention begins'.

I have no doubt that the royal commission will provide the government with excellent recommendations in terms of prevention and early intervention, and the Greens welcome the government's commitment to implementing those recommendations in full. But in terms of prevention and early intervention, this budget represents a missed opportunity. Where is the additional public housing stock for victims escaping family violence or perpetrators banned from returning home? Where, even, is the reinstatement of men's shed

funding? We know that men's sheds are pivotal in addressing men's mental health and providing mentoring support. There are already huge waiting lists for existing court-ordered men's behaviour change programs, never mind voluntary referrals.

South Eastern Metropolitan Region, which I represent, is over-represented in family violence statistics. The Challenge Family Violence project, which uses state government money to train male mentors who can then intervene to prevent other men from committing violence, will lose its funding in November. There are those who will say that it is an opportunity missed but only by a year, but when you are talking about family violence a year is a very long time.

There is also a long way to go on child protection and out-of-home care. The Minister for Families and Children has emphasised the additional 88 child protection practitioners that the budget provides for and also the \$48 million over four years to Child FIRST, which will help vulnerable families, hopefully, avoid the statutory child protection system. Improving access for vulnerable families to early intervention services to assist them with parenting skills is exactly what we should be doing, because it is with good reason that there is little confidence in the statutory child protection system. That is in large part because we remain conflicted about what to do with children when we decide that they need to be separated from their parents. Ideally they would go into kinship care or foster care, but we do not do anywhere near enough to support the carers who step in at these times of crisis, and we know that from the huge leakage in foster care and the problems we have with retention in terms of carers.

The Greens welcome the government's commitment to reviewing and consolidating existing care allowances and client expenses policies, but we know that carers remain anxious about the strength of the government's commitment to improvement in this area. If the minister can provide carers with a timeline and some likely outcomes of the review, I am sure that would be very much appreciated.

Far too many children, especially when they are older, spend too long in residential care, with all that entails. This will remain true even under last year's changes to the out-of-home care arrangements. Those changes ostensibly aim to provide for greater permanency of care. In reality they take away much of the power of the Children's Court of Victoria to oversee and review the department's decision-making in this area and to tailor child protection orders to the complex circumstances of each child's case.

The additional resources for Child FIRST and child protection are welcome, but they will ultimately mean very little if the government does not back them up, and back them up very soon. In this regard the reference made last night to the Standing Committee on Legal and Social Issues in relation to how the current legislation impacts on vulnerable children is a welcome development, and I encourage the minister to take the findings of the committee very seriously and to act without delay upon receiving its report on 4 August, which is just a little over a month away.

There is also the issue of young people exiting residential care and transitioning to independent living. Here was another missed opportunity in the budget. The Victorian Council of Social Service has for some time been calling for the Springboard program, which currently assists young people between the ages of 16 and 21 to transition from residential care to independent living, to be extended to include people up to the age of 25 years. Young people who find themselves in residential care are very likely to have been through multiple traumatic experiences, and it is also very likely that their trauma has been intergenerational. The process of being separated, often time and again, from their parents is likely to have added further trauma, and unfortunately we know that many may well have endured additional traumatic experiences while in the care of the state.

We then expect these young people to participate in life as functional adults. Very many of them do of course, and very many more of them do as a result of the support Springboard provides to them. That is because it recognises that people do not get to the age of 16 or 18 and suddenly acquire, without ongoing support, a whole lot of independent living skills, and nor do those skills suddenly appear at the age of 21. If you have been repeatedly traumatised, it is likely that you are going to need even more ongoing support. Those 21 to 25 year olds who benefit from good relationships with their parents very often continue to be supported by them in many ways that are just not available to young people coming out of residential care.

Supporting young people is expensive and resource intensive, but we know what happens when we let them fall through the cracks. Supporting young people is nowhere near as expensive as not supporting them. Given the government's renewed emphasis on prevention and early intervention, this budget is a missed golden opportunity to extend the Springboard program to include people up to the age of 25.

As well as the portfolio areas of families and children, and the prevention of family violence, I also have

responsibility on behalf of the Greens for women, multicultural affairs and consumer affairs. On multicultural and consumer affairs, the budget made some steps in the right direction. That Consumer Affairs Victoria will be devoting more of its compliance efforts to inspections and even enforcement is probably, on balance, a good thing. Consumers need to be protected from unscrupulous and unlawful behaviour, and they need more protection than would be afforded to them in the mythical, deregulated marketplace of free market fantasies. For legal protections to have any effect they should be enforced, and enforced consistently.

We should be especially concerned with the protections, or lack thereof, for those people with the least amount of market power — people at the most precarious end of the private rental market, for instance. The Tenants Union of Victoria has long been calling for proper protections for tenants of rooming houses. We know that the best protection for rooming house tenants is to increase the stock of public and subsidised housing. But while rooming houses exist as one of few options for very low-income and heavily disadvantaged people, the regulations that govern their operation must be tightened and existing regulations must be better enforced.

Because we know, and we have known for some time now, that while there are good and decent rooming house operators, there are also some very shonky and despicable operators who are somehow allowed to stay in the business and profit from exploiting the dire circumstances of those with the fewest choices. It would be a very good thing if, in directing its resources into inspection and enforcement, Consumer Affairs Victoria goes a large part of the way toward cleaning up the rooming house industry. I have focused particularly on rooming houses because they are often where people at risk of homelessness wind up. My colleague Ms Sandell, the member for Melbourne in the Legislative Assembly, holds the housing portfolio, but Ms Sandell and I will be working closely together because there is significant overlap between housing and many of my own portfolio areas, including family violence prevention.

Mr ONDARCHIE (Northern Metropolitan) — I rise to respond to the government's Appropriation (2015–2016) Bill 2015, and particularly to outline the manifest failures of this budget when it comes to supporting jobs growth and investment in our great state. Members both in this place and the other place may wonder why this budget reply comes much later than the shadow Treasurer's reply. The answer is fairly simple. It is because between then and now we have

been analysing the numbers, trawling through the data in the state budget and analysing the budget's hidden minutiae.

That is our obligation to the people of Victoria — the analysis of the budget. The people of Victoria expect their government to stick wholly to the promises it made before the last election. Therefore it is disappointing to report to them and to this Parliament that the government has been found desperately wanting, be it in mathematics, policy or the truth. Its promises have amounted to nothing more than a fading mirage, and its policies are merely boiler room apparitions. Meanwhile, its mathematics do not even pretend to add up. As the shadow Treasurer remarked in the other place, this is not the budget for which Victorians voted, and in my area of responsibility for the shadow portfolio of investment and jobs matters are even worse.

Before the election Daniel Andrews, now the Premier, and the Labor Party promised a grand plan for 100 000 jobs in the first two years of government. Instead, under the Andrews government's watch we are already down nearly 10 000 jobs in Victoria, with many of those across the construction and manufacturing industries. While we on this side of the house know that those hardworking Victorians are the backbone of our economy, those across the chamber take them for granted. Government members see them as voters who this government just assumes it already has. They take them for granted, and they show utter contempt to those workers.

Mr Finn interjected.

Mr ONDARCHIE — Solidarity forever, indeed. When it comes to construction and manufacturing jobs, this government fails to understand the simple logic behind cause and effect. Over 8000 jobs — nearly 10 000 jobs — have been lost in this state, and this government has been in power for 194 days — 6 months and 13 days. There have been 45 jobs lost every single day in the life of the Andrews government.

To pick up from Mr Mulino's contribution this morning when he talked about his government delivering 100 000 jobs in the first two years of this administration, let me remind Mr Mulino and those members opposite that they have 536 days left to deliver those 100 000 jobs. When we add in the jobs lost already in Victoria under this government's watch, the government needs to create 202 brand-new jobs every single day in this state to meet its election commitment. Based on the government's track record, it is failing miserably.

However, there is some light at the end of the tunnel. While the government continues to sit on its hands, failing to either stimulate organic job growth or facilitate innovation in new industries in which Victoria can have a pioneering role, the Leader of the Opposition, Matthew Guy, and his Team Jobs are picking up the slack. We are out there in the community consulting with industry leaders, small business owners and employees alike, forming policy that reflects the breadth and diversity of sentiment across our stakeholders. Labor talked the talk on jobs before the election, but it was all a ruse. We will walk the walk because we know jobs are the key to an active and vibrant economy that is geared for growth.

If government members cannot do their job and create jobs, then we will do it for them. We have had to do their job for them, and that is because the Minister for Small Business, Innovation and Trade is still missing in action from this place. As we all know, Minister Somyurek is taking a break from his ministerial duties, but he is not taking a break from his ministerial salary. The Premier told us, in good faith, that he would be exercising the minister's responsibilities himself, yet during the first term of this government, with a much-vaunted inbound trade mission for our world-class Victorian wine producers, the acting minister for trade, also known as the Premier, was nowhere to be found.

Without speaking to the allegations that have been made against Mr Somyurek, other than to note their seriousness, the growing uncertainty surrounding who is discharging the roles of the minister's portfolio is rapidly breeding resentment and a loss of confidence in this government's capacity — —

Mr Herbert — On a point of order, Acting President, we expect a wideranging debate on the Appropriation (2015–2016) Bill 2015, but this is way outside the scope of the bill. I ask that the member be called back to some relevance, even a smidgen of relevance, to what is in the bill.

Mrs Peulich — On the point of order, Acting President, the point of order should clearly be ruled out of order. In Mr Somyurek's case, although Mr Ondarchie is not discussing the specifics of the case, the fact that he has been stood down from a key portfolio which impacts on the main theme of Mr Ondarchie's contribution, which is jobs, is clearly highly relevant because it is about providing leadership to this very important sector.

Ms Shing — On the point of order, Acting President, I ask that Mr Ondarchie be brought back to

the substance of the bill before the house and that he stop grandstanding in relation to issues of no relevance whatsoever to this particular matter.

Mr Finn — On the point of order, Acting President, eventually — clearly Mr Ondarchie is in order. He is referring to the impact that certain actions of the Premier and the government have had on the economic policies of the government and indeed on the economy of the state, so it is clearly in order and very much a part of what this budget is about.

The ACTING PRESIDENT (Ms Patten) — Order! I uphold Mr Herbert's point of order and ask Mr Ondarchie to return to debating the bill.

Mr ONDARCHIE — Thank you, Acting President. I am really happy to return to the appropriation bill, as I was, because there is only one side of this house standing up for Victorian business, and that is the coalition. While those opposite are busy rallying around their comrade, Victorian businesses are suffering. Who is standing up for Victorian businesses? Only Matthew Guy and the coalition. We will stand up for those stakeholders, we will stand up for Victorian employees and we will stand up for Victorian business while others stay silent as they are too busy rallying around their political buddies.

We in opposition will continue to listen closely to industry groups, small businesses and the community more broadly to ensure that there are more jobs, which is what we believe in and what Victorians believe in. My shadow ministerial colleague in the other place, the member for Hastings, Neal Burgess, and I have fielded dozens of calls from a broad range of stakeholders across the state after we offered our services to support business during the minister's absence and the Premier's absence in this matter.

Representatives of those businesses have been offering us their ideas and opinions, and understandably they have been asking us for help in dealing with this government, which has been silent on the support of businesses and employees in this state. The coalition is proud to assist in restoring the public's faith and confidence in this Parliament that the Premier and his friends have sadly eroded.

One of the groups we have been listening to is the Victorian automotive aftermarket industry, an industry not recognised by the government either now or when it was in opposition. This trade-exposed industry is doing fantastic, dynamic things in innovation and exports, and yet the mob opposite will not recognise it. The papers are reporting that manufacturing is dead in this country.

Mrs Peulich — On a point of order, Acting President, I am finding it hard to hear the member. I ask that you draw into line members of the government, who are incessantly chatting.

The ACTING PRESIDENT (Ms Patten) — Order! I was having no trouble hearing Mr Ondarchie, but I ask government members to allow him to be heard in silence.

Mr ONDARCHIE — We have also listened to small businesses in relation to public holidays, particularly the two new public holidays in this state, including the one that occurs on the Friday before the AFL Grand Final. People in regional Victoria and wider metropolitan Melbourne cannot understand why they have to have a public holiday for a parade that is going to happen on Collins Street, Melbourne, or thereabouts, likely with two interstate teams represented.

Closer to home I want to briefly mention the Mernda rail project, as it is outlined in the budget. As honourable members would know, the area of the lower house electorate of Yan Yean was redistributed from my own electorate at the last election and is now part of Northern Victoria Region. Nevertheless my office is very close to the seat of Yan Yean, as is my home. I want to reinforce the message to my local community that I will not stop fighting for the Mernda rail project until it is delivered on time and on budget, and until the first train pulls out heading towards Flinders Street and nor will my Liberal colleague in Northern Victoria Region, Wendy Lovell. Until the member for Yan Yean and the factional powerbrokers of Daniel Andrews's ministry can coalesce around a realistic, synchronised completion date, the opposition has serious doubts about whether the government will deliver the Mernda project at all.

If Labor wants to avoid time and cost blowouts, it needs to come clean on exactly what is going on. Eleven months ago the member for Yan Yean told us that the government was working through its commitments and the logistics of this project. A few months after that the Premier told us, verbatim, 'It's fully funded; it's fully costed'. Imagine the surprise of coalition members and no doubt the surprise of voters in Mernda, Doreen, Whittlesea and beyond when in this budget the government allocated just \$9 million for the Mernda rail project.

The government will tell you it is doing the planning. This is the planning that the member for Yan Yean told us about nearly 12 months ago, but the Minister for Public Transport has said, 'We really have to start from

scratch'. If you have been listening to the member for Yan Yean, you would think that the government would be beyond the planning stage on this project. It should be ready to go. Do you know what? I am not even sure when ground is going to be broken on this project.

There is nothing in the out years for this project. A project of this size should have allocations in the budget going right through to 2018–19. This is a ruse. The government is conning the people of Yan Yean. Let us be very clear: there is nothing in this budget for the Mernda rail project beyond the \$9 million promise for planning. This budget, which provides forward estimates through to 2018–19, does not anticipate or account for the cost of building the Mernda rail line, which Daniel Andrews said was fully funded and fully costed.

The Mernda rail project is currently nothing more than a budget black hole, and this government has sold us a structural deficit as a surplus this year. It will not be until well into the future that Labor will be able to find the money for this project. One surely has to wonder if the member for Yan Yean has been too busy availing herself of the two-for-one takeaway deal at the Mernda pub rather than coordinating her story with cabinet. I do not think the government is going to complete this project within any serious time frame.

To conclude, this government is still on its L-plates. It is so bereft of ideas that it has borrowed ours, and it has no idea of how to deliver them. The emperor, with his new clothes and his new haircut, stands watch over a kingdom in chaos. In only six months the government has lost a minister and a Government Whip. As the government descends into farce and factions, the people who are hurting most are the people of Victoria — the ones who have placed a sacred trust in this government to deliver and look after their best interests. The government should encourage new, innovative and sustainable jobs. It should build the vital infrastructure we need to support our growing population. It should foster trade relations and opportunities for Victoria's great businesses in a competitive and globalised marketplace. It should do all this in an open and competitive manner for the benefit of all Victorians.

By all measures this budget has failed Victorians, and we deserve better. Under Matthew Guy's strong leadership, the opposition relishes the opportunity to show all Victorians that the political process can be better than this and that we can do better and we will do better for those who have trusted this government. We will restore the faith people have in this Parliament and restore the faith that people have in due political process, because since 29 November, in the 194 days

that have passed, the people of Victoria have been conned by Daniel Andrews and the government, and they are not going to take it anymore.

Mr LEANE (Eastern Metropolitan) — The only compliment I could pay the previous contributor is on the magnificent handkerchief he is wearing in his suit pocket today. I am impressed with it. It is very nice.

It is another year and another budget debate, where one side of the chamber is saying, 'This budget is all awful' and the other side is begging to differ. When I was on that side of the chamber I found it moronic to get up and say that there is nothing good in a particular budget, considering the amount of money that is spent in a budget. How can you say there is no good news when we have people here who represent large parts of Victoria? How can they say they are not happy about anything being spent in this budget or that they are not happy with the money that is going into their schools, their hospitals and their public transport? How can they say there is nothing?

I challenge the next few contributors on the opposition benches to have a go at actually being pleased. They should give it a crack. However, I think that if certain members opposite were to do that, they might spontaneously combust. It might cause them to go boom. There would be a big flash of flame, a bang, and then there would be ashes.

During this debate we had Mary 'Doncaster rail' Wooldridge get up and talk about broken election promises. Mary 'Doncaster rail' Wooldridge — —

Mrs Peulich — On a point of order, Acting President, the member is not referring to Ms Wooldridge by her correct title. I ask that you insist that the standing orders be adhered to.

The ACTING PRESIDENT (Ms Patten) — Order! I uphold the point of order. I ask the member to refer to other members by their correct titles.

Mr LEANE — I am not too sure. The Leader of the Opposition in this house, Mary Wooldridge, talks about broken promises, and back in 2010 — —

An honourable member interjected.

Mr LEANE — The literature! I live in Doncaster. There was mail in my letterbox from Mary Wooldridge with a statement saying, 'Doncaster rail — we are going to do the study, we are going to get the funds and we are going to build it'. People in Doncaster were saying, 'That's fantastic' — —

Mr Ondarchie — On a point of order, Acting President, I remind you of the fact that in my contribution I was curtailed after embarrassed government members claimed I was not talking on the budget. I am at a loss to understand where Mr Leane is going as he talks about mail-outs in the seat of Doncaster. I ask you to bring him back, as they asked that I be brought back, to the bill.

Ms Shing — On the point of order, Acting President, I note that in Ms Wooldridge's contribution she opened the door to these sorts of issues forming the substance of such a response as Mr Leane is now making in the house and that on that basis he is entitled to do so and is acting in compliance with the standing orders.

The ACTING PRESIDENT (Ms Patten) — Order! As a matter of fairness I ask Mr Leane to come back to the bill.

Mr LEANE — I am happy to come back to the bill — —

Mr Herbert — They never came back to the Doncaster rail promise, that's for sure.

Mr LEANE — They never intended to. Getting back to the budget, I note that this budget has been formed with a lot of thought and a lot of urgency in relation to what needs to be addressed in this state after four years of inaction and incompetence. What needs to be addressed are health issues, education issues and transport and road issues. That is what Victorians want. It is not a case of going to an election and promising things such as Doncaster rail and all sorts of things such as that and never doing it or even intending to do it. It is not about not delivering on election commitments in a first budget. This budget is clearly delivering on our election commitments. This is not a budget where delivering on commitments is ignored. It is one where those commitments are fulfilled.

This is a budget heavily weighted towards education, which I will come to soon. It is only this government's first budget, but in the previous government's series of budgets there was not a great deal delivered in terms of what had been promised in the form of election commitments; instead there were deviations. We had a period of time when Mr Baillieu was Premier, and there was an argument — I think a fair argument — that nothing was being done and the economy was being put to sleep. There was then a change of the baton and Dr Napthine, the member for South-West Coast in the Assembly, took over as Premier.

In a blind panic and to show that something was being done and the government did have a project, Dr Napthine plucked out of the sky — absolutely out of thin air — the first project he could get his hands on: the east–west link. The only defence the government gave in its panic — not being prepared and not having put thought into the issue — was that the project was a game changer. That was what people were supposed to be convinced by — that it was a nation-building game changer, blah blah. That was the defence. When that was nailed down and when people tried to unpack the project in terms of what it was about, the return it would give to Victoria and what it would mean for congestion, there were seen to be failures on all those counts.

This government went to the election with a completely different position. Before the election every poll showed that the Labor Party was competitive and that there was the potential for a change of government, and that did not stop after Prime Minister Tony Abbott said that this project would be a referendum on east–west link. So the election was a referendum on east–west link. The Labor Party, then, had put a position. The Labor Party was competitive in every poll, which showed there could be a change of government, and the Labor Party had clearly stated that this project did not stack up and would not be supported if it formed government.

What happened then was that the previous Treasurer, Michael 'Side Deal' O'Brien, came out and said, 'It doesn't matter that Tony Abbott said it is a referendum; I have done a side deal that I hope will cost Victorian taxpayers \$1 billion. I hope it costs taxpayers a fortune if they do not re-elect my party and my government. I want to punish them' — —

Mrs Peulich — On a point of order, Acting President, I am more than happy to engage in a debate on the east–west link, but this debate is actually about the budget. It is my understanding that the east–west link was cancelled by the Daniel Andrews government and therefore is not in the budget. Perhaps you might like to bring Mr Leane back to the budget.

The ACTING PRESIDENT (Ms Patten) — Order! Again I ask Mr Leane to come back to the bill.

Mr LEANE — I appreciate that members of the opposition do not want to talk about the side deal their treacherous Treasurer put in place as a booby trap. The previous government was actually a historic government. It made history by being the first one-term government in 50 years. That was a historic loss, an amazing achievement. The coalition government made

a lot of promises on which it did not deliver, which is the opposite to what the new government is doing in this budget. The former government went off at a tangent and panicked, because it knew it had put the economy to sleep. Victorians knew the coalition government had not done enough to stimulate infrastructure. The coalition plucked this project out in a panic, and the best it could come up with to defend it was that it was a game changer.

People deserve to be treated better than that, and the Andrews government will deliver something better. When I look at the emphasis this budget puts on education, health, public transport and roads, I see that they are the things people really care about. I am excited about that coming to fruition, and I am sure there are a lot of people in this chamber who join me in that view. They are excited to see that there is a record injection into education.

Mr Herbert interjected.

Mr LEANE — There is the Gonski money and the TAFE Rescue Fund.

Mr Herbert — It is \$320 million.

Mr LEANE — I thank Mr Herbert — \$320 million. There is no doubt that TAFE had to be rescued.

Mrs Peulich interjected.

Mr LEANE — In one word, Lilydale. This government closed the Lilydale campus of Swinburne TAFE. It had the arrogance to just let it go, and the people who live in that region, particularly young people, had to travel up to 4 hours a day on public transport to get to their course. Members of the former government will not be excused for that. If they have the gall to do it, I invite them to come along to the new Lilydale TAFE when it is opened. I invite them to come along and celebrate. People are disgusted that they lost their opportunity to attend a local TAFE and do a course that would afford them the opportunity to gain meaningful employment. It was absolutely outrageous.

Shifting the emphasis to school capital works, once again the budget contains a record amount of spending on those works. The previous government was happy for schools to go to rack and ruin. Then there is the funding to fix outstanding issues like the paramedics enterprise bargaining agreement. The previous Minister for Health saw that as a battle zone. He went to war with paramedics. I think his own colleagues would appreciate that that was part of the coalition's undoing. When a government goes to war with people who are

important to our society, like paramedics, it has a huge problem.

I am not too sure if the best and fairest in the election result has been counted on this side of the chamber, but I reckon David Davis would be right up there. I reckon David Davis would be right up there in the best and fairest votes for his efforts in going to war with the paramedics. I do not know whether he would win, but he would be right up on the leaders tally board for his efforts in going to war with the paramedics. I am not sure his own colleagues would thank him for that, but from this side of the chamber we say, 'Good on him!'. Good on him for going to all that effort to turn a huge proportion of the public against his government because of his arrogance and his incompetent way of dealing with important people.

I will finish where I started by saying that there is an enormous amount of money in this state budget as there is in every state budget. It is moronic of members of the opposition to stand up and say it is all bad. Surely they are happy with the money that has been injected into some of their schools and health facilities. The challenge is on them. Let us see if they can stay the course and keep giving us moronic contributions that make no sense.

Mr RAMSAY (Western Victoria) — It gives me great pleasure to be able to speak to this bill this morning. I suspect that I have about 30 seconds to make some opening remarks before question time, so I will be brief and open by saying that this budget is not a good budget for regional Victoria. In fact it has ransacked the coalition funding that provided regional Victoria with a range of programs. They have now been scrapped thanks to the Andrews government omitting them from the 2015–16 budget we are speaking about today.

Some key programs have been scrapped in regional Victoria by the Andrews government, starting with the billion-dollar Regional Growth Fund. This was a fantastic initiative that allocated specific funding to regional Victoria. It allocated funds to local councils through the country roads and bridges program. That was a successful \$160 million program that provided additional funding to local governments for maintenance to roads and bridges. Putting Locals First is another wonderful program that provided money for councils to improve facilities with revenue investment from local government and other private parties, adding value to those projects. Those projects were recognised by the communities themselves. They saw a need in their local regions and worked through local

government and the Putting Locals First program to identify them.

Also there is the sale of the Rural Finance Corporation, yet the budget does not identify whether there will be full money — over \$220 million — allocated to the Murray Basin rail project. We know there has been an initial \$30 million allocated in the budget, but we do not know whether the rest of the money will be provided for that project. The budget also does not identify whether the other \$200 million that was to be isolated specifically for regional Victoria will be available.

We have no east–west link, but we do have \$600 million of compensation that the Andrews government has paid for no east–west link. The government gave us some disastrous alternative called the West Gate distributor, but it has canned that already and given us a western distributor, which will fill up the coffers of Transurban and its tolling system for the next 30 years.

There is no detail on Labor’s plan to sell back to residents the houses acquired for EastLink. There are no new police. There is the loss of the country roads and bridges program and of the Putting Locals First program. Where is the money from the sale of Rural Finance? There is no case around the cost of penalty rates for the extra holidays.

Business interrupted pursuant to sessional orders.

PERSONAL EXPLANATION

Mr Somyurek

The PRESIDENT — Order! Before we proceed to questions without notice, I recognise Mr Somyurek, who has made me aware that he wishes to make a personal explanation to the house. In line with the requirements of the house, Mr Somyurek has provided me with that personal explanation. I have read it, and it is admissible, so I invite Mr Somyurek to make that personal explanation.

Mr SOMYUREK (South Eastern Metropolitan) — On 23 May 2015 I stood down from my ministerial responsibilities to allow an independent investigation to occur. I have faith in this investigation process, which should be respected and allowed to run its course. I was absent last sitting week to address matters associated with this independent inquiry and also to spend time with my family, who have been placed under a great deal of stress as a result of this matter. Given that this inquiry is now likely to run longer than originally

anticipated, I have today written to the Secretary of the Department of Premier and Cabinet to ask for a hold to be placed on my ministerial salary pending the outcome of this inquiry.

The Premier is the acting Minister for Small Business, Innovation and Trade, and the Special Minister of State will answer questions in this place concerning these portfolio areas. I have nothing further to add.

MINISTER FOR SMALL BUSINESS, INNOVATION AND TRADE

Mr JENNINGS (Special Minister of State) — Consistent with what Mr Somyurek has just outlined to the chamber, there had been some degree of confusion across the Parliament, and perhaps even across the community, about whether Mr Somyurek was on leave as a minister or whether there had been a formal instrument to replace him with an acting ministerial arrangement, and that occurred on Saturday, 23 May, at 12.50 p.m. That instrument was written by the Premier of Victoria, who thereby appointed himself as acting Minister for Small Business, Innovation and Trade with immediate effect until such time as he revokes the instrument in writing. That is on the public record — a privately held public record — within the Department of Premier and Cabinet. That is the formal instrument I believed I had informed the house of on the very next sitting day.

If there has been any confusion about that, I hope the matter is clarified today. The Premier is the acting minister, as I said on that day, and I will take questions in this chamber for those portfolio matters and on any other matter of government administration.

Ms Wooldridge — On a point of order, President, I request your ruling in relation to this matter. It is clear that up until this time the minister has had, and still has, a commission from the Governor that has not been withdrawn. That commission as a minister of the Crown continues to exist. There is little guidance in statute in relation to what constitutes a minister, but being a minister of the Crown seems to be the ultimate definition, and Mr Jennings has not outlined that the commission has been withdrawn by the Governor. Secondly, up until this point the minister has continued to be paid as a minister, and again that is something Mr Jennings previously confirmed. President, it would be helpful to receive some guidance from you in relation to an assessment as to whether Mr Somyurek is still considered a minister for the purposes of this chamber, given that the commission has not been withdrawn and Mr Somyurek still holds that commission.

Mr Dalidakis interjected.

Debate interrupted.

SUSPENSION OF MEMBER

Mr Dalidakis

The PRESIDENT — Order! That is most unhelpful in this matter. I ask Mr Dalidakis to vacate the chamber for 15 minutes.

Mr Drum interjected.

The PRESIDENT — Order! Mr Drum is close.

Mr Dalidakis withdrew from chamber.

**MINISTER FOR SMALL BUSINESS,
INNOVATION AND TRADE**

Debate resumed.

The PRESIDENT — Order! The reason I asked Mr Dalidakis to take leave of the chamber is that this is a serious matter, and we should all be very careful in terms of where we tread in this matter.

Over the past two weeks I have sought extensive advice in respect of this matter, in part in anticipation of what might unfold. I have to say there is not a lot to guide me. In terms of the legal position, there is not a lot of law built around ministerial appointments. Much of what happens is by way of convention, and the Leader of the Government advised me just prior to my walking in here of the convention of acting ministerial appointments, which is probably also known to members of the opposition. It is a practice that is somewhat grey when it comes to my ability to make a determination in this place. I have sought advice on what might have happened in other jurisdictions throughout Australia and New Zealand, and there are some parallels but also some distinct differences in the circumstances where those jurisdictions have encountered a minister who has stood aside for a period whilst some sort of examination of that minister's conduct might have been conducted.

I reached a position yesterday where I could probably have made a decision, and perhaps that continued until late this morning. I indicate that on the basis that Mr Somyurek has made a personal explanation and on the basis of the government's instrument that appoints the Premier as the acting Minister for Small Business, Innovation and Trade, of which I and the house have been advised by the Leader of the Government today, I

need to revisit the matter. I am not in a position to make a ruling now.

I need to take this on notice and consider it carefully, because it is a serious matter. My ruling, without putting too much weight on it, might well inform other jurisdictions, given they also have a lack of experience in some of these matters. It may well set a precedent particularly for our house going forward, so I need to make sure that I make the right decision. I am not prepared to make a pre-emptive decision. I want to take on notice and consider the matters that were brought to me almost as I walked into the chamber today. I appreciate that that may well be inconvenient to the opposition, and I apologise for that to the extent that I therefore do not propose to allow questions to Mr Somyurek this day because I am not in a position to make that ruling.

I will take the matter on notice and consider it. I thank the Leader of the Opposition for inviting that ruling. I apologise to the house that I am not in a position to make an immediate ruling, but, as I said, I hope members will all appreciate that the circumstances are such that it is better for me to make a considered ruling and to continue to explore further what options are available to me, given the advice I have already sought. I can advise members that I have sought advice far and wide. In that sense, I accept both of the matters that have been put before us today. I will not allow questions to Mr Somyurek today, and I anticipate providing a definitive position to the house on the next day of meeting.

Mr Davis — On a point of order, President, I greatly appreciate your considered view on this and the series of steps you have taken to seek views widely. In considering these matters I draw your attention to the relevant section of the standing orders:

- (1) Questions may be put to —
 - (a) ministers of the Crown relating to public affairs for which the minister is directly connected —

and also to the relevant section of the Members of Parliament (Register of Interests) Act 1978, which says:

- (f) a Member who is a Minister is expected to devote his time and his talents to the carrying out of his public duties.

The PRESIDENT — I thank Mr Davis. I will take those matters into account in my consideration. Obviously central to my ruling is whether or not the minister is the minister for all intents and purposes and for compliance with those two sections highlighted. That will certainly be part of my consideration.

QUESTIONS WITHOUT NOTICE

Registered training organisations

Mrs PEULICH (South Eastern Metropolitan) — My question without notice is to the Minister for Training and Skills. Can the minister advise the house if any trade union affiliated registered training organisation (RTO) is engaged in charging training for phantom services or other corrupt practices?

Mr HERBERT (Minister for Training and Skills) — I cannot advise the house of any of those practices. I am not advised of any of those practices, if they exist.

Supplementary question

Mrs PEULICH (South Eastern Metropolitan) — Given the minister's inability to assure the house that union-affiliated RTOs are not involved in the types of practices exposed in evidence to the Royal Commission into Trade Union Governance and Corruption, will he now call on the Auditor-General to undertake a full audit of registered training organisations affiliated with trade unions in Victoria which receive government funding from the Victorian state government to ensure that public funds are not charged for the delivery of phantom activities?

Mr HERBERT (Minister for Training and Skills) — In response, of course we have a major review of the funding system and the training system going on right now, following the absolute shambles from the previous government. We have just undertaken a review of quality following the shambles that the quality of our training systems entered into. As I said yesterday, my focus will be on getting quality training back into this state, a stable training system back into this state and a system that meets industry needs and the needs of individuals to get a job. That is my focus.

Mrs Peulich — On a point of order, President, given the minister's failure to respond to the question effectively, especially in light of the exposé in the *Australian*, which states — —

The PRESIDENT — Order! That is debating. The member's point of order is that the minister has failed to answer her supplementary question and she wants me to ask him to put it in writing. That is her point of order. I could not give two hoots about what happened in the *Australian*.

Mrs Peulich — On a further point of order, President, that was exactly the point of order that I was going to make.

Mr HERBERT — I am happy to answer further.

The PRESIDENT — Order! I will consider it. I think the minister had used up most of his time anyway.

Registered training organisations

Mr DRUM (Northern Victoria) — My question is to the Minister for Training and Skills, and I ask: how many registered training organisations (RTO) affiliated with trades unions receive government funding or subsidies from the Victorian state government?

Mr HERBERT (Minister for Training and Skills) — There are a number of organisations that are also joint organisations, such as the plumbing industry training centre, which I believe gets funding. That is a joint organisation of the master plumbers and the union. It is industry combined. There would be many industry-based training providers that get funding. The actual number of trade union specific providers I would not know and would have to take that on notice.

Mr Drum — On a point of order, President, can I take it that I will be getting a response on that one?

The PRESIDENT — Order! The minister said he has taken it on notice, and I will determine that at the end of question time. The answer to that is yes.

Supplementary question

Mr DRUM (Northern Victoria) — Given that the Royal Commission into Trade Union Governance and Corruption has exposed corrupt practices involving the Australian Workers Union signing up phantom members by charging fees of more than \$225 000 disguised as payments for safety training through RTOs, I ask: is it not a fact that the Labor Party's deregulation of TAFE colleges has allowed this practice to occur?

Mr HERBERT (Minister for Training and Skills) — That is a funny supplementary question. I must say I am pleased to get some questions from those opposite. It has been a fair while since they have raised their heads after the debacle of what they did to TAFE in this state. It is really quite ironic. Talk about hypocrisy! They destroy a system and then have the gall to get up and criticise others who are rebuilding that system.

On Mr Drum's substantive point, there are 500 private training providers in this state. I reject the inference in his question, because in fact the previous government absolutely destroyed TAFE in this state, not this government.

Kindergarten funding

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Families and Children. The national quality framework requires that early childhood educator ratios for four-year-old kindergarten will be implemented on 1 January 2016 and will change from 1 to 15 to 1 to 11. Can the minister rule out that the cost of any additional childhood educators, when ratios are implemented, will not be passed onto parents?

Ms MIKAKOS (Minister for Families and Children) — I welcome the question. As the member would be aware, the national quality standard sets out a national benchmark for early childhood education and care and outside-school-hours care services in Australia. As part of this national quality standard, Victorian kindergarten services will be required to move from an educator-to-child ratio of 1 to 15 to 1 to 11, or better, from 1 January 2016 for children aged three and above. This is a change that has been mooted for a number of years. Improving the educator-to-child ratios will allow educators to give more individual care and attention to children and support better learning outcomes. This change will impact on kindergarten staffing requirements and service delivery models. Despite this, we are aware that a number of providers already meet the new ratio requirements, particularly in regional Victoria.

I am very pleased that after a great deal of effort around these issues we have had some certainty given to us from the commonwealth around its funding contribution. The commonwealth has allocated \$204 million for Victoria for the next two years. However, we are still waiting for the commonwealth to send us the national partnership agreement so that we can finalise the details in terms of what this will mean for our per capita grants in Victoria. I have made it very clear — —

Ms Crozier — On a point of order, President, my question was pretty specific in relation to the passing on of costs to parents once the ratios are implemented on 1 January 2016. I was not talking about any other issue; the question was very specific. I am asking if the minister could go back to my question and answer that.

The PRESIDENT — Order! The minister has 2 minutes to complete her answer. I think she has been providing a context to that answer.

Ms MIKAKOS — I am giving the house some background to this issue. As I have indicated already at the Public Accounts and Estimates Committee hearing, we are working closely with the Municipal Association

of Victoria, local councils and key stakeholders on a plan and support for transition to these new ratios in 2016. We have sent out a survey to all service providers seeking information on how the ratio change will impact on staffing requirements and service delivery models. We are working through these issues and using this information as a basis to inform our planning for implementation and targeted support. However, as I indicated to the house, we are still waiting for the commonwealth to sign up to federal funding, because it has an impact on our ability to provide certainty to providers in our state.

We are working through these issues. We are waiting for the commonwealth on these issues. I am hopeful that I will be able to announce the per capita grants to our kindergartens as soon as possible. Normally that happens in September of every year. I am certainly looking to bringing that forward this year so that certainty can be given to our providers. However, I make the point that in the funding we have received from the commonwealth, there is no commonwealth contribution to the new ratios. I have made it very clear already that it is this government's intention that it will be seeking to minimise any impacts on parental fees.

Perhaps Ms Crozier should go and have a discussion with her coalition colleagues in Canberra and express our disappointment that there is no contribution to the ratios and that we want ongoing funding certainty beyond two years. We are looking to the commonwealth to provide us with ongoing funding certainty for 15 hours beyond 2017.

Supplementary question

Ms CROZIER (Southern Metropolitan) — Clearly the minister is refusing to answer my substantive question, so I ask the minister in my supplementary question: how will kindergartens pay for the additional personnel or infrastructure resources to cater for those new ratios that will be coming into place on 1 January 2016?

Ms MIKAKOS (Minister for Families and Children) — As I have already indicated in my answer to the substantive question, we are working through these issues. We have surveyed kindergartens and we are working through their responses.

Ms Crozier — They need certainty.

Ms MIKAKOS — They absolutely do need certainty, and they need certainty from the commonwealth as well. Ms Crozier's coalition colleagues in Canberra are refusing to provide certainty beyond 2017. We are seeking to provide that certainty

as quickly as possible. We are waiting for that national partnership agreement as part of this process. We want ongoing funding beyond 2017 from the commonwealth. We are seeking to minimise the impacts on parental fees, and we will be seeking to provide this information to Victorian kindergartens as quickly as is possible.

Legal costs

Mr RAMSAY (Western Victoria) — I am delighted to be able ask a question — my first one, I think, in this term of Parliament — to the Leader of the Government. How many staff in Minister Somyurek's office are having legal costs funded by the government in relation to the investigation into the complaint against Minister Somyurek that is currently under way.

Mr JENNINGS (Special Minister of State) — I thank Mr Ramsay for asking me his very first question in this parliamentary term. I congratulate him on it, and I congratulate him on another fact — I do not know the answer to that question. I would only be guessing at that number. The investigation, as I have said on a number of occasions, is independent. The way in which it is managed is independent. The witnesses before it are determined by the Secretary of the Department of Premier and Cabinet, who appointed Mr Michael Strong to undertake that investigation, and they determine the manner in which that investigation is undertaken and the circumstances within it. I congratulate Mr Ramsay, because I cannot answer his question.

Supplementary question

Mr RAMSAY (Western Victoria) — If Mr Jennings cannot answer the question about how many staff are having legal costs funded, as a supplementary question I ask: does he know what is the estimated daily cost of the taxpayer-funded legal expenses for the investigation relating to Minister Somyurek, and is this cost uncapped?

Mr JENNINGS (Special Minister of State) — Congratulations again to Mr Ramsay. I do not know the answer to that question. That information has not been provided to me. It may not be provided to me at any time, but it certainly will not be provided to me until the end of the investigation at the very earliest, which will also be the time frame within which I could possibly answer the first question.

Ms Wooldridge — On a point of order, President, in relation to the response of the Leader of the Government to both the first and the second question,

the Leader of the Government made it very clear yesterday that the provision of legal services was a matter for the government and a right of government ministers and others. While it is connected to the investigation, it is a matter of government business whether staff are having legal costs funded, so I put to you that while Mr Jennings does not know the answer today, it is clearly something that he could respond to in writing in addition to the expected funded average daily legal costs, and we could have a response for the next sitting day.

Minister for Small Business, Innovation and Trade

Ms WOOLDRIDGE (Eastern Metropolitan) — My question is to the Leader of the Government. Given that Minister Somyurek has advised that he has written to the Secretary of the Department of Premier and Cabinet requesting that his ministerial salary be suspended, I ask: will that salary suspension be in effect from today or from the date the minister was stood down?

Mr JENNINGS (Special Minister of State) — In fact Ms Wooldridge heard the statement made by Mr Somyurek today. That statement was very clear on the circumstances under which Mr Somyurek had taken the initiative himself to effectively make sure that the ministerial component of his salary was withheld until the conclusion of the investigation. He also indicated his intention and his voluntary action if there is an adverse finding against him in relation to his ministerial position going forward. He volunteered that in fact he would repay the amount of the ministerial salary component back to the date of 23 May. That is the action that Mr Somyurek himself has volunteered. I think that his voluntary actions would actually acquit whatever outcome the member is seeking from her question.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) — I thank the Leader of the Government, because that has further clarified the information that was provided in the personal statement. If Minister Somyurek is restored to office, will the suspended salary be back paid?

Mr JENNINGS (Special Minister of State) — In fact, President, I think we are getting to a situation where we are starting to speculate on circumstances in the future and decisions that may come out of the investigation. There are a variety of outcomes that could come out of that investigation, and I would not

want to pre-empt any of them. I think what Mr Somyurek — —

Honourable members interjecting.

Mr JENNINGS — In fact I am saying to the house quite clearly that anybody who actually thinks about the ways in which government decisions may be made or indeed individual decisions may be made would know that at the appropriate time and place and in the appropriate circumstances those decisions are made. There is not necessarily any great value in speculating about them today.

Kinship care

Ms SPRINGLE (South Eastern Metropolitan) — My question is to the Minister for Families and Children, Ms Mikakos. As part of her statement during the budget estimates hearings of the Public Accounts and Estimates Committee, the minister stated she had asked the Department of Health and Human Services to undertake a review of kinship care. My question for the minister is: what is the scope of this review and will a full report be made available to the Parliament?

Ms MIKAKOS (Minister for Families and Children) — I welcome the member's question to me. As I have indicated to the house on numerous occasions, it is the intention of this government that we look at how we can better support vulnerable children and families. Part of that process has involved looking at how we can assist more vulnerable children to live in home-based care. Of course home-based care involves a range of options, whether it be foster care, kinship care or permanent care. I have indicated to the house already that we have moved to look at a range of measures to address these issues.

In the first 100 days of government I announced the establishment of a ministerial advisory committee for children in out-of-home care to provide me with advice on these matters, including how we can better support our carers. I have also made some announcements around support for staff in residential care units so that we can improve the safety of vulnerable children. I subsequently made an announcement of \$43 million for targeted care packages, again so that we could assist to transition more children out of residential care into home-based care options, including kinship care. This would involve, for example, a grandparent who was a kinship carer and needed some financial assistance to, say, lease a larger vehicle or lease a larger home to enable a sibling group to live with that kinship carer. They would be able to seek to access some additional

supports and the supports would all be geared around the specific needs of the particular children involved.

In the budget handed down just in May this year we have allocated \$31.3 million over four years for carer payments, which is the first increase in a decade. We have commenced some work to look at how we can simplify and streamline our carer payments so we can better support our carers. This work will be completed by the end of the year so that we can have those new payments flow from 1 January next year.

In addition, I have asked the department, as the member has indicated, to do some specific work around kinship carers. That work is at an early stage, and we are having some discussions with the community sector around these issues at the moment, around the breadth of that review, so that those deliberations and that input can also feed into the various other strategies that we already have underway to better support our carers — because of course we know that a child's best interests are to live with a family in a home-based environment, if that can be achieved. So we are looking at a range of strategies for us to provide better supports to our kinship carers and our foster carers as well as our permanent carers.

Supplementary question

Ms SPRINGLE (South Eastern Metropolitan) — I thank the minister for her response. How many kinship carers will be consulted as part of this review, and will submissions to the review be made public?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her supplementary question. As I have indicated, we are at a very early stage of this work. We are working through the breadth of that at the moment. It is certainly my intention to consult with kinship carers as well as the representative bodies that advocate for them. I have a representative from Kinship Carers Victoria and Grandparents Victoria sitting as a member of my ministerial advisory committee, and I am sure she will be a very fierce advocate on behalf of the needs of kinship carers.

There will be discussions with kinship carers. I am having round tables with carers around the state that I personally will be involved in, but as well my department will be involved in having those discussions with carers, because this government's approach is to hear directly from those people supporting our most vulnerable children. That includes our very valued carers.

Timber industry

Ms DUNN (Eastern Metropolitan) — My question is to the Minister for Agriculture. I refer the minister to the continuing threat of criminal prosecution of members of the community group that was shortlisted in the biodiversity category of the United Nations World Environment Day awards, which were presented last week by the Minister for Energy and Resources, Lily D' Ambrosio. The nomination was for the activity that is now the subject of a threatened prosecution by the forestry compliance section of the Department of Economic Development, Jobs, Transport and Resources. Is the minister responsible for the forestry compliance section of this department?

Ms PULFORD (Minister for Agriculture) — Yes, I am.

Supplementary question

Ms DUNN (Eastern Metropolitan) — I thank the minister for that clarification. Is the minister completely out of step with other members of cabinet who, for instance, want to recognise the efforts of community groups dedicated to protecting biodiversity in this state?

Ms PULFORD (Minister for Agriculture) — As I have indicated on numerous occasions before, the government supports a strong and sustainable timber industry in Victoria. This is an industry that supports the employment of some 21 000 Victorians, which I note includes a good many in the member's electorate. We are absolutely united in our support for the timber industry.

I note that the persistent line of questioning on these matters from the Greens suggests that they do not support this industry, but 21 000 jobs are critical to the economic activity of numerous towns, significant employment in the Latrobe Valley and in Gippsland in particular. We are united in our support to create and sustain jobs throughout Victoria but particularly in regional Victoria. It is important to note that a great many of the timber industry jobs are also in Melbourne's suburbs.

Scouts Victoria

Mr YOUNG (Northern Victoria) — My question is to the Special Minister of State in his acting role as the Minister for Environment, Climate Change and Water. Could the minister outline what funding Scouts Victoria receives from the government for environmental education initiatives?

Mr JENNINGS (Special Minister of State) — I thank Mr Young for his question, and I am about to amaze the chamber by saying that I know the answer to this question. In the wee small hours of the morning, while I was waiting for the morning papers to entertain me, I was looking through some briefing material on the environment portfolio. From memory, in that environment portfolio there were a number of what were lapsing programs. I remember this issue because there were some lapsing programs of the previous government that are now in the course of being replaced by our new programs in the construct of the next budget.

There are a number of community organisations on that list that may be adversely affected by the shift from last year's programs to next year's programs, so there is some concern in the community about that. The Scouts is one of those organisations that may be worried, because it has received some grant funding in the past through a local landscape program and a community for nature program. They are programs that may resonate with the outgoing government, and I think those are the programs in question. I reckon the Scouts would have got somewhere of the order of \$30 000 to \$40 000 in total from those two programs. From memory, that is around about what it got in the last round of those two programs. Whilst that is important work that Scouts and other community organisations have undertaken on behalf of the community in the past, work that has restored environmental values, some of those organisations are anxious that they may not get access to the next funding program.

I am not surprised that Scouts has tracked down an MP to represent its interests. Obviously it has tracked down Mr Young, and well done to him for raising the issue. I would give them hope that in the new programs that are being introduced in the year to come by my colleague, Minister Neville, there will be opportunities for organisations such as Scouts Victoria to apply for that funding.

Mr Drum — Not this year, then?

Mr JENNINGS — No, I think there will be an opportunity in 2015–16. In the course of this financial year I think there will be an opportunity for the Scouts to apply for grants. I would encourage them to do so on the basis of the good work they have done, and hopefully the department in its wisdom will advise the minister to support the Scouts with grant funding in the future.

Supplementary question

Mr YOUNG (Northern Victoria) — I thank the minister for his answer. I am very impressed at his knowledge of the environment portfolio. I point out that in fact the Scouts did not track me down. That was my own initiative. I will take a bit of credit for that one. Is it true that the volunteer-based non-profit organisation that caters for 17 000 scouts from 424 groups is still charged camping fees for activities in national parks, when department-funded school groups are exempt?

Mr JENNINGS (Special Minister of State) — I may have amazed Mr Young last time, but I am not going to amaze him this time. I do not have the level of detail for that answer. I will take some advice on that and get back to Mr Young.

Aged-care facilities

Dr CARLING-JENKINS (Western Metropolitan) — My question is to the minister representing the Minister for Housing, Disability and Ageing. In 2014 the commonwealth made several significant aged-care reforms. Among them was to allow the substantially higher rate of accommodation supplement payable per resident where the aged-care facility is either newly constructed or significantly refurbished. This reform increased the maximum supplement to \$20 per resident per day, which equates to an ongoing yearly injection of hundreds of thousands of dollars to many aged-care facilities, which are badly in need of this. Since the Victorian health service directly operates over 150 of Victoria's public sector residential aged-care services, does the government agree that by investing funds in their refurbishment we could see many of these services benefit from a vastly increased accommodation supplement from the commonwealth, which could greatly improve their ability to provide quality aged care for many years to come?

Ms MIKAKOS (Minister for Families and Children) — I thank Dr Carling-Jenkins for her important question, and I hope my voice holds out so I can respond to her. The Andrews Labor government strongly supports our public aged-care system. This is why we committed at the election to stop the sell-off of metropolitan aged-care services that the previous government had embarked upon, and it is a commitment that we have delivered on.

The record of the previous government in aged care was embarrassing. It ripped \$75 million out of public aged care. We saw the loss of 284 public residential aged-care sector beds from our state, limiting the

options available to our very vulnerable elderly. Family members were very concerned about the care they would be able to provide for their loved ones into the future. I know that in my own electorate there was a great deal of anxiety about the previous government's agenda. I also had opportunities to discuss these issues across Victoria, including in regional Victoria, in my capacity as the relevant shadow minister at the time.

The government funds 182 aged-care services across the state. Over 85 per cent of those are located outside Melbourne, often in locations where the public aged-care facility might be the only one for that local community. Our government recognises the vital role these services play in those local communities, and that is why we are proud to support them, particularly those in our regional and rural communities. We are investing in public sector residential aged-care services because we believe they should provide high-quality facilities.

The member noted in her question that the refurbishments provide an ability for those services to obtain an increased supplement from the commonwealth, and of course that is something we are supportive of. I am informed that there is a process currently underway to provide additional funding to the sector for the kinds of refurbishments that the member has described.

On 6 March our public aged-care services were invited to submit applications under two programs — the Better Business, Better Care program and the Significant Facility Refurbishment Initiative, which are two very important programs in terms of providing this kind of support to our public aged-care facilities. I understand that those applications have now closed, so I am eagerly awaiting advice from Minister Foley, as the responsible minister, as to which innovative projects and programs will be funded through the successful applications. I am sure the minister will be very happy to inform the member of that information when it is available.

Supplementary question

Dr CARLING-JENKINS (Western Metropolitan) — I thank the minister for her answer and for her obvious commitment to aged-care services and thorough knowledge of this area. I have a very brief supplementary question about the process she described in her answer. When will this process be complete so that the necessary funds can be given to aged-care services to upgrade their facilities and take advantage of this commonwealth accommodation supplement?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her supplementary question. As I indicated in answer to the substantive question, the applications opened on 6 March. I understand that applications have now closed. Unfortunately I do not have a time frame for the member in terms of when the announcement will be made by the responsible minister, but I understand these matters are being considered at present. As I indicated earlier, I am sure the minister would be happy to inform the member when that information is at hand, and I am sure he will make that information available publicly.

The PRESIDENT — Order! In respect of today's questions, I have had requests from members to consider asking for written answers to several questions. In respect of Mrs Peulich's question to the Minister for Training and Skills, I indicate that her supplementary question could be answered by the minister when he has had time to consider it. I ask that the minister provide an answer to that question within the time frame for our house.

In respect of the questions asked by Mr Drum, I am prepared to ask the minister to provide an answer to the substantive question, which related to how many registered training organisations affiliated with trade unions receive government funding or subsidies from the Victorian state government. I think that is also an answer that ought to be at hand. The supplementary question has me quite bemused as to how it was relevant to the substantive question, and I will make no order in respect of the supplementary question.

In respect of Mr Ramsay's question with regard to legal costs associated with Mr Somyurek's office, I am of the view that the substantive question, which related to how many staff in Mr Somyurek's office are having legal costs funded by the government, is a question that the government will be able to answer, so I ask that that answer be provided.

However, with regard to the supplementary question, which sought an estimated daily cost of taxpayer-funded legal expenses, I do not think that would be an informative answer. A daily cost is obviously variable: does a solicitor work on a Monday, do they work on a Tuesday, do they only work half a day on a Friday on this matter? It is totally variable, so I do not think the government is in a position to actually provide a daily cost, as sought by the supplementary question. I will not make any instruction with regard to the supplementary question. Indeed the minister indicated in his answer that this is the sort of question

that might really only be determined at the end of the process rather than progressively.

In respect of Mr Young's supplementary question on the fees for scouts, the minister has actually undertaken that he will obtain that information. As the minister is acting as environment minister, I will allow two days for that answer.

CONSTITUENCY QUESTIONS

Western Victoria Region

Mr PURCELL (Western Victoria) — My question is to the Minister for Roads and Road Safety. The desperate state of the roads in western Victoria is widely known, with VicRoads recognising that \$220 million is required to bring the roads up to a standard equivalent to those in the rest of Victoria. On Tuesday this week Victorian magistrate Ron Saines was presiding over a careless driving case that resulted in a head-on collision when he stated that serious accidents and fatalities regularly occur on the Princes Highway west of Melbourne. He said:

It's probably the most dangerous roadway in Victoria.

When will the government allocate the funds needed to upgrade the road network to stop innocent people dying or being maimed because of the state of the roads in western Victoria?

Western Victoria Region

Mr MORRIS (Western Victoria) — My constituency question is directed to the Minister for Planning and concerns the proposed Lal Lal wind farm outside of Ballarat. With the planning permit for this wind farm having been recently extended, I have been contacted by residents as to what process will be in place for community concerns to be heard and addressed with regard to any changes that may be made to the planning permit in relation to the size and location of the proposed turbines. Can the minister detail what process residents of Lal Lal can avail themselves of to have their concerns addressed?

Eastern Metropolitan Region

Ms WOOLDRIDGE (Eastern Metropolitan) — My constituency question is to the Minister for Health. When will the government commit to banning smoking in outdoor dining areas? I have had a number of representations from constituents in Eastern Metropolitan Region who are continually frustrated when they go to outdoor restaurants with their families

because of being covered by smoke while trying to enjoy their breakfast, lunch or dinner.

There are still a significant number of Victorians who smoke — 13 per cent, which is a number that is improving all the time, but we need to send a very clear message. This was something which the former coalition government committed to implementing in its second term of government. While we have had some very encouraging words from the Labor government, the fact is that it still has made no commitment to banning smoking in outdoor dining areas. I seek clarification from the minister, and I ask her to commit to this ban and to advise when that will occur.

Southern Metropolitan Region

Ms CROZIER (Southern Metropolitan) — My constituency question is directed to the Minister for Roads and Road Safety. I raise this issue with the minister because there was a serious accident outside McKinnon Secondary College just last week. It was reported in the press that due to increased traffic around the secondary college unfortunately a student was hit at the time of pick-up.

I heard the secondary college principal, Ms Pitsa Binnion, on radio 3AW earlier this week talking about the expected increase in enrolments from about 1100 to around 1900 students. Clearly there will be an increase in demand. I therefore ask the minister to ensure that the safety of McKinnon Secondary College students and the safety concerns of parents are addressed.

Northern Victoria Region

Ms LOVELL (Northern Victoria) — My constituency question is for the Minister for Employment, and it concerns the Victorian government's position on the federal government's Safe Haven Enterprise Visa scheme. It has been reported that the New South Wales government has signed up in principle to the scheme, which gives people who are assessed to be refugees the opportunity to gain five-year visas if they are prepared to work or study outside of cities.

Following the reports of New South Wales signing up to the scheme, my office has been contacted by constituents wanting to know if Victoria will also be participating in this scheme. My constituents would like to know if Victoria has had discussions with the commonwealth regarding the Safe Haven Enterprise Visa scheme, whether it is considering participating in this scheme or if it has made a decision as to whether Victoria will or will not participate. I ask the minister to

advise me what the Victorian government's intentions are regarding the scheme.

Eastern Victoria Region

Mr O'DONOHUE (Eastern Victoria) — I raise a constituency question for the attention of the Minister for Police. While I have been out and about in the shire of Cardinia in my electorate many constituents have been raising with me concerns about the number of police officers in the shire, noting that prior to the state election the then Daniel Andrews opposition failed to commit to providing additional police resources and that now it is in government it has failed to provide additional police resources in its first budget, except for a handful of additional police for the Bellarine Peninsula. There is increasing community concern about police resources in the shire of Cardinia.

My question to the minister is whether he can provide my constituents in Cardinia with an assurance that police resources will be maintained at existing levels, taking into account population growth, over the term of the government and that there will be no reduction in or detriment to police patrol hours across the shire.

South Eastern Metropolitan Region

Mrs PEULICH (South Eastern Metropolitan) — Some time ago I raised a constituency question with the Minister for Public Transport in relation to the grade separations along the Frankston railway line and sought information about a range of matters, including time frames and geotechnical obstacles. The minister came back to me outlining the program in broad terms and talking about referring the questions to the Level Crossing Removal Authority in developing a strategic plan. Given that overpasses would absolutely devastate the amenity of the sand belt suburbs in the bayside suburbs, I now ask the minister to consider ruling out overpasses as a method of achieving the grade separations to which the government has committed.

Western Metropolitan Region

Mr FINN (Western Metropolitan) — My constituency question is to the Minister for Roads and Road Safety. I refer the minister to the small funding allocation he made last week in order to implement a study into the intersection of Horne Street and Gap Road in Sunbury. This undoubtedly follows my raising the matter with him on the adjournment earlier this year. Given the fact that this has been a longstanding problem — local people take their lives into their hands on a daily basis negotiating this major intersection — and that we need action, not a survey, how long can we

expect to wait before the government makes a decision to protect motorists and pedestrians at this intersection, or otherwise?

Sitting suspended 12.59 p.m. until 2.03 p.m.

**APPROPRIATION (2015–2016) BILL 2015
and BUDGET PAPERS 2015–16**

Second reading

Debate resumed.

Mr RAMSAY (Western Victoria) — Before question time I was talking about there being no indication of what the cost of the two extra public holidays might be to the government. However, we now understand that this was in fact not the government's decision; it was a union decision to gazette those two extra holidays.

There are no details in the budget about the \$125 million allocated to establish 10 tech schools across Victoria. There is no budget item for the Parliament breathalyser, which was an election commitment that I have seen no sign of at this stage. Perhaps Mr Dalidakis could follow up on it. What about the promise to establish Infrastructure Victoria? We are still waiting for the details as there has been no allocation of funds in the budget for that. The Future Industries Fund was promised \$200 million, but there is no allocation for that either. There has been a cut to the small business commissioner's budget, which is going to impact directly upon the farm mediation consultation fees farmers have to pay for that very important work.

The United Firefighters Union of Australia demanded 450 additional firefighters for its support for the Andrews government's election campaign, but I note there is a \$65 million shortfall in the Country Fire Authority and Metropolitan Fire Brigade budgets. The government is increasing the fire services levy by 7.2 per cent, of which 0.2 per cent is going to be a direct cost to farmers via their capital improved value assessments. It is disappointing to see that there has been no budget item for that. There was a commitment made by the Labor government around presumptive legislation costs, but there is nothing in the budget to indicate this cost has been accounted for. There is \$6 million for Country Fire Authority and State Emergency Service capital grants missing from the budget entirely.

The Labor Party promised \$5 million for better infrastructure for national parks — Mr Dalidakis should be interested in this — but there is absolutely no

funding for that in this budget. No mention has been made of the promised networked rural councils program in the budget. There is none of the \$10 million promised to upgrade cricket clubs, fields and training facilities across Victoria. A promise was made to provide \$10 million to build and upgrade women's changing rooms — I am sure Ms Pulford would want to be advocating for this allocation — but that is sadly not in this budget either.

There was to be \$1 million allocated for a parade to commemorate the 50th anniversary of the battle of Long Tan. Where is the Minister for Veterans? He is missing in action when it comes to his budget portfolio. The budget says nothing about the \$4 million promised for a taxi reform hardship fund. The railway station car parking fund is missing its promised \$20 million, and it is hard to find the \$80 million promised for the road and rail minor works fund in that consolidated portfolio that Ms Pulford now represents.

There is also nothing about the \$100 million for the safer cyclists and pedestrians fund. The regional roads fund stage 1 was promised \$500 million, but nothing has been allocated in the budget. Maybe the money has been tied up in the design of a new logo for the Regional Jobs and Infrastructure Fund which has replaced the Regional Growth Fund. We are not sure yet, as it has not been part of the budget.

There is no mention of the \$500 000 for grassroots community action plans for dealing with the ice epidemic. I assure Mr Dalidakis that this is not a laughing matter. We have just had a national ice forum in Geelong. Ice is of great concern to the Geelong community, but I note that the Minister for Mental Health, Martin Foley, dismissed it and said, 'We are not going to spend any money on long-term rehabilitation beds, not in regional Victoria'. That is a symptom of this government; there is no money for regional Victoria. The government is going to flog off the port of Melbourne in a lease that is not going to return one cent to regional Victoria.

I will get back to the bill, and I will talk about some local issues. Shell Road Reserve was promised an electronic scoreboard and a commitment of \$60 000, but it is not in the budget. Leopold Football Netball Club was given a commitment of \$1.5 million and Barwon Heads Football and Netball Club was promised \$225 000, but neither has been allocated any money in the budget. A lot of promises were made of funding for the Victorian Open at Thirteenth Beach Golf Links Barwon Heads, but I am not sure why any of them would be funded by an infrastructure fund given this is a sport event. That money is in the wrong place. Labor

committed \$3 million for the Monahan Centre upgrade, but only a small amount of money has been allocated in the budget.

Mr Herbert — What have you been doing for the last four years?

Mr RAMSAY — I say to Mr Herbert that Labor made all these promises and has not delivered on them in the budget. The Portarlington ferry feasibility study has not had any money allocated to it in the budget. I note that Labor made a big hoo-ha about a Barwon Heads traffic management upgrade in the budget. Labor was happy to put a second bridge and a footbridge across one of the most popular areas of Barwon Heads and funnel all the traffic up Golf Links Road into Hitchcock Avenue and across the road, but it has not provided any money for a management plan to deal with the traffic chaos that happens every summer in Barwon Heads. There is no money allocated to the Ocean Grove traffic management plan.

Poor Portarlington Primary School — the Minister for Environment, Climate Change and Water, who is also the member for Bellarine, continues to say she is going to provide money for that school. It is in a planning and consultation phase, but unfortunately there has been no money allocated in the budget for it. It is waiting.

Finally, the government has allocated \$5 million to the Victorian Defence Procurement Office. It is a good investment. Unfortunately the government is still to work out who is going to staff it. The contracts close in about three days time, so that will be a very productive use of the \$5 million!

Mr Herbert interjected.

Mr RAMSAY — You have missed the opportunity to land one of the biggest defence contracts in Australia in Geelong because the government is still trying to staff the office. The Geelong Soccer Club will not see one cent from the budget.

I could go on, and as I still have 6 minutes I might just do that. I also want to talk about a couple of matters on a statewide basis. I note there is a budget allocation for the West Gate distributor, but I understand that has now been shelved. I was on the West Gate Bridge last night. There were two accidents, and it took me just under three-quarters of an hour to drive from one side of the bridge to the other. As I understand it, Labor has not provided anything in the budget for the new western distributor, which I understand is a T-section at the foot of the West Gate Bridge, yet it is more than happy to call on the federal government to provide \$1.5 billion to support the project and have Transurban toll the living

daylights out of every car and every other vehicle that might want to use the tunnel and the — —

Mr Herbert interjected.

Mr RAMSAY — No-one supported the western distributor. We supported an east-west link, but the western link does not even look like the government's proposal for a western distributor. We certainly did not support tolling on the West Gate Freeway, which I am sure the residents of Geelong would have been absolutely excited about — to know that what was a non-toll road was suddenly going to become a toll road under the jurisdiction of the Labor government.

All in all it has been a very disappointing budget for regional Victoria. Yes, it does have some good points and, yes, the government has committed to a number of pre-election commitments, but sadly we still have issues around many good projects that the coalition initiated for regional Victoria but that are not being continued. They have been changed, rebranded and basically centralised back to Melbourne at the expense of regional Victoria. Many of the pre-election commitments to regional Victoria that the government foreshadowed do not have money allocated to them in the budget, so again regional Victoria is going to have to wait until the next budget to see if the government comes good on its promises and fulfils its commitments.

Debate adjourned on motion of Ms SYMES (Northern Victoria).

Debate adjourned until later this day.

WRONGS AMENDMENT (PRISONER RELATED COMPENSATION) BILL 2015

Second reading

Debate resumed from 28 May; motion of Mr HERBERT (Minister for Training and Skills).

Mr HERBERT (Minister for Training and Skills) — It is a pleasure to speak on the Wrongs Amendment (Prisoner Related Compensation) Bill 2015. The bill gives effect to a pre-election commitment by the Premier to review the Wrongs Act 1958 to see if it could be amended with respect to claims by relatives of offenders who are injured in custody. As indicated in the long title, the bill amends the Wrongs Act 1958 to restrict the amount of damages that may be awarded for non-economic loss in respect of — —

The DEPUTY PRESIDENT — Order! I have now been furnished with the opposition's speaking list, and I need to call Mr Rich-Phillips first.

Mr Rich-Phillips — On a point of order related to clarity, Deputy President, before I start my contribution, as I understand it the Minister for Training and Skills, who is at the table, introduced the bill and has already given a second-reading speech. I wonder on what basis Mr Herbert would now speak again in the second-reading debate.

The DEPUTY PRESIDENT — Order! He is not. I have called you, Mr Rich-Phillips.

Mr Rich-Phillips — I assume from that, Deputy President, that Mr Herbert will not be speaking again in the second-reading debate, as he started to.

The DEPUTY PRESIDENT — Order! Yes.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to rise this afternoon to make some brief remarks on the Wrongs Amendment (Prisoner Related Compensation) Bill 2015. The bill is largely about people seeking compensation under the Wrongs Act 1958 in certain very limited circumstances, and those circumstances are set out in the bill. They include that where a person makes a claim in relation to a non-economic loss in respect of mental harm arising from the death of a prisoner and that person who is the applicant for such a matter themselves has a conviction, that conviction can be taken into account when a court is awarding damages under the originating action.

The legislation is something that the coalition foreshadowed last year, and the reason for it is to give effect to community expectations around people who make themselves out to be victims of crime who should receive compensation. Interestingly, last Friday in the media we saw the government running out the issue of the Carl Williams case. It said it would move measures to limit compensation in the circumstances surrounding the death of Carl Williams, which is a matter that was well reported. It highlights the types of concerns that exist within the community when people who have been connected to certain criminal matters can subsequently go on to make claims for compensation. There has been a strong feeling in the community that the capacity for certain people to claim compensation arising from criminal matters should be limited.

The bill gives effect to that type of community concern without necessarily tying the two together. It inserts a provision into the Wrongs Act with respect to claims for non-economic loss arising from mental injury in relation to the death of a person in custody. Custody for

the purposes of this legislation is defined in a number of ways, including people in preventative custody in relation to terrorism acts as well as those in general custody. The bill applies to a person who makes such an application for non-economic loss who has a conviction, as outlined in the legislation, and that is broken into two categories, being convictions related to profit-motivated offences and convictions related to other offences. The court will have the capacity to determine that any award of damages can be reduced.

In the case of a general conviction the court will have the capacity to reduce damages if it determines it is appropriate to do so under the criteria laid down in the bill. It would have the capacity to reduce those damages by between 0 and 100 per cent. A court could determine that, given the relationship between the person who died in custody, the criminal offences of the person making the application and the interrelationship there, it would be appropriate for any damages which would ordinarily have been ordered to be reduced by between 0 and 100 per cent.

The second category of applicant to which the legislation applies is a person who has been convicted of a profit-motivated offence. In this circumstance the provision is slightly different, and it provides that where an award of damages should be awarded and the applicant is a person who has been convicted of a profit-motivated offence, those damages must be reduced by between 90 and 100 per cent. The bill is sending a very clear signal that where a person has been convicted of a profit-motivated offence — and this includes a range of offences, as laid down in the legislation — or convicted of the types of offences that are particularly of concern in the community, such as drug offences, and the person seeks compensation for non-economic loss from mental injury in respect of a death of a prisoner, the court, if it determines damages should be awarded, will be required by the bill to reduce those damages by between 90 and 100 per cent.

We believe this is an appropriate mechanism to ensure that people of dubious character who themselves have convictions for substantial offences cannot take advantage of the provisions of the Wrongs Act to claim compensation against the state. This is something we believe the Victorian community has a very strong view about — that it is not appropriate for people with serious convictions for those types of offences to make claims for compensation against the state in respect of other prisoners — and we believe this piece of legislation will go a long way to ensuring that that does not occur in the future.

It is worth noting that this provision is in place with respect to matters which are already on foot, and with the passage of this legislation this can be taken into account in respect of awards for damages made in matters that have already been brought to the courts. The coalition believes that this is an appropriate step. It reflects community expectations with respect to the awarding of damages surrounding criminal matters, and the coalition will not be opposing this bill.

Ms PENNICUIK (Southern Metropolitan) — The Greens have very grave concerns about the Wrongs Amendment (Prisoner Related Compensation) Bill 2015, and these concerns were flagged and raised in the Assembly when the bill was debated there. The bill will amend the Wrongs Act 1958 to reduce damages related to death or injury of prisoners for claimants with criminal convictions in two ways under clause 3, which inserts a new part into the Wrongs Act, so that where a claimant has a criminal conviction the court must reduce the award of damages by a percentage the jury or the court considers appropriate. In making the reduction the court must have regard to a range of factors, including the number and severity of offences, the relationship between the claimant and the prisoner and whether the offences of the prisoner and the claimant are related in some way.

In the second-reading speech the government says that similar considerations are used in the Victims of Crime Assistance Tribunal when awarding compensation to victims of crime and that they are simply considerations as to whether an award of compensation should be made or what amount of damages should be awarded. Under the act, a criminal history does not automatically mean that there will be a reduction in damages, nor is there any specification on what reduction should be made.

Under this bill, where a claimant has been convicted of a profit-motivated offence, they must have their damages reduced by at least 90 per cent. Profit-motivated offences are defined by reference to the list of automatic forfeiture and civil forfeiture offences in schedule 2 of the Confiscation Act 1997 and include drug trafficking, extortion, deceptive recruitment for commercial sexual services, blackmail, armed robbery and handling stolen goods. The property offences in schedule 2 are subject to monetary thresholds of property worth more than \$50 000 or more, so that minor convictions for theft or handling stolen goods are not within the scope of those offences.

The government asserts that while some people will say this bill is unfair and penalises those who have already been convicted of crimes, the bill reflects community

concern that people who have profited from criminal activity should not be able to expect the state to compensate them to the same extent as others. The bill will not affect claims by children or minors. The bill relates to criminal convictions of adults, and the court will not consider whether a claimant has juvenile offences. The bill also operates retrospectively unless the matter has been finally determined by a court, so any matters that are currently before the court will be affected by this bill.

The concerns with the bill revolve around two issues. One is that the Wrongs Act, if you read through it, is a fairly straightforward act that allows people who suffer an injury, be that an economic loss or a non-economic loss, to claim compensation for that injury. Nowhere in the Wrongs Act at the present time are there certain categories of people who are excepted or excluded from the ability to claim damages, and that is the problem with this bill: it will insert into the act a small category of persons who will be unable to claim compensation or, if they do claim compensation, will have their compensation automatically reduced by 90 per cent.

The other issue is the mandatory aspect. Under the bill, the compensation payable will be reduced by 90 per cent, and in a further clause there is even the ability to completely reduce it and defeat the claim. Mandating that damages be reduced where the claimant has a criminal conviction undermines the fact that the threat of liability of damages, including exemplary and aggravated damages, is a very powerful mechanism for ensuring that prisoners and prison officials have adequate regard for recommendations from reviews and royal commissions into deaths in custody and harm to prisoners in custody. This is highlighted in the report on Indigenous deaths in custody prepared by the office of the Aboriginal and Torres Strait Islander Social Justice commissioner for the Aboriginal and Torres Strait Islander Commission implementing the recommendations of the Australian Human Rights Commission.

The Victorian Ombudsman's March 2014 report entitled *Investigation into Deaths and Harm in Custody* found that numerous problems within the prison system increase the likelihood of harm and death to prisoners. It found:

... the likelihood of prisoners being physically or sexually assaulted or self-harming leading to deaths is greater now than at any time in recent years ...

In that report the Ombudsman says:

Corrections Victoria has been slow to implement changes to its suicide prevention strategies, continuing to allow prisoners

identified at risk of suicide or self-harm to access potentially dangerous items ...

...

Over 22 years ago the Royal Commission into Aboriginal Deaths in Custody called for police and corrective services to carefully scrutinise equipment and facilities with a view to eliminating and/or reducing potential hanging points.

Despite this longstanding recommendation, my investigation identified many obvious hanging points in Victorian prisons and the Thomas Embling Hospital placing prisoners and patients at risk of suicide or self-harm.

The Greens believe the government should be focusing on preventing harm to or death of prisoners in custody rather than bringing in this bill which curtails the rights of relatives of prisoners who die or are injured while in the custody of the state and reduces the damages awarded in cases of prisoner related compensation. Furthermore, the statement of compatibility does not properly address concerns about possible unjust outcomes of this bill. An automatic reduction of damages for claimants with a criminal history — damages to which they would otherwise be entitled — does not allow for equal access to a fair hearing, because even though the bill amends the content of the law in these matters according to the government, such an amendment can still lead to an unjust outcome and the denial of the right to a fair hearing.

The importance of the purpose of the limitation on the right not to be tried or punished more than once for an offence of which one has already been finally convicted or acquitted in accordance with the law — that is, Victorian taxpayers not having to fully compensate claimants who have previously profited at the community's expense — does not justify this limitation or this bill. A person affected by the death or injury in custody of a prisoner should not be subject to a second penalty for a crime they may have been convicted of, spent time in prison for or suffered another penalty for. We asked the staff of the parliamentary library to look at whether this particular restriction exists in any other state of Australia. They could find no similar legislation at a commonwealth or state level.

Other concerns have been raised. For example, the Law Institute of Victoria says that on principle, entitlement to damages for injuries caused in prison should not distinguish between the type of prisoner and claimant as it undermines the principle of equality before the law. The law institute is opposed to legislation that treats claimants differently, shifts attention away from the liability of the wrongdoer and reduces the state's duty of care towards particular prisoners.

When people are held in custody by the state, whether in police cells or in prisons, the state has a duty of care for their wellbeing. If those prisoners are injured, commit suicide or are murdered while in custody, the state has failed in its duty of care. In cases where a prisoner is murdered, the state's failure in its duty of care is very high. Some such cases have been widely reported in the media, and the liability and negligence of the state in those cases could be regarded as very high.

This bill takes attention away from the important duty of care owed by the state to prisoners in custody and places the focus on whether the claimant is a worthy person. It is a wrong direction for the law to go. The Wrongs Act 1958 should stay the way it is. A claimant's ability to be compensated for the non-economic or psychological injury they suffer as a result of the death or injury of their loved one should have nothing to do with their worthiness. It may be that some people who have criminal convictions are awarded compensation for an act or omission by the state in the care of their loved one.

The mandatory provision in the bill that says if a claimant has been convicted as an adult of any of the offences mentioned or referred to in the bill, then he or she automatically has their compensation reduced by 90 per cent, does not allow for the court to make a discretionary decision. Even if you are going to accept this premise — and I have outlined it is incorrect in principle in terms of equality before the law and focusing on the state's duty of care towards people in custody — mandating a 90 per cent reduction in damages does not allow for any discretion on the part of the court to take into consideration different aspects of the case before it.

The government says that this particular bill is based on section 54 of the Victims of Crime Assistance Act 1996, which I have had a look at. I have a couple of comments to make about that. Firstly, this bill and the amendments made by this bill, which relate particularly to compensation owed to relatives or the loved ones of prisoners, are very different from the victims of crime legislation. The Victims of Crime Assistance Act 1996 refers to people who are making a claim for compensation because they have been subject to an act of violence in the community. It could be an act of violence by a person unknown to them or a person known to them, but those persons do not owe the claimant a duty of care in the same way that the state owes a duty of care to prisoners, so we are talking about apples and oranges in that regard. Section 54 of the Victims of Crime Assistance Act does not have any mandatory provisions; it just states:

In determining whether or not to make an award of assistance or the amount of assistance to award, the Tribunal must have regard to ...

quite a number of matters, including:

- (a) the character, behaviour (including past criminal activity and the number and nature of any findings of guilt or convictions) or attitude of the applicant at any time, whether before, during or after the commission of the act of violence ...

that is, the act of violence perpetrated on them by the person who committed the act of violence, who is an individual, so we are comparing two different things. In any case, under section 54 of the Victims of Crime Assistance Act there is no mandatory reduction in the amount of compensation to which the claimant can be entitled.

I have prepared amendments to this bill, which I am happy to have circulated.

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

Ms PENNICUIK — The amendments I have prepared are fairly simple and make changes to clause 3 of the bill. Basically clause 3 is the main part — the guts — of the bill. I propose to take out of the bill the mandatory reduction of compensation payable by 90 per cent, which is at new section 28LAF, which provides for assessment of damages. I also propose to delete another part of new section 28LAF which draws the attention of the jury or the court to the fact that they may determine a reduction of 100 per cent with the result that the claim for damages is defeated.

I include that particular amendment because I feel it is unnecessary — and I am supported in that by the Law Institute of Victoria — to draw the attention of the court to that possibility. The amendment does not preclude — under the bill if it were to pass — that from happening, but it certainly does not draw the attention of the court to that.

The effect of the amendments would be to put in place similar provisions as exist in the Victims of Crime Assistance Act 1996 such that the discretion is left to the tribunal in that case but the court in the case of this bill to determine the amount of compensation according to the facts before it. That would bring the bill into line with what the government is asserting it does. The second-reading speech asserts that the bill models itself on the Victims of Crime Act, but it does not, so the amendment would bring the bill into line with that, which would certainly ameliorate the effects of this bill

and reinstate some discretion of the court with regard to the bill and its application.

The law institute also raises a concern about the ability of juries to apply the provisions of the bill without requiring considerable direction by the judge in terms of determining the amount of compensation to be paid and whether or not that should be completely defeated, as is possible under the amendments proposed by the bill.

The Scrutiny of Acts and Regulations Committee also drew to the attention of the Parliament particular clauses as follows:

whether or not clause 28LAH(2) —

which is about the factors that must be considered —

by extending a mandatory limitation on a highly unusual class of civil claims to current claims before Victoria's courts, limits the charter right of those current claimants who are profit-motivated offenders to have those claims decided by a court;

whether or not clause 28LAF(1)(b)(ii) —

the 90 per cent reduction part —

in its application to claimants who committed profit-motivated offences before the bill commenced, regardless of any link between the earlier offending and the civil claim, limits the charter rights of those offenders not to be punished twice or retrospectively for their crimes;

if so, whether or not clauses 28LAF(1)(b)(ii) and 28LAH(2) —

which are the factors to be considered —

which largely restrict the compensation a profit-motivated offender can receive from anyone who has unlawfully caused a prisoner's death or injury to any financial costs to the offender resulting from that death or injury, are reasonable limits to achieve the purpose of reducing the liability of the state to certain claimants who have previously wronged the state.

The Scrutiny of Acts and Regulations Committee has drawn these particular provisions to the attention of members of Parliament. I have made the point that there is no need for these provisions to be inserted in the Wrongs Act, because the Wrongs Act is about justly compensating people for damages that have been done to them. This particular bill proposes to insert discriminatory clauses for what could be — it remains to be seen — a small number of offenders. The bill does not provide for people who may have committed a profit-motivated offence 20 years ago and may have been model citizens since; they would still be captured by this bill. It is not a good idea to be making any provisions such as these apply retrospectively in any

bill. That is another principle which comes into play with the concerns about this bill.

I also had some conversation with representatives of Liberty Victoria, who raised a few points. I have already mentioned the danger of shifting the focus of claims entirely to whether the claimant is a deserving or worthy person, particularly in front of a jury. This will become the sole or main focus of the hearing or trial. Apart from anything else, this could increase trial length and costs beyond the amount of actual claims. If I recall correctly, under the Wrongs Act there is a cap on claims of \$370 000 anyway, so it would shift the cost away from the duty of care owed by the state to prisoners and onto the issue of whether the claimant is deserving. It is taking discretion away from the courts and fails to acknowledge that there will be differences between cases and exceptional cases. There is no provision for exceptional cases in this bill; it is just the mandatory 90 per cent reduction.

When a person is convicted of a criminal offence and sent to prison, the punishment is the deprivation of their liberty. They are then contained in a restrictive environment, and their wellbeing becomes in large part the responsibility of the state. Their death or serious injury or the risk of this occurring in custody is not part of the punishment. The inevitable consequence is that the prisoner leaves behind a wife, a husband, children et cetera in the community and those family members have to deal with the absence of their relative, but they should not have to deal with the death or injury of their relative due to the negligence of the state. It should also be noted that this bill is about non-economic loss, which includes the psychological impact of the death of a relative in custody due to the negligence of the state.

I make the additional point that taking the focus away from the duty of care may divert the focus of the duty holders in the prison system away from exercising their duty of care and ensuring the welfare of prisoners to protection from death and injury.

These are our concerns with the bill. We believe the bill is completely unnecessary. The Greens do not support discrimination against certain classes of people, even if those people have in the past committed an offence. That is basically irrelevant to whether the state owes a duty of care to prisoners and should be liable for compensation where it has failed in that duty of care.

Ms PATTEN (Northern Metropolitan) — I rise to speak on the Wrongs Amendment (Prisoner Related Compensation) Bill 2015, and I also have a number of concerns with it. The bill proposes a number of changes, the most significant of which is the inclusion

of the claimant's prior criminal record as a factor for consideration when the judge is making a ruling on compensation. The record does not impact on the reception or the validation of damages but rather provides an avenue to reduce the amount of compensation available to nothing.

Further, the bill removes all judicial discretion in cases where an individual has been convicted of a schedule 2 offence under the Confiscation Act 1997. These offences include drug trafficking, deception, recruiting for commercial sexual services and handling stolen goods. It also includes offences such as carrying on a business as a sex work service provider without a licence or with a breach of licence and bribing a key official in the Casino Control Act 1991. An offence of this nature results in an immediate non-discretionary reduction of the compensation by at least 90 per cent.

I know the government has said that the use of this section would be very rare, but prisons in Victoria are now overcrowded and underfunded. The Victorian Ombudsman's 2014 discussion paper on Victorian prisons entitled *Investigation into the Rehabilitation and Reintegration of Prisoners in Victoria*, suggests that physical and sexual violence are now actually more likely to happen in our prisons and that we will see higher levels of physical and sexual violence in our prisons than we have seen at any other time.

The same report said that the recommendations made by the Royal Commission into Aboriginal Deaths in Custody report over 20 years ago included the reduction and elimination of hanging points. The Ombudsman's 2014 discussion paper said that 38 per cent of all prison cells still have such points, despite \$50 million having been spent to eliminate them. You have to question the commitment of Corrections Victoria to meet its duty of care to prisoners and comply with the Charter of Human Rights and Responsibilities. This means that the likelihood of relatives and loved ones of such prisoners potentially bringing claims for non-economic compensation is higher now than it has been at any other time.

Regarding schedule 2 offences, the government claims that paragraphs 28LAF(2)(a) and (b) are really about organised crime, but although they are partly about that, they are not all about that. Including schedule 2 in the act will remove any such discretion. The offences relate to an individual profiting in excess of \$50 000 from the community. However, the characterisation of these offences as organised crime or even violent is incorrect. Armed robbery and aggravated sexual servitude are there, but so too are drug trafficking, bribery of officials and, as I mentioned, carrying on business as a sex work

provider without a licence. While some of these offences might be linked to organised crime, many may also be isolated and non-violent incidents.

Think of an individual who at 19 years of age may be charged with trafficking a commercial quantity of ecstasy. Although charged, convicted and sentenced, over the next 20 years they go to university, become a valued member of the community and start a family. If their partner or child is harmed or killed while in prison, this person will not be entitled to any compensation despite the fact that this person is what we would consider to be a good citizen. Think of a person who defrauds Centrelink or their employer because they have a gambling addiction — and that could be well in excess of \$50 000 and run to hundreds of thousands of dollars. They would get caught up in the vacuum of this bill.

It is interesting to note that during their initial conviction and sentencing the judge will have the discretion to consider the reasons why a person committed the crime — whether it was due to a drug addiction or a gambling addiction — and the circumstances will be taken into account and may mitigate the person's culpability. Now it is suggested that if that person's son or husband is then harmed seriously and it is found that the state did not provide an adequate duty of care, then the circumstances that mitigated the person's culpability will be removed and the judge cannot use the same discretion in a case for compensation. For Indigenous Australians, who are already disproportionately represented in our prison system, this may be a form of further discrimination.

Judges should be able to evaluate cases as they come before them. This bill removes the equity and fairness that is so critical to the due process of our judicial system. I am not saying that this lessens the issues associated with considering an individual's crime history to determine the level of compensation to which they should be entitled, but judges should have judicial discretion.

It is worth noting that death is not the only circumstance in which a person, or their relative, might be entitled to compensation. Should an inmate be seriously injured or contract hepatitis C or HIV, and we know that this is an ongoing problem in our prisons today, these circumstances could give rise to a case for compensation via the Wrongs Act. It is not unreasonable to suggest that these circumstances will arise with increasing regularity.

I was very troubled about the government's comparison of the victims of crime compensation procedure with

this bill. Every individual in prison has committed an offence which has resulted in their incarceration, or we hope that is so. Victims of crime may have compensation reduced if they are found to have a history of criminal behaviour that may have precipitated or impacted on their victimisation. If you extend this logic to the Wrongs Act, it means that no prisoner could qualify for compensation because they are in prison and have contributed to their victimisation by the very fact of them landing in prison. It reduces the state's duty of care to such an extent that damages are less a token of responsibility than a reminder of their lessened humanity in this state's eyes.

I turn now to ongoing punishment. The government and the Attorney-General said this bill was not about double punishment. I think the Attorney-General used some Orwellian words to say this bill was about the consequence of wrongdoing. I think this is disingenuous. It suggests that prior criminal history makes you less worthy than anyone else and that the pain and trauma that you experienced and that has been judged as true does not have the same consequences for you. The bill provides double punishment. It is saying that once you have been punished and you have done your time, we are going to continue to punish you for something you did in the past.

We know that recidivism and issues around rehabilitation — that 'us and them' mentality — play into increased recidivism rates. Legal, criminological, sociological and psychological research across the board has found this to be the case. It does not take into account the reasons that people commit crimes — things like addiction and past sexual violence. Any of these issues may have been a mitigating circumstance in the judge's first addressing and sentencing for that initial crime. Numerous legal organisations have expressed concerns about the bill's impact on rehabilitating and reintegrating offenders into society, noting that it may feed again into discriminatory labelling that further divides offenders and the community. Offenders are still members of our community. A period of incarceration should not lessen your rights as a member of society.

The government has said that it has introduced this legislation to address individual cases. In addition to the fundamental issues with this kind of legislation, the government is trying to meet a community expectation but is remaining quiet about the means of how it will achieve this and the effects it will have. To suggest that mentioning a claimant's name in Parliament will more thoroughly jeopardise a case than passing a bill to specifically block the said claimant from accessing compensation is hypocritical.

In conclusion, this bill is predicated on the suggestion that criminal wrongdoing should reduce or completely obliterate access to damages in an instance where the state has failed in its duty of care and the claimant has been medically assessed as suffering from non-economic loss such as pain and suffering. The bill suggests that the state has less responsibility to own up for its actions than the prisoners serving time do for theirs. This is not a soft-on-crime analysis; rather, it is a recognition that convicted criminals are a soft target and that the long-term ramifications of this legislation will be significant for Victorians. Not only is this bill contrary to the civil libertarian values of the Australian Sex Party, but it is contrary to the principles of due process and equity which are so vital to our justice system. I oppose this bill.

Ms SYMES (Northern Victoria) — I rise to speak on the Wrongs Amendment (Prisoner Related Compensation) Bill 2015. This bill gives effect to a pre-election commitment by the Premier to review the Wrongs Act 1958 to see if it could be amended with respect to claims by relatives of offenders who are injured in custody. As indicated in the long title of the bill, it amends the Wrongs Act 1958 to restrict the amount of damages that may be awarded for non-economic loss in respect of mental harm caused by the death or injury of a prisoner if, as an adult, the claimant has been convicted of an offence, in particular a profit-motivated offence.

The bill amends the Wrongs Act so that a court or jury, when awarding damages to a claimant for mental harm that arises in the context of the injury or death of a prisoner, must consider whether the claimant has criminal convictions. The court or jury must consider the number and seriousness of the claimant's previous convictions; the nature of the relationship between the claimant and the prisoner, including any agreement, arrangement or understanding with respect to criminal activity; the relationship, if any, between the conduct constituting an offence of which the claimant has been convicted and the conduct constituting an offence of which the prisoner has been convicted; the claimant's character, behaviour or attitude at any time, whether before, during or after the commission of an offence for which the claimant has been convicted, including any evidence of rehabilitation, remorse or subsequent offending; and any other factor the court considers relevant.

The bill provides that the court or jury, having regard to those factors and where a claimant has been convicted of an offence other than a profit-motivated offence, must reduce the amount of damages to be awarded to the claimant by a percentage that the court or jury

considers appropriate. While the bill provides that this reduction may be up to 100 per cent, the court or jury has appropriately broad discretion. A similar scheme can be found in section 54 of the Victims of Crime Assistance Act 1996. The bill before the house provides that where the claimant has been convicted of a profit-motivated offence the court or jury must reduce the amount of damages to be awarded by no less than 90 per cent. The greater reduction in damages for those claimants who have been convicted of a profit-motivated offence is appropriate, given the serious nature of profit-motivated offences.

Profit-motivated offences are defined by reference to the list of offences in schedule 2 of the Confiscation Act 1997. All the offences listed in schedule 2 relate to profit-driven criminal behaviour, a great deal of which is often associated with organised crime. These offences include drug trafficking, extortion, deceptive recruiting for commercial sexual services, blackmail, armed robbery and handling stolen goods.

The bill's provisions will apply to any claims that were already on foot before the legislation commences, unless the claim has been finally determined prior to the commencement of the legislation. I note that the bill will not affect claims brought by minors or children and relates only to criminal convictions of an adult. I further note that the bill's provisions relate only to mental harm arising from injuries or deaths of prisoners. The provisions do not apply to people who are being held on remand.

In conclusion, this bill reduces the amount of damages that may be awarded to those claimants who have made deliberate choices to break our laws for material gain. It is likely that this bill will apply only to claimants in a very small category of offences, and it does not seek to otherwise diminish the responsibilities of the state. I commend the bill to the house.

Ms FITZHERBERT (Southern Metropolitan) — I rise to make a few comments on the Wrongs Amendment (Prisoner Related Compensation) Bill 2015. The bill amends the Wrongs Act 1958 to insert a new part VBAA. This requires the jury or court, as the case requires, to reduce the amount of damages awarded for non-economic loss in respect of mental harm caused to a person arising from the death or injury of a prisoner where the claimant has profit-motivated criminal convictions.

Most Victorians accept that someone who has engaged in criminal activities should, on the basis of the behaviour that got them into the situation in the first place, be restricted in some way when seeking

compensation for a loss they have experienced. It is largely on that basis that the opposition does not oppose the bill. It is a measure that sends a strong message to the community that there are severe consequences for engaging in what are generally very serious criminal activities.

The bill is narrow to the extent of where it applies. As has been noted earlier in the debate, it is expected it will be applied in relatively few cases. It requires a reduction by any amount up to 100 per cent in the amount of damages that may be awarded to someone who has been convicted of a profit-motivated offence.

What is a profit-motivated crime? It is defined in schedule 2 of the Confiscation Act 1997 as including drug trafficking, extortion, deceptive recruiting for commercial sexual services, blackmail, armed robbery and the handling of stolen goods. These are serious crimes, and they are based on actions of dishonesty, intimidation and, in some instances, force. It is appropriate to consider these as very serious crimes and that consequences flow from them.

One issue that has been raised earlier in debate concerns the capacity of juries to decide the quantum of reduction where it is appropriate for it to be part of the sentencing issue. I do not know that I agree that this is a reason to block this amendment. Juries are required to decide all manner of very complex issues. Saying simply that this issue should be knocked out on that basis is wrong. Every day juries are required to make decisions on issues that are way more complex than this, and there are well-established processes for ensuring that juries have access to appropriate input from the court and advocates in the court in making those decisions, difficult as they are.

I note that new part VBAA has some specific exclusions. It does not apply to claims relating to the death or injury of a person held on remand or in a police cell. It does not apply — and I believe this is very important — to a claimant who is a minor or a child, and nor does it apply to an individual who has only juvenile convictions. These are important exclusions from the provision that are worth noting.

I said at the start that there are strong views in the community about this piece of legislation. Over the last few days I have been approached by a number of individuals who have strongly urged that it be supported. I indicated that the opposition does not oppose this bill, and that was met with some satisfaction. With those brief comments, I will conclude.

House divided on motion:

Ayes, 33

Atkinson, Mr	Mikakos, Ms
Bath, Ms	Morris, Mr
Bourman, Mr	Mulino, Mr
Carling-Jenkins, Dr	O'Donohue, Mr (<i>Teller</i>)
Crozier, Ms	Ondarchie, Mr
Dalidakis, Mr (<i>Teller</i>)	Peulich, Mrs
Dalla-Riva, Mr	Pulford, Ms
Davis, Mr	Purcell, Mr
Drum, Mr	Ramsay, Mr
Eideh, Mr	Rich-Phillips, Mr
Elasmar, Mr	Shing, Ms
Fitzherbert, Ms	Somyurek, Mr
Herbert, Mr	Symes, Ms
Jennings, Mr	Tierney, Ms
Leane, Mr	Wooldridge, Ms
Lovell, Ms	Young, Mr
Melhem, Mr	

Noes, 6

Barber, Mr	Patten, Ms (<i>Teller</i>)
Dunn, Ms	Pennicuik, Ms
Hartland, Ms	Springle, Ms (<i>Teller</i>)

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

The DEPUTY PRESIDENT — Order!

Ms Pennicuik's amendment to clause 1 is a test for and consequential to her substantive amendment to clause 3 regarding the restricting of damages, particularly in relation to a profit-motivated offence. I therefore invite Ms Pennicuik to speak more broadly to her substantive amendment to clause 3. I consider these amendments to be a test for Ms Pennicuik's amendments 3, 4, 5 and 9.

Ms PENNICUIK (Southern Metropolitan) — I move:

1. Clause 1, lines 3 and 4, omit "to restrict the amount of damages that may be awarded" and insert "in relation to awards of damages".
2. Clause 1, lines 7 and 8, omit ", in particular, a profit motivated offence".

As the Deputy President indicated, this is a test for amendments 3, 4, 5 and 9. Amendments 3 and 4 omit punctuation and certain words, and particularly omit all the words on lines 18 to 33 in clause 3. The words that I draw particular attention to are in proposed section 28LAF(1)(b)(ii):

... in the case of a claimant who has been convicted of an offence that is a profit motivated offence — by a percentage that the jury or the court (as the case requires) considers appropriate, being a percentage that is not less than 90 per cent.

That is the mandatory 90 per cent reduction of compensation awarded to a claimant who is convicted of a profit-motivated offence, and that phrase would be eliminated. My substantial amendment is amendment 5, which would replace the words that I propose omitting and put in different words as follows:

“if the trial is without a jury —

- (a) must consider the factors set out in subsection (2); and
- (b) having regard to those factors, may reduce the amount of damages by a percentage that the jury or the court (as the case requires) considers appropriate.”.

The effect of this amendment is to take away the mandatory reduction of 90 per cent in new section 28LAF(1)(b)(ii) and to replace that with the ability of the court to have regard to the factors in subsection (2), which are the nature of previous convictions, the relationship between the claimant and the prisoner, the claimant’s character et cetera. These are similar to the factors that are outlined in the Victims of Crime Assistance Act 1996, which the government says it has modelled its bill on but which it actually has not, because there is no mandatory reduction provision in the Victims of Crime Assistance Act. That is what this amendment would do.

Without re-prosecuting the second-reading speech, we have concerns with the whole premise of discriminating against classes of people, whether or not they have been convicted of serious offences. We have an issue with discriminating against them in their ability to claim compensation for the death or injury of a loved one who was held in prison. The Greens believe that this amendment would bring the bill into line with the Victims of Crimes Assistance Act, which the government says it is modelled on. There would still be problems with the bill and we would still have concerns with it, but at least it would give the court the discretion to take into consideration the facts before it when awarding compensation and deciding whether or not any reduction is required and if so what that reduction should be.

Mr HERBERT (Minister for Training and Skills) — With regard to clause 1, the government cannot support the first proposed amendment because it is central to the policy intention of the bill that the amount of damages should be restricted in cases where the claimant has a conviction. We believe that it is important that this policy intention is reflected in the

bill’s purpose. With regard to the second amendment, we will not be supporting that — in fact, I have to say we will not be supporting any of the amendments, but I am speaking about the particular stage we are up to — as we believe it is central to the policy intention of the bill that the amount of damages be reduced in cases where the claimant has been convicted of a profit-motivated offence. Profit-motivated offences are typically committed by those involved in organised crime. It is important that this policy intention is reflected in the bill, so we will not be supporting the amendment.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — The coalition will not be supporting Ms Pennicuk’s amendments, which fundamentally reverse the intention of the bill. The coalition believes the bill as drafted is appropriate, as are the provisions in respect of profit-motivated offences. As the minister outlined, these offences are typically related to organised crime. We will not support this amendment.

Ms PENNICUIK (Southern Metropolitan) — To respond to Mr Rich-Phillips’s comment that the amendments reverse the intention of the bill, he may be strictly correct in saying the intention of the bill is to make sure that a claimant who has been convicted of one of the offences covered by the bill is entitled to no more than 10 per cent of the compensation that is awardable under the Wrongs Act 1958. However, the government has claimed the bill is based on section 54 of the Victims of Crime Assistance Act 1996, but under that act the Victims of Crime Assistance Tribunal can take into account the convictions of the claimant and other factors, and weigh them all up.

Under this provision, whether or not there are factors as outlined in new section 28LAF(2) — the nature of the relationship between the claimant and the prisoner, the number and seriousness of the claimant’s previous convictions and the claimant’s character, behaviour et cetera at any time — makes no difference, because there is a mandatory reduction of 90 per cent. None of those factors come into play because there is no ability for the court to exercise any discretion with regard to those factors. In fact the bill is quite contradictory in section 2 and section 1. Section 2 outlines the factors to be taken into account, but section 1 says it does not really matter how serious the claimant’s convictions are; everything gets reduced by 90 per cent, and it could be up to 100 per cent.

In fact there is a contradiction in the bill itself, and it does not mirror section 54 of the Victims of Crime Assistance Act 1996. I might say that on close inspection of section 54 one would have to raise an eyebrow about some of the factors that the tribunal might take into account when awarding compensation

to victims of crime, but this is not the place to go into that. Suffice it to say, even that provision is certainly not perfect.

Committee divided on amendments:

Ayes, 6

Barber, Mr	Patten, Ms (<i>Teller</i>)
Dunn, Ms	Pennicuik, Ms
Hartland, Ms (<i>Teller</i>)	Springle, Ms

Noes, 33

Atkinson, Mr	Mikakos, Ms
Bath, Ms	Morris, Mr
Bourman, Mr (<i>Teller</i>)	Mulino, Mr (<i>Teller</i>)
Carling-Jenkins, Dr	O'Donohue, Mr
Crozier, Ms	Ondarchie, Mr
Dalidakis, Mr	Peulich, Mrs
Dalla-Riva, Mr	Pulford, Ms
Davis, Mr	Purcell, Mr
Drum, Mr	Ramsay, Mr
Eideh, Mr	Rich-Phillips, Mr
Elasmar, Mr	Shing, Ms
Fitzherbert, Ms	Somyurek, Mr
Herbert, Mr	Symes, Ms
Jennings, Mr	Tierney, Ms
Leane, Mr	Wooldridge, Ms
Lovell, Ms	Young, Mr
Melhem, Mr	

Amendments negatived.

Clause agreed to; clause 2 agreed to.

Clause 3

The DEPUTY PRESIDENT — Order!

Ms Pennicuik has three amendments to clause 3 that have been tested by her amendments to clause 1. She also has further unrelated substantive amendments to clause 3 that the committee is yet to consider. I therefore propose that the committee resolve those amendments already tested before proceeding to Ms Pennicuik's further amendments to clause 3. I call on Ms Pennicuik to move her amendments 6, 7 and 8 to clause 3.

Ms PENNICUIK (Southern Metropolitan) — I move:

- Clause 3, page 6, lines 16 to 19, omit all words and expressions on these lines.
- Clause 3, page 6, line 20, omit "(4)" and insert "(3)".
- Clause 3, page 6, line 24, omit "(5)" and insert "(4)".

Amendment 6 is the substantial amendment here. It would omit lines 16 to 19, or 28LAF(3), which reads:

The jury or the court (as the case requires) may determine a reduction of 100 per cent, with the result that the claim for damages is defeated.

My aim is to delete this subsection because I feel it is completely unnecessary, given that 28LAF(1)(b)(ii) already requires a mandatory reduction of 90 per cent. This further draws the attention of the court or jury to completely defeating the damages claim, further reducing the discretion of the court. It does not mean that the court could not do this, but I feel — and I am backed up by the Law Institute of Victoria and Liberty Victoria in this regard — that we should not be drawing the attention of the court to that, particularly when the compensation available to claimants under this bill is so drastically reduced.

Mr HERBERT (Minister for Training and Skills) — As I indicated earlier, the government will not support the proposed amendment because it is central to the policy intention of the bill, which is that in an appropriate case the court or jury can eliminate an award of damages that would otherwise be payable to a claimant. That is the intention of the bill, and we will not be supporting the amendment.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — The coalition will also not be supporting Ms Pennicuik's amendment. I note that the amendment does not remove judicial discretion or the discretion of the jury with respect to this matter. It simply provides that the jury or the court may determine a 100 per cent reduction. It does not mandate a 100 per cent reduction. We think that is appropriate in the context of the intention of this legislation.

Committee divided on amendments:

Ayes, 6

Barber, Mr (<i>Teller</i>)	Patten, Ms
Dunn, Ms (<i>Teller</i>)	Pennicuik, Ms
Hartland, Ms	Springle, Ms

Noes, 33

Atkinson, Mr	Melhem, Mr
Bath, Ms	Mikakos, Ms
Bourman, Mr	Morris, Mr
Carling-Jenkins, Dr	Mulino, Mr
Crozier, Ms	O'Donohue, Mr
Dalidakis, Mr	Ondarchie, Mr
Dalla-Riva, Mr	Peulich, Mrs
Davis, Mr	Pulford, Ms
Drum, Mr (<i>Teller</i>)	Purcell, Mr (<i>Teller</i>)
Eideh, Mr	Rich-Phillips, Mr
Elasmar, Mr	Shing, Ms
Finn, Mr	Somyurek, Mr
Fitzherbert, Ms	Symes, Ms
Herbert, Mr	Tierney, Ms
Jennings, Mr	Wooldridge, Ms
Leane, Mr	Young, Mr
Lovell, Ms	

Amendments negatived.

Clause agreed to; clause 4 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

The PRESIDENT — Order! The question is:

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

House divided on question:

Ayes, 33

Atkinson, Mr	Mikakos, Ms
Bath, Ms	Morris, Mr
Bourman, Mr	Mulino, Mr
Carling-Jenkins, Dr (<i>Teller</i>)	O'Donohue, Mr
Crozier, Ms	Ondarchie, Mr
Dalidakis, Mr	Peulich, Mrs
Dalla-Riva, Mr	Pulford, Ms
Davis, Mr	Purcell, Mr
Drum, Mr	Ramsay, Mr
Eideh, Mr	Rich-Phillips, Mr
Elasmar, Mr	Shing, Ms
Fitzherbert, Ms	Somyurek, Mr (<i>Teller</i>)
Herbert, Mr	Symes, Ms
Jennings, Mr	Tierney, Ms
Leane, Mr	Wooldridge, Ms
Lovell, Ms	Young, Mr
Melhem, Mr	

Noes, 6

Barber, Mr	Patten, Ms
Dunn, Ms (<i>Teller</i>)	Pennicuik, Ms
Hartland, Ms (<i>Teller</i>)	Springle, Ms

Question agreed to.

Read third time.

BUSINESS OF THE HOUSE

Broadcasting of proceedings

The PRESIDENT — Order! Before we proceed, I inform the house that during question time today the ABC was the broadcaster carrying a live feed of our proceedings. However, for the first 10 minutes or so there was a break in their coverage. The media has therefore requested access to our parliamentary feed in respect of Mr Somyurek's personal explanation. On the basis that it would have been available at any rate to the broadcaster under our normal terms of broadcast, I agreed to the request to access that particular part of our feed in respect of those first 10 minutes of question time. I thought it was important for the house to know that those were the circumstances.

APPROPRIATION (2015–2016) BILL 2015 and BUDGET PAPERS 2015–16

Second reading

Debate resumed from earlier this day; motion of Mr HERBERT (Minister for Training and Skills) and motion of Ms MIKAKOS (Minister for Families and Children):

That the Council take note of the budget papers 2015–16.

Ms TIERNEY (Western Victoria) — It is with great pleasure that I rise to speak on the Appropriation (2015–2016) Bill 2015 and the associated budget papers. This budget does something rare for modern politics: it actually delivers on election promises. As a matter of fact, 96 per cent of our election commitments are honoured in this bill. This has not been the norm over recent years, and the breathtakingly cavalier attitude to election commitments exhibited by the federal government is just one example of this.

Prior to last year's election, Labor decided that there was a better way of doing things. Daniel Andrews and Labor thought that the people of Victoria deserved better. We thought that Victoria deserved to be presented with a costed plan that went towards improving their lives. Most importantly, we thought Victorians deserved to have implemented a plan that they endorsed. We presented a plan to Victorians for living in a safe, functional place with access to decent services in which to raise a family. We are ensuring that their kids are better educated than they are. We are ensuring that if they are unwell, they can get into a hospital. This is a plan for secure, well-paid jobs for Victorians that provide the dignity of being able to look after their families. If things go wrong, it is a plan for a government to lend a helping hand.

Labor's Financial Statement 2014 contained 82 output initiatives and \$4.4 billion worth of capital investments targeted at jobs, health and education, and we received a mandate from the people of Victoria to implement these policy proposals. Victorians trusted Labor, and we are now repaying that trust with this bill. This budget delivers on all those output initiatives, worth \$3.2 billion, and fully or partially funds 75 per cent of capital commitments, allowing work to proceed immediately. The remaining capital commitments are priorities for future budgets, and funding has been provisioned for them.

This budget is about keeping families safe, keeping them healthy, keeping them employed and making it easier to educate their kids. A family cannot be safe if it is exposed to violence. Family violence is a scourge in our society, and the damage it does is generational. The

leading cause of death, injury and disability for women between the ages of 15 and 44 is family violence. That is embarrassing. There was a 70 per cent increase in family violence incidents reported to police between 2010 and 2014, which amounts to 68 000 incidents over that period. This is putting huge strains on services.

This budget commits \$71 million in new funding towards family violence, including \$57 million for a family violence package to alleviate those strains. Some of this money is being expended in regional Victoria, and there will be extra staff at the Ballarat Centre Against Sexual Assault as a result. This budget is an interim step until the royal commission brings down its recommendations. It is a vital first step towards keeping Victorian families safe.

This terrible dilemma faces so many families. In rural and regional Victoria we have seen the grip that ice now has on our communities. Before the election Labor promised Victorians that it would take action in relation to this issue. The *Ice Action Plan* has been funded. Importantly, it is a more sophisticated response than the failed ‘hang ‘em high’ law and order responses that became the norm under the previous government, which kept spending more money on prisons than on hospitals. I will highlight only one thing in a comprehensive package. There is ongoing funding of over \$4 million a year to expand drug rehabilitation in rural areas. More people will be able to get treatment earlier. Families in rural Victoria need that access and that help. That is why we believed it was so important to have the telephone call service. Labor has listened and Labor has delivered.

The Liberal-Nationals government cut the whooping cough vaccine program. It had more important priorities like funding the construction code compliance unit to police the stickers that building workers were wearing on their hats, while whooping cough rates soared. In 2014 the rates increased by 57.6 per cent, and by April this year they had doubled again. Victorian families are more concerned about the health of their children than what construction workers put on their hard hats. The budget abolishes the construction code compliance unit and uses the savings to fund the whooping cough vaccination program.

There will also be \$38 million a year saved by abolishing taxpayer-funded political advertising. People want access to services, not spin ads. That is why the budget provides \$50 million for the interface fund for 10 interface councils on the edge of Melbourne in the local government areas expected to grow the fastest in coming years. It is a first; it will provide community

centres, multipurpose facilities, playgrounds and other spaces. This is what people in places like the cities of Melton and Wyndham deserve. They deserve services, not spin.

That is why the budget contains the Community Sports Infrastructure Fund. Playing sport keeps people fit and it is good for our community. The fund has \$23 million for 29 projects, ranging from \$60 000 for resurfacing and a facilities upgrade for the Barwon Heads Football & Netball Club through to \$350 000 for the Ararat pool and \$3.5 million for the Leopold football club pavilion. And while people are at the footy, at the swimming pool or at netball, if something does go wrong, the budget has funding to roll out 1000 defibrillators to sporting clubs.

On top of that, the Ballarat Base Hospital is getting \$10 million for a new cath lab for urgent heart treatment and care. Werribee Mercy Hospital, just outside my electorate but used by many of my constituents, is undergoing an \$85 million expansion. These are the services Victorian families expect from their government. These are the services Labor promised, and these are the services that Labor is delivering in this budget.

The opposition talks a lot about the bush and farming, but we know, and I know, that it is all hot air. The Liberal-Nationals coalition refused to fund the National Centre for Farmer Health because it needed to build more prisons. Labor has funded the centre for the next four years to the tune of \$1 million a year — something that the opposition in government walked away from. I look forward to discussing this with the people of Hamilton when I meet with them again, as I always do, at Sheepvention.

One of the most dangerous places for rural and regional Victorians is on the roads. In 2012 road resurfacing targets were cut by over 60 per cent. The country roads and bridges program was not funded beyond 2015. This budget rectifies these failures by the opposition. The Andrews Labor government has committed \$1 billion to upgrade and repair unsafe regional roads and bridges. Indeed the Colac-Ballarad Road, which has been an issue for some time, will receive a \$2.4 million upgrade. It is why the RACV has called this ‘a strong transport budget’.

Keeping your family safe is not just about being safe on the roads. The budget funds more police and more police on the Bellarine Peninsula. It keeps police stations open longer. We will also build a new fire station at Buninyong. These are things that governments can do to keep families safe.

People want more economic security so they can pursue a better life, and that comes from education. I made the point earlier that we all want our kids to be better educated than us. In this budget Labor has put policies in place, and the money behind them, to make this a reality for Victorian families. There is a minimum of \$67 million allocated to refurbish, rebuild, expand and enhance schools all over my electorate, from Beaufort to Warrnambool and in between. This money is for everything from toilet blocks to science labs. At Warrnambool the relocation of the Warrnambool Special Developmental School will receive \$5 million. We will build a new secondary school at Bannockburn, and there will be tech schools built in Ballarat and Geelong.

The budget sets about fixing the gutting of TAFE. There is \$8 million a year for the next four years for regional local learning and employment networks. This is an education budget. I have spoken in this place about the damage done to our vocational education system by the Liberal-Nationals coalition government. It was happy to build prisons to put our kids in rather than build schools to train them in. Labor will train them. We have a jobs plan, and when our kids graduate from school, TAFE or university they need jobs. That is why the budget funds the \$50 million Stronger Regional Communities Fund and allocates \$1.5 million to support the regional strategic planning initiative. Labor knows that local communities know what is best for them; that is why this fund is in place. Regional communities can develop strategies to tackle their challenges and find new opportunities, and we have money put aside to help them meet these challenges and create opportunities.

There is \$200 million for the Regional Jobs Fund and \$250 million for the Regional Infrastructure Development Fund. The jobs fund has money for a particle physics lab in Stawell and a manufacturing hub in Geelong. It more than doubles the funding for the Geelong Region Innovation and Investment Fund. Labor understands that the jobs of the future will be high tech. They will be science based and they will be in manufacturing.

In one of its last acts the Napthine government cut Alstom from the bidders list for the X'trapolis trains. As usual, no open tender was conducted, but scores of jobs in regional Victoria were to be trashed. Labor has fixed this. The X'trapolis contract, worth \$90 million, is in the budget and it has been awarded to Alstom in Ballarat. It shows that if there is a will, it can be done. You can have high-skilled manufacturing jobs in regional Victoria.

Labor's commitment to dignity in work is real, and I congratulate the government on launching an inquiry into category 457 visas and category 417 backpacker visas. We believe in real jobs with real pay so people and their families can function in their communities. We are prepared to back communities to back their children to create the modern economy.

The Regional Infrastructure Development Fund recognises that rural and regional Victoria needs the facilities to make it a livable place. Rural and regional Victoria is home to 25 per cent of Victorians and yet it only receives 4 per cent of the funding. We are fixing that. The budget will deliver \$450 million in election promises to my electorate over the next four years. It will fund the Grampians Peaks Trail and the redevelopment of Eureka Stadium. It will make the Wedderburn streetscape safer, and it will build the Leopold hub, just to name a few things. There is also \$12 million for the Portarlinton safe harbour project, recognising that the Bellarine Peninsula is one of Victoria's fastest growing areas.

In conclusion, this budget is about services, not spin. It is about police, not prisons. It is about hospitals and health care. It is about livable, safe communities. It is about jobs. That is why the G21 Geelong Regional Alliance thinks there are solid benefits in this budget for the region — decent, high-skilled, high-wage jobs that allow people to live with dignity. Most of all, this budget is about promises — promises for which a mandate was sought and a mandate was given. This is a bill that is delivering on that mandate. It is repaying the trust of the people of Victoria. I commend the bill to the house.

Mr O'DONOHUE (Eastern Victoria) — I am pleased to make a contribution on the bill before the house and to the budget debate. Before I go into my substantive contribution on this bill, let me make a couple of comments on the remarks by the Deputy President. Without being too disparaging of the Deputy President, the fact that her speech, which was read word for word, had prepared attacks on the opposition, which I do not think were really delivered the way she intended, probably says a great deal about the empty sloganeering and empty lines from the government about its budget.

Ms Tierney would have the house believe that 96 per cent of the government's election promises have been funded and implemented in this budget. I wonder whether Ms Tierney counts in that 96 per cent the \$175 million for the duplication of Thompsons Road, which in this budget has been allocated just \$20.5 million. In a response to an adjournment matter I

received from the Minister for Roads and Road Safety on this issue, he makes no commitment to providing the balance of the promised \$175 million.

I wonder whether in her 96 per cent of election commitments delivered Ms Tierney also includes the rebuild of Wonthaggi Secondary College, promised by the Labor candidate for Bass, Sanjay Nathan, but now walked away from by both the Leader of the Government in this place and the Deputy Premier, the member for Monbulk in the other place. In the Public Accounts and Estimates Committee hearings and in question time in this place, both of those senior ministers and the government walked away from that election commitment.

I would love to see from government members a breakdown of this supposed 96 per cent of election commitments that have been delivered, because when you look at the budget papers, as was so eloquently articulated by Mr Rich-Phillips in his contribution to this debate, you see that for many projects and many issues there is a handful of money now and then some vague promise of funding in the future. According to government members like Ms Tierney, that ticks the box as done. For commuters of the south-east and the commuters of my electorate who want to use Thompsons Road in that growing part of outer Melbourne, \$20.5 million does not duplicate Thompsons Road. I am sure Mrs Peulich would agree with me. That is not an election promise delivered, and it says much about the way Labor is trying to trick and fool the electorate with the way it has presented this budget.

I will make a couple of remarks about the contribution Mr Rich-Phillips made in the previous sitting week because, as was done in the Assembly by Mr O'Brien and Mr Guy, he very clearly articulated the macro picture when it comes to this budget. What we see is public sector wages in this budget up 7.1 per cent. Infrastructure investment is down. The surplus is down, and the major economic indicators have trended down since Labor was elected to government. When you look at the macro picture and the macro numbers, what you see is a deterioration in Victoria's fiscal position under Labor's leadership and the leadership of Daniel Andrews.

To expand on this in relation to my electorate, I want to pick up another one of the points Ms Tierney made. Ms Tierney referred to the country roads and bridges program, which the coalition funded for four years. Let me say as a member who represents Eastern Victoria Region, which extends from Clyde Road, Berwick, all the way east to Mallacoota, that the country roads and

bridges program was much loved by rural communities and rural councils. Here was a program that helped provide funding for bridges that local councils did not have the resources to fund, the bridge which was not on an arterial road but was perhaps important for the supply chain, particularly in places like South Gippsland where heavy trucks are important to the dairy industry. The country roads and bridges program provided an opportunity for that bridge or that significant local road to be upgraded to help support the supply chain for, as I said, the dairy industry or the timber industry or another important industry in my electorate of Eastern Victoria Region.

As Ms Tierney correctly said — and I thank her for her admission — Labor has failed to re-fund the country roads and bridges program. Labor is imposing —

Ms Tierney — I didn't say that.

Mr O'DONOHUE — I take up the interjection from the Deputy President. Let the record be very clear: the coalition funded the country roads and bridges program, a very important program for the electorate and the communities I represent. Labor has failed to re-fund that program, and that will have significant consequences for the local road network in country Victoria, significant consequences for the supply chain and significant consequences for many rural communities that depend upon that income stream or revenue source to fund necessary capital upgrades.

Before the election we heard a lot of fanfare about what Labor was going to do to rebuild or expand Casey Hospital. That had bipartisan support, because the then government made a significant announcement about an additional infrastructure upgrade for Casey Hospital as well. I wonder whether Ms Tierney counts the upgrade of Casey Hospital in that 96 per cent of election commitments delivered. Casey Hospital is a major hospital for a rapidly growing area, but there have been but a few million dollars allocated to a significant project with the balance to come at some future date out of some contingency funding. There is no clarity, no guarantee about when construction will start and no guarantee about when construction will finish.

Ms Tierney rightly points out that the Treasurer has also used the figure of 96 per cent when talking about election commitments that have been funded or delivered. He is incorrect. Ms Tierney is incorrect, and the Treasurer is incorrect. Throwing \$20 million at the Thompsons Road upgrade does not make \$175 million, and that is what was promised.

Let me move to some of my shadow portfolio responsibilities. Prior to the election, Labor failed to promise any additional resources to Victoria Police. There was a great deal of anticipation in relation to the budget and where Labor might land on police resourcing, given that Victoria Police is currently dealing with numerous issues, including the ice scourge, family violence, counterterrorism and the challenges of having fewer single-member patrols.

As members of Parliament we always respect the independence of the Acting Chief Commissioner of Police. In this case he has made those calls in relation to the allocation of police resources. This budget delivers just 15 additional police. Victoria's population is growing by 100 000 per year. We have the scourges of ice and family violence and now the emerging issues around terrorism and the way police resources are deployed as a result of a changed security environment. Labor's solution to this is 15 police for Geelong and Bellarine. There is not a single additional police member for anywhere else in Victoria.

Mr Herbert — Four hundred back on the beat.

Mr O'DONOHUE — I welcome the interjection from the minister, because Labor's answer to this issue is, 'Don't worry; we've got the custody officers'. Before the election there was bipartisan support for relieving Victoria Police of the burden of managing prisoners in police cells. The coalition's solution to that issue was to replicate what currently exists at the Melbourne Custody Centre and outsource it to the private sector. It has been a very successful policy at the custody centre that has worked for a number of years.

Labor's solution was a public sector model. The objective was fundamentally the same. We are now more than six months into the new government, and how many custody officers are there? During this time Victoria's population has grown by approximately 50 000 people, and its security environment has changed. How many custody officers are out there in the community or looking after prisoners in police cells today? Are there 50? Are there 100? Those opposite have had over six months to recruit them. How many are there? I will tell you: zero. How many are being trained at the police academy at the moment?

Mr Drum — Nil. They won't need an academy.

Mr O'DONOHUE — It is zero. I thank Mr Drum. Despite having been in government for over six months and despite making an election commitment in this area, Labor has failed to even begin the academy recruitment process. At a Public Accounts and

Estimates Committee hearing, the Minister for Police said words to the effect that a committee has been formed and is looking at it. That is great, but I think what the community wants is action. Here we are, six months into the new government and with Victoria's population up by 50 000, and not a single custody officer has been recruited, trained or deployed. A handful of additional police officers have been provided for Bellarine, but not a single extra policeman or policewoman has been provided for the rest of Victoria.

Let me take the house to another of Labor's election commitments. Prior to the election, Daniel Andrews said Labor would fix the police radios in country Victoria for \$10 million. Minister Noonan reaffirmed that in January. In late April, just a few months after Minister Noonan put out his press release, the cost of the project had gone from \$10 million to \$35.3 million. Only the Labor Party can take a \$10 million commitment, reaffirm it in government — after no doubt receiving advice from the department — and then just a few months later see that \$10 million blow out to \$35.3 million. The Labor Party cannot manage money, and it cannot manage projects.

What is worse than Labor's terrible cost blowout is the fact that, rather than stumping up the money to cover this cost blowout in the budget, Labor is forcing Victoria Police to — and I use the minister's language — 'reprioritise' funding to the tune of \$23.8 million to cover its black hole. That is \$23.8 million that could be used to recruit new police, upgrade the Cowes police station, upgrade the Colac police station or improve security at a number of remote country police stations, now that we operate in a different security environment. But no, Daniel Andrews and Minister Noonan are forcing Victoria Police to find \$23.8 million in its budget.

In the minute I have left to speak in this debate I will touch on the community crime prevention agenda. The last government had a crime prevention agenda and a separate Minister for Crime Prevention. We committed to funding that agenda to the tune of \$37 million over four years. The Labor Party said nothing about crime prevention prior to the election. It also said nothing about funding such organisations as Step Back. Think, which seeks to stop senseless violence in our community. Labor said nothing about funding Neighbourhood Watch, a pillar — indeed a backbone — of our community when it comes to tackling crime at a local community level. It said nothing about crime prevention at all and made no commitments to funding crime prevention initiatives.

On the morning of his appearance before the Public Accounts and Estimates Committee Minister Noonan announced a rollover of some grant rounds for a further 12 months, but Labor has no clear agenda and such little agenda in this area that the parliamentary secretary has been asked to come up with one.

In summary, this is a disappointing budget for my electorate and a disappointing budget for the portfolios that I — —

The ACTING PRESIDENT (Mr Morris) — Order! I thank Mr O’Donohue.

Mr DALIDAKIS (Southern Metropolitan) — It is a great honour to become a member of Parliament and a greater honour to walk into Parliament and have the privilege in government of serving the people and to see a first budget handed down that delivers so greatly for education within our public sector, be it in early learning, primary and secondary education or even through TAFE, and to see contributions made to the public sector. I acknowledge the importance of funding the education sector, including through the independent and Catholic education systems; it is a wonderful thing.

In acknowledging that, to know that the Andrews Labor government has contributed \$3.9 billion towards education in the budget that has been handed down is a great outcome for all of those students who attend the educational institutions that I have just mentioned. It is a great outcome for parents to be able to have confidence that their children are getting the education that they deserve. It is a great outcome for the communities of those families to know that, wherever they live, they can have confidence that the education system is going to support them regardless of their postcode. It is also important because members of the Labor government believe in the public education system.

Within Southern Metropolitan Region a range of schools received funding, including schools that Labor made commitments to during the election campaign late last year. Those schools include Elwood College, which received \$10 million for its rebuild and its master plan; Sandringham College, which received \$2 million for its campuses; and \$6.5 million for the stand-alone campus of Beaumaris, currently a campus of Sandringham College, which will begin the process of establishing a stand-alone high school.

The reason I remain proud of Labor’s contributions to schools in Sandringham and Beaumaris is that, as those who are cynical in the outside world would know, those schools operate in a very strong, very safe blue-ribbon

Liberal seat. As I have said, it is important that we recognise that it does not matter where children reside or where schools are located; what matters is the fact that Labor continues to fund the public education system so that families, wherever they are, can have confidence going forward.

One of my favourite contributions to the debate on the budget was made by the member for Caulfield in the lower house, Mr Southwick, who is affectionately known by some as The Professor. Mr Southwick and I remain good friends, and he complained in his speech in relation to the budget that apparently I had written a side letter to Glen Eira College and said, ‘Don’t worry. Trust me. It’ll be coming’. I think the member confuses me with the member for Malvern, because only the member for Malvern writes side letters and does side deals.

What I did say to the principal of Glen Eira College was, ‘Congratulations’. The government has funded \$950 000 towards planning, towards doing the permit application, towards getting the building and architectural plans drawn up and towards getting all of the requisite documentation together in order to then receive the remainder of that \$9.5 million of funding — which, by the way, was committed to prior to the election — towards that rebuild.

Correct me if I am wrong, Acting President, but I think the member for Caulfield is confused because, yes, I remain guilty of delivering \$950 000 six months into my parliamentary term to a school that was ignored by the member for Caulfield during his four years in government. In four years of government Mr Southwick ignored the people — the families and the students — of Glen Eira College.

Within six months I stand guilty as charged for delivering on an Andrews Labor government promise to fund the rebuild of Glen Eira College; I remain guilty of that. It is a shame that over the last four years Mr Southwick never lifted a finger to get a single cent put toward that rebuild. All he could do was complain in his speech to Parliament in the other place about Labor delivering stage 1 of its funding commitment to Glen Eira College.

It was a wonderful contribution. We have said that after that \$950 000 is delivered — after the school’s plans are drawn up and its permits are obtained — the remaining \$8.5 million will follow. In fact Mr Herbert, along with Mr O’Donohue, pointed out that you just do not hand over all of the funding when nothing has needed to be funded in that process; you do it in a staged process. Why? Because that is good governance

and an appropriate process. You do not hand over \$10 million to a school to rebuild all of that school when the school does not even have the plans or the drawings or the architectural permits et cetera in the first instance; it has to be done in a staged process.

We look forward to delivering in future budgets the additional \$8.5 million for the Glen Eira College rebuild, and I look forward to being at the school, cutting the ribbon with the Premier or the education minister and Deputy Premier —

Mrs Peulich interjected.

Mr DALIDAKIS — On a point of order, Acting President, I ask the member to withdraw. That was unparliamentary.

The ACTING PRESIDENT (Mr Morris) — Order! I did not hear any particular reference there. If a member wishes to withdraw they may, but I did not hear any particular reference that was unparliamentary at that point.

Mrs Peulich — On the point of order, Acting President, it was neither a reflection on the member nor anything that I think the standing orders would preclude, but if the member finds it offensive, I withdraw; however, I stand by the sentiment.

The ACTING PRESIDENT (Mr Morris) — Order! I thank Mrs Peulich for that withdrawal.

Mr DALIDAKIS — Either it is an unreserved withdrawal or the member does not withdraw.

The ACTING PRESIDENT (Mr Morris) — Order! In terms of what occurred, I did not hear anything that was unparliamentary. I did not hear any comments. Mrs Peulich did withdraw a comment that I did not hear that may or may not have been inappropriate, so I thank Mrs Peulich for doing so.

Mr DALIDAKIS — As I was saying, the Andrews Labor government has contributed a wonderful education budget in the first year of its first term of government, and long may it continue, because there is no greater ability for us to influence the lives of future generations of people leading and actively participating in our community than obviously through the education system.

Over the last four years the education system, specifically the TAFE sector, was absolutely savaged. To repair the damage and put money back into public education in this budget is a very important and noble goal and one that the Labor Party and this government,

under Premier Daniel Andrews, remains absolutely committed to.

We in the government are undertaking a range of other activities in the Southern Metropolitan Region through the budget, including the removal of level crossings. We went to the election with a policy of removing our 50 most congested and dangerous level crossings. We said we would do 20 in the first term, with the remaining 30 to follow. We said that if we could do more than 20 in the first term, we certainly would, but that was our commitment.

In the budget we delivered in May, the Treasurer announced funding for a great number of these level crossings. Nine have been funded on the Cranbourne-Pakenham line, including a number within Southern Metropolitan Region. I am talking about the stations at Koornang Road, Poath Rd and Murrumbeena Road. I am also talking about the crossing at Grange Road, which is just near Dandenong Road and which causes a huge amount of congestion and difficulty for people as they go about their business. We have provided funding for other level crossings in the region as well, including the Burke Road level crossing, which is going ahead. Three stations very close to me — Ormond, McKinnon and Bentleigh — are all being rebuilt. Just recently the Minister for Public Transport and the Premier made an announcement about the successful contractor in the tender process for those three projects, with Burke Road being the fourth.

We are getting on with the job. Why can we get on with the job? Because the Treasurer delivered a great budget for all Victorians. We have found that at some of those level crossings the boom gates have been down for between 28 and 42 per cent of the peak time — a significant amount of time. This impedes people from going about their business. It is extremely inefficient for the local economy. It is extremely troubling for local residents trying to go about their daily business. Unfortunately, level crossings can contribute to a range of other tragic circumstances, such as suicides and the like. Being able to remove these level crossings has a great many social consequences and benefits, not just economic ones, and it is important to note that.

We in the government are going forward with a great number of education and public transport announcements. I do not have enough time to highlight every single aspect of the budget I support — for example, the provision of funding to the health sector for a range of equipment upgrades, capital injections and the Monash heart hospital as well. There is a whole range of funding and programs for hospitals in my

electorate, which includes the Alfred, which does a wonderful job, and Monash Health's Moorabbin Hospital. You can start to see that we are not just about education. This was a great education budget, but we are about so much more.

Mr Herbert — Biggest in our state's history.

Mr DALIDAKIS — Biggest in our state's history. We are repairing the damage that was done in the TAFE sector. As I said, we are helping to rebuild those primary and secondary schools within my electorate of Southern Metropolitan Region. That will allow us to give children an opportunity to grow. That is very important.

Acting President, I note that in your past life you were a teacher, and I have no doubt that you welcome the investment in both the public and the private sectors, which acknowledges that parents have a choice. If parents cannot afford to pay for private education, they need to know their children are not going to be discriminated against within the public system. That is why we are investing such significant amounts in early learning, primary schools and secondary schools going forward.

Long may I be a member of this chamber. Long may I be a member for Southern Metropolitan Region. Long may the member for Caulfield in the Assembly continue to get cranky that we are delivering money for schools that he never delivered for.

Mrs PEULICH (South Eastern Metropolitan) — Am I not a lucky girl to be following Mr Dalidakis? There is always cause for great inspiration. His predecessor, Mr Lenders, was an enormous inspiration to me, especially in the lead-up to the 2010 election, and Mr Dalidakis is proving to have the same effect. Each time Mr Lenders resorted to grubby tactics I was inspired more and more, including when he called for an investigation of me and my son by the Ombudsman. Of course that referral never went anywhere because it was absolute codswallop. No doubt Mr Dalidakis had his fingerprints all over it, but it inspired me to make sure that the person who worked for Mr Lenders lost his job by losing the Assembly seat of Carrum, which delivered government.

I am now similarly inspired to focus on the third Southern Metropolitan Region spot in the Council, which I think deserves a better member than one who, in his first opportunity in the debate on the Appropriation (2015–2016) Bill 2015, makes no mention of most of the electorate he represents. The only opportunity he has taken is to lambast the coalition

and the member for Caulfield, a hardworking and assiduous representative of this community. What sort of motive can be attributed to that is anyone's guess.

We have seen a lot of beating of chests and bloated egos, and we have heard a lot of self-praise and claims of political heroism after only six months of government. Boy, am I going to enjoy watching those egos pop! No doubt we will see some of that here as well.

Ms Tierney claimed a great mandate for Labor in winning the 2014 election. Let me remind the house of the size of that mandate — a handful of Legislative Assembly seats on very narrow margins. In the seat of Carrum, a change of 285 votes would have delivered a different outcome. In Frankston a change of 218 votes, in Mordialloc a change of 700 votes and in Bentleigh a change of 334 votes would have delivered different outcomes. The claim of a mandate is nonsense, particularly when you take into account the shenanigans around the role of the unions in those key seats. No doubt we will learn more about the side deals and the back-room deals that were done between the government and the various unions that make up Labor's factions.

We have seen some jostling and some of those dynamics played out both in the Royal Commission into Trade Union Governance and Corruption and in the government's party room, where recently in a contest for the position of whip the Premier's candidate received 31 votes and the non-sanctioned candidate received 20 votes, with 7 votes being informal —

Mr Herbert — On a point of order, Acting President, this issue has been raised at other times and has been upheld. The member's contribution is colourful, but it has swayed so far away from the bill before us. It has no relevance to it, and I ask that you call Mrs Peulich back to the bill.

Mrs PEULICH — I am happy to move on. I was setting the context for my contribution, part of which is to come back to the platform on which the Labor Party was elected, which basically consisted of three things — and I am excluding union shenanigans and their role in the campaign. Labor was elected on having shovel-ready projects, with all those projects and commitments being fully funded. Labor was elected on the removal of 50 level crossings. But it has transpired within the first six months that there are no shovel-ready projects, with the exception of the ones that became shovel ready under a coalition government and were funded, including some of the level crossings that Mr Dalidakis referred to that Labor is very keen to

claim credit for. Labor's commitments were not fully funded. When we analysed the budget we found most of them are claims. They are certainly illusions, and in many instances there is very little money for the projects and commitments that have been made, but I will come back to that in a moment. Lastly, there are the 50 level crossing removals. All I can say is that I wait with bated breath.

I am honoured to serve South Eastern Metropolitan Region. I placed on the agenda for the 2010 election a range of investments which the coalition government proceeded with and which belatedly the Labor Party has come onboard with as well. After so many years of a Labor government its failure to invest in the south-east was the reason it lost the confidence of the south-east.

What have we seen in the last six months? This government has not produced an economic plan to grow jobs or to develop industries that will provide Victorians with jobs of the future. What we have seen is the Premier, Daniel Andrews, tear up the east–west link contract at a cost of around 3700 jobs and damage to Victoria's international reputation as a place to invest and do business. Basically it means less investment and less infrastructure with fewer jobs. The decision to scrap the east–west link has also cost Victorian taxpayers \$640 million in compensation and some costs. That was on the basis of legal advice by the gentleman who has been promoted to the position of Solicitor-General, who I understand said the contract was not worth the paper that it was written on. Regrettably for the Victorian public that has been proven wrong. These valuable funds could have been used for schools, education, police and probably funded three new children's hospitals.

After cancelling Victoria's only shovel-ready infrastructure project, the Premier is now running around claiming that he has an ambitious program for our state. He has made announcements about two projects — the Melbourne Metro rail tunnel and the level crossing removals — and then has reannounced them. Both projects are unfunded. The combined cost of the two projects is just over \$17 billion, but the Andrews government has allocated only \$2 billion over the next four years. The Labor government has put the state budget under more pressure with an explosion in public sector wages and reports of wage claims by some unions, like the United Firefighters Union of Australia, of 30 per cent increases in salary and so on.

What has our community received, specifically in the south-east? For Dandenong, Labor has failed to fund the removal of level crossings, including those at

Corrigan Road and Chandler Road in Noble Park, South Gippsland Highway in Dandenong and Abbots Road in Dandenong South. Labor has short-changed Keysborough College, allocating only one-tenth of its promised commitment. It has scrapped the port of Hastings development that the south-eastern councils support, including those dominated by the Labor Party, as well as the associated port, road and rail infrastructure. It has cut 20 per cent of funding for dental concessions. It has slashed spending on our multicultural communities by \$3.3 million under the guise that somehow they were a bit tardy in acquitting that funding, and it has decreased by 75 the total number of multicultural festivals and community events grants. Labor has also failed to fund a number of other projects such as the City of Greater Dandenong recycled water project.

In the city of Kingston Labor failed to fund any of the promised level crossing removals, including Charman Road in Cheltenham, Balcombe Road in Mentone, Edithvale Road in Edithvale, Station Road in Bonbeach, Station Street in Carrum, Eel Race Road in Seaford, and Centre Road and Clayton Road in Clayton. On page 5 of the budget information paper titled *For Families — Getting on with It* the level crossings are in the wrong order.

The Andrews government refuses to commit further money to the Mordialloc bypass, despite the coalition committing \$10.6 million to the project in last year's budget. No construction money has been allocated over the next four years for the \$175 million construction of the duplication of Thompsons Road, even though that was a cheap option. Contrast that with the \$340 million commitment made by the coalition. And to date no additional bus or train services have been provided for the residents in the city of Kingston.

Cheltenham Secondary College, an important college to residents in the south-east — in Mordialloc and Bentleigh — was promised substantial money but was given one-tenth of the promised \$7 million. It is deceptive and an absolute travesty. I urge the government to come forth with the total commitment. In the city of Casey, Labor has failed to fund the Hallam Road level crossing removal over the next four years and, as I mentioned, no funding has been allocated for the Thompsons Road duplication project, an important project, and only \$400 000 has been promised of the \$106.8 million supposedly committed to delivering the rebuild of Casey Hospital in 2015–16. These are illusions. These are deceptions. The government is clearly struggling to manufacture an agenda and deliver on commitments. It thinks by just

saying so, it is somehow delivering it. Unfortunately for the government, the community sees through that.

Of the money that has been provided, it has been misspent or poorly administered. In my shadow portfolio of multicultural affairs, a substantial amount of money — \$25 million — was set aside for social cohesion and resilience funding. When asked what this was going to pay for and what work had been done, all the Minister for Multicultural Affairs could do was to explain that he has a task force made up of his ministerial colleagues but no direction and no understanding of what needs to be done. I can see a lot of that money disappearing into thin air. It will not get to the grassroots level where it is needed to make sure that disengaged young people are involved in programs that can engage them and ensure that they remain productive and involved members of the community and are not be put at risk by those who prey on vulnerable young people through the internet and social media.

I have heard it said that the government does not require the Royal Commission into Family Violence to investigate the causes of family violence. The Minister for the Prevention of Family Violence is on the record as saying everyone understands the causes; it is all gender related. I am sorry, two siblings belting each other up regularly is not often a gender issue. Elder abuse is not usually a gender issue. Violence amongst same-sex couples is not a gender issue. Of those instances where women are the victims, there are so many causes. Without understanding the causes, how can you design programs that make a difference and prevent a greater incidence of family violence — they are not just responding to it — and appropriately direct funding? The multicultural communities, the culturally and linguistically diverse communities, are the ones that will particularly miss out, because the minister does not want to hear about the causes.

I conducted a vox pop throughout two days asking 25 people what they thought were the causes of family violence. I had 30 different answers, so the minister's notion that somehow everyone understands it is just a fallacy. I urge her to make sure that the money is allocated based on empirical and informed data and evidence, which clearly the current terms of reference do not secure.

I have only 2 minutes to go, but I will say that our government was a good government. Unfortunately it did not get the politics right. It provided record funding, massive investment, protective services officers on railway stations and record investment in education, tertiary education and skills training as well as early

childhood education. The nonsense that somehow a coalition government cuts education is just that. Unfortunately the Labor Party maladministers education. It has a long legacy of mucking things up in education. That started with the closure of tech schools in the 1980s, denying generations of young people a technical education when a tertiary education was not an option.

In terms of the TAFE reforms, the Labor Party is keen to wash its hands of the TAFE reforms it put in place in 2009 by deregulating the sector and opening it up to competition from the registered training organisations (RTOs). It would be interesting to see how many Labor-aligned RTOs are milking the system through recognition of prior learning and training programs such as union governance. The evidence has been given to the royal commission about union governance; could I say that those who have done those courses should be asking for their money back, because clearly they did not learn enough about how to govern the money of their members.

I invite the Minister for Training and Skills, who is sitting in the chamber and who is currently undertaking a review of the vocational education and training sector, to make sure the terms of reference include those RTOs that are aligned with trade unions. Clearly — and even Mr Melhem in evidence to the royal commission indicated this — there are practices where people are being charged for phantom services, including education services. That is a blight on the system. Just as we have chased down those in the private sector who have abused the system, I urge the minister to do so in terms of the abuses in the trade union movement.

Mr ELASMAR (Northern Metropolitan) — I rise to speak to and support the Appropriation (2015–2016) Bill 2015. I am proud to contribute my thoughts on this bill because it clearly demonstrates to the people of Victoria what Labor governments mean when they say they care about families, education and a strong economic growth for our future generations. This is a Labor budget that delivers on the things that matter to Victorians, and it is, to many, an explanation as to why Victorians voted out the previous one-term Baillieu and Napthine Liberal-Nationals coalition government.

Victorians were suffering under the burden of savage cuts to services, and in my opinion one of the cruellest cuts of all was the cut to the education maintenance allowance. It provided children from poorer households in the community the opportunity to enjoy school outings and the right to a proper school uniform. School uniforms are designed to allow children from all demographic backgrounds to be equal in the classroom

and the playground. They provide solidarity and an identity within the school. These kids are doing it tough enough as it is, and to deny them the right to the same school clothing as others because their families cannot afford it is the unkindest cut of all.

That is why we are not waiting for the start of the 2016 school year to provide relief to families across Victoria; we will be redressing this situation by allocating a further \$148 million by making a payment to schools for our most vulnerable students in July. I am proud that we have delivered on our promise to fill the gap left by the withdrawal of the education maintenance allowance.

As chairperson of the parliamentary Economic, Education, Jobs and Skills Committee I would like to address some of the key aspects of the budget as they relate to education and jobs. In November last year Labor promised a \$1.3 billion commitment to Victorian schools. In our first budget we have actually delivered \$3.5 billion to Victoria's schools. This is proof positive of our commitment to a strong and vibrant Victorian education system. We expect that funding, combined with their professionalism and passionate commitment, will enable educators to establish a foundation of excellence and inclusion across Victoria.

I am proud to say the largest education funding boost in the history of Victoria has been delivered by the Andrews Labor government, and all within a framework of a AAA-rated budget in surplus and with declining debt over the forward estimates. A good, solid education for our children is the foundation for their future. But it is also about ensuring that we have an appropriately skilled workforce, and for that we need training programs that actually provide the skills the employers need.

This budget is about investing in Victorians by putting money into major infrastructure projects and preparing a workforce to meet the challenges facing Victoria. We have a solid commitment to jobs creation, and this budget focuses on infrastructure, jobs and the services that matter to Victorian families.

I would like to make some specific comments on why and how the Andrews government's budget will enhance the opportunities for growth and jobs in my electorate of Northern Metropolitan Region, and I have to say this is a great budget for the north. In the Darebin area the students at the William Ruthven Secondary College will benefit by a capital injection of \$10 million. Some of you may remember that in the previous parliamentary term that school put on a marvellous performance in Queen's Hall, showcasing

talented and gifted students, teachers and parents. Politicians of all persuasions were impressed by their brilliant performance; it demonstrated and exhibited how the entire school community needed to continue to excel and why they needed appropriate funding in the budget. It was the best exercise in lobbying that has ever been witnessed in Queen's Hall.

Money has also been allocated to conduct a feasibility study with a view to returning the former Preston Girls Secondary College to the public education community. That iconic school is ideally close to all forms of public transport, and I hope I will be present for its reopening.

The Hume area is a vastly multicultural community. It can now look forward to increased economic growth due to the proposed new \$50 million Interface Councils Infrastructure Fund. Hume once symbolised depression and disadvantage; today it is a dynamic hub that symbolises hope. I commend the bill to the house.

Mr DRUM (Northern Victoria) — This is a great opportunity to rise to my feet and speak on the Appropriation (2015–2016) Bill 2015, which we all have the opportunity to do. It has been well documented that as a result of this budget, which was handed down in early May, public sector wages are up by 7.1 per cent and the budget surplus will be reduced. Labor has a horrendous record when it comes to managing the state's finances, and it looks as though this government will jump straight back down that same path within days of handing down a budget.

Just prior to the budget being released, the Premier wrote a cheque for \$640 million so that we can avoid proceeding with a major project which would have assisted in the easing of some of the congestion that we hear about on the radio every day. God help the unfortunate people who will be stuck in that congestion. They have a Premier who wants to embed congestion in this state.

With regard to my shadow portfolio of sport, it seems that everything relating to sport in this budget is contained in a \$100 million Community Sports Infrastructure Fund. I have been through the figures and studied how the government has used this fund — or rather abused it. The coalition spent \$138 million on community sport during its four years in office, but only \$100 million will be spent by the Labor government during its four years, which is a \$38 million reduction. Of that \$100 million, it will spend \$10 million on female-specific change rooms. Despite the fact that 96 per cent of projects that were built for Victorian sporting communities by the previous government were for both women and men,

the Labor Party has decided to spend \$10 million on female-specific facilities. It has allocated \$10 million out of the \$100 million for cricket facilities. It has also allocated \$23 million for 29 projects that were election commitments. We can subtract those amounts from the \$100 million.

The Strategic Sporting Infrastructure program was in last year's budget. It was made up of \$35 million: \$17 million for last year and \$18 million for this year. Labor's budget effectively wiped that fund clean. It took that money and redirected it to other projects around the state. Labor members have said that that \$18 million will become available for projects when those projects are ready. The member for Bendigo East in the Assembly, Jacinta Allan, and the member for Bendigo West in the Assembly, Maree Edwards, have said that the money for the Bendigo indoor aquatic leisure and wellbeing centre and the Bendigo tennis complex, which together will cost a total of \$18 million, will come out of the \$100 million fund, so we can subtract that as well.

One of the great programs that existed during the four years of the coalition government and also during the previous Labor government was the country football and netball program. It was an \$8 million investment by the state government, with additional money provided by the AFL, AFL Victoria Country, and Netball Victoria. The money was allocated by an independent panel, and the funds went to the most needy country football and netball clubs. That program was left out of the budget. At the Public Accounts and Estimates Committee budget estimates hearing, Mr Eren, the Minister for Sport, tried to tell the committee that that money was now back in the budget and that the project would keep going. We have heard other members in this place say that the money is in the budget. The fact is that it simply was not in the budget.

The \$18 million for the Strategic Sporting Infrastructure project was not in the budget either, nor was the \$9.8 million for the Shooting Sports Facilities program. Now the government is saying that these programs are back on the books, but the money is not in the budget. The government has spent four months preparing a budget and has left some of the most important and crucial sporting programs out of it.

There is only one reason you omit a program that was in the previous year's budget: if you do not want to fund that program for the upcoming year, you take it out of the budget. There is only one other reason you try to convince the world that the program is still alive even though there is no money in the budget for it: you have had your head kicked in by the stakeholder

groups, who do not accept that they have missed out. That is the only reason you can put forward for taking the country football netball program, the Strategic Sporting Infrastructure program and the projects in Bendigo out of the budget only to have the government say they are back in the budget. The shooting sports infrastructure fund has also been taken out of the budget, but the government says it is alive and well and is now back in the budget.

We have this incredible situation where the Community Sports Infrastructure Fund is starting with much less than it had previously — \$100 million in total versus \$138 million in the previous four years — and then when you add up everything the government is taking out of the \$100 million program, you see it has already allocated \$73 million. In effect the state funds its institute of sport at the lowest per capita rate of any state or territory in Australia. That lack of investment in the Victorian Institute of Sport will come back and haunt the state unless the government gets a kick along and starts funding it properly. The government is spending less and less on sport — on activities that will get our children up and active. It is a shame that the government has taken this path of cutting regional and community sporting projects.

In relation to regional development, again it is a sad story. We have seen the major projects budget released. The major projects that are based in regional Victoria tally up to a total of 2.9 per cent of all the major project spend in this state. In opposition Labor members tallied it up and said that under the coalition it was just over 4 per cent, and they were incredibly critical of that. There is another 25 per cent reduction on the previous level, and all of a sudden Labor members are trying to tell us that it is a fantastic budget.

We must also remember that the \$500 million for the Regional Jobs and Infrastructure Fund is the absolute minimum that can be spent on regional development under the legislation that is in effect. When the then Minister for Regional and Rural Development, Peter Ryan, introduced the Regional Growth Fund, he allocated \$500 million for the 2010–14 period, and he also legislated that whichever party was in government from 2014 to 2018 would spend a minimum of \$500 million.

After Labor won the election it chose to introduce a fund that works on the absolute minimum investment in regional Victoria allowed by the legislation. Members of the government did not have the courage to cut it back any further, so they have worked out this system where they can substitute health, sporting, agricultural, horticultural or environmental programs right around

the state, leave that money in those core portfolios, take money out of the regional development jar and keep funding those programs across portfolios. It is a ridiculous way to drive investment in regional Victoria, and it is also a sneaky way not to invest money in regional Victoria when on the front of things they openly suggested that is what they wanted to do.

All we know about the regional business engagement offices that will be set up around the state from having the minister at the table in a Public Accounts and Estimates Committee hearing is that we will have eight regional business engagement centres. The minister does not know what they will do or where they will be. She does not have any idea how many staff will be in these offices. All she knows is that those staff will not be outsourced — they will be employed by the government. The minister has no idea where the offices will be, what they will cost, how many staff they will have or what they will do, but what she does know is that the total cost of setting up regional business offices will be coming out of the Regional Jobs and Infrastructure Fund.

Now we find that the Regional Jobs and Infrastructure Fund will be used for wages for everyday government roles such as setting up offices. That is not really an infrastructure fund at all. In effect it is just a way that members of the government are trying to change things. They do not even understand the differences between the role these new offices will have around the state and the role that is currently being carried out by business engagement offices.

If you are out there in country Victoria and are not really interested in politics, you do not really know or care who funds what, but you want the projects in your community that the community is crying out for. You do not really care if they are funded by local government, state government or federal government, or whether the private sector or the community sector gets involved — all you really want to know is where your kindergarten or hospital will be and where the money is to turn that old swamp area into a beautiful wetland area so you can enjoy the amenity of the community you live in.

What we have seen so far with the regional development portfolio is money being ripped out of regional Victoria. We had a Local Government Infrastructure Fund of \$100 million spread across the 48 rural and regional councils and another \$100 million going out to those councils from the Putting Locals First Fund, and that money has been cut — so that is \$200 million. We had the Energy to the Regions

program in effect providing low-cost energy to houses in regional Victoria.

The coalition government took great pleasure in working towards the attainment of that goal. What we have seen now the Labor Party is in government is that it could not care less about communities out there that are not connected to natural gas. It could not care less that people in these communities effectively will keep paying double and triple the amount for their energy costs compared with people in Melbourne. It does not care about that inequity, and it does not care about that \$100 million program to try to help equalise energy costs.

There was also \$160 million for country roads and bridges. This program has been well documented. Labor members like to stand up and say they will spend \$1 billion on country roads. If you look at the Labor promise, that will only happen if it sells the port of Melbourne for the money that it wants. Even if it gets the \$1 billion, it is over so many years that when you water it down it is already less than what is currently being spent on state roads today anyway. You really have to look deeply at what Labor members say, because so much of their campaigning and politicising is done with a bit of a forked tongue.

The Victorian Farmers Federation has said that the only good thing that came out of the budget for regional and rural Victoria is the coalition project known as the Murray-Darling Basin rail project, which the Labor Party did not scrap. That is not much of a rap. We still do not know what model of the Murray-Darling Basin rail project the government is going to build. It may build the cheapest one, or it may build three-quarters of what should be built. We are insisting that it build the whole project.

We also insist that it continue to invest in regional Victoria, not because the government has some obligation but because that is where the vast majority of the wealth of the state is generated. If the government continues to invest in regional Victoria in a proper manner, regional Victoria will continue to create that wealth.

Ms FITZHERBERT (Southern Metropolitan) — I am pleased to be able to rise to contribute to the debate on the Appropriation (2015–2016) Bill 2015. Earlier I listened with interest to comments made by Mr Dalidakis in relation to schools in Southern Metropolitan Region, because that is one of the issues I wanted to speak about today. I would be interested in Mr Dalidakis's views on the issue of primary schooling

in South Melbourne. I am sure at some point he will share them with me, and I look forward to that.

We all know that population growth in the Assembly electorate of Albert Park has been massive, and the huge increases are set to continue, particularly with the development of Fishermans Bend. The previous government's way of dealing with this was to build a school on Ferrars Street in South Melbourne. The then government paid some \$16 million to buy and prepare the site, and that work has been done. In addition it allocated at least \$5 million for further planning, which remains in the budget papers. The demolition of the existing buildings on that site commenced in October and November 2014. Today I understand it is completely clear.

During the election the then opposition took a different approach. It committed \$11.5 million to build a new prep to year 6 school at Albert Park Lake, which was the proposed South Melbourne Park Primary School. Its capacity would be 400 pupils. This site was not without its problems. The current occupants of the building, Parks Victoria, would need to be shifted somewhere else around the lake. It is very close to the grand prix circuit, so it may be in the area that is closed to the public in the lead-up to and during the grand prix, which is a bit of a problem if you are trying to drop the kids off at school. Further, I understand that the member for Albert Park in the Assembly said that the children may need to have space to play with supervision in the park and that some classes might need to be suspended during the grand prix, which does not seem ideal to me either.

Labor confirmed its commitment to funding the school on a range of occasions. The member for Albert Park responded to the Two Schools Now questionnaire in 2014, saying that the funding would be delivered in the first budget of the Labor government. The current Minister for Education, Mr Merlino, said at a 2014 South Melbourne education forum:

We'll get to work on this immediately if elected ...

Further, in the *Port Phillip Leader* of 29 January 2015 the member for Albert Park is quoted as saying that he 'promised the cash would be included in the first budget of an Andrews government — to be handed down in three months'.

Again, in December 2014 the member for Albert Park said:

We'll deliver on all of our commitments and the first of those will be the South Melbourne Park Primary School in Albert Road ...

After this, the commentary from the member for Albert Park started to change, although in December 2014 he did say that he credited his \$11.5 million pledge to build a school year near Albert Park Lake with saving his seat. That was in the *Port Phillip Leader* of 1 December 2014. The budget papers tell a slightly different story, and I would like to share this story with the house. On page 29 of budget paper 4, under 'State capital program — education and training', it says:

South Melbourne Park Primary School — planning — new school (South Melbourne) —

and under 'Total estimated investment', \$1 million has been allocated.

Labor has allocated just \$1 million. It said it was going to give it \$11.5 million. Labor said it would do that in its first budget, yet it coughed up just \$1 million. It is not enough.

It gets worse. Estimated expenditure to 30 June 2015 is zero. Remaining expenditure is zero. But do not worry: if members are concerned about this, there is a footnote that explains it all on page 30. In very small print, it says:

Balance of funds will be delivered in future budgets.

The other thing that is clear from the budget papers is that nothing has been spent on this site up to 30 June 2015. This is simply not delivering on a very clearly made promise that was repeated over and over to the people of Albert Park.

Let us get back to what the government said about this funding when in opposition. It criticised the previous government for allocating only \$5 million for site development at Ferrars Street, which is \$4 million more than it allocated in its budget. What we have now is a site for a school in South Melbourne that has been cleared and, as I understand it, has gone through the process of planning with Port Phillip City Council. I have asked the minister what is going to happen with the Ferrars Street school site. He has implied that schools will be built on both sites but has clearly stated that no opening date can be given. I should also say that the current occupants of the South Melbourne Park Primary School site are still there, and no plan has been made known and no date has been set for moving out.

All this is no comfort at all to parents in South Melbourne and in the Assembly electorate of Albert Park, who are simply trying to plan for their kids' future education. But what is worse than that is that it is a bit of a con. Labor says one thing in opposition and another in government. It is spreading the money very

thinly to back the spin, but it is not really providing for communities — —

Ms Shing interjected.

Ms FITZHERBERT — If Ms Shing would like to explain exactly how that \$1 million is going to go all the way and build that school, she should do so. Work out — —

Ms Shing interjected.

Ms FITZHERBERT — That is another issue for another time. In the meantime, Port Melbourne Primary School is bearing the brunt of this growth. In 2006 it had 173 students. Today it has 720. This is going to keep going. It gets enrolment enquiries from as far away as the CBD. A new school is urgently needed.

I would also like to discuss level crossings, in particular the Murrumbeena level crossing. I am aware that the member for Oakleigh in the Assembly made some comments regarding this yesterday that centred around a letter from the federal member for Higgins — or, as he referred to her a couple of times in his speech, ‘this woman’. That is an inappropriate way to refer to the local federal member of Parliament. The member for Oakleigh was clearly incensed that the member for Higgins had written to people in Oakleigh, which is part of both of their electorates, and under privilege he said her letter contained blatant lies. Having read the speech I asked for the letter, and it seems to me that the member for Higgins gives quite an accurate history of what has happened in relation to the Murrumbeena level crossing.

The member for Higgins points out that the Bracks and Brumby Labor governments removed only two level crossings in its 11 years in government. In June 2013 the member for Higgins tabled a petition with more than 1000 local signatures in Parliament calling for the removal of level crossings in Carnegie and Murrumbeena, and she met with the state Minister for Public Transport. Soon after, the state coalition government committed \$2.5 billion to begin removing level crossings along the Dandenong rail line in 2015, to be finished in 2018. Unfortunately, following the election of the Andrews Labor government this project has been scrapped, with no known start date to remove these level crossings.

As the member for Oakleigh said in his contribution to the debate, just before Christmas 2013 the then coalition government announced a contract to start planning for the Murrumbeena level crossing removal. Let us look at the record. I believe the federal member for Higgins is correct. The Labor Party in government,

when it had the chance to do something about these level crossings, removed two in 11 years. The ones it says it will remove now need to be paid for by the sale of the port, which will happen at some point in the future, I gather, but I think we will have to wait for more on that front.

The last issue I want to speak to in relation to the budget concerns the Peter McCallum Cancer Centre. One of the things missing in the budget — and I looked very carefully for this — is a financial resolution to the Peter Mac beds debacle. I think Mr Ondarchie is correct in saying there was nothing offered on that front. It is a debacle that was triggered by — —

Ms Shing interjected.

Ms FITZHERBERT — The government’s recent decision to ditch Peter Mac Private is wrong in so many ways. As I said, the government has created a financial problem at that very worthy institution, and the budget papers have provided absolutely no indication of how that problem is going to be resolved. The government in April decided that Peter Mac Private would not go ahead. The immediate impact of this is that it reduces the number of public and private beds that would be available in our system for cancer patients. Forty-two private beds are gone. They are not going to magically reappear somewhere else. They were said to be there, but now they are gone. And that is a problem.

Going back in time a little, it was the Brumby government that decided it would not fully fund the Victorian Comprehensive Cancer Centre (VCCC), but it would require \$50 million in donations for it to go ahead. Peter Mac, to its great credit, has raised \$40 million. That is outstanding. We do not have the same history of public donation and charitable fundraising that we see in countries like America, so for Peter Mac to raise \$40 million is simply outstanding. It was required to raise that \$40 million, which was to go towards the public hospital — not the private hospital. Of the \$40 million that was donated, \$20 million of that quantum is predicated on the VCCC having a private hospital. The money that was donated was not going to pay for the private hospital.

The fit-out was to come from the chosen operator. In May Peter Mac announced that three private hospital operators had been shortlisted to fit out and operate the private hospital on the 13th floor of the centre. The \$20 million that was to be donated to the VCCC and which was predicated on having a private hospital is now at risk, although the Premier refuses to acknowledge this. The fundraising was already \$10 million short. This fundraising was necessary

because of a decision by a previous ALP government. The Parkville centre will open in 2016 and was planned to include 160 public beds, 10 theatres and lab spaces for hundreds of cancer researchers. Its scope has already been reduced because of the \$10 million fundraising shortfall, and I understand that Peter Mac has warned that there is the possibility of further descopeing because \$20 million in donations is not secure without the provision of private facilities.

Further to that, the future of the 13th floor is unclear, and there is no clue in the budget despite the fact that the VCCC is due to open next year. It was to be the case that a private operator would be fitting out that floor at a cost of many millions of dollars. Under the terms of that agreement as I understand them, the asset would revert to the state after 25 years, so we would receive the benefit of that fit-out without cost to the taxpayer and it would become ours in the long term. At the Public Accounts and Estimates Committee hearings questions were asked about whether private operators will be unwelcome within other public hospitals as a consequence of what concerned me as being a very poor precedent set at the VCCC. The answer was no.

Quite frankly it has not been adequately explained why a private hospital cannot exist within Peter Mac. The closest we have had to an answer is the statement from the Minister for Health that the Labor government did not believe Peter Mac Private was in keeping with the heart and soul of the VCCC. That is basically saying it does not have the right vibe. We are owed a better explanation than this, and we are also owed an explanation as to what the cost of the fit-out on level 13 is going to be and who is going to pay for it. Given that this building is being built at the moment and is due to open next year, time is running out to do this. I regard that as some outstanding business from the budget papers. I look forward to some explanation at some point as to what is going to happen.

I conclude by saying that what has happened at Peter Mac Private is simply a disgrace. It is poor policy, it is poorly implemented and it is to the detriment of public patients, who greatly need those facilities.

Debate adjourned on motion of Ms PULFORD (Minister for Agriculture).

Debate adjourned until next day.

JUDICIAL ENTITLEMENTS BILL 2015

Introduction and first reading

Received from Assembly.

Read first time for Mr HERBERT (Minister for Training and Skills) on motion of Ms Pulford; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Mr HERBERT (Minister for Training and Skills), Ms Pulford 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'), I make this statement of compatibility with respect to the Judicial Entitlements Bill 2015.

In my opinion, the Judicial Entitlements Bill 2015, as introduced to the Legislative Council, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

The bill will modernise the processes and structures for determining salaries, allowances and conditions of service for judicial officers in a manner that recognises and maintains judicial independence.

While the underlying framework for determining judicial salaries and non-salary entitlements will be preserved, the bill will update the framework, fill legislative gaps, remove redundant provisions, and increase transparency.

Right to a fair hearing

Section 24(1) of the charter provides that a person charged with a criminal offence or a 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 bill protects and enhances judicial independence by providing a more comprehensive and transparent process for the determination of judicial salaries, allowances, and conditions of service.

Adequate and secure remuneration, including entitlements, is a key component of judicial independence.

The enhancement of judicial independence in this bill promotes, in turn, the right to a fair hearing.

Right to privacy

Section 13(a) of the charter provides that a person has the right to not have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

This right is relevant to the provisions in the bill requiring key documents to be tabled in Parliament, and published on a register on the internet. In most cases, own-motion reports and advisory reports of the panel will apply generally to a

judicial office, and will not contain personal or confidential information.

However, in the exceptional case where the Attorney-General determines that an own-motion report contains personal or confidential information, which it is not appropriate to make public, the Attorney-General will be able to table the report in a redacted form.

Similarly, if the Attorney-General determines that an advisory opinion report contains personal or confidential information, which it is not appropriate to make public, the Attorney-General can decide not to table the report at all, or table the report in a redacted form.

In these circumstances, the decision of the Attorney-General regarding whether to redact or table a report would need to be exercised in accordance with the charter, having regard to the purposes of the bill.

The electronic register will include copies of reports as tabled in Parliament. Accordingly, if a report is tabled in redacted form, the copy on the register will be similarly redacted.

These provisions ensure that any interference with a person's right to privacy is lawful, and not arbitrary.

No charter rights are therefore limited by this bill.

The Hon. Steve Herbert, MLC
Minister for Training and Skills

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Ms PULFORD (Minister for Agriculture).

Ms PULFORD (Minister for Agriculture) — I move:

That the bill be now read a second.

Incorporated speech as follows:

The Judicial Entitlements Bill supports judicial independence by creating a modern statutory framework for determining the salary, allowances, and conditions of service of judicial officers.

Judicial independence is a fundamental element of the rule of law. Adequate and secure remuneration, including non-salary entitlements, is a key component of judicial independence.

Legislative provisions relating to judicial salaries and entitlements are currently scattered across eight different pieces of legislation.

Provisions are contained in the Judicial Remuneration Tribunal Act 1995, the Judicial Salaries Act 2004, the Constitution Act 1975, and the court acts, namely, the Supreme Court Act 1986, County Court Act 1958, Magistrates' Court Act 1989, Coroners Act 2008 and the Children, Youth and Families Act 2005.

The bill will repeal the Judicial Remuneration Tribunal Act and the Judicial Salaries Act and consolidate the provisions governing the determination of judicial salaries and

non-salary entitlements into a single piece of legislation (except for the provisions relating to pension entitlements).

The consolidation of these provisions into a single act will make the legislative framework for judicial entitlements more consistent, easier to access, and more streamlined.

Under the bill, there will be no change to the current mechanism for determining judicial salaries.

The salary of a judge of the trial division of Supreme Court will continue to be linked to that of a Federal Court judge, and the other Victorian judicial salaries will continue to be paid as a percentage of the salary of a Supreme Court judge.

Salary increases will continue to take effect from the day after the date on which a determination of the commonwealth Remuneration Tribunal could have been disallowed by the commonwealth Parliament, or the date such a determination comes into effect, if that is later.

The bill will also create the Judicial Entitlements Panel, to replace the Judicial Remuneration Tribunal.

This is an important reform, as there has been no capacity to review judicial entitlements since the Judicial Remuneration Tribunal ceased to have any members in February 2011.

The panel will have similar jurisdiction, structure, and processes to its predecessor.

It will make own-motion recommendations to the Attorney-General in relation to conditions of service of judicial officers, including allowances and leave entitlements.

Given that the Judicial Remuneration Tribunal has not been constituted since February 2011, the bill requires the panel to make its first own-motion report to the Attorney-General as soon as practicable, and within nine months of establishment.

Thereafter, the panel must make an own-motion report to the Attorney-General at least once every four years.

The panel's report of an own-motion recommendation must be tabled in Parliament within 10 sitting days of receipt by the Attorney-General.

The Attorney-General will be required to provide a statement to Parliament as to whether an own-motion recommendation of the panel will be accepted, varied or not accepted. If the Attorney-General intends to vary or not accept an own-motion recommendation, the statement must give reasons.

The time lines in the bill will enable own-motion recommendations to be fully considered and dealt with in a timely and transparent manner.

The panel will not be able to make an own-motion recommendation in relation to the salaries, pensions or superannuation arrangements of judicial officers. This reflects that these entitlements can be amended by legislation, but cannot be amended by an entitlement certificate issued by the Attorney-General. However, the Attorney-General will be able to request an advisory opinion about any matter related to the terms and conditions upon which judicial officers, judicial registrars and non-judicial members of the Victorian Civil and Administrative Tribunal are appointed.

The advisory jurisdiction of the panel is intended to be broad, and not restricted to the conditions of service about which the panel can make own-motion recommendations.

For example, the Attorney-General could request an advisory opinion about the length of the term of appointment of judicial registrars, or the retirement age of judicial officers.

The Attorney-General will have discretion about whether to implement panel recommendations following an advisory opinion, and consistently with the current approach, will not be required to provide a statement of reasons to Parliament in response.

The bill also provides that the Attorney-General must establish and maintain an electronic register containing all documents relating to judicial entitlements, thereby providing greater transparency and certainty in this area.

The Attorney-General will be able to table and publish reports of the panel in a redacted form if they contain personal or confidential information relating to a judicial officer.

The bill will also amend provisions in the Constitution Act and court acts that relate to judicial entitlements.

Amendments will be made to clarify that, in addition to salary and allowances, judicial officers are also entitled to 'conditions of service'.

The provisions in the Constitution Act and court acts authorising payments from the Consolidated Fund by special appropriation will be updated, be more consistent, and include all judicial officers.

The bill will also clarify the circumstances in which prior service in certain pensionable offices, such as the Director of Public Prosecutions, will be recognised for the purpose of determining the sabbatical/long service leave entitlements of those appointed to judicial office. This recognition will be consistent with the approach to recognition of prior service in another judicial office.

In summary, this bill will provide for the consolidation of provisions governing judicial entitlements into a single piece of legislation and bring much-needed clarity to this area.

The bill will also significantly improve processes for the determination of judicial entitlements, by providing clear and appropriate time frames and establishing an electronic register of relevant documents.

In clarifying the position regarding the recognition of prior service for sabbatical and long service leave, the bill will also bring increased certainty to the determination of judicial entitlements and, in this way, protect judicial independence and strengthen the Victorian legal system.

I commend the bill to the house.

Debate adjourned for Mr RICH-PHILLIPS (South Eastern Metropolitan) on motion of Mr Ondarchie.

Debate adjourned until Thursday, 18 June.

PLANNING AND ENVIRONMENT AMENDMENT (RECOGNISING OBJECTORS) BILL 2015

Introduction and first reading

Received from Assembly.

Read first time for Mr JENNINGS (Special Minister of State) on motion of Ms Pulford; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Mr JENNINGS (Special Minister of State), Ms Pulford 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'), I make this statement of compatibility with respect to the Planning and Environment Amendment (Recognising Objectors) Bill 2015.

In my opinion, the Planning and Environment Amendment (Recognising Objectors) Bill 2015, as introduced to the Legislative Council, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

The bill amends the Planning and Environment Act 1987 to require responsible authorities and the Victorian Civil and Administrative Tribunal (tribunal) to, where appropriate, have regard to the number of objectors to a permit application in considering whether the proposed use or development may have a significant social effect.

Human rights issues

The right to participate in the conduct of public affairs, as set out in section 18 of the charter, is relevant.

Section 18(1) of the charter provides that every person in Victoria has a right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs. Public affairs includes legislative processes such as the planning permit process established by the Planning and Environment Act 1987.

The bill promotes public participation and consideration of objections in the planning permit process by expressly requiring responsible authorities and the tribunal to, where appropriate, have regard to the number of objectors in assessing whether a proposed use or development may have a significant social effect.

Hon. Gavin Jennings, MLC
Special Minister of State
Leader of the Government in the Legislative Council

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Ms PULFORD (Minister for Agriculture).

Ms PULFORD (Minister for Agriculture) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

Victoria's planning system encourages community participation in decision-making. This is especially true of the planning permit process. The community enjoys broad rights in the permit process to consider and object to proposals and to seek review of decisions through the Victorian Civil and Administrative Tribunal (VCAT).

Community participation has many benefits. It improves the decision-making process and often leads to better planning results. Objections can provide important insights into the potential effects of a proposal, not just on those who live or work nearby but also on the wider community. In the right circumstances, the number of objectors to a proposal can also provide such insights.

This bill amends the Planning and Environment Act 1987 to ensure the extent of community objection to planning proposals is considered. It does this by requiring the two key decision-makers in the permit process — responsible authorities and VCAT — to have regard, where appropriate, to the number of objectors when considering whether a proposal may have a significant social effect.

This new requirement must be considered before a decision or determination is made, together with other matters that must be considered under the Planning and Environment Act 1987, such as the objectives of the act, the planning scheme, and any significant economic and environmental effects that the proposal may have.

The bill amends two key provisions in the Planning and Environment Act 1987: sections 60 and 84B. Section 60(1) sets out matters a responsible authority must consider before deciding on a permit application. Section 84B sets out an equivalent set of matters that VCAT must consider. The bill inserts the new requirement in both sections to promote consistent decision-making.

Decision-makers must already consider whether a use or development may have a significant social effect. Social effects are not defined in the act but may include matters such as:

- the demand for or use of community facilities and services;
- access to social and community facilities;
- choice in housing, shopping, recreational and leisure services;
- community safety and amenity;
- the needs of particular groups in the community, such as the aged.

This bill makes it clear that the number of objectors may be a relevant fact that ought to be considered in this assessment.

Whether it is appropriate for the number of objectors to be taken into account in a particular case is a matter for the decision-maker. In making a decision about whether to take into account the number of objectors, the decision-maker may be influenced by:

what the objectors have said in their written objection about the proposed use or development;

whether the issues raised in the objections are relevant planning considerations and relate to the reasons why the proposal requires a permit;

whether the issues raised in the objections point to a significant social effect on the community which is supported by evidence.

It will be for the responsible authority and VCAT to determine this based on the particular circumstances of the case.

The number of objectors alone will not establish that there is a significant social effect. However, the number of objectors may be indicative of the scale of a social effect on the community, the presence of a specific social need in the community that may be affected, or the social significance of a site to the community.

The new requirement is likely to be particularly relevant where a proposal may reduce access to or enjoyment of community facilities or services or adversely affect public health and safety. The number of objectors, and the consistency of views expressed by objectors, may demonstrate that the community or a section of the community may be significantly affected.

This bill does not seek to reduce the weight given to the views of a single objector or a small number of objectors. It also does not seek to promote the consideration of irrelevant matters in decision-making. As is the case now, an objector will need to put their concerns in writing and state how they would be affected by the grant of a permit. The relevance of the issues raised will continue to be an overriding consideration in the assessment of all objections. It is the intention of the bill that decision-makers will ensure that the objections are a genuine reflection of an anticipated significant social effect that is supported by evidence, rather than simply the views of a number of objectors.

I commend the bill to the house.

Debate adjourned for Mr DAVIS (Southern Metropolitan) on motion of Mr Ondarchie.

Debate adjourned until Thursday, 18 June.

VICTORIA POLICE AMENDMENT (VALIDATION) BILL 2015

Introduction and first reading

Received from Assembly.

Read first time for Mr HERBERT (Minister for Training and Skills) on motion of Ms Pulford; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Mr HERBERT (Minister for Training and Skills), Ms Pulford 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'), I make this statement of compatibility with respect to the Victoria Police Amendment (Validation) Bill 2015.

In my opinion, the Victoria Police Amendment (Validation) Bill 2015, as introduced to the Legislative Council, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

The purpose of the bill is to amend the Victoria Police Act 2013 to address defects in relation to certain authorisations of persons to operate breath analysing instruments, to carry out drug impairment assessments and to carry out oral fluid sample procedures.

Human rights issues

Retrospective validation of authorisation to conduct drug and alcohol testing and assessments

Clause 3 of the bill inserts new section 276A(1) into the Victoria Police Act 2013, which retrospectively validates certain authorisations that were unlawfully made to police officers by deputy commissioners of police to conduct drug and alcohol testing and assessments. The authorisations were unlawful because the required instrument of delegation by the chief commissioner to allow the deputy commissioners to exercise these powers had not been made. The bill deems the purported authorisations made by the deputy commissioners to be taken to have the same force and effect as if the authorisation had been made by the chief commissioner. New subsection (2) ensures that any act or thing done or omitted to be done in reliance on evidence obtained pursuant to a test or assessment carried out by the subject of a purported authorisation is not invalid, unlawful, improper or erroneous by reason only of the fact that the person who carried out the test or assessment would not have been duly authorised to do so. This includes court orders and judgements, administrative decisions, enforcement actions and penalties.

Rights to privacy (s 13), liberty (s 21) and protection against degrading treatment (s 10)

The authorisations being retrospectively validated concern the conduct of drug and alcohol testing and assessments, which

are forensic procedures that interfere with a number of human rights, including:

the right to privacy (s 13), by way of the conduct of tests interfering with a person's physical integrity;

the right to liberty and security of person (s 21), by way of the compulsion on a person to attend a place where the test or assessment is conducted and remain there until permitted to leave by the relevant provision; and

the protection against medical treatment without consent (s 10), by way of the compulsion on a person to submit to instruments which analyse breath or take samples of oral fluid.

While the bill does not alter the nature or severity of the above interferences as already provided by existing legislation, the bill affects a statutory precondition for conducting these interferences with rights, which is that the tests and assessments are conducted by an authorised police officer. This statutory precondition is relevant to the assessment of whether the interferences caused by the tests and assessments are justified. Accordingly, altering this precondition retrospectively may limit human rights depending on whether such a precondition was important in justifying the resulting interference with human rights in the first place.

In my opinion, clause 3 has a nominal effect on human rights. This is because the retrospective validation does not affect the circumstances in which the relevant tests or procedures were conducted, the substance of the tests nor their outcome. It also does not materially affect the class of persons who conducted the tests affected by this retrospective amendment. This is because the affected tests and assessments were carried out by officers who possessed the requisite training and skills, were acting under purported authorisation in good faith that they were properly authorised, and had received their authorisation from senior command, which was the underlying intention of the various road, marine and rail safety schemes. The bill merely addresses an administrative deficiency in that the required authorisation was issued by a class of senior command without the intended instrument of delegation in place to permit this, in circumstances where that class of senior command had possessed authority to grant such authorisations historically.

Even if the bill was considered to limit human rights, I am of the view that such a limit will be reasonably and demonstrably justified under s 7(2) of the charter. The error is of a purely administrative nature and does not affect the basis for the enforcement action nor the reliability or cogency of the evidence in these proceedings. Despite the technical nature of the error, it has resulted in evidence being obtained unlawfully or as a result of an impropriety, and therefore has the potential to prejudice hundreds of enforcement actions concerning serious breaches of road, marine and rail safety laws that have put members of the community at risk. This will have adverse resource implications for prosecutorial bodies and the court system as affected accused seek to mount legal challenges. I am satisfied that the limit is reasonable given the nominal interference with rights it constitutes balanced against the adverse consequences that may occur if this remedial legislation is not introduced.

Directions concerning admissibility of evidence

Clause 3 inserts new subsection 276A(4) into the Victoria Police Act 2013, which provides that for the prosecution of an alleged offence, the fact that a person was not duly authorised (in relation to the certain authorisations to which the bill applies) is to be disregarded in determining whether evidence obtained in reliance on that authorisation ought to be admitted.

Right to fair trial (s 24)

It is arguable that this clause deprives an accused of the ability to argue that evidence obtained as a result of an impropriety should not be admitted at trial, leading to a limit on the accused's right to a fair hearing under s 24 of the charter. However, I am of the opinion that the clause is not inconsistent with the right to a fair hearing. The Court of Appeal upheld the consistency with fair hearing of a similar retrospective validation provision concerning unsworn affidavits in *Rich v. R* (2014) 312 ALR 429. In this decision, the court found that an applicant's inability to contest the admissibility of subject evidence is incapable of depriving the applicant of a fair trial unless the admission of the subject evidence was productive of an unfair trial.

In my view, the admission of the evidence obtained in reliance of actions conducted pursuant to invalid authorisations is not productive of an unfair trial and will not lead to any unfairness to an accused. The evidence of positive drug or alcohol tests were not obtained under threat, trickery, violence, subterfuge or any other improper methods. The evidence is real and objective, and there is nothing said or done by the police officers in obtaining the evidence that may detract from its reliability or cogency. The validated authorisation has no effect on the underlying basis for carrying out the test, the manner in which the test was conducted or the class of officer who carried out the test. All officers who conducted the tests and assessments had completed the requisite training and had the technical skills to ensure accuracy of the test results. There is no question that the reliability or correctness of the test results is affected.

All that can be put against the admissibility of the affected evidence is that the police officers who conducted the tests did not receive their authorisation to conduct the testing from the correct class of senior command as required by legislation, or that the required instrument of delegation had not been made to allow that class of senior command to issue such authorisation. While it must be said that proper adherence by Victoria Police to the statutory role of the chief commissioner and delegation of powers is a matter of high public importance, the failure to comply with these requirements in this instance did not occur out of any deliberate or reckless impropriety but rather due to an administrative oversight following the enactment of the Victoria Police Act 2013, which introduced significant legislative reforms to police administration and governance. The error occurred because senior command continued to follow prior management protocol that had been lawful under the previous Police Regulation Act 1958.

Given the great public importance of bringing perpetrators to conviction who have breached road, marine and rail safety laws and put members of the public at risk of harm, I am of the opinion that neither public policy nor fairness should require that the affected evidence be excluded on the basis of this error. Further, I note that the bill will preserve the discretion of the court to exclude the evidence or stay criminal proceedings (new subsection 276A(5)) and will not affect the rights of parties in any proceeding where a court has ruled on

a matter of validity of an authorisation or court process, or admissibility of evidence before the enactment of this bill (new subsection 276A(6)). Accordingly, I am satisfied that the bill is consistent with the right to fair hearing in s 24 of the charter.

Steve Herbert, MP
Minister for Training and Skills

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Ms PULFORD (Minister for Agriculture).

Ms PULFORD (Minister for Agriculture) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The Victoria Police Amendment (Validation) Bill 2015 will amend the Victoria Police Act 2013 to remedy an issue identified by Victoria Police in relation to an administrative oversight in the chief commissioner's instrument of delegation. The oversight has resulted in 660 invalid authorisations being issued to police officers under road, marine and rail safety legislation which affects the conduct of drug and alcohol testing between 1 July 2014 and 5 March 2015. This has resulted in a risk that legitimate prosecutions and infringements for drink and drug driving that rely on evidence obtained through these tests could fail on a technicality.

Victoria Police conduct drug and alcohol testing and assessments under a range of legislation, such as the Road Safety Act 1986, the Marine (Drugs, Alcohol and Pollution Control) Act 1988 and the Rail Safety (Local Operations) Act 2006. These acts require that certain forensic procedures be conducted by officers who have been authorised to do so by the Chief Commissioner of Police. Authorisation is granted to an officer who has completed the required training and has the requisite technical ability to conduct the tests. These procedures include operating breath analysing instruments, carrying out oral fluid sample procedures and conducting drug impairment assessments. This does not include preliminary roadside breath or saliva tests, which are not required to be conducted by an authorised officer.

Tests and assessments that return positive results form the basis of enforcement actions for road, marine and rail safety offences, including infringement notices and criminal prosecutions. These enforcement actions are considered vital to reducing Victoria's road toll and upholding community safety. The involvement of alcohol and drugs as a factor in Victorian road trauma is significant, with 53 per cent of drivers killed on Victorian roads in 2013 having either alcohol or drugs, or a combination of both, present in their system. The testing of drivers and other vehicle operators for presence of alcohol and drugs is a core element of effective policing in the fight against drink and drug driving. The capability for police to test drivers for the presence of alcohol and drugs and bring successful enforcement actions for breaches is vital to reducing the harm caused to the Victorian community as a result of road trauma.

Following an internal audit, Victoria Police identified an administrative error relating to certain authorisations of officers to conduct specified drug and alcohol testing. As a result of this error, in excess of 1400 drug and alcohol tests between 1 July 2014 and 5 March 2015 were conducted by officers operating under invalid authorisations. This represents approximately 13 per cent of the total drug and alcohol tests conducted during this period (excluding preliminary tests). Victoria Police identified that in excess of 1100 of these tests had returned positive results forming the basis of enforcement action.

The error occurred under unique circumstances following the enactment of the Victoria Police Act 2013, which involved major reforms to the administration and corporate governance of Victoria Police. Under the previous Police Regulation Act 1958, deputy commissioners exercised the same powers as the chief commissioner, allowing them to authorise police officers to operate drug and alcohol testing equipment and conduct impairment assessments. It was standard operating protocol for deputy commissioners to issue these authorisations rather than the chief commissioner. The change in legislation on 1 July 2014 limited the exercise of power by deputy commissioners to only those powers that had been delegated to them by the chief commissioner. By omission, no instrument of delegation was made at this time to allow deputy commissioners to continue to issue these authorisations as they had historically done. The deputy commissioners, unaware of this omission, continued in good faith to grant these authorisations to police officers under the mistaken belief that they still had the legislative power to do so.

Once the error was identified on 5 March 2015 in respect of the road and marine safety legislation authorisations and 12 March 2015 in respect of the rail safety authorisations, Victoria Police took urgent action to ensure that the omitted delegations were made and remade the authorisations that have been invalidly made during this period. Now that the required delegations are in place, it is unlikely that such an error concerning the power to issue these type of authorisations will occur again. However, urgent legislation is required to mitigate the risk that enforcement actions conducted in reliance on evidence obtained by an officer operating under an invalid authorisation is adversely affected.

I am of the firm view that this retrospective bill is reasonably justified and does not result in unfairness to accused persons in affected criminal proceedings. The error is of an administrative nature only and does not affect the accuracy of the tests and assessments performed by the officers, nor the cogency of the evidence relied on in enforcement actions. All affected officers possessed the requisite training and technical ability to ensure the reliability of the results, and received their authorisation from senior command as was the underlying purpose of the legislation. The error makes no material difference to drivers who have been subject to the affected tests, including the manner in which the tests were conducted or the circumstances that gave rise to the tests being conducted. While it is unfortunate that the new requirement for the chief commissioner to delegate the power to make authorisations was not picked up before the new reforms took effect, the government considers that remedial legislation is justified to protect against serious adverse consequences to road, marine and rail safety enforcements, the justice system and victims of crime as a result of this administrative error.

The bill will apply to certain purported authorisations made by deputy commissioners between 1 July 2014 and 5 March 2015 under the Road Safety Act 1986 and the Marine (Drugs, Alcohol and Pollution Control) Act 1988, and between 1 July 2014 and 12 March 2015 under the Rail Safety (Local Operations) Act 2006, which reflects the respective periods of time between the enactment of the Victoria Police Act 2013 and the date at which the errors in the relevant instruments of delegation were remedied. The bill will retrospectively validate these purported authorisations by deeming them to have the same force and effect as if the authorisations had been made by the chief commissioner. The bill will also apply to retrospectively validate certificates of authorisation that were signed by deputy commissioners in the same circumstances.

The bill will place it beyond doubt that the Parliament intends to cure the defects in authorisation. The bill is narrowly tailored to address only the specific schemes of road, marine and rail safety testing where the powers of authorisation were invalidly exercised and the acts or things done in reliance of this purported exercise of power.

Secondly, the bill will ensure that any act or thing done or omitted to be done in reliance on evidence affected by the error will not be unlawful, invalid, improper or erroneous by reason that the person who carried out the test or assessment was not duly authorised to do so. This means that any court or administrative order made, warrant issued, penalty imposed, demerit points incurred, licence suspension or cancellation, property seized or arrest made in direct or indirect reliance on evidence obtained pursuant to the error will continue to stand.

Finally, the bill will provide that for the purposes of the prosecution of an alleged offence, the fact that a person was not duly authorised is to be disregarded in determining whether evidence affected directly or indirectly by the error ought to be admitted. The bill clarifies that, subject to this direction on the consideration of admissibility, the judicial discretion to exclude evidence or to stay a criminal proceeding in the interest of justice will not be affected. Similarly, the bill will not affect the rights of parties in any proceeding in which a court has made a ruling prior to the enactment of this bill on matters of validity or admissibility of evidence to which this bill concerns.

The government considers that retrospective legislation is a measure of last resort and brings this bill before the house only after close consideration of the potential consequences of failing to support legitimate enforcement actions designed to uphold community safety, victims of crime and the justice system more broadly.

If this legislation is not enacted, there would be a large potential toll upon victims of crime, community safety and our court system associated with the disruption or abandonment of legitimate enforcement actions because of an administrative error in Victoria Police's delegation of powers. This would be a highly unjust outcome, as it could allow drink and drug drivers who have recorded positive tests of unlawful impairment to escape appropriate penalties because of an administrative error that does not affect the accuracy, reliability or cogency of the evidence. This bill will ensure that such an unreasonable outcome will not occur.

Debate adjourned for Mr O'DONOHUE (Eastern Victoria) on motion of Mr Ondarchie.

Debate adjourned until Thursday, 18 June.

**CHILDREN, YOUTH AND FAMILIES
AMENDMENT (RESTRICTIONS ON THE
MAKING OF PROTECTION ORDERS)
BILL 2015**

Introduction and first reading

Received from Assembly.

Read first time for Ms MIKAKOS (Minister for Families and Children) on motion of Mr Jennings; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Ms MIKAKOS (Minister for Families and Children), Mr Jennings tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter), I make this statement of compatibility with respect to the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015.

In my opinion, the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill substitutes a new section 17 into the Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014 (the amendment act). Section 17 of the amendment act would have, once commenced, removed some of the current restrictions on the making of child protection orders from the Children, Youth and Families Act 2005, namely that the Children's Court:

must not make a protection order unless satisfied that the Secretary of the Department of Health and Human Services has taken all reasonable steps to provide services necessary in the best interests of the child; and

must not make a protection order that has the effect of removing a child from his or her parent unless satisfied that all reasonable steps have been taken by the secretary to provide the services necessary to enable the child to remain with his or her parent.

The substituted section 17 has the effect of retaining the above restrictions in section 276 of the Children, Youth and Families Act after the amendment act commences.

Human rights issues

1. Human rights protected by the charter that are relevant to the bill

The right of families to protection as the fundamental group unit of society, and the right of children to such protection as

is in his or her best interests and is needed by him or her by reason of being a child (section 17 of the charter) are relevant to the bill.

The right of families to protection is enhanced as the bill will have the effect of retaining the requirement that a protection order that will result in removal of a child from his or her parent must only be made where all reasonable steps have been taken to provide necessary services to enable the child to remain with the parent, ensuring a continuing obligation on the secretary to support the child within the family.

The right of children to protection is also enhanced by the retention of the obligation of the secretary to provide all reasonable steps to provide services necessary in their best interests and to enable a child to remain within the family. However, the court retains the right to make a protection order if needed to protect the child, and the best interests of the child remain the paramount consideration for the purposes of the Children, Youth and Families Act.

Jenny Mikakos, MP
Minister for Families and Children

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr JENNINGS (Special Minister of State).

Mr JENNINGS (Special Minister of State) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The bill substitutes a new section 17 of the Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014 (the amendment act).

This will have the effect of retaining the existing requirements of section 276 of the Children, Youth and Families Act 2005 when the amendment act comes into effect on 1 March 2016.

Section 276 will continue to require the Children's Court to be satisfied that reasonable steps have been taken by the Secretary of the Department of Health and Human Services to provide services in the best interests of a child before the court can make a protection order.

The new section 17 of the amendment act will make some minor amendments to section 276 of the Children, Youth and Families Act.

These amendments substitute the word 'care' for the word 'custody' where it is used in section 276 so that section 276 becomes consistent in its use of terminology with other parts of the Children, Youth and Families Act when they are amended on 1 March 2016 by the amendment act.

When the amendment act was debated in August 2014, I promised that a bill to repeal section 17 would be introduced if a Labor government was elected.

This is that bill and it is the fulfilment of the promise I made at the time.

The amendment act introduces tighter time lines for making a decision about future permanent care arrangements for children in out-of-home care, either by reunifying those children with their families or by finding an alternate permanent care family for them.

This is a significant change to the child protection system.

It is clearly desirable to make timely decisions and avoid harmful 'drift' in care arrangements where children are subjected to lengthy periods of uncertainty about their future care. However, this has to be balanced by a strong emphasis on timely service provision.

It would not be fair to say to families that changes have to be made within one or two years and then not ensure they are provided with the assistance they may need to make those changes.

The effect of this bill is to retain the existing requirements of section 276.

This ensures that the Children's Court cannot make a protection order unless it is satisfied as to the adequacy of service provision. This ensures that families and children continue to be given the assistance they may need.

I commend the bill to the house.

Debate adjourned for Ms CROZIER (Southern Metropolitan) on motion of Mr Ondarchie.

Debate adjourned until Thursday, 6 August.

ADJOURNMENT

Mr JENNINGS (Special Minister of State) — I move:

That the house do now adjourn.

Fogartys Gap Road–Calder Highway, Ravenswood South

Ms LOVELL (Northern Victoria) — My adjournment matter is for the Minister for Roads and Road Safety, and it is in regard to the dangerous intersection at Fogartys Gap Road and the Calder Highway in Ravenswood South. The action I seek is that the minister match the coalition's commitment and work with VicRoads to implement the necessary safety works at this dangerous intersection. The danger that the intersection poses to residents and visitors to central Victoria has long been documented. There have been at least two fatal car collisions at this intersection in the past five years and a very high number of non-fatal crashes and near misses.

In August 2010 an 82-year-old man was tragically killed at the Fogartys Gap Road intersection in a

high-speed collision, which saw that strip of the Calder Highway labelled by police as a black spot. In 2010 Castlemaine Bus Lines diverted its passenger routes so that two of the three buses that frequent that stretch of the highway no longer had to pass through the intersection. Its managing director, Geoff Hansford, at the time recommended a lowered speed limit or the construction of an overpass to improve the safety of the intersection. Another fatality occurred in March 2014, when a 79-year-old woman entering the intersection collided with a car travelling along the Calder Highway. The most recent collision was reported in the *Bendigo Weekly* in May, when a woman was trapped in her car for hours while State Emergency Service personnel and paramedics worked to safely free her. These are just a few examples that highlight how dangerous the intersection of Fogartys Gap Road and the Calder Highway at Ravenswood is.

Local commuters in the Ravenswood and Bendigo communities have been calling for improvements to this intersection for many years. The urgency of preventing further collisions should see safety improvements at the intersection made a priority by the government. During the election campaign the coalition government made a fully costed election commitment of \$80 000 to improve the safety of this intersection through the installation of rumble strips and signage improvements. Unfortunately the Andrews Labor government did not make an election commitment to fix the intersection, nor was funding for safety improvements included in the 2015–16 budget.

The action I seek from the minister is that he match the coalition's commitment and work with VicRoads to implement the necessary works for improving safety at this dangerous intersection.

Swinburne University of Technology former Lilydale campus

Mr MULINO (Eastern Victoria) — My adjournment matter is for the Minister for Training and Skills. I ask the minister to provide an update on the reopening of Swinburne's Lilydale campus. The reopening of the campus is naturally of great interest to the people in my electorate, as it will be an important source of direct employment. It will also be a very important provider of training and other wraparound and support services in my community.

The TAFE sector is vital to the Victorian economy moving forward. It is an economy in transition, and TAFEs are a vital part of the way in which our education and training sectors can retool people to move from one sector or job to the new sectors and jobs

that are emerging in those sectors. I am referring to high-productivity, high-value-added sectors and jobs. The government has placed great priority on revitalising the TAFE sector. We have committed \$320 million to the TAFE Rescue Fund, and \$20 million of that has already been devoted to seven of the most financially distressed TAFEs to allow them to maintain critical operations.

When one looks at the TAFE sector, total annual state government contributions collapsed between 2011, when it was \$733 million, and 2014, when it was \$460 million, a decrease of \$265 million —

Mr Ondarchie — On a point of order, Acting President, I remind the house of the President's ruling that an adjournment matter is not supposed to be a set speech; it is an opportunity not for debate but for a call for action. I ask you to bring the member back to his call for action.

The ACTING PRESIDENT (Mr Morris) — Order! I encourage Mr Mulino to continue with his adjournment matter and to seek an action.

Mr MULINO — I remind the house that the action I am seeking is an update on the reopening of the Swinburne Lilydale campus. I reiterate that the campus is of great importance to my electorate. Like a lot of other campuses, when it is reopened it will provide critical training for an electorate that has considerable unmet demand for training. When I talk about some of the financial contributions that the government has committed to, I want to relate that directly to the Swinburne Lilydale campus by saying that we have committed \$100 million from the TAFE Rescue Fund to capital funding. That includes \$10 million towards the reopening of the Swinburne Lilydale campus. Specifically in relation to that campus, I would like an update so I can inform my electors.

Firefighters

Ms PATTEN (Northern Metropolitan) — The other week I was delighted to visit the Thomastown fire station to meet the inspiring firemen — they are all men; there are no women — of brigade A. In a few short hours I saw what state-of-the-art tools and gadgets can be found in the rescue trucks, some of which have been invented by the firemen themselves. I also learnt about the incredible work done by the juvenile fire awareness and intervention program, where firemen mentor young people convicted of arson. I even got to try on a fire suit and put out a fire. It was not a real fire; it was just an orange flame. I saw the care and support that the members of brigade A provide to each other.

The nature of the work of firefighters has changed dramatically over the last 15 years. We are now seeing them as our emergency medical responders. Firemen are often the first people on the scene of some devastating accidents, with an average response time of 7.7 minutes. It means that they are the first to witness some truly heartbreaking incidents, such as cot deaths, suicides and horrendous car crashes. They perform cardiopulmonary resuscitation and other emergency management responses at the scene.

They talk about landmarks in their local suburbs. Sadly, they are not happy landmarks; they are landmarks where certain incidents have taken place. As a result of the nature of their duties, it is not surprising that some firefighters are suffering from post-traumatic stress disorder (PTSD). It is something we recognise in our armed forces, and I would like to take this opportunity to mention Keith Payne, a war hero and, as of last Monday, a Member of the Order of Australia. He has long been a campaigner for greater recognition of PTSD amongst our returning servicemen and all of our emergency fighters.

Internationally, PTSD has been included in presumptive legislation so that firefighters can access treatment and support. Australian firefighters deserve the same protections. I commend the government for allocating \$200 000 for firefighters to access PTSD counselling and one-on-one support. However, with the average cost per PTSD claim being \$44 000, it allows for only five firefighters across the state. I ask the Special Minister of State, Gavin Jennings, who represents the Minister for Emergency Services, to dramatically increase the funding allocated to post-traumatic stress disorder services for firefighters and to add PTSD to the list of presumptive conditions in compensation legislation.

Wind farms

Mr RAMSAY (Western Victoria) — My matter tonight is for the Minister for Planning, Richard Wynne. It relates to a press release from the Premier's office this afternoon which indicates that the new planning rules around renewable energy, specifically for wind farms in Victoria, will be assessed by the minister and ticked off in relation to permits.

This particular strategy reminds me of when Labor was last in power, when Justin Madden had sole ministerial responsibility for approving wind farm planning permits. It was an absolute disaster in western Victoria particularly, where we had a whole plethora of live planning permits that were approved by the minister without any consultation or engagement with local

communities. We had wind farms abutting close residential development without any sort of appropriate buffer. There was no consultation with communities, even where a wind farm might well be impacting on not only the livability of the people next door but also their business.

I am really perturbed about the fact that that press release came out today, not so much because of the renewable energy target — before the Greens all jump up and scream that I am anti-renewables or anti-renewable energy target, I am neither of those two things — but because I am concerned about potential problems similar to those associated with the previous Labor government and the previous Labor minister having total control over planning permits for wind farms without engagement and without consultation with local communities or local government.

My matter goes directly to the minister. I ask him to put into place safeguards in relation to his ministerial authority to approve these permits so that communities and local governments are consulted and there is total engagement with the region that will be impacted by a wind farm development so that we understand the consequences of such a permit. At the moment communities right across Victoria are totally exposed to this change in the guidelines and also to the change in ministerial responsibility in relation to approving wind farm permits.

Western Highway

Ms DUNN (Eastern Metropolitan) — My adjournment matter is for the Minister for Roads and Road Safety. I refer to the Western Highway duplication project being managed by VicRoads. This project has created a great deal of local controversy that now involves both state and national environmental groups. I note that the minister has refused to consider halting further work to facilitate more consultation. However, we have some left hand-right hand disconnect happening, as VicRoads itself has now convened a new environmental consultative group.

I have today received a copy of a letter that was sent to the minister on behalf of no less than 12 environmental groups. The letter raises serious allegations regarding critical flaws in the environmental approval process undertaken by the former government. Among a number of serious flaws are some very concerning allegations that the environmental assessment grossly underestimated the real number of large old trees that would be removed in the earlier stages of the project; however, I am advised that, by far, greater native

vegetation losses are yet to come in vegetation removal works that are about to be put to public tender.

Firstly, I request that the minister meet with representatives of the Western Highway Alternative Mindsets group as a matter of urgency. Secondly, I request that the minister respond to the matters raised in that group's most recent letter. Thirdly, I request that the minister halt the letting of further work packages until further consultation processes currently underway are honoured and completed.

Health funding

Ms TIERNEY (Western Victoria) — My adjournment matter is for the Minister for Health. It is in relation to an initiative that was outlined in the budget dealing with acute services. The line item is 'Meeting hospital services demand'. As I understand it, there is \$970 million allocated over four years. This injection of money is of course much needed in this sector and makes up part of the \$2.1 billion of new health spending in this budget.

As I can see from budget paper 3, the fund will be aimed at meeting growing demand in the following areas: emergency department presentations, intensive care, maternity admissions, elective surgery, specialist clinics, palliative care, chemotherapy, radiotherapy, dialysis, subacute care and Victoria's contribution to national blood products. All of these are crucial to improving Victorians' quality of life at a time when they expect the government to stand by them and lend a hand in matters of life and death.

The action I seek is for the minister to provide me with a detailed breakdown of the locations and facilities in my electorate of Western Victoria Region that will receive funding under this initiative and how it will alleviate the backlog in service provision that was created under the previous government.

Sunshine Hospital perinatal program

Ms HARTLAND (Western Metropolitan) — My adjournment matter is for the Minister for Mental Health. The perinatal emotional health program at Sunshine Hospital was established in response to the National Perinatal Depression Initiative. This program enables routine mental health screening of pregnant women to increase early detection and provide support and treatment for those who experience feelings such as sadness and anxiety during pregnancy and early parenthood.

This has been a very successful program, identifying 403 women requiring support and helping them to

cope. That is around 18 per cent of all the pregnant women using maternity services at Sunshine Hospital during the trial period. Four hundred and three women who might have suffered far longer before receiving support or who may have received no support otherwise have been helped. This has been a fantastic outcome for these women, and the program is likely to be a real cost saver to our health system and to productivity. It enables women to get the support they need before their depression and anxiety become a bigger problem or spiral.

Unfortunately the funding for this trial program is now coming to an end, and for far too long the prevalence of prenatal depression has not been properly recognised. As a result, there has been far too little investment in the early detection and treatment of perinatal depression and anxiety. The Post and Antenatal Depression Association provides a national hotline, but it runs on an absolute shoestring budget. There are few other services or programs that specifically address this issue.

This program was the first of its kind in Victoria. The perinatal emotional health program was a meaningful step in the right direction to provide holistic health care to pregnant women and new mums. It provided health care for the mind as well as the body during this huge life change. I do not believe we can afford to lose such a vital program. I ask the minister: will the government re-fund the perinatal emotional health program and consider rolling it out to other hospitals as part of standard practice for pregnant women?

City of Casey police resources

Mr O'DONOHUE (Eastern Victoria) — My adjournment matter this evening is for the attention of the Minister for Police, and it flows from two pieces of correspondence I have received from the City of Casey. On 30 March I received a copy of correspondence from the City of Casey addressed to the minister in relation to the population growth that — —

Mr Jennings — Was it misdirected?

Mr O'DONOHUE — Let me clarify for the minister. In my capacity as the shadow Minister for Police I received a carbon copy of the correspondence that was sent to the minister. It outlines in some detail the population growth that the Casey police service area will see over the coming years. From a current population of 281 000 it is expected that the area will be home to 459 000 people by 2036. The letter seeks a response from the minister about future funding for additional police officers in Victoria and additional police for the city of Casey. That correspondence is

dated 30 March. I note that the government has handed down its budget since that time and just a handful of additional police were provided for Geelong and Bellarine and none for the rest of Victoria.

The second piece of correspondence I received relates to the Endeavour Hills police station's hours of operation. In that correspondence it is noted that when it was first proposed in 1999, and again when it opened in 2005, it was promised that this station would operate 24 hours a day. Currently the station is open 16 hours a day.

Let me put on the record that the coalition acknowledges and respects the independence of the Acting Chief Commissioner of Police to allocate police resources but has concerns about the resources that have been allocated by the government to the acting chief commissioner to enable him to respond to issues raised by local governments, particularly in growth areas like the city of Casey where we are seeing significant population increases.

The action I seek from the minister is a response to the issues that have been raised by the City of Casey and a statement regarding what plans he has to deal with the legitimate concerns that have been raised as a result of the significant population growth that the city of Casey is experiencing.

Northern Victoria Region schools

Ms SYMES (Northern Victoria) — My adjournment matter this evening is for the Minister for Education. I thank the minister for his hard work since the election and his commitment to education and to implementing the Andrews government's plan for Victoria to be the education state. I particularly look forward to participating in the education state consultations that were announced yesterday.

We on this side of the house know just how important education is. I am the wife of a schoolteacher, and I have two young children who will be entering the school system in coming years. I am passionate about the Labor government's approach to and investment in processes that will deliver better outcomes for our young people, particularly in regional and rural education facilities, including my old school, Benalla P-12 College. I have discussed the issue of education extensively with my constituents and with parents. I have also met with several teachers and principals and most enjoyably lots of students. I am under no illusion about the enormity of the task ahead to ensure that our kids have the best facilities, resources and teachers to maximise their potential.

The action I seek is that the minister visit my electorate of Northern Victoria Region to see and hear firsthand the needs of these rural and regional communities. I invite him to visit the schools in my electorate so that he can appreciate their specific needs and those of their communities. In particular I would like to extend an invitation to the minister to visit Wangaratta. Representatives of Wangaratta High School and Wangaratta District Specialist School are very keen to meet with the minister, as are those from Yarrowonga College P-12, Cobram Secondary College and Benalla P-12 College, which is of course my former school. These schools would be keen to host a visit from the minister.

Ballarat rail services

Mr MORRIS (Western Victoria) — I raise my adjournment matter for the attention of the Minister for Public Transport. I have been contacted by several residents who are extremely concerned about, and indeed extremely inconvenienced by, recent changes to the Ballarat line timetable. These changes occurred without the consultation of affected train travellers and have caused significant inconvenience to school students who travel from Melton, Bacchus Marsh and Ballan to Ballarat and also significant financial hardship for some parents who need to pay for additional care arrangements, such as after-school care.

Because of the changes to the timetable some students need to catch a train just after 7.00 a.m., arriving in Ballarat well in excess of an hour before their classes commence. The timing of the return journey from Ballarat to Ballan, Bacchus Marsh and Melton has also changed. Students are now under significant time constraints to get to the Ballarat station after school and are reliant on an urban bus service to get them there in time to catch the next train. If they miss that train, they must wait for the next service, which does not depart until 5.15 p.m. This is clearly an unacceptable situation. I call upon the minister to rectify the inconvenience caused to students and their families by retrospectively consulting on these changes to the timetable and ensuring that the needs of all train passengers, particularly those of school students, are taken into account.

Gippsland tourism

Ms SHING (Eastern Victoria) — My adjournment matter this evening is directed towards the Minister for Tourism and Major Events, Mr Eren. The action I seek is that the minister avail himself of a visit to Gippsland to discuss the opportunities that are available to ensure that this particular part of Victoria is able to capitalise

upon the Labor government's commitment to ensuring that major events and tourism opportunities are stretched as far across the state as they can be. This is about ensuring that the profiles of regions are lifted and that Gippsland is given its fair share of attention and fair allocation of resources in order to maximise the geographical bounty of the area. The variation of the region that I call home is one of its highlights. It is also about ensuring that sporting clubs and facilities in Gippsland are maintained and upgraded and receive the same attention as they do in other parts of the state.

I note that in this year's budget there is an allocation of funds towards a number of significant strategies and events which will directly benefit Gippsland, but I would like to make sure that the minister has firsthand knowledge of the further opportunities that could be capitalised upon to enable Gippsland to flourish in the areas of sports and major events. We want to bring more people to the area to really boost our numbers and boost our profile in terms of being a premier location for not only sporting events but also weekend getaways, festivals, boutique accommodation, as well as the fine wine, food and activities which make Gippsland the very place that it is.

Multicultural affairs grants

Mrs PEULICH (South Eastern Metropolitan) — The matter that I wish to raise is for the attention of the Minister for Multicultural Affairs and is in relation to concerns that have been raised with me by members of multicultural media organisations in my electorate, of which there are many, being a very multicultural region. Their concerns relate to a new grants program that has been established by the government to provide grants to multicultural media organisations for equipment.

Whilst obviously the merit or otherwise of that program is not the subject of this adjournment matter, there are concerns that the government will somehow use this grants program to control multicultural media and that the funding may go to those who report favourably on the government or the Labor Party rather than to those providers of community news that reflect the strong spirit of bipartisanship or multi-partisanship that exists in multicultural affairs.

The action I seek from the minister is that he give an assurance that his establishment of this grant will be done at arms length from government and that there will be clear, open and transparent guidelines for the selection of grant applications and the allocation of grants to make sure that the process is not abused and will not be used to curry political favour.

In a western democracy, especially in the area of multicultural affairs, it is important for our media to remain independent — obviously within the confines of the law — and not be within the control of the government of the day. There is great potential for this system to be abused, and I seek an assurance from the minister that he will take these concerns onboard, as do many other people. Often people who are involved in multicultural media have come from left-wing or right-wing systems where there has been an absence of democracy and a curtailment of freedom of speech, which is something those people prize. They want to be assured that this grants program is not going to be used to manipulate the media in the interests of gaining greater favourable political coverage for the Labor Party.

Responses

Mr JENNINGS (Special Minister of State) — Ms Lovell raised a matter for the attention of the Minister for Roads and Road Safety drawing his attention to the intersection of Fogartys Gap Road and the Calder Highway in Ravenswood South, which she suggests requires urgent attention.

Mr Mulino raised a matter for the attention of the Minister for Training and Skills. He is seeking the minister's advice about the implementation of the program which will see the resurrection of Lilydale TAFE for the local community and provide support for not only residents and families but also businesses and educational settings across his electorate.

Ms Patten raised a matter for the attention of the Minister for Emergency Services. Notwithstanding the very flamboyant way in which she introduced the issue, she raised a significant matter that relates to post-traumatic stress disorder and is within the scope of schemes that provide comfort to firefighters who have suffered post-traumatic stress. She asks that an additional resource be available to them to provide support into the future and that it be included in presumptive rights legislation.

Mr Ramsay raised for the attention of Minister for Planning a matter about the minister's approval process in relation to renewable energy being delivered across the Victorian landscape. I am sure he is most concerned about windmills. He wants some assurance from the Minister for Planning about the rigour that will underpin the minister's decisions.

Ms Dunn raised a matter for the attention of the Minister for Roads and Road Safety relating to a consultation with a group with the interesting title of the

Western Highway Alternative Mindset group. I look forward to the calibre of that consultation and the engagement with that group. Hopefully a meeting of minds can be achieved in working with that important stakeholder group.

Ms Tierney raised a matter for the attention of the Minister for Health. In effect she wants some explanation of the impact of the \$970 million hospital demand output measure in budget paper 3 in relation to health to see significant support for emergency departments and elective surgery across the Victorian hospital system. She is interested in information about how that will be spent and used in hospital settings across her electorate to try to remedy delays in service provision for Victorians wanting better health care in our hospital system.

Ms Hartland raised a matter for the attention of the Minister for Mental Health in relation to the perinatal emotional health program that runs out of Western Health. She wants the minister's support for the provision of additional funds for that important service.

Mr O'Donohue raised a matter for the attention of the Minister for Police, drawing attention to a courtesy copy of ministerial correspondence that he received from Casey City Council in relation to population growth pressures that may lead to greater demand for community safety measures, in particular in relation to the availability of police support at the Endeavour Hills police station.

Ms Symes raised a matter for the attention of the Minister for Education and asked the minister to make sure he travels to her electorate. In particular she identified Wangaratta High School, Wangaratta District Specialist School, Yarrowonga College P-12, Cobram Secondary College and Benalla P-12 College — a school of great significance in her personal educational journey. She would probably like to journey with the minister to those schools to make sure he is well apprised of the educational needs of those communities.

Mr Morris raised a matter for the attention of the Minister for Public Transport about the impact of Ballarat rail line timetable changes on students who travel between Ballarat and Melbourne but who in fact go to Ballarat rather than to Melbourne, which is interesting considering the geography. In terms of a blot in his thinking about public transport timetabling, maybe the students are not alive to the significant traffic flow back to Ballarat. Mr Morris is seeking retrospective consultation on the timetable, which is an interesting concept in its own right, and I look forward

to the mechanism by which the public transport minister can deliver on that outcome.

Mrs Peulich raised a matter for the attention of the Minister for Multicultural Affairs about a grants program that supports equipment purchases and other capabilities for multicultural media outlets in Victoria. She wants to make sure that when the program is up and running it has arms-length implementation of the grants. She wants those decisions made in a transparent process to ensure that there is no political contamination in what is otherwise a very important issue for multicultural media.

Ms Shing raised a matter for the attention of the Minister for Tourism and Major Events. I have left Ms Shing's adjournment matter until last because it seemed to me that Ms Shing may have run out of superlatives, which is very unlike her. She is excellent in her current profession; however, advertising and marketing may not be her area. I was very surprised when she described Gippsland as 'the very place that it is', which I do not think has the necessary superlatives to indicate the remarkable attractions of Gippsland. Ms Shing encouraged the Minister for Tourism and Major Events to support Gippsland, which hopefully will lead to the minister's intervention, visitation and encouragement of greater tourism activity in that area.

There is one thing that will not happen. Mr Purcell recently raised an adjournment matter relating to the Twelve Apostles, and I responded by talking about the importance of tourism in the south-west. That adjournment matter was subsequently reported as me talking about an issue in the south-east. I do not think moving the Twelve Apostles to the south-east should be part of a strategy, but nonetheless a strategy should be adopted to support the endeavours of Ms Shing.

The ACTING PRESIDENT (Ms Dunn) — Order!
That concludes today's proceedings. The house now stands adjourned.

House adjourned 6.09 p.m. until Tuesday, 23 June.

