PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Thursday, 16 April 2015

(Extract from book 5)

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By authority of the Victorian Government Printer

The Governor

The Honourable ALEX CHERNOV, AC, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

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Minister for Local Government, Minister for Aboriginal Affairs and Minister for Industrial Relations	The Hon. N. M. Hutchins, MP
Special Minister of State	The Hon. G. Jennings, MLC
Minister for Families and Children, and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
Minister for Environment, Climate Change and Water	The Hon. L. M. Neville, MP
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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

Priveliges 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

Economy Infrastructure Legislation Committee — Dr Carling-Jenkins, Mr Dalidakis, Mr Eideh, Mr Elasmar, Mr Finn, Ms Hartland, Mr Morris and Mr Ondarchie.

Economy Infrastructure References Committee — Dr Carling-Jenkins, Mr Dalidakis, Mr Eideh, Mr Elasmar, Mr Finn, Ms Hartland, Mr Morris and Mr Ondarchie.

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

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

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

Legal and Social Issues References Committee — 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 Elasmar, 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*): Mr Battin, Ms Halfpenny, Mr McCurdy, Mr Richardson and Ms Ward.

Family and Community Development Committee — (*Council*): Ms Lovell. (*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*): Mrs Fyffe, 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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The Hon. G. JENNINGS

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

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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
Bath, Ms Melina [2]	Eastern Victoria	Nats	Morris, Mr Joshua	Western Victoria	LP
Barber, Mr Gregory John	Northern Metropolitan	Greens	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 Jaclyn	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

CONTENTS

THURSDAY, 16 APRIL 2015

Thursday, 16 April 2015

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.35 a.m. and read the prayer.

NEW MEMBER

Ms Bath

The PRESIDENT announced the choosing of Ms Melina Bath as member for the electoral region of Eastern Victoria in place of Mr Danny O'Brien, resigned.

Ms Bath introduced and oath of allegiance sworn.

PETITIONS

Following petition presented to house:

PRONTO! HIV testing centre

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria:

notes the former coalition government's election commitment to continue funding for the Victorian AIDS Council's PRONTO!, promising $4 million over five years to support the critical work of Australia's pioneering peer-led rapid HIV testing centre;

further notes the absence of an election funding pledge in relation to the centre from the Labor Party and the recent Andrews Labor government statement that 'Decisions around funding for programs including PRONTO! are matters for the state budget, which will be handed down on May 5'; and

implores the Andrews Labor government to match the former coalition government's commitment to PRONTO! in its 2015–16 state budget so that it can continue to provide a service that is highly valued as quick and easy to access, non-judgemental and culturally sensitive and is critical if Victoria is to achieve reduced HIV transmissions.

By Mr DAVIS (Southern Metropolitan) (14 signatures).

Laid on table.

UNIVERSITY OF DIVINITY

Report 2014

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

Laid on table.

PAPERS

Laid on table by Acting Clerk:

Bendigo Kangan Institute — Report, 2014.

Box Hill Institute — Report, 2014.

Centre for Adult Education — Report, 2014.

Chisholm Institute — Report, 2014.

Deakin University — Report, 2014.

Driver Education Centre of Australia Ltd — Report, 2014.

Federation University Australia — Report, 2014.

Gordon Institute of TAFE — Report, 2014.

Goulburn Ovens Institute of Technical and Further Education — Report, 2014.

Holmesglen Institute — Report, 2014.

La Trobe University — Report, 2014.

Monash University — Report, 2014.

Royal Melbourne Institute of Technology — Report, 2014.

South West Institute of TAFE — Report, 2014.

Sunraysia Institute of Technical and Further Education — Report, 2014.

Swinburne University of Technology — Report, 2014.

The University of Melbourne — Report, 2014.

Victoria University — Report, 2014.

William Angliss Institute of TAFE — Report, 2014.

Wodonga Institute of TAFE — Report, 2014.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 22.

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, 5 May 2015.

Motion agreed to.

MINISTERS STATEMENTS

Aboriginal kindergarten participation

Ms MIKAKOS (Minister for Families and Children) — I rise to inform the house on what this government is doing to close the gap in respect of Aboriginal children participating in kindergarten. I am concerned that there is a sizeable gap in Victoria between participation of Aboriginal children and all children in kindergarten. While the gap has closed significantly since 2007, in 2014 the gap stood at almost 17 per cent, which remains unacceptable. This means one in five Aboriginal children are not going to kinder in the year before school, and in some local government areas up to three in four Aboriginal children are not going to kinder in the year before school.

Universal access to kindergarten is not enough in Victoria. We are aiming for universal participation. For this reason we have recently launched a new communication strategy to spread the message that three-year-old and four-year-old kindergarten is free for Aboriginal children in Victoria and that it is not too late to enrol children for 2015. This strategy includes posters, a dedicated website and an online social media presence. I have also written to Victorian Aboriginal peak organisations, funded kindergarten services and maternal child health centres to ask them to support this communication strategy.

My department will continue to work with all relevant stakeholders to explore other opportunities to more effectively engage with Aboriginal families and support their participation in kindergarten. We will examine issues of cultural inclusion and trust, local access and availability of places, and how our children's services can better serve Aboriginal families and children. We take the view that every single additional enrolment of an Aboriginal child matters enormously because the research tells us that non-attendance at kindergarten doubles the risk of low educational attainment. Research also tells us that two years of high-quality early childhood education at 15 hours per week is equivalent to having a tertiary-educated mother. We are committed to closing the gap and ensuring that every Aboriginal child has educational and developmental opportunities available to them.

TAFE funding

Mr HERBERT (Minister for Training and Skills) — Today the 2014 annual reports for 10 of Victoria's TAFE institutes were tabled, evidence in black and white of the rapid decline of our TAFEs during the term of the previous government. The TAFE institute annual reports show that the TAFE sector is expected to report a $52.5 million operating deficit in 2014, compared to the $109 million surplus in 2011 just four short years ago.

Only two TAFE institutes have reported an operating surplus in 2014, which is further evidence of the former government's disastrous cuts to TAFE, which were an estimated $1.2 billion.

Mrs Peulich interjected.

Mr HERBERT — The annual reports show that the total annual state government contribution to stand-alone TAFEs has decreased from $733 million in 2011 to $468 million in 2014 — a cut of around $265 million per annum, or 36 per cent, directly attributable to the former government's funding cuts. Eight of the 12 TAFEs have also had to bear the brunt of a $44 million — —

Mrs Peulich interjected.

Mr Leane — On a point of order, President, I feel that Mrs Peulich's interjections are close to haranguing Mr Herbert.

Mr Davis — What is the point?

The PRESIDENT — Order! I think Mr Leane made a point quite effectively, and I was jumping to my feet, notwithstanding that I was talking about something fairly important to the house with the Leader of the Government, because I also thought that the interjections were a barrage. I think 'haranguing' is a fair word to characterise those interjections. As I have indicated, during these contributions to the proceedings that are relatively short in time frame I expect members to show a certain courtesy to members making those contributions. I realise that Mr Herbert did start in a fairly loud voice, and perhaps provocatively in that sense, and there is a fair bit of meat in what he is talking about, but nonetheless the interjections were too much.

Mr HERBERT — Eight of the 12 TAFEs have also had to bear the brunt of a $44 million writedown to their student management system. In 2012 the funding cuts, eligibility and major subsidy changes — made four times, incidentally, in the last two years by the former government — caused a $29.4 million blowout in this student management system project.

However, I hope we can put this disastrous era for TAFEs behind us. The Andrews Labor government is committed to undoing the damage caused by the previous government. Our $320 million TAFE rescue

package will strengthen TAFE institutes by reopening campuses, upgrading buildings and providing much-needed support. Twenty million dollars has already been allocated in emergency funding, and our recently announced $50 million TAFE Back to Work Fund will help those TAFEs support industry in their local communities by delivering training directly linked to growth industries and to our Back to Work program.

Whilst the 2014 TAFE annual reports are a legacy of the previous government, I look forward to a more confident future.

The PRESIDENT — Order! I am not sure that I picked up anything new there. As I said, I was involved in a side conversation, but one of the purposes of a ministers statement is to advise something new rather than give a commentary on previous reports.

Mr HERBERT — I take your point, President. The new figure is an estimated $52 million operating deficit for TAFEs, which has not been in the public domain or this chamber before, nor has the $44 million writedown of the student management system or the $29 million blowout of the cost of that student management system.

The PRESIDENT — Order! Close. Ministers statements are about initiatives and so forth and new decisions of the government. A writedown would be an unfortunate decision to hang a hat on, but nonetheless we are learning on this process.

Mrs Peulich — On a point of order, President, I was about to make the same point, given that the ministers statement was just spin and deception. I was going to try to move that the ministers statement be taken into consideration at the next day of meeting and was hoping that you might allow that.

The PRESIDENT — Order! I will allow the motion. I am concerned at the reflection that it is a deception. I do not think in this part of the proceedings that that is an appropriate statement to make about the ministers statement, but I will certainly allow the motion.

Ordered that statement be considered next day on motion of Mrs PEULICH (South Eastern Metropolitan).

MEMBERS STATEMENTS

East–west link

Mr BARBER (Northern Metropolitan) — I think it is fitting that the then Minister for Roads and Ports of the Brumby government, Mr Pallas, now the Treasurer, who was one of the biggest supporters of the east–west road tunnel, has been given the job of killing the monster, dismembering it and throwing it down the pit.

Mrs Peulich interjected.

Mr BARBER — Your barrage is not going to work in here, Mrs Peulich, and it certainly has not worked out there. Every parrot in the pet shop this morning, of course, is bemoaning the fact that Victoria does not have a major project on the go. However, a $50 billion Victorian public sector investment pipeline is under way. This decision has freed up tens of billions more dollars over coming years for infrastructure that the community is crying out for — not giant over-inflated projects to match some political party's giant and over-inflated view of itself but critical community infrastructure such as local bridges that are falling apart, schools that are falling apart, arts centres, children's centres and rail lines that already exist but now have speed restrictions slapped onto them due to their poor condition. These are the sorts of infrastructure needs Victoria has and that we ought to be debating from this point forward.

Ballarat Tramway Museum

Mr MORRIS (Western Victoria) — I wish to raise the great work the Ballarat Tramway Museum does in supporting tourism and keeping tram travel alive in Ballarat. Every weekend and school holiday the volunteers — and they are all volunteers — keep the trams running around Lake Wendouree. I wish to say thank you to the passionate and dedicated men and women who drive these trams and work as conductors, ensuring that tram travel stays alive in Ballarat. Well done to the members of the Ballarat Tramway Museum. Long may the trams run.

East–west link

Mr MORRIS — I also wish to raise the issue of the east–west link. It was a dark day for Victoria yesterday and a particularly dark day for western Victoria. Not only does the tearing up of the east–west link contracts damage Victoria's reputation internationally, it will also see the loss of 7000 jobs and place at risk manufacturing jobs in western Victoria. What we have seen here is a disgraceful act on the part of this government.

Greek-Australian Anzacs

Mr DALIDAKIS (Southern Metropolitan) — As we approach the centenary of the Gallipoli landings on 25 April, as an Australian of Greek heritage I would

like to reflect on and honour the contributions of those involved. I wish to note the contribution Greek-Australians made to the Australian war effort, especially at Gallipoli. Steve Kyritsis, president of the RSL Hellenic sub-branch, has researched these men. He has identified 80 Greek-Australians who served in World War I, including 11 who were at Gallipoli.

These men came from what was then a very small Greek community in Australia. One of these was Peter Rados, who served at Gallipoli with the 3rd Australian Infantry Battalion of the 1st Brigade. He was killed at Anzac Cove on 19 May 1915. Another was Nicolas Rodakis, who served on the Western Front. In September 1918 he rescued an American officer under machine gun fire in no-man's-land and was subsequently awarded the United States Distinguished Service Cross. We tend to think of Australian multiculturalism as a recent invention, but the sacrifices these men made for their adopted homeland shows that for Greek-Australians, even a century ago, Australia was worth fighting for.

I would also like to honour President Atatürk of Turkey, who wrote his famous tribute to the Anzacs in 1934:

> Those heroes that shed their blood and lost their lives … You are now lying in the soil of a friendly country. Therefore rest in peace … You, the mothers, who sent their sons from faraway countries wipe away your tears; your sons are now lying in our bosom and are in peace. After having lost their lives on this land they have become our sons as well.

Lest we forget.

The PRESIDENT — Order! I thank Mr Dalidakis. We might commend a former member for South Eastern Metropolitan Region in this house, Mr Lee Tarlamis, for some work he has done with respect to recognising the Greek connections to Australia and its wartime history, particularly his work towards the acknowledgement and commemoration of those people who gave their lives, through a memorial, which I think is to be in the Port Phillip area — I think that is still the preferred location. A great deal of work has been done on that, and it is to be commended.

Gallipoli

The PRESIDENT — With respect to the words of Atatürk, I might also take this opportunity to indicate that the Turkish community, in conjunction with the Turkish RSL sub-branch, is presenting to each member of Parliament a plaque bearing some of the words capturing the sentiment of Atatürk, the great Turkish leader. The plaque will be presented, as I said, to each member of Parliament. I think they are being delivered to their offices as we speak.

The people who are responsible for that gift to members of Parliament in this particularly important year are presenting one in Queen's Hall at about 10.45 a.m. to the Speaker and me. If members wish to be there and to convey their appreciation of the gift, that would be appreciated as well.

East–west link

Mr DRUM (Northern Victoria) — There are very few major events that happen in your life when you can remember where you were when it happened. When man walked on the moon, I know exactly where I was. When we lost Princess Diana in a car accident, I will never forget where I was. When the Premier of Victoria ripped up a $630 million contract and sacked 6700 people from their jobs, I will always remember where I was.

In the years to come, as congestion gets worse, people will shake their heads about how we will ever be able to link the end of the Eastern Freeway with the Tullamarine Freeway. We know that at some stage in the future we will need a second river crossing. At some stage in the future people, including my kids, are going to ask me, 'Can you remember that stupid government back in 2014? There was a contract in place; it had been signed, and we were going to go ahead and build the link'.

In the future, maybe two years, four years or six years down the track, we will have to look again at building the link. I will say, 'Can this make sense? You blokes had a contract. You had a government that was going to build it for $6 billion to $8 billion, and now we are going to build it for $15 billion. Does that make sense?'. I will say, 'Don't worry. I will never forget where I was when it happened. I was there, looking at the idiots who made the decision. I was looking at them in person'. Members should not worry; I will be rocking back in my chair in 30 years time, and they will be wiping the dribble from my mouth. I will say, 'I remember — —

The PRESIDENT — Order! Thank you, Mr Drum.

Mr Dalidakis interjected.

The PRESIDENT — Order! It is funny that Mr Dalidakis refers to Mr Drum's previous career as a football coach, because I can remember that I was in a cafe in Blackburn having a lukewarm latte when I heard that the great Damian Drum was leaving Fremantle.

Mr Drum — What a sad day that was.

The PRESIDENT — Order! It was indeed.

International Women's Day

Ms TIERNEY (Western Victoria) — Geelong women have shown incredible support for the many International Women's Day events held recently. The City of Greater Geelong's Women in Community Life Advisory Committee is to be congratulated on organising the inaugural Women in Community Life Award to recognise and highlight the achievements of women in the Geelong region. This award was the initiative of several organisations, including Women in Local Democracy and Women's Health and Wellbeing Barwon South West.

The 10 women who were short-listed were all worthy contenders as they have devoted countless hours to serving their local community and advocating for women's issues. Their contributions were celebrated at an International Women's Day event on 27 February at the Royal Geelong Yacht Club. Congratulations to the winner, Monica Hayes, who has been very active in her local community, serving on a number of local committees and currently serving as president of the Portarlington Community Association.

Geelong West Neighbourhood House members have also been very supportive. Their screening on 4 March of the incredible DVD *Utopia Girls — How Women Won the Vote* highlighted the courage of the trailblazing women who led the struggle for women's suffrage in Australia. This event incorporated a forum at which former mayor and councillor Barbara Abley, AM, former council candidate Sophia Shen, Cr Kylie Fisher, former councillor Rosemary Kiss and I spoke passionately about closing the gender gap in local government.

The Business and Professional Women Geelong's annual International Women's Day luncheon held on 5 March was also a very successful and well-supported event, demonstrating the importance that Geelong women place on promoting women's issues in our community and in their business and professional lives.

Mallacoota boat ramp

Mr BOURMAN (Eastern Victoria) — On Tuesday, 31 March, I headed out to Mallacoota for the opening of the ocean access boat ramp, which has been built as a result of a 20-plus year effort. I congratulate the East Gippsland Shire Council and the tireless campaigners behind that project, who after all that time managed to pull it off and get it opened.

Government performance

Ms CROZIER (Southern Metropolitan) — In just over 130 days of this government we have seen the sacking of water boards across Victoria, resulting in the loss of the expertise and experience of the people who have served on those boards. We have also heard of the ideology-driven decision to scrap 42 private cancer beds at Peter MacCallum Cancer Centre, a decision that is completely incomprehensible and reprehensible. In addition, yesterday we saw not only a report highlighting the character of the United Firefighters Union and its members' influence on this government but also the announcement of the political and illogical decision to make an east–west link project payout of hundreds of millions of taxpayers dollars.

It is extraordinary to think that in a growing international city of the 21st century, infrastructure such as the major road corridor of the east–west link is not needed. Headlines that blaze on the pages of our newspapers today — such as '$640 million for nothing', 'Payout could soar by hundreds of millions of dollars', 'Massive bill to scrap road despite no compo pledge', 'Andrews is wrong in describing this as the best possible result', 'State's $420 million road payout an obscenity' and '$339 million down east–west sink' — say it all.

It is truly shameful that this government would trash our reputation and trash the opportunity for thousands of jobs for Victorians. The millions of dollars that this government has already wasted could have been used for better purposes, such as child protection or prevention of family violence initiatives, new schools or hospitals. Instead we have a government that is not governing for all Victorians. We have a government that is ideologically driven and is taking our state in a direction that I think all Victorians should be very concerned about.

East–west link

Ms FITZHERBERT (Southern Metropolitan) — I rise to make a few comments about the effect of the misuse of funds on the east–west link as that relates to my electorate of Southern Metropolitan Region. Before the election we were told the contracts for the east–west link were not worth the paper they were written on and that no compensation would be paid. Yesterday we were told by the Premier that there will be a cost of some $339 million. The Premier will not itemise what this money will be spent on, but that is okay because we are told that it is not compensation. It is not compensation, so it is all right!

Mr Finn — What is it?

Ms FITZHERBERT — I can tell you what it is, Mr Finn. It is a thumping great bill; it is a lot of money that could otherwise be spent on very good things in the community. It could be spent on 25 brand-new hospitals, it could be spent on 29 new police stations and it could be spent on two children's hospitals. In my electorate there are a number of things it could be spent on. For example, CCare, a great charitable organisation in Caulfield, which I have visited, organises meals for families in need in other parts of Southern Metropolitan Region, in particular in Port Melbourne. People at CCare would like to have a kosher kitchen so that they can expand their reach beyond the place they use, which is at Yeshivah College. These sorts of projects will go lacking all over our community and will not be delivered because this money has been wasted. These resources will not be delivered because of the Premier's lack of honesty before the election and his pig-headedness after the election.

The PRESIDENT — Order! That completes members statements. I take this opportunity to wish Mr Elasmar a happy birthday today.

LEGAL PROFESSION UNIFORM LAW APPLICATION AMENDMENT BILL 2015

Second reading

Debate resumed from 19 March; motion of Mr HERBERT (Minister for Training and Skills).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to rise to make some fairly brief remarks on the Legal Profession Uniform Law Application Amendment Bill 2015. The purpose of the bill is to create for the first time in Australia a common legal services market, which will take effect from 1 July and will apply across Victoria and New South Wales.

This was first conceived by the Council of Australian Governments (COAG) in 2009 and 2010. It was at a time when COAG was running an agenda of what was termed a 'seamless national economy'. The seamless national economy objectives, which included undertaking a range of regulatory harmonisation activities across a very broad range of portfolio areas, resulted in some 17 or 18 individual target areas for reform across the commonwealth, state and territory jurisdictions. It was a very ambitious program by COAG, and it was one where the execution was challenging. The execution — and, to a certain extent, in some areas also the intent — has been far less successful than was envisaged by COAG. The outcomes of those COAG proposals have also been far less beneficial than originally conceived.

A good example of that was the work undertaken in the area of occupational health and safety, which became one of 16 or 17 key reform areas targeted by COAG with a view to creating a common national set of occupational health and safety laws — or workplace health and safety laws, as they became known under the COAG model. The view was that the commonwealth and all states and territories would pass template legislation with respect to occupational health and safety in terms of the way in which the types of offences and obligations that existed under the legislation would be enforced. The view around the COAG table and the view pushed by the commonwealth at the time was that ensuring that the commonwealth and all states and territories operated with a common set of laws would be beneficial to the national economy. It would boost productivity, it would boost efficiency across state borders and it would allow businesses which operated across state borders to operate under common legislation and therefore derive efficiencies.

What that model did not take into account was that each state and territory came to that agreement from a different starting point. The legislation that existed in each state and territory had undergone different levels of development and delivered vastly different outcomes in terms of how efficiently it put in place and supported a framework for occupational health and safety. Here in Victoria we found — and I found when I became the responsible minister — that the national model which had been advocated by COAG and to which the previous government had signed Victoria up to implementing was in fact a vast step backwards from the model which existed in Victoria at the time. We were being asked to implement a national model that took Victoria backwards. It was a model which assisted states like Queensland and New South Wales, which had quite archaic OHS legislation, but it took Victoria backwards. We were being asked to compromise; we were being asked as a state to take 5 steps backwards so that states like Queensland and New South Wales could take 10 steps forward.

That really highlighted the weaknesses of some of those COAG reform agenda items, which were seeking national harmonisation across the country. It did not take into account best practice — in that instance, in occupational health and safety, which was demonstrated by Victoria's legislation — and it required a lot of compromise and, frankly, a lot of horse trading between the jurisdictions to get all of the states

and territories on board, which meant the model that was to be implemented nationally was heavily compromised. We were being asked to put in place legislation which took us backwards simply for the sake of being able to say we had a common model across the nation.

That was something the coalition government said it would not do. We said to the commonwealth that we would not implement that national model, and Victoria remains a state that sits outside the national model. In doing so we have saved Victorian businesses around $3 billion in compliance costs over the first decade. It highlighted that as a state jurisdiction we need to be careful around how we implement harmonisation across state borders, be it bilateral or multilateral, driven by COAG or individual states.

The Legal Profession Uniform Law is quite a contrast to the occupational health and safety national harmonisation. To date the model has been taken up only by Victoria and New South Wales, but it will lead to better outcomes for the legal profession and for clients of the legal profession by bringing together a common legal services market across those two jurisdictions.

At this point I take the opportunity to commend the good work of the former Attorney-General, Robert Clark, the member for Box Hill in the other place, who, with his New South Wales counterpart, drove this reform agenda, which we see as a great opportunity for all of Australia to implement in time a common legal services market. This had its genesis in COAG. Ultimately it did not fit within the seamless national economy framework, but it was driven initially by COAG. To date the other states and territories have not come on board with the model, but Victoria and New South Wales have embraced it strongly. It will come into operation on 1 July, and it will be incredibly valuable and important for the legal profession and for clients of the legal profession in Victoria and New South Wales.

The bill makes three largely technical amendments to the way in which the common legal services market will operate with respect to clarity around legal costs, with respect to disclosure of information for regulatory bodies across state jurisdictions and with respect to circumstances in which certain information can be shared with Australian or foreign authorities within the common legal services market. While the amendments are technical and comparatively minor, they are in the spirit of implementing an effective common legal services market across New South Wales and Victoria, which the coalition strongly supports.

This was driven strongly by Robert Clark as Attorney-General, and we are pleased to see the concept of a common legal services market continuing under the current government. We look forward to its implementation on 1 July, and ultimately we look forward to other states and territories joining the common regulatory approach so that all Australians can benefit from this harmonised model, which delivers benefits for Victoria and New South Wales and ultimately will deliver benefits for Australia. In saying that, the coalition will not be opposing the amendments made by this amendment bill.

Ms SHING (Eastern Victoria) — I say at the outset that I am grateful for the contribution made by Mr Rich-Phillips to the debate on the Legal Profession Uniform Law Application Amendment Bill 2015, which provides a number of clarifications to the way in which legal costs are incurred and described and the way in which we are moving to a harmonised system, which will create a better degree of clarity and transparency in the consumer market of acquiring legal services between Victoria and New South Wales.

The minor and technical amendments, as Mr Rich-Phillips has indicated in his contribution, may appear to be of a non-significant nature. However, they create a greater degree of clarity around the use of the term ‘total legal costs’. They also enable a collaborative approach to be taken in relation to the regulation of the legal profession between Victoria and New South Wales.

The full commencement of the principal act is planned for 1 July this year, including the new statutory authorities of the Legal Services Council and the commissioner for uniform legal services regulation, which will operate under the scheme. Given that the system is intended to be able to be expanded to all other states and territories, this legislation takes some important steps in creating a national scheme to regulate the legal profession in Australia.

These amendments are really important to minimise disruption to local law practices and legal practitioners. The way in which consumers will benefit from the amendments is also important. Clause 20 will require that cost disclosure provisions are clear and effective. Having previously practised as a lawyer, I must say that it is, as part of a legal education and ongoing professional development, made exceptionally clear to officers of the court that it is important to make sure that clients are at all times aware of the nature of the costs they are incurring and that costs are described in a way that is readily understandable, including the estimate of costs, the inclusion of GST and the way in

which costs may be requested to be disaggregated as line items in the course of receiving a bill or an invoice for the provision of legal services. It is important that in a profession which seeks to clarify the way in which the legal profession operates and to better equip clients to negotiate their way through a system which is often very complex and quite mystifying the cost end of things is not an area of undue or avoidable confusion.

These amendments are therefore really important in relation to the description of total legal costs in section 174 of the Legal Profession Uniform Law, which currently does not include disbursements and GST. Legal costs are defined to include disbursements. Total legal costs therefore mean an amount less than simple legal costs, which could cause confusion for law practices and for consumers. Given that we are talking about the exchange of money and the legitimate expectation of clients to understand where and how those charges have been incurred, it is important to note that at clause 20(4) the amendment clarifies that in making a cost disclosure a law practice must give an estimate of the total legal costs which includes disbursement and GST. This is consistent with the current practice under the Victorian and New South Wales legal profession acts and with the definition of legal costs in the uniform law.

The amendment will also further clarify that the prescribed exceptions to disclosure whereby a law practice may either not make a disclosure or may use an alternative uniform standard disclosure form which was intended to be a simpler form of disclosure for inexpensive matters — that is, for matters under $3000 — apply where the total costs of the matter exclusive of disbursements and GST are not likely to exceed a given amount. As I have indicated, that amount is currently $3000. These changes will, however, make it clearer on the face of the legislation and thus remove the scope for ambiguity in the circumstances in which disbursements and GST can be discounted for the purposes of making a disclosure.

The Legal Services Council, the statutory body which makes uniform rules under the uniform law, is empowered to develop the uniform standard disclosure form that may be used by law practices for inexpensive matters — that is, for matters which will incur costs of $3000 or under.

Clause 20(2) inserts new section 174(5A) into the uniform law:

> To avoid doubt, the uniform standard disclosure form … may require the disclosure of GST or disbursements or both.

That is necessary because, with the changes to the term 'total legal costs', it may no longer be clear that the form may require the disclosure of disbursements and GST for the purposes of determining whether the total legal costs for the matter fall below the $3000 threshold.

Disbursements and GST can be discounted, but the amendment provides that in using the shorter form of disclosure, a law practice may nonetheless still be required to provide an estimate of disbursements and GST. That is an important part of what this bill is seeking to achieve and an important part of the reforms that were first foreshadowed at the Council of Australian Governments in 2008 in relation to the uniform set of practices designed to be capable of rollout around Australia. It means that in essence a client will be better equipped to understand how costs have been incurred in relation to the provision of services — for example, the taking or making of a phone call, the conducting of research and analysis, the preparation of documents and advice or representation in a court or a quasi-judicial tribunal on the one hand, against disbursements in relation to photocopying, the preparation and service of documents and GST, which is a component that is required to be added onto the costs before the final bill is issued. It is important so that clients understand the breakdown of the costs incurred by acquiring legal services.

It is important to send a very clear message to consumers of legal services that there is a degree of greater responsibility and scrutiny required of the legal profession and of law practices when providing services such that disbursements and GST are not a source of confusion, are not a source of ambiguity and are not a source of what might otherwise be described as hidden or unexpected costs.

It is not inconsistent to define total legal costs to exclude disbursements and GST, but when providing an estimate of costs a law practice might be required to include an estimate of disbursements and GST because total legal costs, as defined, always includes disbursements and GST. The relevant provisions of the bill amending the uniform law will simply provide that GST and disbursements can be discounted from the total costs for the purpose of determining whether a matter will fall within the exceptions for full cost disclosure. That is separate and aside from the uniform standard disclosure form — for example, where the total legal costs fall below $3000. The new provision inserted by clause 20(2) clarifies that the form may require that disbursements and GST also be disclosed.

Whether or not this creates a burden in relation to the disclosure of costs that may be incurred for inexpensive matters is an issue that has been brought to bear in the context of developing this bill. As a result the Legal Services Council has discretion to balance consumer interests with the interests of the legal profession in reducing the regulatory burden. As those who have practised law will know, this can constitute a significant part of the workload. As a consequence the Legal Services Council is in the process of negotiating with stakeholders, including professional associations, on the design of the standard disclosure form. The Legal Services Council will have the capacity to issue that standard disclosure form, but the way in which it sets out those requirements and that available discretion is the subject of consultation.

Disbursements can form a significant component of a client's overall bill, so the Legal Services Council may therefore decide it is appropriate to impose a requirement for a law practice to provide an estimate of disbursements — for example, where there are large amounts of paperwork or where there are extensive periods of discovery that warrant and require service of documents, and filing fees that might be associated with that.

An estimate, however, is exactly that. It does not need to be precise. It is a speculative assessment of what might come about as a consequence of the legal process for which the total cost estimate is given. There are provisions in the uniform law that set out the process that applies where a law practice becomes aware that costs are likely to exceed the amount originally estimated.

It is necessary to expand the range of bodies to which those regulatory authorities can disclose information and to define a relevant person as a range of specified persons and bodies performing functions under the uniform law to include the Victorian Legal Services Board, the commissioner and their delegates. This is particularly important because at this stage only New South Wales and Victoria are currently participating in the uniform law scheme. Where there is information shared between participating jurisdictions, without the amendment Victoria and New South Wales might otherwise be restricted from sharing information with interstate counterparts in a way that they currently do under the existing legal profession legislation.

As those opposite would no doubt be aware, an amendment proposing modification of the definition of the term 'law firm' was circulated during the second-reading debate on this bill in the Legislative Assembly. In Victoria the current definition of 'law firm' under the Legal Profession Act 2004 includes firms which might use or include incorporated legal practices.

One consequence of adopting the uniform law in Victoria would be that Victoria would become an area in which partnerships that incorporate legal practices would no longer be defined as law firms and therefore no longer be entitled to engage in legal practice. The Law Institute of Victoria has estimated that there are around 100 such partnerships currently operating in Victoria and that the consequences and the impact of this definition would be significant. In many instances firms would be required to undertake extensive restructures, with possible implications for capital gains tax and the loss of tax and business benefits that accrue under the operation of a partnership model. Therefore that amendment was necessary to reinstate the current definition of 'law firm' in Victoria so that it includes these partnerships of incorporated legal practices.

New section 9A(2) inserted by clause 5 clarifies that in the case of a partnership of incorporated legal practices the legal practitioner principals of the incorporated legal practices that make up the partnership are also considered for the purposes of the uniform act and the principal act to be principals of the partnership itself. The amendment will only apply in Victoria — that is an important point to note — and not in New South Wales or any other jurisdiction that subsequently applies the uniform law.

This bill is a further step forward in clarifying access to legal services, making the process more transparent in nature and harmonising to the best extent possible the collaborative arrangements that exist between New South Wales and Victoria. This bill moves towards what might become a national scheme under the uniform law. As far as the Australian legal profession goes, other states and territories may take up the option to have their matters regulated under the uniform law.

On that basis this bill potentially delivers enormous benefits in terms of reducing and removing red tape and also creating nationwide best standards. For the purposes of removing ambiguity and creating greater confidence and trust in the industry from consumers and the community at large it is important that this occur with as few obstacles as possible.

I am pleased to speak in relation to this bill and to support it. I note that its objectives are entirely in accordance with achieving best practice throughout the industry — an industry of which I have proudly been part.

Ms PENNICUIK (Southern Metropolitan) — The Legal Profession Uniform Law Application Amendment Bill 2015 amends the Legal Profession Uniform Law Application Act 2014 in preparation for the full commencement of that act, which is currently planned for 1 July this year. The Greens will be supporting the bill, but I want to make some comments about the amendments that the bill makes.

The 2014 act was the result of a national process by the Council of Australian Governments and the Standing Committee of Attorneys-General in 2004. It aims to create a harmonised system for the regulation of the legal profession in Victoria and New South Wales, which has corresponding legislation. It is hoped that this system will be expanded into other states so it can be a truly national uniform regulation of the legal profession. New statutory authorities, including the Legal Services Council and the commissioner for uniform legal services regulation have already been established under the scheme and are preparing for its full commencement.

The key provisions in this bill relate to clause 20, which makes amendments concerning cost disclosure. These amendments seek to clarify the meaning of 'total legal costs' and when they do and do not include GST and disbursements. The other clause of note is clause 27, which deals with regulatory authorities operating under the scheme having the power to share information with interstate authorities.

This area of law and these particular provisions are complicated, and stakeholders have noted this. Not all stakeholders are in agreement as to when total legal costs should be disclosed, when they should include an estimate of disbursements and GST and when they should be excluded. There is a difference of opinion, particularly between consumer advocates and the law societies.

The new cost disclosure requirements aim to foster better early communication by legal practitioners with their clients about costs. The non-disclosure of costs is an area that is often the cause of dispute between legal practitioners and clients.

Under these new requirements, if a legal matter is unlikely to cost more than $750, excluding GST and disbursements, the legal practitioner is not obliged to give a costs disclosure document.

For matters where the estimated costs are between $750 and $3000, the legal practitioner will be able to provide a standard form instead of a full disclosure document. The Legal Services Council has produced a draft standard form and has been receiving feedback from law societies and consumer advocates on it. That is still a work in progress.

Under the Legal Profession Uniform Law, section 174 deals with the disclosure obligations of law practices regarding clients. Section 174(1) contains the main disclosure requirement, which is that a law practice must, when or as soon as practicable after instructions are initially given by the client in a matter, provide the client with information disclosing the basis on which legal costs will be calculated in the matter and an estimate of the total legal costs and must tell the client as soon as practicable when there is any significant change to anything previously disclosed. So a disclosure of an estimate of total legal costs at the beginning of the case must be given.

Under section 174(3) the law practice must take all reasonable steps to satisfy itself that the client has understood and given consent to the proposed course of action for the conduct of the matter and the proposed costs.

Section 174(4) provides for an exception for legal costs below a lower threshold — that is, a disclosure is not required to be made under section 174(1) if the total legal costs in a matter are not likely to exceed the amount specified in the uniform rules for the purposes of this subsection, which is the lower threshold I mentioned before — but the law practice may nevertheless choose to provide the client with the uniform standard disclosure form referred to in section 174(5).

Section 174(5) provides for alternative disclosure for legal costs below a higher threshold — that is, if the total legal costs in a matter are not likely to exceed the amount specified in the Legal Profession Uniform Rules, which is the higher threshold, proposed to be $3000, as previously mentioned, the law practice may, instead of making a disclosure under section 174(1), provide a client with the uniform standard disclosure form prescribed by the uniform rules.

Section 174(9) provides the meaning of the term 'total legal costs' for the purposes of this section — that is, in the first instance to work out whether the legal practitioner's obligations fall below the $750 threshold or between the $750 and $3000 threshold. For that calculation the total legal costs in a matter do not include GST and disbursements.

There are some concerns about this bill. I raised some concerns in the chamber last year when we were looking at a previous bill. According to some consumer

advocates, including Chris Snow, there has been a lack of consumer input in the development of the Legal Profession Uniform Law and the structures. I went into some detail about his concerns last year.

The former New South Wales legal services commissioner, Steve Mark, described the bill establishing the model as being too complicated and said that it should be more principles-based. He said that if it was too prescriptive, lawyers would look for loopholes.

Some consumer advocates have criticised the fact that the conduct rules for the legal profession are drafted by the Legal Services Council and therefore regulated by the legal profession.

Benefits of the scheme include that the legal services commissioner can now make a binding order or determination in relation to payment of compensation from a lawyer to a client of up to $10 000 and that the Legal Services Board now has the power to audit any legal practice so as to prevent problems before they arise. Some stakeholders argue that benefits include allowing the Victorian Legal Services Board and the legal services commissioner to continue to do much of the work they already do — that is, their roles have not been reduced.

The real point of contention in this bill is in regard to the costs disclosure under clause 20. Consumer advocates say that if a cost disclosure is given under those provisions and not including the GST and disbursements, the disbursements in a particular case may end up being a major part of the costs. So even though it might seem reasonable to not use GST and disbursements to find out what threshold you would fall under, and that would decide your obligations under the uniform law under section 174, some consumer advocates say that the legal practitioner may fall under that threshold and may say to the client, 'I think that's the cost of my time'. It may be around $2000. At the end of the day if they have not given any estimate of disbursements — and disbursements could include the cost of expert witnesses — they could end up costing quite a lot more than the actual cost of the time and effort of the legal practitioner. In a nutshell that is what consumer advocates are saying.

Consumer advocates also say that simply advising that disbursements may be payable would not be good enough for consumers — for example, the client might be given an estimate of $2000 by the lawyer and told that disbursements may be payable, only to find that the total bill ends up being $10 000 or even $20 000 for disbursements. This is very difficult for a client who has no warning of what the final costs will be.

On the other hand, the Law Institute of Victoria says that it is often difficult for a legal practitioner to estimate at the beginning of a case what the disbursements will be in a matter. Therefore it says that it is best to just say that they may be payable.

As I mentioned, the legal services commissioner is consulting on this matter. After hearing those different points of view about estimating and conveying the legal costs clients may be up for, I think what the Legal Services Board and the legal services commissioner should really do is make sure that legal practitioners provide ongoing updates to their clients as to the possible costs they may face. Otherwise we are not really getting away from the situation where disputes can arise between a legal practitioner and their client. It may come down to the design of the form and other procedures they are consulting on at the moment.

There are some other issues related to costs disclosure by the legal profession that are not covered in this bill but are also very important to raise and consider. From our consultation with various stakeholders we understand that many of the disputes that arise between lawyers and clients relate to communication problems and that all forms of disclosure used by lawyers, including standard form disclosure, should be tested on consumers for readability and ease of understanding, given that many ordinary citizens go to a lawyer at a stressful time and do not necessarily understand legal terminology. Such consumer testing is happening in other areas, such as credit, financial advice and health services.

In addition, in its submission to the Legal Services Council in January this year the Consumer Action Law Centre (CALC) expressed concern that the proposed standard costs disclosure form uses such legalistic language that it would be difficult for consumers to understand. It recommended that the proposed standard disclosure form be reviewed with a focus on plain English drafting, and it also said it should be consumer tested for comprehension.

Another important costs issue, apart from costs disclosure, that has been raised by CALC relates to the ability for an award for costs to be made where lawyers have acted pro bono. CALC recommended in its submission to the Legal Services Council that the general rules include a supplementary rule in part 4.3 which clarifies that legal firms and community legal centres providing pro bono assistance are entitled to an award of costs where the relevant costs agreement

makes the obligation to pay contingent upon the award. I refer to the *Access to Justice Arrangements* report by the Productivity Commission, which similarly recommended that parties represented on a pro bono basis should be entitled to seek an order for costs.

This bill goes to one of the key areas of dispute — that is, misunderstanding and miscommunication between legal practitioners and their clients. While we understand the formula for arriving at which particular path a legal practitioner may go down with regard to communicating those costs to their clients, we as parliamentarians should also be taking the view of the consumer at the other end and making sure they are at all times informed of the costs they may incur from their legal practitioner. Some of that may go to more practical aspects, including the disclosure form, which is not necessarily something that should be legislated on with regard to its practical appearance. That is more of a non-legislative function. We will need to be very focused on making sure that that works from the client's perspective as well as that of the legal practitioner.

Mr ELASMAR (Northern Metropolitan) — I rise to speak to the Legal Profession Uniform Law Application Amendment Bill 2015. The bill concerns legal costs and their disclosure by law practices. This is a productive and sensible bill because it clarifies and allows clients to assess the overall costs of a lawyer's services, in particular how their fees are spent or disbursed.

While the bill seeks to make some minor and technical amendments to the Legal Profession Uniform Law Application Act 2014 prior to its full commencement on 1 July, its purpose is to give effect to a uniform scheme of legal profession regulation. The Legal Profession Uniform Law is template legislation and so far has been adopted by Victoria and New South Wales. Victoria is the host jurisdiction for the scheme and is responsible for passing amendments to the template uniform law. The proposed amendments in the bill simplify and explain the use of the term 'total legal costs' — terminology used in connection with the requirements in the uniform law for clarification of the disclosure of legal costs. This should hopefully ensure that consumers or clients receive consistent and appropriate information.

The new Legal Services Council is currently negotiating with the legal profession over the development of a standard disclosure form that can be used for inexpensive matters — under $3000 — and the amendment will affect those negotiations. Of particular interest to clients, the amendment will clarify that the council can develop a standard form disclosure that requires a law practice to disclose disbursements as well as its own professional fees. The Legal Services Council, in consultation with the legal profession, will design a standard disclosure form that should, in the interest of fairness and accountability, be self-explanatory. The standard disclosure form must be approved by the Victorian Attorney-General and the New South Wales Attorney-General.

It is in the vested interest of all parties for total legal costs to be understandable and transparent. I know Ms Pennicuik has raised a few issues, and I will leave them to the minister to respond to. For those reasons, I commend the bill to the house.

Mr MULINO (Eastern Victoria) — I started my career a long time ago as a lawyer in the commonwealth Attorney-General's department, and since that time I have shifted from being a lawyer to being an economist. Some might say that is a transformation with a very unpleasant beginning and an unpleasant end, but leaving that to one side, I started as a lawyer in a department which had a very clear policy focus on providing better access to justice. In fact when I started at the Attorney-General's department in the early 1990s the policy focus at the time was entitled 'Access to justice'. I will quote from a document that was produced sometime after that but it is along those lines. The document states:

> An effective justice system must be accessible in all its parts. Without this, the system risks losing its relevance to, and the respect of, the community it serves. Accessibility is about more than ease of access to sandstone buildings or getting legal advice. It involves an appreciation and understanding of the needs of those who require the assistance of the legal system.

It is worth making the observation right from the outset — and I am sure no-one disagrees — that rule of law underpins so much of what is important in our society. It is critical to our democratic processes, people's access to the resolution of disputes and the just resolution of disputes. It is also critical to the economic workings of our society. It is well documented that societies with access to effective rule of law perform much better than others. However, there is also the flip side, which is that barriers to accessing our judicial system and to effective legal advice can reinforce poverty and social exclusion. So it is critical that our justice system and the rule of law is not just one where rules are impartially exercised but one where people have effective access to that system.

I will also mention that, as part of that broader set of policy reforms that the commonwealth made reference

to and that many states throughout the period that I have been a lawyer have been active participants in, there are a number of elements to improving access to the judicial system. One is access to legal services and courts.

As was alluded to in that initial overarching statement, part of improving people's access to justice is their access to sandstone buildings and strict legal advice, but it is about much more than that. It is also about a greater emphasis on informal justice and the importance of preventing disputes in the first place. It is also about what one might call correcting structural inequalities within the justice system. This is about things like streamlining the civil litigation system so that people have a better understanding of the services available to them, what it is that professionals who have provided services to them have actually provided, and what is appropriate compensation for those services.

There are a whole series of different components. One might also view improving access to the judicial system through the prism of competition policy and the way that consumers of legal services benefit through a more harmonised and simplified system, both within and across jurisdictions.

It is worth making a few overarching points about the judicial system and its importance to our society in terms of resolving disputes and dispensing justice but also as to the way that it underpins economic growth. Having made those overarching observations, we can then look at one of the key components of an effective justice system, and that is a system which works for consumers, and in particular for consumers who may not be well informed or well resourced. The law is a system that for many consumers is very daunting. It is a system that has a great deal of formality — and often formality which is not necessary, but that is a separate debate. There has been a significant debate within the legal community about whether certain elements of formality help or hinder the distribution of justice. It is a system with a great deal of Latin, which is part of that formality. Again, whether that is needed or not is another debate. It is a system with a great deal of complexity. These are all elements which make it very daunting for consumers in the best of times.

It is also a system which I would argue catches people often at their most vulnerable. It catches people, more often than not, when they are caught up in adversarial situations. There are some aspects of the legal system in which that may not be the case, such as when somebody is drafting a will or perhaps when they are conveying land, but there are many situations where people are embroiled in highly adversarial, stressful situations and where people are caught at their most vulnerable. This means that people are consumers in a situation where the services they are procuring are extremely complicated and which the person who is the consumer does not understand well.

I do not like using the word 'consumer'. I think it makes this whole thing very transactional and sounds like they are going down to the local Woolworths to buy some fruit, but leaving the word 'consumer' there for the moment, given that I am talking about this in context of competition policy and harmonisation, it does capture people more often than not when they are consuming services in a very difficult set of circumstances. So it is particularly important that the law steps in to make sure that practitioners make it as easy and transparent as possible for the consumers of those services.

It is also worth noting that what we are talking about are consumers of services that in many instances are of extreme importance to their lives. Whether it is a civil or criminal matter, the outcome of those cases can often have extremely significant impacts on the lives of these people, their dependants, their families and so on.

Then we look at the costs that are often involved in procuring these services. As with a lot of professional services — it is not just the law, although the law is certainly one of them — the costs are often a matter of great contention. The way in which costs are reported and claimed is often highly inconsistent between jurisdictions and between different practitioners. They are often reported in different ways for different types of actions, which makes it particularly difficult for consumers to have any kind of sense as to whether costs are reasonable. As we have been discussing, there are not just the costs themselves for the different kinds of activities on the part of the lawyer; there are the different components of costs. There are costs for legal services provided by the practitioner, there are disbursements and there is the GST component, and the way in which those are all wrapped up may differ.

There is also the fact that in so many situations in the law there is this informal understanding that there is often an ex post negotiation of costs by the client and the legal practitioner. That whole process of renegotiation, with the client calling up the lawyer and saying, 'Look, can you lop 20 per cent off that, because it seems a bit high?', is very much part of standard practice for very sophisticated consumers of legal services — in the corporate world ex post negotiations are standard practice — but it is extremely daunting for non-sophisticated consumers and something they may not want to take part in and may not understand at all.

The fact that in practice there is this quite common ex post negotiation very much favours the sophisticated consumer.

In any kind of environment where you have a person consuming services they have very little understanding of, or in any kind of situation where the consumer is in a particularly vulnerable situation, any kind of simplification of the disclosure regime is worth entertaining. In any kind of situation where you have that vulnerability and that complexity, any kind of harmonisation across jurisdictions make sense. We have here a framework that I think is going to be to the great advantage of legal consumers across the country, and this bill underpins that new framework — the new Legal Profession Uniform Law — which Victoria will host.

This bill contains some amendments that are technical but nonetheless very important. Firstly, the bill will clarify the use of the term 'total legal costs'. As I mentioned earlier, costs are one of the key areas in which consumers can find barriers arising to their participation in the judicial system, not just because the amount of money is high for many consumers but because what they are paying for is very unclear. The idea that total legal costs would be less than legal costs in some situations would be extremely confusing and also, of course, a source of some outrage for many consumers. I think it is therefore really important that that term is clarified to ensure that consumers understand clearly what is included in the concepts 'total legal costs' and 'legal costs'.

It is also really important, given that what we are hoping to move towards is a national scheme, that regulatory authorities operating under the scheme have the power to share information with interstate regulatory authorities in non-participating jurisdictions. Quite often what you see in moves such as this one towards a national scheme is that you do not get all jurisdictions on board right from the get-go. If we were to wait until every single jurisdiction was on board, we probably would not ever move. In this case two of the major jurisdictions are agreeing to harmonise laws, but in order to make that workable — in order to make the law workable — we need some kind of arrangement where those jurisdictions can share information with non-participating jurisdictions.

There are also other technical amendments which are important and which others have spoken about and which have been spelt out in some detail by the minister in the other place. Those amendments are also necessary in order to make this uniform law work.

For all these reasons I think this is a very important bill. Just to go back to my opening comments, I note that what we need in terms of the judicial system, in addition to rules that provide for the fair resolution of disputes, is a system that provides those in a way that is comprehensible to those who are accessing and participating in it. Without that, the system is not providing the justice people seek. Access to the justice system in our country is just as important as the rules for the resolution of disputes themselves. This bill is part of a move towards a uniform law across the country, which is a very important step forward for legal consumers and in particular for those at the vulnerable end — those who find legal costs daunting, not just in terms of their quantum but in terms of comprehending what they are being charged and what they are paying for. A standard disclosure of the kind we are talking about in relation to this bill will bring the law more into line with that relating to many other professions such as financial services and accounting, and it is important that the law move in that direction.

I commend this bill to the house. I think it will be an important step forward for consumers and an important step in cutting red tape, and I hope the house supports it.

Ms SYMES (Northern Victoria) — I also rise today to speak on the Legal Profession Uniform Law Application Amendment Bill 2015. This bill is somewhat minor and technical, but I have to say that for anyone who has gone through the previous bills connected to the efforts aimed at having a uniform national legal profession, it is very welcome. As many of us will know, a national legal profession has been on the agenda for some time.

A quick way of following the history of the legislation is to review some of the media releases put out by various governments since 2009. In March 2009 former Attorney-General Rob Hulls first proposed that a national regulator should be able to simplify rules across jurisdictions and reduce regulatory costs for law firms, and in turn provide consumers with more accessible and more affordable representation. I was in the office of the Attorney-General in March 2009. At the start the proposal for a uniform national legal profession was met with much agreement, but as it developed it became quite complex. We can see how long it has taken. It is good that former governments took up the mantle.

The issue was first raised with the former Standing Committee of Attorneys-General. Victoria led the nation in the drive for a national legal profession, and it progressed the debate for the harmonisation at the

national level. In April 2009 there was unanimous agreement between attorneys-general from every state to progress this matter and put it on the agenda of the Council of Australian Governments.

Fast forward to 2013 when the Labor opposition supported the coalition government's legislation, which was the formal recognition of harmonising the rules to govern the legal profession across all Australian jurisdictions. One year later, in September 2014, the New South Wales and Victorian attorneys-general appointed the inaugural commissioner for the uniform legal services regulation, and one month later they were able to appoint members to the uniform Legal Services Council.

As I said, you can follow the history of the legislation through press releases, and they all say similar things. They talk about the benefits of a harmonised system. In relation to the scheme's red tape, no longer will there be 500 pages of regulation; now there will be 200 pages of regulation. The scheme standardises consumer rights and complaint processes and introduces new consumer remedies. The benefits have been known for a long time, and it is good that we are really close to seeing this come to fruition.

After 1 July we will have a national system. It is funny to call it a national system because it applies to New South Wales and Victoria, but that is what it will be called. These two states are home to approximately three-quarters of all legal practitioners in Australia and the vast majority of law firms, making our mutual adoption of the uniform law particularly significant. The uniform law is a major step on the path to the national uniformity of regulation of the Australian legal profession, and it comes at a time when Australian law firms face increasing competition from overseas and are looking for opportunities to expand into emerging markets.

The national system will reduce interstate barriers, save money, generate improvements and simplify things for regulators, law firms, practitioners and consumers. There will be many benefits in going down this line, and I will run through a few of them. There will be a single contact for information and complaint handling; firms will be able to offer consistent and seamless services to national and international clients; and there will be greater mobility and entry for practitioners — a person admitted to the Supreme Court of Victoria will be able to operate in New South Wales without needing a duplicate admission in that state. Continuing professional development requirements will be nationally uniform across the two states; law practices that operate over New South Wales and Victoria will be able to operate a single general trust account generating savings in that regard; there will be further savings from the centralisation of admissions applications; registration of foreign lawyers; professional indemnity insurance scheme approvals; and fewer trust account inspections.

The Legal Profession Uniform Law Application Amendment Bill provides the final amendments to the Legal Profession Uniform Law Application Act 2014 in preparation for the full commencement of this long overdue legislation.

Specifically the bill ensures the smooth operation of the legislation by clarifying that consumer protection elements of the act relating to the disclosure of legal costs are clear and effective. Clause 20 amends the term 'total legal costs' and provides that a law practice must give an estimate of total legal costs, which includes disbursements and GST. The amendment further clarifies the prescribed exemptions to disclosure whereby a law practice may either not make a disclosure or may use an alternative uniform standard disclosure form. This will only apply where costs are not likely to exceed a given amount. Currently that is planned to be around $3000, and that will be very good for consumers. We know that legal proceedings can be very expensive, so if you are considering your options to pursue an action through the courts or to engage a lawyer for other purposes, knowing how much it is going to cost is vital for making an informed decision about whether it will be worth it.

The bill before the house also corrects an anomaly in the drafting of a consequential amendment to ensure the continued jurisdiction of the Victorian Costs Court in respect of matters initiated under the previous legal profession legislation.

In relation to the proposed amendment, this was requested by stakeholders to ensure that legal partnerships are included in the definition of 'law firm' for the purposes of the Legal Profession Uniform Law. This is only an issue in Victoria. The Law Institute of Victoria estimates that only about 100 legal partnerships will be affected, but it is important that we clarify the law through this legislation to make sure they are not left out. As I have said, this is a minor technical clean-up before the bill comes into operation, and it is required to ensure that there is a clean transition to the uniform law functions from the outset.

I come back to the particular benefits of this bill to my electorate of Northern Victoria Region and those practitioners who operate in border towns. The reforms contained in the bill will mean that those people will be

able to practise more easily on both sides of the Murray River. The new arrangements will make it simpler for lawyers to do business within and across state borders, will strengthen the standing of Australian lawyers in international legal services markets and will improve protections for clients. It is intended and hoped that the other states will see the overall benefit of national harmonisation as the system gets underway and consider getting on board. Having made that brief contribution, I commend the bill to the house.

Mr HERBERT (Minister for Training and Skills) — I will sum up the debate on the Legal Profession Uniform Law Application Amendment Bill 2015, and I thank all those who have spoken on it. It has been a long process, and I think it will continue, as is the nature of law reform and national consistency. This bill might not exactly be the riveting highlight of debate in this chamber — I notice people in the gallery are hanging on every word, but perhaps they are looking forward to some very exciting speeches — but nevertheless it is quite an important piece of legislation in terms of delivering better and more consistent consumer protection and a more consistent and relevant definition of law firm to make sure we do not have a number of practices that are not included in the definitions encompassed by this bill.

As has been said, the bill makes minor and technical amendments to the Legal Profession Uniform Law Application Act 2014 prior to its full commencement on 1 July. It is template legislation to give effect to national uniform schemes for legal profession regulation. I understand that other aspects of this national uniform scheme have been debated many times in this chamber, and we will probably have a little bit left before it is finalised; however, it is important. After all, we are one country, and when it comes to the regulation of the legal profession we should try to get some major consistencies across the states and across the nation so that it is fair for all, no matter where you live in this country.

The bill does a number of things. As has been pointed out, it provides a better definition of law firm. I think there was an amendment in the other house to pick up this matter. It ensures that the partnerships of Australian legal practitioners or Australian-registered foreign lawyers are encompassed in the definition. Under the uniform law as it currently stands, these partnerships of incorporated legal practices are not defined as law firms and therefore may no longer be entitled to engage in legal practice. It is a pretty important issue. The Law Institute of Victoria estimates that around 100 of these partnerships currently operate in Victoria, many of them small or medium-size businesses, and the impact upon them would be significant. In many instances these firms would have to undertake a burdensome restructure, which would be costly and have little effect on productivity as an outcome.

The bill reinstates the current definition of law firm in Victoria such that it also includes partnerships of incorporated legal practices to provide regulatory and business certainty for Victorian law firms, and I think that will be welcome. This part of the bill will only apply in Victoria and not in New South Wales or any other jurisdiction that subsequently applies the uniform law; it is just about how our current definitions work. So it is important that it passes this house.

The principal issues before us are legal costs and consumer protection. I will talk a little bit about those and answer some of the points raised by Ms Pennicuik and the Greens in their contributions to the debate, and I thank them for their contributions. Other amendments provide regulatory authorities operating under the uniform scheme with the power to share information with their fellow interstate authorities in non-participating jurisdictions. It is important that that information is shared. The bill also corrects a consequential amendment to ensure the continued jurisdiction of the Victorian Costs Court in respect of matters initiated under previous legal profession legislation, and it makes some statute law revision amendments, which are all fairly minor in the scheme of things.

In the consumer affairs area the great concern has been about transparency of costs. When people go and see their lawyer, at the end of the day they should have an estimate of what the costs will be. Sometimes down the track people end up having to pay huge amounts more, and clearly that is not a right and fair proposition. This bill puts in place a range of provisions in terms of cost disclosure for lawyers and legal practitioners to ensure that consumers of these services receive clear and effective cost disclosures.

There have been a few matters raised in this area, but I will not go into them in any detail because I am summing up on the bill. However, in regard to the concerns of Ms Pennicuik and the Greens about that, the balance between consumer interest protection and disclosure in terms of costs is a complicated issue. We believe the new Legal Services Council is best placed to look at the balance between the clear interests of consumers, which is what this bill is about, and the interests of the legal profession in terms of reducing its regulatory burden. It is a more complex issue than one would think, as has been pointed out. Sometimes just the very wording of these documents is so dense with

legalese that consumers do not know what they are reading; they can be hard to understand.

Disbursements can form a significant component of a client's final bill, and there is a strong argument that the client should be aware of those potential costs at the outset of the matter. This is something the Legal Services Council will take into account when designing the standard disclosure form that can be used for matters where the total legal costs excluding GST and disbursements are estimated to be less than $3000.

I understand that consumers and consumer groups have had the opportunity to contribute to the Legal Profession Uniform Law Application Amendment Bill at all stages of its development. I am advised that most recently the Legal Services Council had surveyed consumers on the design and drafting of the uniform rules and the standard disclosure form, which is part of the process. I am also advised that the Legal Services Council will continue to engage with consumer views as the implementation of the uniform law approaches. It is a complex area, and every person in this chamber, in the legal profession and in consumer groups will have slightly different viewpoints about this matter. I encourage the legal profession and consumer groups to be very active in their discussions on the design of the disclosure form so that we get it right for consumers and so that we do not create a massive burdensome task that is unenforceable by the legal profession.

I take those points; I think they have been handled, but there needs to be continued dialogue and proper consultation going forward. With those words, I commend the bill to the house and wish it a speedy passage.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

PUBLIC HEALTH AND WELLBEING AMENDMENT (HAIRDRESSING REGISTRATION) BILL 2015

Second reading

Debate resumed from 19 March; motion of Ms MIKAKOS (Minister for Families and Children).

Ms WOOLDRIDGE (Eastern Metropolitan) — I am very pleased to speak today on the Public Health and Wellbeing Amendment (Hairdressing Registration) Bill 2015. This bill is not unfamiliar to this house. In fact this house passed a bill largely the same as this just last year. Unfortunately because of the shenanigans of the Labor Party, particularly in the lower house, it was unable to be considered by the lower house and was unable to be passed. I am pleased the new government has taken up the former coalition government's initiative and supports us in passing this legislation.

It is important to note that small businesses are a vital part of the Victorian community. Throughout all parts of our community they play a vital role. Small businesses are important, and we want them to continue to thrive and continue to be successful. Hairdressing businesses are the types of business that are largely owned by women. While we support all small businesses, we know that women are excellent small business owners and leaders, and it is good to be able to reduce red tape for small business owners across the board, including those led by women. Many women are employed as hairdressers, and the vast majority of those who are registered as hairdressers and who undertake apprenticeships are women. This is a good initiative for small businesses and for the women who lead them.

This bill is substantially the same as the bill the former government presented. It seeks to reduce the red tape burden on small business owners. It proposes to do that by ensuring that instead of having an annual registration process and fee, which is administered and run by councils, there will now be a one-off ongoing registration for these types of businesses. Often businesses like hairdressing, beauty therapy, colonic irrigation, tattooing and body piercing are grouped together, and they all have an annual registration. That enables local councils to conduct public health checks to ensure the appropriateness of the services being provided.

However, some areas of service provision, such as hairdressing and make-up provision, are much lower risk types of businesses in the service they provide. They are much lower risk than tattooing and other areas

such as beauty therapy, where there may be piercing of the skin or contact with blood may be part of the process, whereas hairdressing and make-up provision tend to be light-touch services, and while vital in their work, they are not as intrusive to an individual.

This bill separates those businesses that are low risk, such as make-up and hairdressing, from those that are high risk and therefore attract greater public health scrutiny, which is appropriate. In acknowledging the lower risk, instead of having an annual registration process and an annual fee, there will be a one-off fee. The fees range from about $100 to $250 each year, depending on the council, with an average of about $168 or $170 per year. It is a good initiative, it makes sense, it removes regulatory burden and it removes cost from small business. It is a positive and sensible initiative.

One of the concerns I have, though, is that under the Public Health and Wellbeing Amendment (Hairdressing Red Tape Reduction) Bill 2014, passed by this chamber last year, the scheme was to start on 1 January 2016. This bill has a start date of 1 March 2016, which means, given that registrations generally run on a calendar year basis, that those hairdressers who would have had their final annual registration in 2015 will now be required to go through the process in 2016 and pay the fee one more time.

It is disappointing that this bill delays the commencement date, as it will impose greater cost and burden for the 2016 year on hairdressing businesses. The argument is that it was about an implementation challenge, and we want to make sure that implementation happens effectively, but as the former government we are of the view that that implementation could have occurred quite satisfactorily by the end of 2015, which would not have imposed the additional cost and process one more time on businesses. In 2017 businesses will be in the position of doing a one-off registration, so they will not receive a cost benefit until 2018. That would have been one year earlier under the coalition's legislation.

Given that, it would be useful for the Department of Health and Human Services to work closely with councils to manage the transition in relation to the fees and assist councils by preparing some clear communication. There is already an information sheet on the website, which was there for the previous legislation. It has been updated to reflect the new legislation, which is good to see. We need to make sure it is clear about which businesses will be able to transfer to the new ongoing registration and get that benefit.

There has been some concern among stakeholders that there will be an increase in fees, so I encourage the department to monitor that. I also encourage the Municipal Association of Victoria, which has taken a lot of initiative in working with the department in relation to implementation, to encourage councils to be moderate and thoughtful, given that the intent of this is to reduce the burden on small business owners in terms of both cost and regulation, so that the implementation happens smoothly.

I have read the contributions of members in this chamber on the previous bill last year and in the other chamber on this bill just a couple of weeks ago, and they have acknowledged what a vital role hairdressers play. They are the confidants of many people in relation to the issues of the day. We all find them to be a great source of information about the mind and mood of what is happening in the community. Personally I find that getting my hair done is one of the few times that I sit still in one place for an hour or an hour and a half, which I am sure is quite unusual in all of our lives.

This is good legislation. As I said, I am pleased the Labor government is taking up the initiative of the coalition government. We will support this legislation, with the qualification that it is disappointing that the 3-month delay in implementation is in effect a 12-month delay in terms of the benefit for small businesses. With that contribution, I am pleased to support the legislation and recommend it to the house.

Ms HARTLAND (Western Metropolitan) — The Greens will support the Public Health and Wellbeing Amendment (Hairdressing Registration) Bill 2015. It makes perfect sense that we reduce the red tape burden on hairdressers. Like Ms Wooldridge, getting my hair done is one of those rare times that I get to sit down for an hour. I have had the pleasure over several years of having my hair done by a young man called Nathan, who started as an apprentice in the hairdressing salon I go to, and we have had the most amazing conversations over the last seven years. He started as a 15-year-old. Going to the hairdresser is a bit of fun, a bit of joy and a bit of relaxation, and we need to take the burden of unnecessary regulation off hairdressers. With those few words, the Greens will absolutely support this bill.

Mr ELASMAR (Northern Metropolitan) — I rise to speak on the Public Health and Wellbeing Amendment (Hairdressing Registration) Bill 2015. There are around 4000 hairdressing and barbering businesses in Victoria. Centuries ago professional hairdressing was a luxury that only the rich and well-to-do could afford. Thankfully today having a haircut by a barber or having a professional hairdresser cut or set one's hair is

commonplace. In virtually every shopping strip across Victoria salons ply their trade and are considered an important part of the social fabric of our local communities. Many hairdressing salons employ apprentices and trainees, and this is good for our economy as well as our physical presentation.

The bill amends the Public Health and Wellbeing Act 2008 to reduce regulation for hairdressers and low-risk make-up businesses. The purpose of the bill is to require businesses that exclusively carry out hairdressing or temporary make-up application to register their businesses at their initial start-up, and it removes the requirement for periodic registration renewal.

This bill is important because it reduces the regulatory burden on hairdressers. It minimises red tape and allows professionally registered hairdressers to focus on their business instead of wasting valuable financial resources and time on local council inspections. An added plus of this bill is that it frees up council inspectors to undertake more important community health inspections.

I have several friends in small business. They inform me they are drowning in a sea of bureaucratic regulations, so it is nice for a change to be talking to and supporting a piece of legislation that recognises that where an action is unnecessary or defunct in terms of its usefulness, we can address it in a substantial way which alleviates the burden on one small section of the small business community whose activities have been assessed as posing negligible public health risks.

My own barber often gives me a perspective of what people are generally talking about, and sometimes the information is instructive and intuitive to me.

Mr Finn — What do they say?

Mr ELASMAR — I can tell many jokes about hairdressing, Mr Finn. Historically hairdressing has survived war and depression; it is in today's world a necessity rather than a luxury. Anything government can do to make life easier for hairdressers is a pleasure for me, as a member of this Parliament, to support. I commend the bill to the house.

Ms LOVELL (Northern Victoria) — It gives me great pleasure to speak on the Public Health and Wellbeing Amendment (Hairdressing Registration) Bill 2015. As a former small business person I understand the problems that are created for small business people by red tape and overly bureaucratic regulation. Small business people want government to get out of their way. They want to get on with their business and do what they do best in building their business through customer service, providing a service to our communities and also employing people in our community, which is very important.

This bill will remove the requirement for hairdressers to pay an annual compliance fee of around $168. I do not think any of us are under any illusion that that will reduce the cost to us of going to the hairdressers, but what it may do is free up my hairdresser so I can actually get an appointment. Sometimes it is very difficult to get an appointment with a hairdresser, and this legislation may actually free hairdressers from having to do bookwork and enable them to service their customers more often.

Hairdressing is a business that is vitally important in our community. As Ms Wooldridge said, many hairdressers are women, many hairdressing businesses are run by women and hairdressing is of course particularly important to women. In a way this is a women's bill as well, and it is great that we are supporting those small business operators who are women by freeing them from red tape and regulation.

With this bill we are saying that because these businesses are of low risk we do not need to have them inspected on an annual basis and therefore they will not need to pay annual fees. This will be good for the community in another way, because it will free up health inspectors to make inspections at businesses that pose a higher risk in the community. That does not mean that if somebody raises an issue about a hairdresser, their business will not be inspected; an inspector can still make an inspection if there are complaints or suspicions raised about a hairdressing business.

Hairdressers are particularly important in the community. There are very few small businesses in the retail sector now where the person behind the counter is the actual owner-operator. Hairdressers are one of those businesses, and newsagents and chemists are a couple more. There are obviously some individual shops with owner-operators, but many of our retail shops are run as franchises. It is always nice to be able to deal directly with the business owner, and hairdressers are certainly on-the-ground business operators.

I am pleased to see this legislation come back into the Parliament. This was a great piece of legislation that was initiated by the former Minister for Health, David Davis. As Ms Wooldridge said, this bill is no stranger to the house because it passed through this house in the last Parliament. Unfortunately it was not debated in the lower house because of the then Labor opposition's

attempts to frustrate the agenda in the lower house by causing chaos there. This bill would have benefited small businesses sooner had the Labor Party not been so irresponsible when it was in opposition. The Labor government's reintroduction of this bill at this time has resulted in the deferment of the start of the legislation by three months, which means that many businesses will still incur the $168 fee for next year. Instead of this bill commencing on 31 December 2015, it will now not commence until after the first quarter of 2016.

We all have a very special relationship with our hairdressers. It is one of trust. You need to be able to trust them, whether they are your stylist or colourist, and people tend to take that trust sometimes to the next step. I believe hairdressers know far more about us all than any of us should probably be divulging in a public place. For some reason, while they are having their hair cut, people tend to tell hairdressers a little more than perhaps they should know. Sometimes the choice of things hairdressers talk to me about also amazes me. I sometimes find it frustrating, particularly with younger apprentices, how little they know about Victorian and Australian politics — though that might make them good sounding boards, as they are typical of the Australian community that is disengaging with politics.

Until I was 21 only three people had ever cut my hair — that is how trusted my relationship was with hairdressers. Two of them were my cousins, Lynette and Carol, and the third was Tim Mathieson. The Mathieson family are very close family friends, and Tim used to come around to my house after hours and cut my hair when I was at school. I have known Tim for many years as a hairdresser and as a friend, but since those days I have gone on to trust many more people with my hair. I record my gratitude to my current stylist and colourist, in whom I place the utmost faith and whose company I enjoy when we get to take those few precious moments on a regular basis. Sometimes it can be more than an hour — it might be an hour for Ms Wooldridge or Ms Hartland, but for those of us who try to have a hair colour that we perhaps do not have naturally, it takes a little bit longer than an hour. It has always been a pleasure to spend time with hairdressers, especially as they would put up with me sitting there signing briefs and correspondence when I was a minister. Nowadays I get to relax and talk to them a little bit more.

I am really pleased this piece of legislation will reduce red tape and regulation for hairdressers to allow them to get on with what they do best, which is employing people and servicing their customers.

Mr MULINO (Eastern Victoria) — I also commend this bill to the house.

Mrs Peulich — How often do you go to the hairdresser?

Mr MULINO — In response to that interjection I say that some might find it ironic for a number of reasons that I would speak on this bill, perhaps because of the quality and quantity of hair I contribute to the chamber. Some might say my familiarity with hairdressers is at the lower end of the market and that I probably visit less frequently than might be appropriate.

What I can comment on with perhaps more credibility than my own personal familiarity with hairdressers is the economic side of this industry. A figure that has been quoted already is that there are more than 4000 small businesses assessed as having services with negligible public health risks, all of which will benefit from this bill. Many of those 4000 businesses employ quite a large number of people. When one considers that number, one can see how significant the provisions of this bill are. Many of those 4000 small businesses might employ 5 to 10 people on both a full-time and a casual basis. Many of those businesses also employ people with a range of skill levels and career paths, including employees who are on the lower end of the skilled employment spectrum all the way to those who are highly skilled. This is a critical part of the labour force of our economy.

This is a really symbolic bill, not just in terms of this particular industry but also in terms of the services economy more generally. When one looks at our economy one sees it is the services sector that is going to be the driver of employment growth going forward. Our economy is increasingly revolving around services. If we consider where we are going to see jobs growth in the future, we realise it is going to be in services and small business. It is the confluence of these two sectors being facilitated by this bill. We have an economy in which some of the more traditional industries, such as manufacturing, are rebalancing significantly and have static employment. What we are going to see is significant employment growth in interpersonal services. What we have in this bill is a significant red tape reduction initiative for a part of our economy that is important and growing.

The key to reducing red tape is having regulation that is sensible and proportionate. Regulation must protect public health and safety in a way that is commensurate to the risks involved. It is important that regulation not be removed holus-bolus. Regulation should be tweaked in such a way as to give members of the public who

consume services confidence that they are being protected without the regulation being heavy-handed or imposing unnecessary costs both on business, which indirectly impacts on employment, and on consumers, to whom costs are passed on.

What we have here is an identification of businesses for which there is very low risk, as opposed to businesses that might provide a mixture of riskier services — for example, a business that provides hairdressing as one of its services alongside tattooing or body piercing, which are much higher risk activities. It is critical that we have a regulatory regime that can sensibly identify businesses that are very low risk, as opposed to other kinds of businesses that are much higher risk, in order to impose the appropriate safeguards.

As I said, some of those high-risk services might be tattooing or body piercing. Others might include things I may look at down the track, like hair enhancement. Who knows? Adding hair might be a kind of activity that carries much higher risk. I hope to not have to look down that path anytime soon, but you can never know in this world.

We have to focus on appropriate regulation. If a small business undertakes just hairdressing, the regulatory regime for that kind of business should be appropriate for that kind of business. This bill tweaks the regulatory arrangements such that there will be a saving for businesses in the order of $170 a year. Over time, across all those businesses, that will add up to literally millions of dollars that consumers in Victoria will save in present net value terms. This is significant not only because businesses will be able to employ more people but also because these costs will not be passed on to consumers.

There is also going to be a sensible rebalancing of the regulatory regime in terms of the ways in which councils interact. Councils will inspect businesses when they first register rather than on an ongoing annual basis. If there is a need to inspect a business based on a complaint or for some other reason, of course that will be able to happen, but it will not be necessary for there to be an annual inspection as a default position. This is a sensible and proportionate response to the regulatory needs of the sector.

Another thing that is important to note is that councils will keep a register of hairdressing and make-up businesses. This means they will be able to keep track of those businesses, sensibly monitor them and respond to any complaints about them. That is an appropriate level of intervention in contrast to a heavier handed regime in which councils will be forced to send out people on a regular basis. It is sensible for the community to draw back the regulatory arrangements here for the sake of both businesses and consumers. This forms part of a broader red tape agenda.

In a previous life I was an advisor, and I worked for former Treasurer the Honourable John Lenders, who sat in this chamber. The red tape reduction regime was brought in during that administration and has continued since that time. It is supported across both sides of the aisle in this place. Red tape reduction can have significant benefits for the economy broadly. When the red tape reduction regime was brought in it was supported by rigorous measuring by the Victorian Competition and Efficiency Commission of the economic impact and benefits of the reduction. That was one of the leading regulatory approaches to red tape reduction nationally. It was well after that introduction of rigorous assessment that the national government started to focus on red tape reduction and develop means by which it could measure the economic benefits of reducing red tape. Victoria was well ahead of the pack when it came to red tape reduction.

This initiative is one example of a large number of initiatives through which the government will seek to continue the good work that was started a long time ago. It will benefit the economy broadly. It is good that this bill will be passed by the house this week and will start to benefit the industry very shortly.

I will go back to the overarching benefits of this bill. The bill benefits an important and growing industry. We need to look forward. There is no point rehashing votes that were taken or not taken in previous terms. What is important now is whether we can pass this bill with great speed to benefit the industry. I am focusing on a positive agenda. We are all in agreement that this bill will benefit people right now. That is what we should be focusing on.

Hairdressing is a large and growing industry. It is an industry which will benefit from the removal of unnecessary regulation. This removal will lead to more jobs and lower costs for consumers. For all those who cut hair and for all those who have the good fortune to have hair to cut this is an important bill. I welcome its passage today, and I welcome the benefits that will flow from it to our economy and society.

The ACTING PRESIDENT (**Mr Ramsay**) — Order! I understand Ms Patten wants to enter the fray of debate on this bill. I am sure she is pondering the fact that we talk about voluntary euthanasia one day and hairdressing the next.

Ms PATTEN (Northern Metropolitan) — I am delighted with the variety of subjects this house gives me to speak on. I want to make a small contribution to the debate on the Public Health and Wellbeing Amendment (Hairdressing Registration) Bill 2015. Coming from a small business background it is great to see governments reducing red tape and in that way assisting small businesses. I believe both sides of the house have taken their turns in doing this.

As members know, small businesses make a significant contribution to the Australian economy. As we have heard before, there are over 4000 hairdressing outlets in Victoria. I know that many of my colleagues in this chamber still have trouble finding a good one.

Honourable members interjecting.

Ms PATTEN — I did not mean any disrespect. I myself have trouble finding a good hairdresser. They are constantly on the move.

However, this is about reducing red tape, which I am very supportive of. I hope this is a sign of things to come and that this government will reduce even more red tape. I am disappointed that there is no longer a red tape commissioner. However, I acknowledge the government's pre-election promise to enforce a 25 per cent red tape reduction target. Well done.

Ms Crozier — That was our commitment.

Ms PATTEN — It was your commitment as well? This should be bipartisan.

Mrs Peulich — It was actually our bill.

Ms PATTEN — But the government also promised it too. Is that not right?

The ACTING PRESIDENT (**Mr Ramsay**) — Order! Ms Patten should speak through the Chair and not entertain debate.

Ms PATTEN — I would like to see the reduction of more red tape. I have had constituents come to speak to me about other red tape issues, whether it be for Segways on the Yarra or for hairdressers.

I note Ms Lovell's comment about the conversations one has in hairdressing salons. I sometimes wonder whether confidentiality statements should become part of the regulation of hairdressers — —

Mr Dalidakis — That would be reintroducing red tape.

Ms PATTEN — That would be reintroducing it. However, I commend the bill and the reduction of red tape, which makes it easier for small businesses to provide services for our community.

Ms CROZIER (Southern Metropolitan) — I am pleased to rise this morning to speak on the Public Health and Wellbeing Amendment (Hairdressing Registration) Bill 2015. I am experiencing deja vu. I stood in this place last year and spoke on a similar bill introduced by the previous Minister for Health, Mr Davis, in relation to this very matter. I find it quite extraordinary, indeed hypocritical, to hear government members talk about the merits of reducing red tape and this bill being just one example of a large number of government initiatives that will reduce red tape. In fact we passed this piece of legislation in this chamber last year only to see it stalled and then blocked by the then opposition in the Legislative Assembly. That was a very unfortunate move by the then opposition. It constantly stalled the government process in the Assembly for political purposes. We understand how Labor operates. We are seeing it happen all over again in terms of getting good governance in this state.

Last year, when speaking on the similar bill, I talked about the enormous benefits it would provide to small businesses. As other speakers have rightly said, there are literally thousands of hairdressers in Victoria whose work contributes an enormous amount to the economy. As Ms Lovell pointed out, some of us spend more time in hairdressers than others. We are very good clients of various hairdressers. They represent small businesses participating in the larger economy of the state, and we need to support them in whatever capacity we can.

It was the previous government's view that this was one area that could benefit from the reduction of registration fees. It would streamline the process and make it far simpler for hairdressers to only have to pay a one-off fee, provided they are not undertaking procedures like tattooing or other invasive procedures that have potential health implications, such as transmitting hepatitis, HIV or other blood-borne viruses. Where it is just straight-out hairdressing and cosmetic make-up application, it is sensible that such businesses need only pay a one-off registration fee. Councils will continue to conduct inspections and administering registration, as they previously did.

I congratulate the former Minister for Health, Mr Davis, on initiating this sensible, common-sense initiative. In his contribution Mr Leane spoke about the common-sense approach taken by the previous government when it introduced legislation on this very issue last year, when those opposite supported this

measure. As I said at the outset of my contribution, it was disappointing to see that legislation blocked in the Legislative Assembly by the then opposition. The then Leader of the Opposition, Daniel Andrews, blocked this common-sense legislation — —

Mrs Peulich — That is because he does not have any.

Ms CROZIER — That is quite right, Mrs Peulich. We are talking about benefits to the Victorian economy that will flow from a common-sense measure such as this. Yesterday we saw the government throw away hundreds of millions of dollars of taxpayers money — —

Mrs Peulich — Ideologically crazy.

Ms CROZIER — Ideologically crazy. As I said in my statement earlier today, this is an ideologically driven government whose actions are going to have extensive ramifications for the Victorian economy for many years to come — —

Ms Mikakos interjected.

Ms CROZIER — Ms Mikakos, your Labor government has a history of wasting taxpayers money, including on the north–south pipeline. I will continue after lunch.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Ms Wooldridge — On a point of order, President, could we have some clarification on whether the Minister for Training and Skills, Mr Herbert, will be represented or whether he is just late?

Mr Jennings — On the point of order, President, Mr Herbert has not arrived, and it is now nearly 12.01 p.m. I will answer any question asked of the minister. However, I do not need to, because Mr Herbert is now here.

The PRESIDENT — Order! I extend a very warm welcome to Mr Herbert.

Infrastructure projects

Ms WOOLDRIDGE (Eastern Metropolitan) — My question is to the Leader of the Government. I ask the minister to list the government's shovel-ready infrastructure projects and how many jobs they will create.

Mr JENNINGS (Special Minister of State) — I thank Ms Wooldridge.

Mrs Peulich — This should be a Dorothy Dixer!

Mr JENNINGS — It probably is a Dorothy Dixer, in a form. There are many ways in which there has been dispute about what is a shovel-ready project. For the projects the previous government was associated with, it in fact had one so-called nominated shovel-ready project: the extraordinary project that has met its demise in the last 24 hours, if not earlier — if not the last weekend in November. It met its demise through contractual arrangements entered into by the state of Victoria with the east–west consortium yesterday.

That one shot in the locker by the outgoing government was to make up for a lack of infrastructure commitments that had been undertaken during its term in office. If you look at the projects the previous government — —

Honourable members interjecting.

Mr JENNINGS — I have a few minutes, and I am answering it. The previous government had one shot in the locker, and when you think of the major infrastructure program it undertook in its term its office, you see that it basically picked up the infrastructure projects it inherited from the Labor government.

Mrs Peulich — On a point of order, President, the minister is debating the question. He is not answering the question, and I ask that you enforce that rule.

The PRESIDENT — Order! I am of the view that the question was about shovel-ready projects going forward, and I note that most of the minister's answer to this point has been context. I suggest that it might be appropriate to turn the rest of his answer to the projects that were requested in the question.

Mr JENNINGS — Thank you, President. I appreciate the mild form of your direction because my debate was relatively mild. You interpreted it as context, and I appreciate that that is the spirit in which it was understood.

When push comes to shove, this government has made sure it has major commitments in terms of announcements that have been made since coming — —

Honourable members interjecting.

Mr JENNINGS — A project we inherited that was so-called shovel ready was in fact the regional rail line

to Mildura and the Mallee, which this government has made sure it has got on with committing to. There is a project we inherited about a number of level crossings, and that is continuing to this day. There are many projects that have already been — —

Honourable members interjecting.

The PRESIDENT — Order! The minister, without assistance.

Mr JENNINGS — What the Parliament clearly understands is that there is a significant asset creation program that rolls on from one government to the other. In fact most of the projects that are being undertaken today across Victoria were consistently applied across the previous Labor government — for instance, projects which have barely been completed now and were inherited by the previous government and which it pursued. The regional rail project was a major project. The reason I am giving the context is because, as the opposition clearly knows, the major infrastructure work of this government — I am not giving a disingenuous answer — are projects this government — —

Ms Wooldridge — On a point of order, President, in the 10 seconds remaining I ask the minister to come back to the question about listing the government's shovel-ready infrastructure projects.

Mr JENNINGS — There have been a number of announcements about what we have brought forward. The Mallee rail project I have identified, the Flinders Street railway station, the numerous level crossings that — —

The PRESIDENT — Time!

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) — Will the Leader of the Government provide to the house the government's definition of 'shovel ready'?

Mr JENNINGS (Special Minister of State) — It is almost as if the context I was giving in my substantive answer was anticipating the nature of what the supplementary question may be. We all know that major projects have a lead time in terms of their planning, their line-up of construction and the undertaking of the work. All of us who have been around government for quite some time, in and out of the Parliament, understand that major infrastructure projects have a lead time, and this government's lead time being in place for 100 days means that it will get on and bring forward major infrastructure projects, including some of the ones I identified in my substantive answer. We understand the need to pick up a sense of momentum, so whether it be the huge reconstruction in schools, where in fact the school capital budget, which was decimated by the previous administration — —

Ms Wooldridge — On a point of order, President, given that it was a very simple question about the definition of shovel ready, which is not addressed in the response to the supplementary, I ask that the minister be asked to provide a written response to that question.

The PRESIDENT — Order! I will give consideration to that.

East–west link

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My question is also to the Leader of the Government. Noting that before the election the Treasurer gave an unconditional guarantee to Victorians not to increase state debt, I ask: is the government set to break this promise by using the $3 billion line of credit it has purchased from the east–west consortium as additional compensation for scrapping that project?

Mr JENNINGS (Special Minister of State) — I thank the member for his question. I am happy to agree that the incoming government has made commitments in relation to the debt profile of the state of Victoria's budget position, now and into the future. It is this government's intention to keep well within the reasonable limits of debt management that have enabled successive governments in Victoria to maintain a AAA rating for budget settings, and that goes back continually for the best part of 20 years. That includes all governments, regardless of their political perspective. Regardless of the so-called ideology that this current government is alleged to be driven by, our track record has been to maintain budget surpluses, as we did through 11 years in office. We want our profile to be one of managing debt within the financial settings of the budget while maintaining a AAA credit rating for the state of Victoria.

Our main concerns are that we are seen as responsible financial managers, that we acquit our obligations, that we manage, from an incoming government's perspective, and increase momentum over the term for infrastructure build in a whole range of services that matter to people, whether they be rebuilding education facilities, health facilities, the 50 level crossings that we are committed to undertake or the rail projects in regional Victoria which we have committed to. We intend to manage all those projects within a budget

surplus profile, a profile of debt management which is consistent with the forward estimates, which enables us to maintain — —

An honourable member interjected.

Mr JENNINGS — This is 100 per cent apposite to the question I was asked. The member may not understand any financial settings, he may not understand contractual arrangements and he may not understand budget papers. Any time that we asked questions in the last term of office about what was in the budget papers, not one member from the government side in the last term — those currently on the opposition benches — was able to stand up and defend the budget papers, because they clearly had not understood them, read them or ever related to them.

There are some people on the opposition benches who never demonstrated any command or any appreciation. Mr Gordon Rich-Phillips may be the exception to that rule. He may be the person who did identify financial discipline. He did understand budget papers and budget settings. He does understand the importance of managing our debt profile now and into the future — not to increase limits beyond what are acceptable trendlines to maintain the budget position of the state of Victoria. I can confirm and reaffirm that the actions of the government in the last 24 hours as announced will not adversely affect those settings.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for his answer. With respect to the line of credit, given the cost of borrowing under the line of credit is higher for the government than if it borrowed directly through the Treasury Corporation of Victoria, what advice has the government received around the extra cost to taxpayers from using this line of credit that it has purchased as part of the compensation for east–west link?

Mr JENNINGS (Special Minister of State) — Mr Rich-Phillips may be one of the few members of the opposition who is warranted in asking this question, because he appreciates the significance of the issues that he has asked. He is quite correct to say that the cost of private debt facilities that has now been assumed by the state of Victoria is in excess of what would be a public servicing arrangement and establishment of a debt facility under normal circumstances. These were not normal circumstances under which the government has taken the action of the last day, which has been announced. The government has chosen to be extremely prudent in the financial management of the situation that it inherited, where money had gone out the door under the previous government — $339 million, which ended up in the hands of consortiums — —

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

Melbourne Metro rail project

Mr FINN (Western Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade. I ask the question of the minister: what advice does he provide to the hundreds of small businesses and employees based on Swanston Street and that will be affected by the Andrews government digging up their front doorstep as part of Melbourne Metro rail?

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — I thank the member for his question. The Melbourne Metro Rail Authority is investigating construction methods to minimise disruption — that includes disruption to traders — and thereby keep the city moving. Once completed Melbourne Metro rail will bring thousands and thousands of extra people to the heart of Melbourne, which is very good news for traders, great for business and also great for visitors to this wonderful city.

Supplementary question

Mr FINN (Western Metropolitan) — I know members opposite do not care about small business, but given that businesses such as Hype DC pay rent of more than $400 000 per year and Platypus pays rent of more than $570 000 per year, will the Andrews government compensate any small business or employee that suffers as a result of digging up the centre of Melbourne's central business district?

An honourable member interjected.

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — I thank the member for his question. A member interjected, 'It's a simple question'. Indeed it is a simple question, because a simple Google search would have shown that the Premier earlier today had said that all options are on the table.

Regional Jobs and Infrastructure Fund

Mr DRUM (Northern Victoria) — My question is to the Minister for Regional Development. Can the minister outline the controlling guidelines for the Regional Jobs and Infrastructure Fund that will ensure that it is not being used to fund projects in portfolios

that have their own budgetary capacity? I note that to date the government has already announced a sporting project, a health project and an environment project coming out of its infrastructure and jobs fund.

Ms PULFORD (Minister for Regional Development) — I thank the member for his question, and I congratulate him on his efforts in the internal shuffling exercise that has been limiting The Nationals to so few questions.

The Regional Jobs and Infrastructure Fund programs and guidelines will be released well in advance of the fund's operation from 1 July. As the member would know, the Labor government will take an approach to funding regional projects that will be all about creating jobs and investing in critical infrastructure for communities in rural and regional Victoria.

The finalisation of arrangements for the programs in relation to which organisations can apply to the fund will also be informed by the work of the regional review, which is occurring in a complementary time line. As the member is probably aware, the key elements of the fund will be a $250 million infrastructure fund, a $200 million jobs fund and a $50 million fund that is about smaller communities — about strengthening smaller communities and in particular rural communities. This marks an exciting new era for regional economic development in Victoria, and I welcome the member's question. I note with some concern his apparent opposition to the construction of the Eureka facility at Ballarat.

Mr Drum — On a point of order, President, there has been no opposition to the construction — —

The PRESIDENT — Order! Mr Drum!

Mr Drum — She just — —

The PRESIDENT — Order! Mr Drum has been here long enough to know that is not a point of order, it is a debating point. That is a vexatious point of order. If the member wants to debate, he should debate, but he should not raise that matter as a point of order, because he knows it is not a point of order.

Ms PULFORD — I am quite sure Mr Morris would be appreciative of the enormous economic boost that will flow to Ballarat and communities around Ballarat as a result of AFL standard games being played at an upgraded facility. Hotel rooms — —

Honourable members interjecting.

Ms PULFORD — The Eureka project is therefore an important economic driver for the Ballarat region. I noted also that in his question the member talked about the capacity to manufacture dental prosthetics in the Latrobe Valley. That is also an important project; it has a strong manufacturing and job-creating focus. This will be our priority as we proceed over the term, and I look forward to the support of all members in this place when the legislation is considered here so that we can get the Regional Jobs and Infrastructure Fund up and running.

Labor has made election commitments against the fund of the order of $200 million, and these are important projects. As anyone with the most basic mathematical capacity would be able to ascertain, there is a significant capacity in the fund to create jobs, to support businesses in regional and rural Victoria and to start to turn around some of the neglect and the damage that was done over the last four years. In particular I think there is a great opportunity to work with my colleague Mr Herbert, the Minister for Training and Skills, in addressing a consistent problem we have with youth unemployment and a skills gap. This is something community leaders and industry tell me every day.

Supplementary question

Mr DRUM (Northern Victoria) — In relation to the fund Ms Pulford was just talking about — a $50 million fund for regional communities — part of that fund is a $20 million subset called A New Future in Regional Victoria Fund. The Premier has suggested this fund is to focus on creating more training opportunities closer to home. How does the minister explain spending $600 000 out of that fund to sponsor the Stawell Gift?

Mr Herbert — They hate the Stawell Gift now — it's incredible.

Ms PULFORD (Minister for Regional Development) — Yes, it is very disturbing to hear that the former Minister for Sport and Recreation does not much like the Stawell Gift either. This is an event that has previously been funded through regional grants. The Stawell Gift is a significant event for Stawell. It drives enormous activity in and around Stawell. The former Minister for Sport and Recreation should know about the economic value for Stawell of the Stawell Gift. We will be continuing to support the Stawell Gift. The gift is a wonderful iconic event. It was held over the Easter weekend, and it was incredibly successful. Stawell was packed, as always, that weekend. We will be — —

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

Ordered that answer be considered next day on motion of Mr DRUM (Northern Victoria).

Mr Jennings — On a point of order, President, I appreciate your tolerance in allowing Mr Drum to recast the point of order that you invited him to make. I make the point that if points of order are made, in my view they should be done in a courteous way not only to the Presiding Officer but to the house. I was on my feet before Mr Drum amended his suggestion, and I stayed on my feet to make the point, because I think it was only because of your generosity, President, in your allowing him to recast it that his then motion was put to the chamber. Otherwise it did not warrant being put to the chamber.

Mr Drum — On the point of order, President, in ruling on my point of order you have already said that it was vexatious. However, when a minister in her answer tells a blatant mistruth about something that I was supposed to have said on the record, I have every right to get to my feet and question the minister's accuracy and facts. You, President, called it a vexatious point of order, so I sat down for the rest of the minister's contribution. At the end of the day the minister did not answer the supplementary question, and I would like the matter to be taken into account on the next of meeting. I do not need to be told how to operate in the house by the Leader of the Government.

Ms Shing — On the point of order, President, in relation to the distinction that has been apparently drawn by Mr Drum between debating the question on the one hand and the manner in which you, President, expressed a view about the substance of the question and the point of order that was raised, as a new member I would be grateful for any clarification that you could shed in that regard.

The PRESIDENT — Order! I thought we had abandoned Dorothy Dixers. I thank both the Leader of the Government and Mr Drum for their comments with respect to this matter. Mr Drum might reflect on the fact that his frustration with my ruling was in turn reflected in the way he dealt with my invitation to move a motion that was more appropriate to addressing the issue he had of concern with the minister's answer. When he reflects on that perhaps he will acknowledge that the Leader of the Government had a valid point in that respect. I expect respect for the chair, no matter who is in it, and indeed for the house generally.

With regard to Ms Shing's point of order, I indicate again to the house, as I have on previous occasions, that a point of order is about some breach of our standing orders. That can be about relevance and it can be about a range of things in the standing orders that prescribe the way in which we expect people to put questions and the way in which we expect ministers to answer those questions. A point of order is not an opportunity to get in a debating point. It is not an opportunity to quibble over a fact or a proposition that a minister or another member puts to the house. The way to deal with those propositions if they are disagreed with, is by way of using one of our other mechanisms, such as a take-note motion, which is what I invited Mr Drum to move.

We need to very clear that a point of order is about a transgression of our standing orders, a problem with the process. It is not about a problem with the content of an answer or a proposition that is put by any member. That needs to be dealt with not as a point of order but quite separately.

Melbourne Metro rail project

Mrs PEULICH (South Eastern Metropolitan) — My question without notice is to the Special Minister of State, and I ask: can the minister confirm that under Melbourne Metro, trains on the Cranbourne and Pakenham lines will bypass Richmond, Southern Cross, Flagstaff and Parliament stations?

Mr JENNINGS (Special Minister of State) — I am trying to remember what the nature of the question was specifically in relation to the stations?

Mr Davis — Bypass.

Mr JENNINGS — In terms of bypassing them, there may be some trains within the timetable that may not go through all of those stations for every part of the day. Within the ready reckoners that are available to me in my timetable, I cannot give an absolute guarantee that that is not the case, but I shall take some advice on that subject. If the member needs details of the timetable on that line, I am sure either I will be able to provide it or the Minister for Public Transport will be able to provide it.

Supplementary question

Mrs PEULICH (South Eastern Metropolitan) — It is my understanding that those stations will be permanently bypassed, so it is not just a timetabling issue for commuters on the Cranbourne and Pakenham lines. In addition to finding out the facts, could the minister also indicate how many thousands of

commuters will be inconvenienced as a result of this and apologise to them on behalf of the government.

The PRESIDENT — Order! I ask Mrs Peulich to rephrase the supplementary question deleting the reference to apology.

Mrs PEULICH — Thank you, President. It is my understanding that the commuters on the Cranbourne and Pakenham lines will bypass permanently the stations at Richmond, Southern Cross, Flagstaff and Parliament. The minister has undertaken to find out the facts. It is not a timetabling issue. I further ask, as a supplementary question, how many thousands of commuters will be inconvenienced each year by this decision made by the Andrews government.

Mr JENNINGS (Special Minister of State) — In terms of what the member in her supplementary has now clarified as a matter of fact, it is a matter of fact that what she has asserted cannot be possibly true under the current timetabling arrangements. It cannot be true.

Mrs Peulich — On a point of order, President, will your rulings in relation to which questions will need to be answered within the recommended time be made after question time?

The PRESIDENT — Order! I usually think about them after question time. You may focus my mind, and I think you have.

Health funding

Ms HARTLAND (Western Metropolitan) — My question is to the Special Minister of State, Mr Jennings. The recently released *Travis Review* found a mismatch between facilities capacity and demand in our public hospital system. Travis found that we need an independent advisory body for health infrastructure, and I have most definitely found this to be the case in my electorate, where hospitals in growth areas have insufficient facilities to cope with big and demanding growth. Too often I have seen health funding allocated on the basis of political expediency and not on greatest need, so my question for the minister is: will the government take the politics out of health funding by including independent health infrastructure planning advice as part of Infrastructure Victoria's mandate?

Mr JENNINGS (Special Minister of State) — I thank Ms Hartland for her question. Whilst I agree with her support of all Victorian citizens and her wanting to make sure that they have appropriate and responsive health care, I do not necessarily accept her assertion that the decisions that are made about health funding always fall foul of the principles that she is applying. In fact the undertaking of the incoming Andrews government to appoint Dr Travis to undertake this audit is a demonstration in its own right of unused capacity within our health system that would warrant investment and support to make them fully functional and add to the capability of our system to respond to the needs of our community. That independent audit has already provided us with some interim advice and some complete advice during the course of this year, which will enable decision-making to be made. That in itself is independent advice coming to government.

Beyond that, the extraordinary thing is that in the lead-up to the last election I heard Ms Hartland make these comments on radio. Her comments about there being no investment in health care in the west were made soon before I took to the airwaves. I had a very humorous conversation — from my perspective — with ABC radio immediately afterwards, because I knew that within a matter of hours the Andrews opposition, as an incoming government, was going to make a commitment to redevelop the Western Hospital at Sunshine and make a major investment in maternal and child health in particular. In fact that was where I last heard Ms Hartland in a public setting take the field in the name of citizens of the west in relation to health investment, and within a matter of hours that issue had been resolved.

If it were to be only a matter of hours — if Ms Hartland is raising this matter again today — I would be happy if we could identify resources, but we may have to wait until the budget before there will be any announcements of additional health funding and support, which I am confident my colleagues the Minister for Health, the Premier and the Treasurer will deliver in the other place come budget day in the early part of May.

Supplementary question

Ms HARTLAND (Western Metropolitan) — I was very pleased when that announcement was made, but very displeased because there has been no money for the emergency room at Footscray hospital, which is in a chaotic state.

My supplementary question is with regard to the fact that I was actually asking particularly about Infrastructure Victoria and whether this kind of health planning advice could sit within that body. I would agree that this has been an excellent review. It is quite clear from what Dr Travis has said that there is a need for an ongoing structure to make sure that we have

good independent advice on health funding rather than it being based on marginal seats.

Mr JENNINGS (Special Minister of State) — Ms Hartland has now referred to an associated and related commitment being made by the Labor Party in the lead-up to the last election, which was to create Infrastructure Victoria to across the board have a look at the way in which planning decisions are made about the competing priorities of infrastructure services into the future. We are working through the preparation of policy settings and the piece of legislation which will underpin the establishment of Infrastructure Victoria and the final scope of its relative responsibilities in terms of planning different infrastructure across different services and different policy areas. How it interacts with portfolio responsibilities is an issue that we are working through within government. It is a bit premature for me to announce what the final scope of Infrastructure Victoria may be at this point in time, but I can assure the house that during the course of this year it is the intention of the government to clarify very clearly in the Parliament the rigour, the discipline and the way in which Infrastructure Victoria will be delivered in the future.

Health system performance

Ms HARTLAND (Western Metropolitan) — My question is again to the Special Minister of State, Mr Jennings. The people of Victoria deserve to know what the true waiting times are for elective surgery. As the minister would be aware, the recently released *Travis Review* agreed and recommended that the government should take a greater focus on reporting the proportion of patients who failed to be treated within the clinically recommended time frames and the times it takes to clear a waiting list. Critically Travis recommended that the government begin publishing such outpatient data within six months. My question for the minister is: will the government be acting on this recommendation?

Mr JENNINGS (Special Minister of State) — I thank Ms Hartland for her question. I am actually smiling because it seems she could have actually gone for a wander through my office today to hear about some legislative proposals the government may be making, both in terms of the last question she asked and this one, in terms of another commitment Labor has made to the transparency of reporting. It is an issue she has raised with me previously.

It has been a commitment of the incoming government to make sure that we have better transparency in terms of critical performance in health and in emergency services in a number of instances. We will be looking across government at the way in which we can have confidence in improving those datasets. We saw a very sorry history of this under the previous administration in terms of its ability to publish that data not only in a reliable way but also in a way that added to the community's confidence in the delivery of services in Victoria.

We accept that it is our responsibility to improve that. How many of those indicators are able to be incorporated within that framework is something we are trying to resolve, but I will make sure I keep in touch with the member, who has continually raised this issue of transparency, so that she is well briefed prior to the legislation arriving in the Parliament.

Supplementary question

Ms HARTLAND (Western Metropolitan) — That is very pleasing, but could the minister give us a time frame on when we could expect such legislation?

The PRESIDENT — Order! I will allow the question, but in the context of our standing orders a question is not allowed to ask for legislation. Given that the minister has indicated the possibility that legislation is under consideration, I will allow him to answer and see him as being competent to answer the question on this day. But I warn members that it is not appropriate for members to ask for legislation as part of the question time process.

Mr JENNINGS (Special Minister of State) — I know I erred on the side of providing sufficient information for the member to ask a relevant supplementary question which she may not otherwise have asked. I appreciate that own goal in that regard. I am not in a position to be able to say in which sitting week it will appear at this point in time, but it is clearly the intention of the government to do it during the course of a sitting week this year.

Water catchment management

Mr PURCELL (Western Victoria) — My question is to the Minister for Small Business, Innovation and Trade in his capacity representing the Minister for Environment, Climate Change and Water. Over the busy Easter break in far western Victoria the height of the Glenelg River made it difficult to access some businesses in a little town called Nelson. This obviously had a substantial negative impact on those businesses on what is typically a big trading weekend. The river height also caused many fishing landings to be inaccessible, and this also happened in other parts of

western Victoria and throughout the state. I ask the minister: will the government prevent this situation from occurring again by setting trigger points for the opening of rivers?

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — I thank the member for his question. I understand the impacts of the issue that this member has raised on businesses and the community in general in the area of Nelson, especially since Easter Sunday is a bumper trade period for many regional businesses, with this year being no exception. My understanding is that catchment management authorities have the lead role in the regulation of estuary entrance opening and that decisions on artificial estuary entrance openings are currently made by the catchment management authority on a case-by-case basis for individual rivers. I am not familiar with the specific case, but I will seek further information from the Minister for Environment, Climate Change and Water.

Commercial netting fishing licences

Mr YOUNG (Northern Victoria) — My question is to the Minister for Agriculture. In the lead-up to last year's election I attended a rally in Geelong for recreational fishermen who have for years petitioned to remove commercial netting from Port Phillip Bay and Corio Bay. The Labor government has made a commitment to this action as outlined in its *Target One Million* policy, where it says, 'Labor will allocate $20 million to halt commercial netting in Port Phillip and Corio bays over eight years'. When will we see the first of these licences removed during that phase-out?

Ms PULFORD (Minister for Agriculture) — I thank Mr Young for his question and his ongoing interest in Labor's delivery of its election commitments as contained within the *Target One Million* policy. This policy is about supporting and growing recreational fishing in Victoria. It has many components, including very significantly the buyout of commercial netting licenses in Port Phillip Bay and Corio Bay.

This is a complex and difficult reform. The Labor government has committed $20 million to support the delivery of this election commitment over an eight-year period. I have commenced work on this policy. We need to carefully consult with the 43 affected licence-holders. I met with a small group of those licence-holders in a meeting convened by the member for Bellarine in the Assembly, Lisa Neville, for people in her electorate. I am proceeding to meet with similar groups of these affected licence-holders over the next short period. For those individuals this is a very dramatic change. Some of the people I met in that meeting indicated that as far back as 1971 people have talked about ending commercial netting in Port Phillip Bay. That was certainly something I learnt on that occasion. Some of these affected licensees are indeed the fifth generation in their family to hold such licenses.

I give that as background and to provide context. We need to proceed very carefully and very respectfully because of the profound impact this is going to have on the current licence-holders. We are putting in place a range of measures, and I want to be able to talk to licence-holders every step of the way as we do this.

Some of the things I am in a position to be able to share with the house today include a decision to establish an independent audit and evaluation process to determine the value of those licences. I am also in the process of identifying a group of people who can work in support of people in this transition. I welcome questions about this every step along the way, but we are trying to take one step at a time and to bring people who are affected along for the journey, including the recreational fishing groups, which have a big interest in this.

I cannot actually answer the member's question about when the first licence buyout will be, but I am told there are a number of licensees for whom getting out early works. There will also be a number for whom getting out late, right at the end, will work. We need to provide support where it is wanted around when the best time for each individual is. I understand there are some who will probably want to get out very quickly, perhaps within the next 18 months to two years, perhaps sooner, but these are very complex arrangements. We are determined to do it, and we are determined to do it quickly, but we need to do it in a way that is very considerate of those who are affected. I imagine there will be some who will be signing up to exit soon; for others it will probably be much closer to the eight years, as it is an eight-year delivery plan.

Supplementary question

Mr YOUNG (Northern Victoria) — It also says in the *Target One Million* plan that a sliding cap will be imposed on the commercial catch based on the average catch over the last three years. What advice has the minister received regarding the quota reduction and its enforcement?

Ms PULFORD (Minister for Agriculture) — Mr Young is correct that the policy articulates the use of a sliding cap. I am advised that this is a method that has been used effectively in previous buyouts. It is about ensuring that as licensees exit there is a gradual

decrease in the number of fish that are caught. What that will do is ensure that it is a level playing field for all the existing licensees in terms of their entitlement to compensation for the value of their licence, and it will also ensure that as some licensees exit there are not others increasing their catch. That is what the sliding cap is about, and that is what it will do. As licence-holders are removed, the overall quota will drop.

The PRESIDENT — Order! I take this opportunity to remind party leaders and the crossbench members that in order to progress the appointment of members to Council standing committees they should email the names of nominees for each of those three committees to me. There is a slightly different process for Legislative Council committees, whereby I am notified and then bring the matter to the house, as distinct from the joint standing committees process, in which the Leader of the Government moves a motion in the house. I believe I have previously received the Greens nominations; they might re-send them to me, but I am pretty sure I have them. If I can have the other nominations for upper house committees, that would be good.

In respect of questions today, I indicate that Ms Wooldridge has sought clarification on the definition of 'shovel ready' and does not feel the answer given by the Leader of the Government was explicit, so I ask that her supplementary question on what constitutes shovel ready be addressed with a response.

In respect of Mrs Peulich's question and supplementary question, the Leader of the Government indicated that he is prepared to look at the impacts on train services of that project.

Mrs Peulich — It was the stations that were to be permanently bypassed as well as the number of commuters — —

The PRESIDENT — We are talking about the same thing. The minister's department will receive the question and will address it. I have used shorthand, which is to say 'train services', but I understand what the member is saying.

Mr Somyurek will refer the specifics of Mr Purcell's question and provide an answer from the Minister for Environment, Climate Change and Water.

In respect of both Mrs Peulich's question on train services and Mr Purcell's question to the environment minister, given that they are ministers in another place, I indicate that those answers should be received within the 48-hour response time.

CONSTITUENCY QUESTIONS

Northern Victoria Region

Ms LOVELL (Northern Victoria) — My constituency question is to the Minister for Education, and it is regarding changes to the school bus program from 2016. My office has recently had contact from a Tatura constituent named Sherri Guy, whose year 11 daughter has attended Shepparton High School for her entire secondary education. Under the new program, in 2016 they will be required to pay for her daughter to catch the school bus to continue attending Shepparton High School or transfer to Mooroopna for free bus travel. Given that in 2016 her daughter will be in year 12, it will be detrimental to her studies to transfer schools at that point. My question to the minister is: will he give consideration to implementing grandfathering provisions for those students already enrolled at schools that are not their closest school, particularly those in senior years, to avoid interrupting the education of these students or placing undue financial hardship on these families?

South Eastern Metropolitan Region

Mrs PEULICH (South Eastern Metropolitan) — My constituency question is directed to the Minister for Small Business, Innovation and Trade, who represents the Minister for Employment, Ms Allan, in this chamber. It is in relation to today's labour force figures released by the Australian Bureau of Statistics, which notes that the unemployment rate has increased by 0.2 per cent in Victoria and that the number of unemployed persons has increased by 7792 from February 2015 to March 2015. That is in contrast to the figures for December 2013–14, which saw 35 000 full-time jobs created. I ask the minister to inform me how many of the jobs lost are from South Eastern Metropolitan Region and what shovel-ready projects there are in this region from the commitments made in the lead-up to the 2014 state election which could be facilitated to take up the slack and provide jobs for those who are losing them under this government.

Eastern Metropolitan Region

Mr LEANE (Eastern Metropolitan) — My constituency question is directed to the Minister for Families and Children, Ms Mikakos. I understand Ms Mikakos has been working on and has announced a series of grants in line with National Youth Week. I

have been asked by groups in my electorate about whether or not they have been successful. I ask that the minister inform me of the successful applicants in the Eastern Metropolitan Region so that I can inform them.

Western Metropolitan Region

Mr FINN (Western Metropolitan) — My question is to the Minister for Roads and Road Safety. Today we again saw traffic chaos across Melbourne's west. With the West Gate Freeway effectively closed because of an accident, traffic was banked back very badly on both the Princes Freeway and the Western Ring Road. This is something many thousands of western suburban residents are regularly subjected to. My question is: will the minister give these motorists and their families some guarantee the situation will improve in their lifetime?

Northern Metropolitan Region

Ms PATTEN (Northern Metropolitan) — Recently I was one of the 18 000 people who had the pleasure of attending the 25th Melbourne Queer Film Festival that screens at the Australian Centre for the Moving Image. With over 176 films from 37 countries shown in 2015 alone, the Melbourne Queer Film Festival is one of the world's oldest, largest and most respected queer festivals. It has played an integral role in celebrating the diverse range of sexuality in our community by providing a cultural space for LGBTI stories to be screened. Events such as this promote the visibility and equality of queer people in our society, help oppose shame and reduce social stigmas and stereotypes. I am pleased to see that the Indian Film Festival of Melbourne, which receives government funding, will be returning with the theme of 'Equality', but the Melbourne Queer Film Festival receives no state government funding. I call upon the Minister for Creative Industries and Minister for Equality, Martin Foley, to provide rental subsidies so that the festival can continue for another 25 years.

Western Victoria Region

Mr RAMSAY (Western Victoria) — My constituency question is to the Minister for Education, James Merlino, and concerns one of the schools in my region of Western Victoria. The Portarlington Primary School has been lobbying for an upgrade for many years. Despite Labor MP and current Minister for Environment, Climate Change and Water Lisa Neville having been a minister in the Bracks-Brumby governments over 11 years, it took a coalition government to commit $5.7 million in last year's budget for a major refurbishment. Portarlington Primary School was one of the schools identified in the maintenance audit the coalition conducted which showed a backlog of over $450 million in maintenance expenditure from the previous Labor government. Given that the Labor government has made an election commitment of only $5.5 million, assuming that the government will honour the Napthine government's budget allocation, given that local MP Lisa Neville said work would start in March and given that the school had already developed the planning options at the time of the last budget, I would like the minister to provide a works plan with a timetable so the Portarlington community can have comfort that Labor is indeed committed to the Portarlington Primary School upgrade.

Eastern Victoria Region

Mr O'DONOHUE (Eastern Victoria) — I raise a constituency question for the Minister for Police. As the house is aware, one of the first acts of the new government was to cease the ongoing growth of Victoria Police. We are starting to see pressure points around Victoria where more police are needed, because Labor has significantly slowed the enlistment of new recruits to the academy. Police numbers are not growing as they were under the coalition government. In a very concerning report in the *Western Port News* of 7 April Victoria Police was reported as saying that the new $16.3 million Somerville police station will have no counter service. In other words, it will provide office space for police members but will not have any counter service for the community. This is not what the community expected. I ask the minister to clarify whether this will be the case.

Southern Metropolitan Region

Ms CROZIER (Southern Metropolitan) — My constituency question is to the Minister for Families and Children, and I am glad she is in the house today. I have spoken with a number of kindergartens and parents of children attending the 15-hour kindergarten programs within my electorate of Southern Metropolitan Region over recent months. Kindergartens are trying to put together their budgets for 2016 and have no clarity around the program I just spoke of for 2016.

Ms Mikakos — We get that from your federal colleagues.

Ms CROZIER — The minister was very vocal in the last Parliament, questioning the previous government's actions to provide that certainty, and indeed the coalition government was able to provide

certainty for the sector until the end of 2015. Despite any decision the federal government may make, will the minister provide certainty to the sector by guaranteeing 15 hours for kindergartens and Victorian families in 2016 and beyond?

Ms Mikakos — So your federal Liberal colleagues are off the hook!

Ms CROZIER — You are being vocal again now, Ms Mikakos. You are responsible, and I would like an answer from you.

Ms Mikakos interjected.

Ms CROZIER — You are responsible, Minister.

Honourable members interjecting.

Ms CROZIER — On a point of order, President, the minister is debating my constituency question. Can you clarify whether that is allowed within the standing orders?

The PRESIDENT — Order! The minister is not actually debating. She is just interjecting, and there has been an interchange between the two of you, which is disorderly.

Southern Metropolitan Region

Mr DAVIS (Southern Metropolitan) — My question is to the Minister for Public Transport. Today not only we have heard that South Yarra station will not be connected to the metro rail project — that has been confirmed — but on top of that we now know the real reason the state government has killed the no. 8 tram. The longstanding no. 8 tram travels along Toorak Road, up St Kilda Road, through Swanston Street, past Flinders Street and up to the university, and has likely done so since the 1920s. People have been catching that tram for decades, but it is to be discontinued. Premier Daniel Andrews's first step to improve public transport is to axe the no. 8 tram. I want to know from the minister what provisions will be made to ensure that people can transfer seamlessly, or as seamlessly as possible, and what steps she will take to make sure that students are able to get to the university from Toorak Road, as they have done for many decades.

Northern Victoria Region

Mr DRUM (Northern Victoria) — My constituency question is to the Minister for Sport. Following a parliamentary inquiry in the early 2000s — I think it was around 2004 — the country football and netball program was introduced to assist small clubs with their facilities. This fund was implemented under the Bracks government and increased under the coalition government. The country football and netball program is a partnership between the Victorian government, AFL, AFL Victoria Country and Netball Victoria. It is an amazing program that allows football and netball clubs to invest in their own facilities. Clubs and local government both contribute to give all clubs the facilities they need.

The issue I raise for the Minister for Sport is that despite significant lobbying by AFL Victoria Country, there have been no signals given by this government as to whether this fund will be included in the upcoming budget. I certainly lobby the minister to ensure that the Victorian government's contribution to the country football and netball program is included in the 2015 May budget.

Sitting suspended 1.04 p.m. until 2.08 p.m.

PUBLIC HEALTH AND WELLBEING AMENDMENT (HAIRDRESSING REGISTRATION) BILL 2015

Second reading

Debate resumed.

Ms CROZIER (Southern Metropolitan) — Before question time I was speaking on the Public Health and Wellbeing Amendment (Hairdressing Registration) Bill 2015, which has been in effect reintroduced to the Parliament after a similar bill passed this house in June of last year. I note the second-reading speech that has been incorporated in *Hansard*, contains similar words and sentiments to those contained in the Public Health and Wellbeing Amendment (Hairdressing Red Tape Reduction) Bill 2014, which was the bill introduced by the former coalition government and the former Minister for Health, Mr Davis. However, there are a couple of additional points I would like to make in concluding my contribution to this debate.

This bill is identical to the one introduced last year save for one amendment, which extends the time line. This delay puts an additional cost onto hairdressers. It is disappointing that the government has stalled in that respect.

I note there was much rhetoric in the second-reading speech about cutting red tape and supporting small business. I was recently doing some research and was alarmed to find an article in the *Weekly Times* indicating that there is great doubt over the future of Victoria's red tape commissioner. That is concerning

for the Victorian community. The red tape commissioner was appointed by the former coalition government in January 2013. At that time the commissioner had a brief to find ways to make it easier for businesses to deal with the state's bureaucracy. I feel that this government is going to allow a ballooning of bureaucracy. With the doubt over the red tape commissioner's position, there is the potential for red tape to creep back into this government.

We know red tape costs small businesses time and money. When such effort is required to maintain the momentum and self-sufficiency of the economy, it would be a retrograde step for more bureaucracy and red tape to be introduced into our small business sector. The article I referred to stated that the reason the former coalition government appointed a red tape commissioner to look at state bureaucracy issues was that a report found that bureaucratic dealings cost 40 per cent of Australian businesses at least $10 000 a year. That is a huge impost on small business. It is a key figure for small business operators to be aware of so that they understand the potential for such costs.

The coalition government wanted to do as much possible to support small businesses, and it will continue to advocate on their behalf. I am pleased this bill has been introduced to the house. I commend the former health minister, Mr Davis, for introducing it in the first place. He identified that it was a common-sense approach. I am disappointed that there has been a delay which has incurred a cost to hairdressers and small businesses.

I would like some clarification about whether the government will be continuing with the red tape commissioner, noting the vital role of that position. I am sure that will come up in future debates. It is an important position and one we should look at. When the federal government came to power there were something like 19 000 pieces of red tape that had crept in during the time of the Rudd-Gillard governments. Labor governments certainly have form in tying businesses up in red tape. That is not the intention of any Liberal or coalition policy.

This bill is one move that will reduce red tape. I commend the former government for identifying the issue, dealing with it and bringing it to the fore. It was a pity that the bill did not pass the Legislative Assembly last year. At that time the then opposition was completely irresponsible in its dealings in that house. It could not let a simple bill like this go through. That demonstrates what the opposition of the time, led by Daniel Andrews, was up to. It had a clear motive to highlight a perception of chaos.

I note that in the 57th Parliament something like 336 pieces of legislation were passed by the coalition government and during the 56th Parliament around 340 pieces of legislation were passed. A similar amount of legislation was passed during the 57th Parliament despite the chaos caused on the floor of the house by the then opposition, led by Daniel Andrews, which led to a perception that nothing was being done. In fact it was quite the opposite case. A significant amount of legislation went through and significant reform was undertaken around the state.

This very simple bill was blocked by Labor, which says a huge amount. It is disingenuous for Labor to be taking credit for this bill in its second-reading speech. Nevertheless, the bill is now before the house, and I wish it a speedy passage.

Ms SHING (Eastern Victoria) — It is with free-flowing locks that I rise to speak in the debate on the Public Health and Wellbeing Amendment (Hairdressing Registration) Bill 2015. To that end I note that there may well be the occasional flip around in tribute to those who have managed to keep my mane in relatively good order over the course of my years. I cannot say that things will not go downhill in the course of the rest of my life, but I look forward to presenting a challenge to the various practitioners around Victoria, Australia and overseas as well, many of whom have had to tackle my somewhat Asian, somewhat Anglo-Saxon scalp and whip it into some semblance of order.

Mr Ramsay interjected.

Ms SHING — I thank Mr Ramsay and note his interjection. Dealing with a receding hairline is one of the challenges that many hairdressers and barbers must tackle on a regular basis. Having a full head of hair is something to which people often attach a great deal of pride, and they invest significant time, energy and money to ensure that their scalp is in the best possible condition. Dealing with receding hairlines is no doubt a challenge for those who operate in this industry. I therefore take my hat off to those practitioners — were it the case that I had a hat on over my luxurious locks this afternoon.

As other speakers have mentioned, there are around 4000 hairdressing and barber businesses in Victoria. Most of them are very small and independently owned enterprises. I visited a number of those businesses during my childhood, early adolescence, adolescence and then adulthood. I am ashamed to say that I never built up a relationship of monogamous consumption of hairdressing services, such that I would find myself

after a cut not returning to that business for a significant period and then needing to seek out a new enterprise to tackle the challenge of my hair, which has ranged from being about 4 centimetres long to being down to the small of my back.

Hairdressers and make-up businesses make a valuable contribution to the economy. They range from very modest and modestly costed enterprises right through to those which have innovatively come up with payment plans to assist people to manage their high-end hairdressing services by allowing them to put a little bit away via direct debit in order to access what is now considered to be a follicular luxury. If people want to spend up to seven or nine days at a time in a hairdressing chair, they can. That is only a slight exaggeration. In order to make people look and feel their best, some treatments can be time consuming, but they ultimately result in clients feeling very good about themselves. They not only make an important economic contribution, as I have indicated, but also improve people's sense of health and wellbeing.

This bill provides for a one-off registration of hairdressing businesses by councils instead of an annual registration renewal — which is standard practice — and reduces the regulation for hairdressers and low-risk make-up businesses. In terms of low risk, I must say that when I had my hair cut as an infant, there were some occasions that were not exactly low risk for the person who was wielding the scissors and attempting to cut out my knots. I am not going to pretend that I did not also enter the end of medium or high risk when, as a five-year-old, I demanded that the hairdresser find any and every way possible to dye my hair grey. These are the things that hairdressers have to deal with.

I know it might seem curious and a little odd for a five or six-year-old to want to have their hair dyed grey; however, I took my call in that regard from Gregory Peck in *To Kill a Mockingbird*. He established that salt-and-pepper hair could lend a degree of august gravitas to anyone. As a five-year-old that was the look I wanted to cultivate. Unfortunately the hairdresser did not take me seriously. That has happened from time to time over the course of my life and is always a difficult thing to overcome.

Since then I have discovered that hairdressers must deal with all sorts of trends — from the balayage, which has a shaded component to it, right through to layers and textures. We have seen everything from the mullet — or the 'mul-lay', if we want to make it sound a little posh — becoming front and centre in the 1970s and 1980s and now undergoing a resurgence today on some of the catwalks in Australia and overseas. We have seen everything from the dip dye to the ombre. We have seen feathers, we have seen flicks, we have seen the blue rinse and we have seen people like Kelly Osbourne — the daughter of Sharon and Ozzy Osbourne — rocking a shade of lavender. Invariably some of the trends that have emerged overseas have made their way to our shores and have been translated onto our high streets. That means you can rock anything from a pixie cut to taking a Lady Godiva-style approach and maintaining length wherever possible.

In relation to the bill and its commitment to streamline business regulation, we are also establishing a 25 per cent regulation reduction target. The changes will save businesses an average of $170 per year per business. This will no doubt be welcomed by our small, independent hairdressing business operators that have a limited cash flow.

As I make my contribution to the debate on the bill, I notice that I have more than a smattering of split ends. To that end the debate this afternoon has proven a timely reminder for me to avail myself of the services of one of the 4000 businesses that operate in Victoria to service people such as me and keep us in reasonable nick, despite the fact that our busy lifestyles might not otherwise permit the upkeep and maintenance that remains so important to us — —

Mr Ramsay — It will take more than a haircut.

Ms SHING — I note Mr Ramsay's interjection, and I will take that up. He says it will take more than a haircut. I do not disagree with him in that regard, and that is why what I am looking at in relation to the bill itself is not just hairdressing but hairdressing and make-up businesses. Let us just be clear that we are talking about an overall aesthetic enhancement capacity here, which enables me to contour, to have layers and to choose the look I would like so I can have a flexible approach to my weekend and my everyday look. I hope Mr Ramsay would also be as creative as he would like to be in his own personal aesthetic expression.

The changes mean that proprietors will be saved the time and effort of submitting annual registration renewal forms to councils and that councils will have a trained workforce of environmental health officers who can handle diverse public issues at a very local level. What that means is a reduced administrative burden for small business owners. Given the time and energy that is often required to deal with people who are of a relatively high need in terms of their own particular instructions, this is no doubt a welcome change.

I cannot imagine, for example, that any small business owner who has been in this business and has ever been tempted to hang their head and not know what to do when faced with a client who comes in waving a picture of Jennifer Aniston and saying, 'Make me like her', will not appreciate the fact that the administrative burden has been freed up such as to enable a better concentration of that practitioner's expertise to deliver the look that is popular at the time, whether it is a Jennifer Aniston — or a 'Rachel', as I think it was known when *Friends* was at its peak — or whether we are talking about other hairstyles, such as the Kate Middleton hairstyle, which has come to the fore. We also have, let us not forget, Victoria Beckham, also known as Posh Spice, and her reverse bob, or what was labelled the 'Pob', or the 'Posh bob'.

I must admit that I have attempted to carry off a number of these looks in the past, and I have to say that for a woman of mixed heritage — I am a little bit Asian, I am a little bit European, I am a little bit Australian — I have never been able to actually carry off the Rachel such that I was mistaken for her in any public place, despite every effort going into doing that. I have also had the Pob — that is, the Posh bob, or the Victoria Beckham reverse layered bob just for those who were wondering about my earlier reference — which can also be enhanced in terms of crown volume by adding highlights or lowlights and texturising, often with a razor for that added level of movement and dimension. In essence I have stuck with a cut that enables me to pull it back into a ponytail or just let it flow free.

I would also like to talk about the risks faced by hairdressing practitioners, who are often forced to deal with some of the less savoury elements of their jobs, and that includes — I am going to put this on the record, albeit with some reluctance — the notion of nits, which, let it not go without saying, is something that needs to be managed in a very careful and systematic way. Nits are highly contagious, and as I understand it they are also prone to being very attracted to clean hair. When people leave a hairdresser, they have clean hair. Every single hairdresser I have been to in Victoria has been fantastic at leaving me with clean and shiny hair. Invariably, no doubt, there is some degree of cross-pollination with the nit community, so that is something we need to take into consideration here.

I would also like to address one of the issues Mr Ramsay raised earlier in his interjection in relation to holding onto my hair, because it all falls out eventually. The comb-over is something which, again, has its place. We see that there are numerous members of the upper echelons of our community, very respected people, who do indeed rock a comb-over with pride and distinction, and they ought to be congratulated on their follicular courage and on maintaining the often vertiginous height and volume that is evident in things like the Donald Trump.

What we need to understand is that this particular profession takes great pride in dealing with an enormous diversity of issues, whether it is unpicking the Bali braids that have become matted and in effect turned into dreadlocks after a family holiday to Indonesia, whether it is taking care of the chlorine that has exposed one's scalp to a shade of pale green that might otherwise not have been ordered had the person chosen not to get a set of highlights done in a full head of foils before heading up to Queensland or whether it is looking at maintaining a level of regrowth that is just on the edge of trendy without looking scrappy. These are difficult balances to strike, and I note that hairdressers are adept at making sure that clients who come to them in a state of what might be aesthetic disarray are able to salvage their dignity and walk out feeling like a new man, a new woman or indeed a new child, which I experienced personally when I was dragged into the hairdresser to have gum cut from my hair after insisting that if I just rubbed it in, eventually it would disappear. That is a lesson I learnt firsthand.

Dealing with unwieldy children, dealing with precocious clients and dealing with men who are after that sky-high volume or who want to preserve the sanctuary of the last few hairs on their head are all important things. It is important to understand that the changes being proposed here in effect free up the time, energy and resources of those practitioners to really focus on what they are best at delivering and make sure they are able to continue to provide those valuable community services. I have split ends, and the more I think about it as I make this contribution, the more I am enlivened by the prospect of going to my hairdresser and the more I am determined to visit.

Let me finish on the point that these days going to the hairdresser comes with the general provision of what is known as the scalp massage. The scalp massage is something we have all benefited from, if we know where to go to get our hair cut. It leaves one relaxed, enlivened, rejuvenated and also very pleased at the customer experience which is delivered in the course of the visit. I commend the bill to the house.

Mr DAVIS (Southern Metropolitan) — I am pleased to rise and support this Public Health and Wellbeing Amendment (Hairdressing Registration) Bill 2015. One ought not follow speakers like Ms Shing, and I will not in any way seek to compete with her

entertainment value or the turn of phrase she used. I thought at first it was to be around the world in 50 haircuts, but I think it was more like 100, so she has done very well.

This truly is a second-reading speech. This is a speech that was in this chamber last year, and we could have seen the bill as it was then not only pass through this chamber but also head to the other chamber and be passed down there. But Labor chose to play games, to filibuster and to frustrate the attempts by the then government to pass this bill in the lower house. That is unfortunate because it has meant that under the terms of this bill hairdressers around the state will have to pay two more years of registration: one because of the delay and one because these changes will not be introduced until early 2016. So hairdressers around the state will be clobbered by two sets of annual fees of $170 on average, which makes $340 in total. This is a tax on each and every hairdresser in the land — about 4000 of them — caused by Labor's intransigence and shenanigans in the lower house in the last Parliament.

Notwithstanding that, this is a good bill, and I pay tribute to the former Department of Health and the work that was done in the last period of the previous government to bring this bill forward and present it to the Parliament and the community. I can indicate that this bill has been very well received amongst hairdressers around the state, and I have had significant correspondence supporting the principles that are part of this bill. It is clear that there is no necessity to register hairdressers on an annual basis and that it is quite safe and reasonable to allow a one-off registration approach. This will enable councils to reduce their costs. It will also enable the additional cost benefits to be passed not to just hairdressers but ultimately to the clients that they serve in the many different ways that Ms Shing listed.

This is a good bill, and I look forward to seeing it passed. I can indicate to the chamber, though, that in a very practical sense it is clear that the imposition of a registration charge on an annual basis is a burden — not only a financial burden but also a burden in terms of the management of that fee for many of the smaller hairdressing groups around the state.

I had cause to discuss this as recently as last weekend when I was at the hairdresser. On this occasion the hairdresser presented me with a bill that had landed with them from the local municipality — in this case, the City of Boroondara. The hairdresser had been slow in paying their registration fee, and they had consequently incurred a significant fine from the City of Boroondara. The period involved was quite short for this hair studio, Mario's, which has been on its site in Kew for many decades. Certainly for as long as I have been in Kew, which is well over three decades, it has been in the same location. Many of us very fondly remember old Mario, who served there and provided hairdressing services to the community for all those years. But the example of the unnecessarily imposed fine by the City of Boroondara on Mario's is an example of the rigidity of the costs imposed by the annual registration arrangements. This bill will directly address those requirements and, by requiring only a one-off arrangement, will be better not just for hairdressers but for the broader community.

I again thank the former Department of Health for the work it did in developing this, and I thank the house for dealing with the bill twice in a short period. I look forward to its speedy passage.

Mr LEANE (Eastern Metropolitan) — I would like to take into account some of the previous comments on this bill by Ms Crozier and Mr Davis, but in particular Ms Crozier, who in a less gracious way suggested that this bill was presented to the house in the last term — —

Mr Davis — Which is true.

Mr LEANE — Which, as Mr Davis says, is true. The house has commended this piece of work. Mr Davis might fall over on hearing that, because when he was the minister he was one of the architects of this piece of work. The house has unilaterally commended this bill. However, Ms Crozier in her contribution indicated that the reason that this piece of work has had to come back during this term is because of the actions of the Labor Party in the Assembly in blocking the legislation, which is simply not true. It is not true at all. The issue that caused the hold-up of the bill was the previous government's problem in the Assembly. A Liberal Party member, the former member for Frankston, decided during the course of the term that he no longer wanted to be a Liberal Party member, which meant that he became an Independent. He played a part in holding up proceedings, because as could be read in the tea-leaves, him becoming an Independent and, following that, a hostile Independent was due to a promise to him not being kept by the then Premier, Dr Napthine. It is simply not right for Ms Crozier to say that this bill is back in this house due to the actions of the Labor Party in the previous term.

I commend this bill to the house, as I have said. I believe you should be generous when dealing with someone else's work or work initiated by them — in this case generous about the previous government in

saying it initiated a good piece of work. As has been said by a number of speakers, this is a good bill. It is a good thing that hairdressers will, through this bill, have unnecessary red tape removed. I understand this means that hairdressers will not have to go through an annual process of red tape — that is if they are hairdressers only, but if they offer other health services, that process will still apply to them. The bill makes a lot of sense.

This is a big industry. I do not know if it is a growing industry, but it is a big one. It services a lot of people and, as I said, it offers very important services. This morning I was having a conversation with Ms Pulford, who indicated to me that maybe us blokes do not need to worry too much about some of the services hairdressers offer in that we only need to worry about haircuts and maybe not colouring. I want to offer something to Ms Pulford: this currently is not the natural colour of my hair.

Ms Pulford — You're not misleading the house, are you, Mr Leane?

Mr LEANE — No. I actually do get my hair adjusted to this colour. If truth be known, the true colour of my hair is very similar to Mr Finn's.

Blokes are using more and more hairdressing services and spending more time with hairdressers, and we appreciate the work they do. As has been stated by a number of speakers, it is important that hairdressers are freed up to do their important work and to make a quid rather than being tied up in and worrying about red tape.

As I said, this is a big industry, and I am sure it is growing. At the moment there are around 4000 hairdresser and barber businesses in Victoria. Most of them are small, independently owned enterprises. They are part of the backbone of the small business industry. They are, as I said, part of an important industry, an industry that should not be burdened by unnecessary red tape.

The bill amends the Public Health and Wellbeing Act 2008 to reduce regulation for hairdressers and low-risk make-up businesses. I am not an expert on what is a low-risk make-up service, and I would not like to guess, but I am sure there is no point in such businesses being unduly burdened with red tape. The bill allows those businesses to apply for a one-off registration with a council instead of the annual registration that had become standard practice. The change will streamline the registration processes for hairdressers and make-up business proprietors. The change will benefit 4000 businesses, as I said; and it is great that this house can implement a piece of legislation that can be of benefit to so many small businesses within the state. The bill supports the government's commitment to streamline business regulation and establish a 25 per cent regulation reduction target, which is obviously aimed at freeing up small businesses, as I said, to be able to conduct the business they wish to conduct and not be burdened and held up from making a quid.

These changes will save businesses on average $170 per year per business. That might not sound like a lot, but I pay about $40 when I see the hairdresser at Doncaster, so if that represents four haircuts that businesses do not have to do to save this sort of money, I think it would mean a lot to those proprietors. This bill will be particularly welcome to those small, independent hairdressing business operators. Obviously for those small businesses it is very important to maintain a cash flow. As I said, the bill could mean four haircuts they would not have to do to make up that money.

I am going through some notes that I have shared with Ms Shing, and I have come across a piece of paper that has written on it 'Hair nits' and 'Male comb-overs' — —

Mr Davis — You had purple hair yourself at one point.

Mr LEANE — Actually I did, Mr Davis. I am glad you have reminded me of that, because I was struggling for a bit there. I did have purple hair at one stage.

Mr Davis — And that was for a worthy cause.

Mr LEANE — It was for a worthy cause.

Ms Hartland — And you did look gorgeous.

Mr LEANE — Thank you, Ms Hartland. I did look gorgeous; I agree. I might be one of the few people ever to get a haircut from a Premier. He was not the Premier at the time, but Daniel Andrews sheared my lovely long golden locks off for the Leukaemia Foundation. The World's Greatest Shave is, as members know, the Leukaemia Foundation's major fundraiser. According to the foundation it has been greatly successful, and it is a good cause that everyone should get behind. The foundation encourages people to save their hair for leukaemia research, and it offers a volunteer hairdresser to cut it for them. I do not know about Daniel Andrews's hairdressing credentials — I doubt he has any at all, but I have to say I think he did quite a good job — but the point I am making is that it is very kind of hairdressers to volunteer their time to shave people's

heads for the charity, and dozens of hairdressers volunteer to perform that act annually.

Coming back to the bill, there has been consultation with union representatives, the local government sector and the Municipal Association of Victoria, and a lot of work has been done to make sure that we are at the point where we can pass the bill. I congratulate everyone who has been involved, and as I said, I congratulate the previous government on its work on the bill as well. Small business is an important part of our economy and needs to be supported, and where possible the burden needs to be lifted from small business in relation to red tape. There are more areas where we can support the removal of red tape, and the government will have more to say on that in the coming years.

I close by thanking the Minister for Health for making available to us a briefing on the bill. I thank her advisers, and one adviser in particular, for their work in keeping us informed. I thank all the members who have supported the government in the speedy passage of the bill. I am sure the 4000 hairdressers and barbers across Victoria will appreciate the legislation. It may not sound important, but it is a big thing for a small business to be relieved of this onerous task. We look forward to more hairdressers and barbers establishing themselves in the state and flourishing. I am sure we can work even closer with this small business sector to ensure its future viability and success.

Ms PULFORD (Minister for Agriculture) — I welcome the opportunity to contribute to the debate on the Public Health and Wellbeing Amendment (Hairdressing Registration) Bill 2015. A number of points have been made by previous speakers, and as Mr Davis indicated, the former government had some difficulty in managing its legislative program and there were 70 or so pieces of legislation left in an uncompleted state by the time the Parliament was prorogued. Had this legislation been given a greater priority by the former government, it might have been passed by the previous Parliament. But the Labor government is getting on with it, and here we are today contemplating a modest but important red tape and cost to business reduction.

From 1 March 2016 businesses that solely provide hairdressing services and/or temporary make-up application will be eligible for a new type of registration with their local councils. These businesses are considered to be low risk because of the nature of the work they do. The proposal is that they have a one-off registration and be relieved of the annual $170 fee and all the paperwork and rigmarole that goes with it.

I am advised that rather than seek no regulation the industry is happy with light-touch regulation where there is still a formal relationship between local councils and the businesses so that inspections can occur as required, but it is considered to be, as I indicated and as previous speakers have mentioned, a low-risk set of activities that these businesses are involved in. Around 4000 businesses in Victoria are expected to benefit from the passage of the legislation.

The businesses that will continue to be regulated under the current arrangements will not be eligible to apply for this one-off registration. They include hairdressing businesses that also offer beauty therapy services excluding temporary make-up application. That could be a range of things. A service list from any hairdresser with beauty therapy services will include typically a range of services, including massage and waxing. Then there is a further step into more invasive types of treatment like permanent make-up and body piercing, and the provisions in the Public Health and Wellbeing Act 2008 that we are discussing today also apply to tattooing. It is not proposed that businesses involved in the kinds of activities that are of higher risk than having a haircut or having temporary make-up applied will be eligible to apply for the new simpler and cheaper form of regulation. This is a welcome change, and it will be good to have the legislation passed by the Parliament today. I note the support of speakers from a range of parties during the course of the debate.

If the Parliament passes the bill and it proceeds into law, the department will commence work with the Municipal Association of Victoria and the Hair & Beauty Industry Association to develop some communication tools targeting council enforcement officers and eligible businesses and also to communicate with affected businesses and stakeholders through industry publications and local government bulletins. It is proposed that an information session be offered to councils to explain the amendments, because they are on the front line of ensuring that local businesses know what is the most appropriate category of registration for them. We will provide the support that councils and businesses that are eligible for the new type of registration will need so they know about this change.

As I indicated, there are around 4000 businesses affected, many of which employ quite a number of people. Some of them are sole operators, but my observations over 41 years would suggest that generally these are small businesses, but small businesses that

employ quite a number of people. Hairdressing has a very strong tradition in skills development of its workforce, and it supports the employment and training of a great many apprentices.

In addition to providing an obvious service — such as making sure that people like Mr Leane are neat and tidy at all times — a hairdressing salon can also be a hub of local activity. Saturday morning in any hairdressing salon can be a pretty good time to catch up on local gossip, to trade notes and to find out what is going on — a handy source of opinion polling close to election times and all manner of things. Hairdressers provide that service in much the way as some of our taxidrivers offer a wonderful community service as they speak to people all day and every day about whatever subject they are into. Hairdressers are in constant contact with a diverse range of people because, apart from a small number of us who do not need a hairdresser, most of us encounter hairdressers on a regular basis.

The bill is consistent with the government's objective of streamlining business regulation and its target of a 25 per cent reduction in red tape. We support the introduction of this bill, and we want people in small business to understand that the bill will support small business, which employs tens of thousands of people across Victoria. It is important and worthwhile that the government supports these people.

I am quite sure that this initiative will be welcomed by those 4000 businesses that are affected. As Mr Leane indicated in his contribution, the cost of a haircut is around $40. I reckon he might be paying a better rate than I am. But if this is — —

Mr Davis — It will be cheaper with this bill, you see. That will just help it. It will take a little tiny snip.

Ms PULFORD — Mr Davis, I am not sure we could absolutely conclude that the price of haircuts will come down as a result of this bill, but it will provide an important cost reduction for businesses. I am not sure that the price of haircuts is going down, but if that happens, it would be a wonderful bonus. Small businesses often operate on very tight margins and have to manage all sorts of risk, so if we can provide this kind of relief, why would we not?

I welcome the bill, during the development of which there was extensive stakeholder consultation. As Mr Davis would well know, back in 2013 and 2014 the former departments of health and human services surveyed a sample of hairdressing businesses about the current regulatory arrangements and options. The survey was also forwarded to all Victorian members of the industry association. A number of surveys were returned, and discussions were held with the industry association and the Municipal Association of Victoria. In turn the Municipal Association of Victoria spoke and consulted with its individual member councils. More recently the Shop, Distributive and Allied Employees Association was also consulted and is satisfied with the changes. I believe the association has quite a number of members working in this industry.

Members of the government welcome being able to provide this benefit. Lighter touch regulation will be provided to treatments in a hair and beauty setting that are less invasive than those that are more invasive or pose higher risks. This is a very worthwhile endeavour.

On a final note, it would be remiss of me not to send a *Hansard* cheerio to Nicole Van Berkel, my hairdresser, who has become a mate over the years. I try to be a good client and turn up when I am booked in, and she forgives me sometimes when this job and my appointments collide dramatically. She runs a wonderful business in Ballarat, probably around 500 metres from my home. I look forward to seeing her in the next couple of weeks.

Mr RAMSAY (Western Victoria) — Thank you, Deputy President, for the opportunity to be able to contribute to what has been nearly 4 hours of debate in relation to a bill that was debated in the other house last year. I do not think we have learnt much more than what was said during that debate. Talk about fillers! We have seen examples of fillers for the last 3 hours in relation to tying up time the time allocated to the business of this chamber.

That said, I take this opportunity to reply to Ms Shing's very entertaining contribution to the debate on this bill. I enjoyed her contribution because I learnt much more about her, about her adolescence and about her hairstyles at different stages of her life up to this point. Quite physically she gave those of us who were in the chamber a prime example of the shininess and sheen of her long locks. I look at her admiringly, thinking, 'If only …', as the years traverse forward. As Ms Shing quite pointedly noted on many occasions, yes, unfortunately as men mature invariably their hairlines recede — for most, not all. I certainly will not speak for all men.

As a consequence, men's experiences of the barber take up a little less time and produce a little less information. Like Ms Shing, I will draw on my experience in adolescence. I went to the hairdresser quite often when I was a young boy, and I found that the hairdresser not

only dispensed the expertise of cutting hair but also provided condoms at a fairly regular rate to a whole range of those who were seeking some assistance and guidance from the hairdresser. In the old days hairdressers were multiskilled at providing not only hairdressing but also a whole range of other products to help those in need.

But I digress, because the important points I wanted to make — —

Ms Shing interjected.

Mr RAMSAY — Yes, Ms Shing; I have already acknowledged your contribution. I found it very entertaining, and I congratulate you on that because otherwise it would have been a very long afternoon.

However, there are two points I want to make. One is that the previous government had already put this bill before the Assembly, and sadly it was not supported. Therefore all the hairdressers we have been talking about — I think Ms Pulford mentioned the figure of 4000 about six times during her contribution — have not been able to take advantage of the reduction in red tape and in the cost of registration. Hopefully I will be the last contributor to the debate today and we will pass the bill so that hairdressers will have that opportunity to have some of the red tape removed and to enjoy a reduction in costs as a result of no longer having to register on an annual basis.

I congratulate the previous government on bringing this debate forward last year in the last Parliament, and I also congratulate the government of the day on bringing the current bill before this house hopefully to have it read a second and third time.

I thank Marissa, my hairdresser in Barwon Heads, who does a fantastic job probably every six months. Sadly it only takes 3 or 4 minutes for me to have the job done, unlike Ms Shing, who obviously enjoys a luxurious 4 or 5 hours of entertaining discussion and feeling good about all those things. I encourage this bill finally to have a speedy passage through this chamber.

Mrs PEULICH (South Eastern Metropolitan) — I wish to say a few words in support of the Public Health and Wellbeing Amendment (Hairdressing Registration) Bill 2015. I wish to commend the person who conceived the idea, the former Minister for Health, the Honourable David Davis. The bill is now before us, and good ideas are hard to kill. It is a small example of the red tape reduction in which the former government had much success, certainly achieving beyond its target. From memory I think it was about $750 million. It is the sort of efficiency and effectiveness that a modern economy requires.

It seems to me a bureaucratic nightmare to expect hairdressing salons, which are small businesses, to be going through a registration process annually. Not only is it a cost burden, but it is also a burden in terms of time and resources. I welcome this as a way of also reducing the cost of doing business and supporting small business.

Hairdressers are an important network in the community. If you want to find out what is going on in the local community, go and get a haircut and speak to the hairdresser. I have had the same hairdresser for many years, Innervisions Hair Salon in East Bentleigh. I send a special cheerio to Paula, who cuts hair amazingly well, and to her offsiders Charlotte and Daniel. Their prices are very competitive. While a lot of people pay a lot of money for this service, there are a lot of hairdressers who provide a much-needed service to people who are not particularly affluent or who are vulnerable. When my father was passing away and he needed his last haircut, I recall that Bruno, his barber, came to his home to give him his last haircut. Where do you find that sort of service?

Many hairdressers are amazing people who are very loyal and dedicated to their clients, and many have had the same clients for many years. It is great to be finally able to do something for them. Hopefully this bill will make their lives a little easier. I wish all hairdressers who do wonderful work in support of our more vulnerable members of community and our seniors the very best of luck, and I thank them for their service.

Ms MIKAKOS (Minister for Families and Children) — I rise to make some comments in summing up this debate. The government is very appreciative that it has the support of all parties and all members of the house, and I thank the members who have contributed to what has been an interesting and wideranging debate. Although I have not been in the house for the whole debate, I understand that a number of members have referred to and paid tribute to their own hairdressers and barbers in the course of their contribution. I support those remarks in saying that the people we rely on for our personal grooming are a very important part of the support we receive as members of the community. I also recognise that hairdressing and barber services are very important small businesses, with about 4000 of them around the state.

This bill lifts a regulatory burden from these small businesses and ensures that they are able to continue to

ply their trade without being burdened by registration costs and the paperwork that annual registration entails.

I make a comment on the point relating to the issue of the commencement date that was raised in the debate by members of the opposition. Members opposite referred to the fact that this bill had been introduced in this house in the previous Parliament. I recall the debate last year in relation to a very similar bill. The point made by members opposite was that the start date of that previous bill was 1 January 2016, and the new commencement date under this bill will be 1 March 2016. Members opposite made the point that this means that businesses will have to pay the registration fee again in 2016 because of the delayed commencement. I also make the point that the previous government introduced this bill in the previous Parliament in the Legislative Council in June last year. It was first read on 25 June 2014, and it passed the Legislative Council on 7 August 2014. It was introduced and first read in the Legislative Assembly on 19 August 2014 and second read on 20 August, and the debate was adjourned until 3 September 2014. So the bill just sat there from 3 September last year until the Parliament was prorogued and the bill lapsed.

If members opposite want to score some political points on the issue, they need to understand they had the opportunity to bring on this bill for debate and conclusion in the Legislative Assembly in those last few months of the Napthine government, and they failed to do so. We know they were unable to manage their business program in the Legislative Assembly because of the former member for Frankston and a whole range of issues they brought upon themselves, so they cannot come here and make this an issue when they were unable to pass the bill through the previous Parliament.

The other point I make with respect to this same issue is that our government consulted with the Municipal Association of Victoria (MAV), the peak body representing local councils; at the moment it is local councils that register these businesses, undertake the collection of fees and use their environmental health officers to inspect these hairdressing salons. So we consulted with that peak body and we are responding to its concerns in relation to the commencement date. The MAV and councils have advised the government that when considering an appropriate start date for the new laws councils need sufficient time to plan and budget for the new arrangements. This is because council health departments need to adjust and plan for a future reduction in fee revenue from hairdressing and make-up businesses when the changes take effect.

In developing this bill we consulted the MAV about the proposed start date, and it clearly advised us that a start date of 1 January 2016 would not provide councils with sufficient time to plan for the arrangements. We responded to those concerns by delaying commencement by a period of three months to enable councils to prepare themselves for this change. With those words, I thank members for supporting this important reform for small business in Victoria, and I look forward to the bill's passage.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

GOVERNOR'S SPEECH

Address-in-reply

Debate resumed from 15 April; motion of Ms SYMES (Northern Victoria) for adoption of address-in-reply.

Mr RAMSAY (Western Victoria) — I take the opportunity to thank the Governor and Mrs Chernov for the contribution they have made to the state of Victoria, particularly their strong advocacy for regional Victoria. Over the years I have appreciated my conversations with the Governor and Mrs Chernov about many issues where we have similar or the same interests. I also thank the voters of Western Victoria Region for voting me no. 1 on the ticket and also for supporting my parliamentary colleague Joshua Morris as a member for Western Victoria Region.

I will refer to an address by the Premier, Dan Andrews, in which he identified his government's vision for Victoria and how it will invest to bring that vision to reality, but first I will paint a picture of what the reality is today, what it has been in the past and what we will most likely see in the future. We have had 140-odd days of the Dan Andrews government. The Andrews Labor government has very quickly put Victoria on the road back to the 1980s and worse. Any chance of living in a prosperous Victoria with opportunities for all will soon be lost. The Andrews cabinet, full of dreamers with no commercial experience and union hacks, simply has no idea of what happens in the real world and what makes it tick. The clock has been turned back to the Cain-Kirner era of the 1980s.

Younger Victorians will not know what that 10-year Cain-Kirner period was like, so let me walk members through some of the key outcomes of those Labor governments. With little to show for it, they built a debt and liability of $94 billion, which in today's dollars would be about $200 billion — that is, $200 000 million. In today's dollars that is roughly equivalent to taking $50 000 from every man, woman and child in Victoria at the time. Back then the state government was effectively broke. The State Bank went broke and was offloaded to the Commonwealth Bank, together with a large payment as a sweetener.

This is how the state of Victoria got into that position: firstly, by agreeing to union demands for public sector workers, whose pay and conditions set higher and unaffordable standards in excess of inflation; secondly, by employing more public servants than the state needed or could afford; thirdly, by poorly managing the state's responsibilities and resources; and finally, by having a lack of commercial acumen around the cabinet table, which led to decisions that had more to do with socialist ideology than the needs of a modern commercial economy.

At that time there was a mentality inside the Kirner government of deep hatred for successful business and those who supported business. Most Victorians came to the view that the state of Victoria had closed down. There were bumper stickers on cars — Ms Shing might just remember this — that read, 'Would the last Victorian to leave turn out the lights', as many fled Victoria for Queensland. Victorian Labor became known as the Guilty Party. Victorian Labor was guilty of being the wrecking ball of a great place to live, work and invest. Education was transformed so that simply participating was an acceptable standard and any encouragement to aim for excellence was not encouraged. Technical schools were closed, and non-academically inclined students withered because of the lack of practical education. Students were educated to depend on the state, and self-reliance was unfashionable and, in fact, discouraged.

During this period of Labor government in Victoria investment slowed, country towns were dying, building and construction dried up, there were few cranes on the Melbourne skyline and there was a net migration of about 136 people a day out of Victoria to other states, mainly Queensland. Most of those people were cashed-up retirees or tradespeople — people Victoria could not afford to lose. Victorian Labor was guilty of driving Victorians out of the state.

What parallels can we draw with the Andrews government today? In opposition Daniel Andrews went to great lengths to appear moderate and not to be seen as being under the influence of the union movement. He even promised to honour all government contracts before backflipping on the east–west link contract to try to head off the inner urban rise of the Greens against Labor-held seats. Daniel became Dan and then promised to renege on the east–west contract, saying it was not worth the paper it was written on. Apart from that statement being wrong, the total cost of the Andrews government abandoning the east–west link project stands at more than $900 million, almost triple the $339 million agreement heralded by Mr Andrews as the best possible result. Victorian Labor thinks it is a good idea to burn close to $1 billion of our money.

The adverse impact of this decision will not only be more traffic congestion and higher transport costs but by trashing a legal document there will be an intensely negative reaction to business confidence and investment decisions. The Prime Minister responded by saying it was a reckless decision to spend hundreds of millions of dollars to not build a road that would have linked the Eastern Freeway to CityLink. It was the state's only shovel-ready project, and not building it will destroy over 7000 jobs. The Prime Minister went on to say:

> The Victorian government's decision to abrogate contractual responsibilities sets a dangerous precedent for future projects and threatens further investment in much-needed infrastructure in our country.

The chief executive of the Business Council of Australia, Jennifer Westacott, said the level of sovereign risk and uncertainty created by the decision was simply unacceptable.

Labor's waste is not just numbers on a spreadsheet; Labor's waste hurts all Victorians. Consider the following list of important community infrastructure, the approximate cost of each and what that means in terms of lost opportunity: 28 new X'trapolis trains for the metropolitan network at $22 million per train; 25 new schools at $17 million each; 29 new major 24-hour police stations at $14.4 million each; 323 combined Country Fire Authority-State Emergency Service hubs; 210 new ambulance stations; and 30 new country railcars. We could have had all of this. The lost $800 million to $900 million will mean fewer schools and hospitals will be built, fewer trains will be ordered and Victorians will still be stuck in traffic. Daniel Andrews has put politics ahead of outcomes for Victoria. Only a Labor government is incompetent enough to waste $800 million to $900 million to scrap Australia's largest job-generating, traffic-busting infrastructure project.

But the retrograde decisions do not stop there. The Peter MacCallum Cancer Centre will now not have the benefit of proposed private investment to extend its treatment capacity by 42 beds. Water boards, desperately trying to contain price increases with prudent management, have effectively been sacked. No doubt this will lead to the appointment of climate change advocates with feel-good proposals, to bloated staff numbers and to more costly harebrained schemes like the north–south pipeline and the excessively large desalination plant. Water rates will continue to outstrip inflation, as they have always done under Labor. The Minister for Environment, Climate Change and Water, Ms Neville, will no doubt appoint as water board chairs all her old cabinet friends, such as Rob Hulls, John Thwaites and so on, who will drive up the cost of water for every taxpayer.

In a sop to the Construction, Forestry, Mining and Energy Union, the chair and CEO of WorkSafe have been sacked. The board of Ambulance Victoria has been sacked to appease the ambulance union. The Linking Melbourne Authority has been sacked; the transport mess will deepen. Move-on laws designed to allow construction and limit unnecessary union interference — in particular to proceed without union demonstrations and bullying — have been scrapped.

I refer to an article in the *Australian* today by Greg Sheridan. It states:

> Building costs in Victoria are higher than anywhere else in Australia and a crippling enemy to jobs. The criminal element in the building industry in Victoria ought to be the subject of inquiry by some speck of the ABC's vast editorial budget.
>
> In a nation reeling from uncompetitiveness, with the prices of our main exports in freefall, the Andrews government decided that we needed a new public holiday, on the Friday before AFL grand final day.

Sheer recklessness. It is shameful that Victoria has lost its reputation as a place to do business, thanks to just 137 days of the Andrews government. We are now back to the future, with an old-fashioned, long-outmoded Kirner-style socialist government with the dominance of the loony left wing now clearly there for all of us to see. Watch the cranes disappear, business slow, commercial confidence and investment dry up and public service numbers, along with extra debt and liability, grow.

Ms Shing — We were the engine room for jobs, and you killed it all off.

Mr RAMSAY — Yes, Ms Shing, the guilty party is back, and Victorians are going to pay dearly for this.

Ms PULFORD (Minister for Agriculture) — I commence my contribution to the address-in-reply debate and my response to the Governor's speech by congratulating our President, Bruce Atkinson, on his election to the role and my good friend and colleague Gayle Tierney on her election to the position of Deputy President. If I had been here, I probably would have voted for Gayle — in fact I certainly would have voted for Gayle — but I congratulate them both. I watched the Governor's speech from home. On that day I missed being here terribly, seeing everybody in their new seats and seeing all our new members. From my lounge room in Ballarat I could see on the Parliament's live stream how excited everybody was to be here. Whilst I was not ready to be back quite then, I was with you in spirit and I was watching on that day. I did see the Governor's address and his description of the Andrews Labor government's plans for Victoria. I thank the Governor for his speech and indeed for his service to the people of Victoria.

I pay special tribute to and thank the people of Western Victoria Region, who supported my election to this place for a third time. It is incredibly humbling to be elected a member of Parliament. I have always worked very hard for the people of western Victoria. It is an area that I love with communities I have known, some for a long time and others for not such a long time. There is an extraordinary generosity and an extraordinary resilience in difficult times to be found in these communities. I have made many lifelong friends who I have met through my work as a member of Parliament representing Western Victoria Region. I could not be happier to have the opportunity to continue to do so.

I thank and pay tribute to the Labor Party members whose work in the campaign and whose contribution to our policy development has also supported my election. I am conscious that I have a particular responsibility to the party that has elected me to represent it in this place. I would like to pay tribute to Noah Carroll, Kosmos Samaras and Stephen Donnelly for having led an energetic and optimistic campaign team which was united and motivated by a strong desire for a better Victoria. This campaign had three people at the top of the organisational structure but many thousands of people slogging away on the phones and on the footpaths, in small towns and in large towns, in our regional centres, in our suburbs and in our inner cities right across Victoria. I thank them for their dedication to our cause, and I say to them: we will not let you down.

I make special mention of people who represented the Labor Party in lower house electorates within western

Victoria. They include candidates Libby Coker in Polwarth, Bob Scates in Lowan, Roy Reekie in South-West Coast, Andy Richards in South Barwon and Daniel McGlone in Ripon. In addition to my five western Victorian Labor colleagues — the member for Melton, Don Nardella; the member for Wendouree, Sharon Knight; the member for Buninyong, Geoff Howard; the member for Bellarine, Lisa Neville; and the member for Lara, John Eren — who are all returning, I also welcome to Parliament the new member for Geelong, Chris Couzens. I have been enjoying working with Chris, and I look forward to working with her over the coming years.

Our government was elected with a positive plan that was all about putting people first. The core focus of any Labor government worth its salt is its focus on jobs, health and education. We have significant transport challenges before us in Victoria. This was also a clear point of difference before the election, and as members will have observed, there have been some significant announcements by the Premier this week around Melbourne Metro and the delivery of our election commitment to not proceed with the east–west link in spite of the former government's best efforts to make that very difficult and very expensive for Victorian taxpayers despite a really quite scandalous return on investment.

I take this opportunity to talk briefly about the government's plans for agriculture and regional development. I was very fortunate to have been supported by my colleagues to serve in a ministerial role in our new government. I have responsibility for delivering our significant plans in both the agriculture and the regional development portfolios as well as for the ongoing support of these communities and this very important sector of the Victorian economy. Agriculture is at the heart of Australia's regional economies. It is an essential foundation for the development of future jobs and industries in rural and regional communities right across Victoria. In 2013–14 Victoria exported $11.3 billion of food and fibre, making it Australia's highest exporting state. This work supports the employment and income of close to 160 000 Victorians. Ensuring that the agriculture sector and our regional communities are supported through strategic interventions by government and investment in jobs, skills and infrastructure are key parts of the work we will do in supporting agriculture and regional development.

I was staggered to hear this, but I believe I am the first person to be the Minister for Agriculture and Minister for Regional Development simultaneously, and I encounter some wonderful synergies between the two on a daily basis. I have met with people posing a problem in one portfolio in the morning and in the afternoon met with people from the other portfolio posing the solution. There are some really great opportunities that come with taking an economic policy approach to supporting both portfolios. I have met with extraordinary numbers of people in the little more than three months I have been in this role. I have been to farms, saleyards, dairies, orchards and processing plants. I have met with growers, exporters — and those who would like to be exporters — and producers, big and small. I have met with local councils and community groups. I have experienced a steep learning curve in relation to fishing; I have met with commercial fishers and recreational fishers and encountered firsthand their great passion for what they do.

As members will be aware, this week the government introduced legislation to support the establishment of the Regional Jobs and Infrastructure Fund. I have commenced a review into regional economic development and services, and I was utterly delighted when John Brumby agreed to be the chair of an external advisory group that is supporting this work. John Brumby is widely credited in this country as the architect of modern economic regional development, so to have his expertise and the expertise of the other members of the board to test and consider the work being done as part of this regional review will enhance it considerably.

Mrs Peulich — How much are you paying him?

Ms PULFORD — He is doing it for free, actually. We have been taking action in a number of areas and sectors of the agriculture portfolio, and we have been delivering on our election commitments. We have been able to deliver water to Lake Toolondo for the trout fishing community. I have encountered many issues in addition to our election commitments, and there is something new happening every 30 seconds in both portfolios. I have worked to support people in Sunraysia in dealing with Queensland fruit flies in the pest-free area. I have had the lovely pleasure of hosting inbound trade missions. In the area of animal welfare we had an issue in relation to greyhound racing and live baiting that needed to be responded to very quickly, and there was also a degree of community concern about the Lost Dogs Home. These are many and varied portfolios both in terms of the communities I get to interact with and in terms of the breadth of issues we talk about on a day-to-day basis.

Before the election the Labor Party made a commitment to invest $20 million in Food Source Victoria, a program that will bring together producers

by specialty and location to foster innovation and to help them tap into export markets. We now have a wonderful opportunity to support our producers to access new export markets. New free trade agreements have been finalised by the commonwealth government. These things can often take decades of discussions, but there is now a wonderful opportunity to support our producers in tapping into those very large markets as those tariff barriers come down over the next five, six or seven years, depending on which free trade agreement we are contemplating. These are very exciting times for our primary producers and indeed for other producers along the value chain in our food industry.

We are doing some work to support young farmers, and I am in the process of establishing a young farmers ministerial advisory committee. I am also developing a scholarship program to ensure that young farmers are supported to learn new skills. We are supporting the horticulture industry with a $1 million research fund. I have enjoyed getting to know many of the subgroups within the horticulture industry. Horticulture is a significant part of agriculture within the Victorian economy. It is labour-intensive work, so it is an area that employs a great many people. There are 40 subparts to the horticulture story, and it was my pleasure recently to meet with Voice of Horticulture, which is a very new organisation that is seeking to bring these parts together to give them a louder voice.

Historically these parts have been disparate, but they have become united through issues like trade access. I am looking forward to working with them. I have met scientists at the Grains Innovation Park in Horsham and departmental staff in Tatura.

We have a wonderful public service that supports the work I do, and I thank the staff for their advice and expertise. I have learnt that there is an expert on pretty much any question I can think of. There is also an enormous amount of corporate knowledge that has been accumulated over successive governments. The Victorian public service is something I value. I have always valued it, and I now value it to a far greater degree as I deal with experts in various fields, such as research, policy development, front-line service delivery, rule and regulation compliance and animal welfare response. I have enjoyed meeting these people and working with them.

I am looking forward to the establishment of the Regional Jobs and Infrastructure Fund. We will work hard every day to deliver on our election commitments to ensure that Victoria can fulfil its considerable potential in growing jobs in food and food production and in many other endeavours across regional Victoria. I promise that this will be an approachable government in these areas and that I will be an approachable minister. Perhaps even more importantly I promise that we will be responsive to the needs of the community members and stakeholders engaged in agriculture or any endeavour in our regional communities. I promise to be a strong champion within government for regional communities beyond my remit.

I would also like to thank my electorate office staff: Julieanne Giles, Romy Moclair, Tim Miller, Trystyn Bowe and Josh Gilligan, who have supported my work as a member of Parliament over the last four years. It is not much fun being in opposition. I thank them for their endeavours.

Mrs PEULICH (South Eastern Metropolitan) — I look forward to making a brief contribution in the form of an address-in-reply. I congratulate the government on its narrow election win. Those opposite claim a huge mandate, but if members have a look at the breakdown of the handful of seats that were won, they will see they were won on very slender margins. Whilst those on the other side of the house certainly have a mandate to govern and have a convincing majority in the lower house, the communities that placed their faith in change — and there were not a lot of them — have already been well let down, certainly across the South Eastern Metropolitan region.

I would like to congratulate the Honourable Bruce Atkinson on his re-election as the President of this chamber. The dynamic in here is emerging, and I know he is doing his very best to keep it fair and balanced. No doubt there will always be challenges. I would like to also thank all of our candidates and members of Parliament across this state, particularly across South Eastern Metropolitan Region, for putting their lives on the line in contesting elections as political candidates or seeking re-election as members of Parliament. I note the narrow defeat of some very good members of Parliament, including Donna Bauer, the former member for Carrum, and Lorraine Wreford, the former member for Mordialloc.

Unfortunately the seat of Frankston proved to be somewhat problematic for us. Not having a large margin seemed to consume much of the oxygen of what was a pretty good government but possibly one that did not quite get the politics right. There is no doubt we were simply out-campaigned in the 2014 election in a handful of seats which were won on very narrow margins.

I would like to thank all our other candidates. I would like to single out Cr Susan Serey, who was our candidate in Narre Warren South and got a 2 per cent swing to the Liberal Party at the election. She worked very hard. She was a reluctant starter, but she did commendably well and drew a large group of supporters around her during that time.

I would also like to thank all the volunteers, party members and community organisations that supported us during our time in government. I am grateful for the opportunity to continue to serve. I am now in my 19th year at Parliament — 9 years in the upper house, and 10 years in the lower house. It is a great honour for a girl who came out here from Bosnia-Herzegovina as a 10-year-old with her mum and dad, a couple of suitcases, no money, no contacts and no English. I feel privileged indeed to have had the opportunities I have had.

What did Labor promise in order to win a handful of seats? It won six seats across the South Eastern Metropolitan region — well under 5 per cent — some on a handful of votes. For example, my old lower house seat of Bentleigh was won by Nick Staikos, who is now a member of the Legislative Assembly. I congratulate him. He had a primary vote of 38 per cent and got up on the back of the Greens vote. The incumbent member, Elizabeth Miller, received a primary vote of 45 per cent. Another incumbent member, Donna Bauer, the former member for Carrum in the Assembly, had a huge primary vote as well — in excess of 45 per cent — but was defeated on the back of preferences. Clem Newton-Brown, the former member for Prahran in the Assembly, received a primary vote of 47 per cent. If the Greens had not out-campaigned Labor in Prahran, by 32 votes, if the process of elimination of the parties was reversed, he would still be a member of Parliament.

Those newly elected Labor and Greens members of Parliament certainly have big shoes to fill. Many of the members they are replacing worked very hard and delivered many important commitments and outcomes for the community. Some that immediately come to mind are the $250 million Monash Children's centre; the commitment of $156 million for the construction of the Kingston leg of the Dingley bypass; the $11 million commitment to advancing the vision to build the Mornington Peninsula Freeway extension, renamed the Mordialloc bypass; and a range of road funding initiatives across the Casey area.

There was certainly a lot of rubber on the track. We were simply out-campaigned in many instances by people pretending to be fireys, who were working on those booths, often quite coercively. Many of them were handing out material not registered by the Victorian Electoral Commission on election day while on those booths, which is in breach of the Electoral Act 2002. As I said, people were pretending to be fireys, including former City of Casey councillor Kevin Bradford, who was handing out material in Narre Warren North dressed in a Lou Kalikari-designed firefighters uniform. I would imagine that all of these were breaches. In fact if you look at all the emergency services legislation, you will find that there are penalties for people pretending to be someone they are not. I believe these matters need to be very sternly investigated and appropriate action needs to be taken.

Labor promised to put people first, yet all we have seen in the government's 140 days — it feels like 140 years — is it put politics first and its Labor and union mates ahead of the people of Victoria. Labor promised to fix the TAFE system. This was a dishonest campaign, given that it was Labor that deregulated TAFEs in 2009, opening them up to competition. Invariably money was going to move across from the protected TAFE system, which Labor deregulated, to registered training organisations. One may well ask, 'Why?'. I suspect the answer lies in the fact that many registered training organisations are aligned with major unions. One questions why Labor would deregulate TAFEs unless there was a greater motive to serve its constituencies. Labor promised to be an open and transparent government. That has certainly not been the case, and I will come to that in more detail.

In the south-east Labor promised the sun, the moon and the sky. It said there were all these shovel-ready projects which were all fully funded. We now know there are no shovel-ready projects and there is certainly no money. We found out today that Daniel Andrews — the remade man — is planning to borrow money to fund his promises through debt. The Labor campaign was built on lie after lie after lie.

Labor promised to underground or build a whole range of grade separations along the Frankston and Sandringham lines in order to address chronic congestion along the Nepean Highway. Something I have long held out for is a vision of a Bayside Riviera. We now find — and I believe this advice will be coming to the government — that it will not be possible to underground most, if not all, of these grade separations. The only way to grade separate them will be to place roads over the railway lines. The bayside suburbs, including Kingston, will not wear overpasses over railway lines and the destruction of amenity and the vision of a Bayside Riviera. We will not wear that. The government is on notice that unless those grade

separations are undergrounded, it will be in more trouble than the early settlers.

We also had a big campaign about public transport. Today we had confirmation that trains on the Pakenham and Cranbourne lines would not be stopping at four stations, including Richmond, Southern Cross, Flagstaff and Parliament. Yet Labor was able to mount a substantial campaign about how the Frankston line trains were going to stop in some of the city loop stations. We see backflip after backflip from Labor.

We found out that Labor spent $90 000 on drama training. I would have thought that would have been Mr Jennings's idea, given that he is a bit of a drama connoisseur and it is his favourite pastime. We see him practising it in this chamber on a regular basis with his soliloquising of responses during question time. Rather than getting a Sydney drama coach, perhaps Labor members could have considered getting someone from Cirque du Soleil, because it would have better prepared them for the backflips and somersaults that we have seen from them in their first 140 days of government.

We saw local members of Parliament using their electorate office funds campaigning on the need to rate cap. I will be looking at this interesting experiment. Yet Labor continues to ramp up the cost to local government, including, for example, the additional public holiday prior to the AFL Grand Final. The City of Casey says that this will have a $300 000 impact on it alone. We are not talking about the business community; we are talking about the City of Casey. Mr Mulino, the former deputy mayor of Casey, should be sympathetic to this and start talking some sense to this government. We want local government to be efficient and rates to come down as well; we do not want the government to keep placing higher imposts and passing on higher costs to local government and using the blunt instrument of the CPI, which does not measure the cost of doing business in local government.

Labor has also lifted the lid on the enterprise bargaining agreement negotiations so that there is no discipline as these come up. This will impact on the cost of doing business in local government. The government needs to be doing its homework rather than making policy on the run, which is the reason why we have seen debacle after debacle in its first 140 days.

Let us now have a look at some of the shovel-ready, fully funded projects. We heard the news of the east–west link contract being torn up and people calculating that the total compensation or money wasted will be somewhere in the vicinity of $800 million to $900 million. This money should have been invested in infrastructure. We know that Labor opposed the building of CityLink and opposed the building of EastLink. Labor has opposed every major project the coalition has championed and advanced. Where would we be if we had listened to Labor? Unfortunately the east–west link has been scrapped as a sacrificial offering to the Labor-Green politics of the four inner metropolitan sets that Labor is petrified it will lose next time around. This is the price Victorians must pay.

This is in addition to a long list of financial debacles and disasters that I outlined in my notice of motion that is now on the notice paper. All of these amount to billions of dollars. The Premier himself, when he was Minister for Gaming and the duopoly of Tattersall's and Tabcorp was unpicked, said it was safe to do so and that Victorians would not have to pay any compensation. We know that Victorians paid $560 million in compensation, so that $560 million and the money for east–west link certainly qualifies the Premier as the $1 billion-plus-dollar man of Victorian politics.

In addition we have forfeited the opportunity to build a second river crossing and all the jobs that would have come with building a better transport system. We are going to be in deep trouble should anything ever happen to the West Gate Bridge. That is an absolute debacle. We now know there are no shovel-ready projects so the pressure on jobs is only going to increase. Statistics released today show that the unemployment rate in Victoria has increased. I suspect that the loss of confidence in investment as a result of ripping up legitimate contracts will take an even bigger toll. I have a string of consular corps officials coming to see me to express their concern as to what this means for them doing business in Victoria.

In the 1 minute remaining to me, I will just say that I am absolutely devastated that this government has been so high-handed in sacking people who have been working very hard on behalf of Victorians. It sacked 135 members of Victorian water boards, nearly 40 per cent of which were highly credentialled, able women, and that figure excludes those who come from multicultural backgrounds. Also, the government pushed out Chin Tan, chair of the Victorian Multicultural Commission; I hope the commissioners will be all right tomorrow.

We have seen the stalling of the Public Accounts and Estimates Committee, the carbon copy responses to questions on notice and the attempts to reform the

sessional orders in this house. We have also seen what is happening in the lower house. This government is not about being open, transparent or accountable; quite to the contrary. Add to all this the Peter MacCallum private hospital debacle and the sacking of the board of Ambulance Victoria. These are all examples of a government being more captured by politics than by good policy. I fear for Victoria as a result of the socialists being back in charge of Treasury.

Debate adjourned on motion of Mr MELHEM (Western Metropolitan).

Debate adjourned until later this day.

PARLIAMENTARY COMMITTEES AND INQUIRIES ACTS AMENDMENT BILL 2015

Second reading

Debate resumed from 19 March; motion of Mr JENNINGS (Special Minister of State).

Mr JENNINGS (Special Minister of State) — In addition to the range of issues that have been continually raised with me, with relevance to the conclusion of this debate members of the chamber would be amazed that another matter was raised with me in the last 30 seconds before I came to my feet. That is pretty much in keeping with what has happened since the Parliamentary Committees and Inquiries Acts Amendment Bill 2015 was introduced, and that is just one more matter I am going to have to deal with by the end of today.

As members would know, in terms of the government's intention to try to create a new framework for the scope of responsibilities of parliamentary committees across the Parliament, there has been a debate in this chamber and in the other place about the appropriate scope of and relationship between those parliamentary committees in the Legislative Assembly, those within the Legislative Council and those that are constituted on the basis of being joint committees. There has been some concern raised by non-government members and in fact by the government itself about existing or potential instances of duplication of effort and roles and responsibilities between various committees. Not only has that matter been put on the public record in terms of the debate associated with this bill but it has also been the subject of many conversations in the Parliament across government and non-government members to try to find a way of dealing with that overlap of responsibilities and duplication of work.

It is the intention of the government today to outline by resolution of this house and resolution of the Legislative Assembly a delineation of responsibilities between houses to provide a way forward to deal with those issues and to provide for greater confidence about the way in which each chamber will make decisions in the future about the relative size of committees and the appropriate mechanisms that should be in place to enable participation to occur not only by members of Parliament but also more broadly in terms of inclusion and open access for members of the community who are participating in the consideration of committees. There are also matters to do with our ability to substitute members of Parliament in terms of comprising the formal membership of various committees. As members of the chamber would know, that can be done by resolution of the house at any point in time, and that will continue to be the mechanism that is available to us.

There are also questions raised about the appropriateness of resourcing that may be available to support the work of committees. I indicate to the house that, unlike what has occurred in the recent past in relation to resource allocation being made available to support upper house committees, it is the intention of the government to ensure that the resources that are freed up by the reduction in the number of joint investigatory committees, consistent with this bill, are able to be used to support the scope of the references that may come to upper house committees. We recognise that that has previously placed a significant limitation on the work of upper house committees, and we are seeking to remedy that. I can assure the house that I have had conversations with the Presiding Officers about the use of the freed up resources that will be available to the Parliament because of the reduction in the number of joint investigatory committees and how they could be reallocated to support the work of upper house committees.

Those are the most significant issues that have been subject to consideration since the second-reading debate began in this chamber last sitting week. The government has already given undertakings that it is interested in reforming the way the Public Accounts and Estimates Committee undertakes its responsibilities. It is my intention at the conclusion of consideration of this bill to move a referral motion that gives an opportunity to the Procedure Committee of this house to have a look at a range of outstanding matters, including mechanisms it could recommend to the Parliament and to the government about the way in which the Public Accounts and Estimates Committee should operate in the future.

That reference will also provide an opportunity for examination of the scope and responsibilities of committees and allow for appropriate sharing arrangements to be recommended to the Parliament. I consider that to be a measure of the government's commitment to democracy, which is consistent with what Labor introduced in 2006 in terms of reform of the constitution. That led to proportional representation in this chamber and allowed us to apply the principles of proportional representation in the scrutiny of our activities. It is a method we have adopted within the upper house for representation on upper house committees.

We are now intending to proceed today to take that stage further by introducing proportional representation across joint investigative committees and other joint parliamentary committees. We think that is something that will enhance the participation and inclusion of all members of Parliament and create opportunities that have not always been available to them.

For my part, I will be happy to move those motions shortly in the spirit of trying to find an accommodation that enables us to conclude the parliamentary committees bill today and then create the circumstances by which there will be a greater degree of participation and inclusion, a greater sharing of access to resources across the Parliament for supporting committees, a greater sharing of opportunities in terms of who provides leadership within those committees and a broader cross-section of opportunities for chairing committees, rather than the chair always coming from the government.

I am pleased to say that one of the effects of the undertakings that I have just made will be to enable the bill to pass today. It relates to an issue that was not hotly contested, because all members recognised the need for us to provide greater legislative cover to ensure that the Royal Commission into Family Violence in Victoria can gather information and evidence in its inquiries. The issue of family violence was very important to the government when it came to office. We established the Royal Commission into Family Violence. We recognised that there was a need to make a minor amendment to the Inquiries Act 2014 so that this committee can gather information with a degree of competence. This issue has never divided the chamber, but the changes the government intends to make on the issue have been held up as a consequence of the time it has taken us to reach an understanding on other matters in the bill. I hope that has not been a discourtesy to the royal commission or inhibited it in undertaking its work. If that is the case, the government apologises for any inconvenience caused, because it is its intention to make the running of the royal commission as smooth as possible to make sure it acquits its important responsibility on behalf of all Victorians.

With that summary of the government's position on these matters, I will conclude my contribution by urging all members of the chamber to support the legislation in its current form, acknowledging that I will be moving a series of motions immediately upon the conclusion of the passage of the bill. Similar motions in terms of committee membership and other references to standing orders committees may be occurring concurrently in the Legislative Assembly.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Ms WOOLDRIDGE (Eastern Metropolitan) — I understand there is capacity to speak to clause 1 in the context of it representing the overall Parliamentary Committees and Inquiries Acts Amendment Bill 2015 that we have been debating and that we have returned to today. I do want to say, as other members have, how important the committees are. They are highly valued. We have all had significant experience with committees in various ways. I had the opportunity of serving on the Family and Community Development Committee. I must say not only was significant work done in the committee but it was also a wonderful opportunity to work closely with others from across the Parliament on a common objective in terms of better outcomes, particularly with regard to that committee, for vulnerable Victorians.

The coalition has had a number of concerns with this bill, which were outlined in detail during the second-reading debate. These concerns include the reduction in the number of committees. Three committees have been disbanded, and we still hold the view that it is not a good move in relation to the Parliament that those committees have gone. We have also had concerns that the Public Accounts and Estimates Committee (PAEC) has not been established, and we believe that could have been done separately, as the Scrutiny of Acts and Regulations Committee and the Environment and Natural Resources Committee have been. The context has been that the establishment of PAEC was held up by this bill — we believe it could have been established rather than being held up — and now budget week is almost upon us.

During the second-reading debate, and with its conclusion today, there have been a series of very constructive negotiations. I want to thank the Leader of the Government, Mr Jennings; a member for Southern Metropolitan Region, Ms Pennicuik; and members of the crossbench for a number of extensive discussions, which have led to progress regarding the operation and structure of the committees. The Special Minister of State outlined those details in summing up, but I also believe there has been significant progress in terms of the operation of the committees. Proportional representation on each and every committee across the Parliament will be a good result in terms of debates, engagement and involvement, and the outcomes that will be able to be achieved and recommended back to the Parliament.

The fact that there will be variety in the leadership of those committees — from government chairs to non-government chairs — is also a good outcome of those discussions. In the upper house a simplification in the leadership of the legislation and reference committees, which is also to be brought in this evening in this chamber, will simplify the work and leadership of those committees. The commitment that the Leader of the Government has made in relation to funding acknowledges that the joint standing committees have had a lot more resources associated with their operations than the upper house committees. Being able to work with the Presiding Officers and acknowledging the reduction in the number of committees will mean that there will be some additional resources that can be directed towards the upper house committees. This is another positive outcome.

As a member of the Procedure Committee I am very much looking forward to the discussions. There is a range of issues we need to discuss which have been brought up by members of the coalition, members of the Greens and crossbench members, particularly in relation to the reform of the Public Accounts and Estimates Committee. I asked a question in the house just the other day in relation to that and to Dorothy Dixer questions. Exploring how that reform that the government has committed to can be implemented will be an important discussion, along with discussions about participating members, the structure of the committees generally and membership.

The other thing that has occurred since the second-reading debate is that we have had some reform, with the upper house standing committees now being self-referencing. That, combined with these reforms, will provide another opportunity that will enable those committees to be effective in the work they do.

In commenting on this bill in the committee stage, I am pleased to say that because of the discussions that have been undertaken — the engagement, the negotiations and the outcomes — while we do still have concerns in relation to the reduction in the number of committees, we are prepared to not oppose this bill. We want to enable it to be passed today, to discuss the references that are being proposed, consistent with what the discussions have been, and to support the populating of those committees so that they can commence their very important work.

Ms PENNICUIK (Southern Metropolitan) — I would like to make some remarks on clause 1 of the Parliamentary Committees and Inquiries Acts Amendment Bill 2015. I would like to thank the Leader of the Government, the Leader of the Opposition, Dr Carling-Jenkins and the other members of the crossbench for their participation in the discussions that have gone on over the weeks since the last sitting with regard to this bill and how we can improve the parliamentary committee system.

As I said to the Leader of the Government and as I have said in this place many times, it is a gold mine to modernise the parliamentary committee system. During my contribution to the second-reading debate I made the point that in other parliaments the joint committees are generally the oversight committees, and then there are subject-related committees that are either lower house committees or upper house committees. That particular issue regarding the make-up of the topic-related committees in the lower house was not so much of an issue to us.

Members would recall that I circulated some amendments to this bill which address two particular issues. One relates to the chairs of the Public Accounts and Estimates Committee and the Scrutiny of Acts and Regulations Committee. It is a longstanding goal of ours that those should be independent chairs. The other circulated amendments relates to the institution of substitute members and participating members on the committees. The upper house standing committees already have the ability to have substitute members and participating members, but the other committees do not. I was pleased to hear the minister say in his summing up on this bill that those were issues that would be referred to the Procedure Committee for further consideration. I am therefore happy not to proceed with my amendments on those two issues today, taking in good faith the words of the minister that he and the government are serious about those issues being further examined.

I thank the government for moving us ahead in terms of committees. I have to say that the members of the previous government did, when in opposition, assist when the Greens had moved to set up standing committees, but although they were set up — on the last day of Parliament in 2010 — sadly they really did not get to operate to their full potential in the last Parliament. We now have a situation where the committees are going to be very altered across the Parliament. We are going to have proportional representation and non-government majorities, and that is a big step forward. Because of that big step forward, we are happy in good faith not to proceed with the amendments but to have them referred to the Procedure Committee. I understand the reference will be to a joint meeting of the lower house's Standing Orders Committee and the upper house's Procedure Committee.

The Greens are very pleased with this outcome generally, bearing in mind those particular issues I have just mentioned, and we are therefore happy not to proceed with the amendments we had circulated and of course not to proceed with the motion I have on the notice paper to split the bill. That is no longer necessary.

Clause agreed to; clauses 2 to 17 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

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

That the bill be now read a third time.

I thank members for their contributions to the second-reading debate, for raising and negotiating issues in the debate and for the goodwill that has been demonstrated in the committee stage. If anybody needs to know the consequences of the arrangements and undertakings that have been made in arriving at this outcome, they should read the *Hansard* record of the next 15 minutes. As I move a series of motions in the house they will see the consequences that have come from the goodwill that has been generated around this.

Motion agreed to.

Read third time.

PARLIAMENTARY COMMITTEES

Membership

The PRESIDENT — Order! I advise the house that I have received a letter from Ms Symes dated 16 April resigning from the Environment and Natural Resources Committee.

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

That:

(1) members be appointed to joint committees as follows:

(a) Accountability and Oversight Committee — Ms Bath, Mr Purcell and Ms Symes;

Electoral Matters Committee — Mr Dalidakis and Ms Patten;

Environment and Natural Resources Committee — Mr Young;

Family and Community Development Committee — Ms Lovell;

IBAC Committee — Mr Ramsay and Ms Symes;

Public Accounts and Estimates Committee — Dr Carling-Jenkins, Ms Pennicuik and Ms Shing;

Dispute Resolution Committee — Mr Bourman, Mr Dalidakis, Ms Dunn, Mr Jennings and Ms Wooldridge;

House Committee — Mr Eideh, Ms Hartland, Ms Lovell, Mr Mulino and Mr Young; and

(b) subject to the passage, royal assent and commencement of the Parliamentary Committees and Inquiries Acts Amendment Bill 2015 —

Economic, Education, Jobs and Skills Committee — Mr Elasmar, Mr Melhem and Mr Purcell;

Law Reform, Road and Community Safety Committee — Mr Eideh and Ms Patten;

(2) members be appointed to Council committees as follows:

(a) Privileges Committee — Mr Drum, Ms Hartland, Ms Mikakos, Ms Pulford, Mr Purcell, Mr Rich-Phillips, Mr Herbert and Ms Wooldridge; and

(b) in accordance with nominations received by the President for membership of the Council standing committees —

references and legislation committees on the economy and infrastructure — Dr Carling-Jenkins, Mr Dalidakis, Mr Eideh, Mr Elasmar, Mr Finn, Ms Hartland, Mr Morris and Mr Ondarchie;

references and legislation committees on the environment and planning — Ms Bath, Mr Dalla-Riva, Mr Davis, Ms Dunn, Mr Leane, Ms Shing, Ms Tierney and Mr Young;

references and legislation committees on legal and social issues — Ms Fitzherbert, Mr Melhem, Mr Mulino, Mr O'Donohue, Ms Patten, Mrs Peulich, Ms Springle and Ms Symes.

Motion agreed to.

BUSINESS OF THE HOUSE

Sessional orders

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

That until the end of the session, unless otherwise ordered by the Council —

(1) in addition to the current provisions of sessional order 6, the following provisions come into operation with immediate effect:

6. Functions (standing committees)

(A) Standing order 23.02(1) to (3) is suspended and the following will apply:

(1) The Standing Committee on the Economy and Infrastructure will inquire into and report on any proposal, matter or thing concerned with agriculture, commerce, infrastructure, industry, major projects, public sector finances, transport and education.

(2) The Standing Committee on the Environment and Planning will inquire into and report on any proposal, matter or thing concerned with the arts, environment and planning the use, development and protection of land.

(3) The Standing Committee on Legal and Social Issues will inquire into and report on any proposal, matter or thing concerned with community services, gaming, health, law and justice, and the coordination of government.

(2) The foregoing provisions of this resolution, so far as they are inconsistent with the standing orders or practices of the Council, will have effect notwithstanding anything contained in the standing orders or practices of the Council.

(3) The Clerk is empowered to renumber the sessional orders and correct any internal references as a consequence of this resolution.

Motion agreed to.

LEGISLATIVE COUNCIL STANDING COMMITTEES

Departmental allocations

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

That departments (including agencies and public entities within those departments) be allocated to Council standing committees as follows:

(1) Standing Committee on the Economy and Infrastructure —

Department of Economic Development, Jobs, Transport and Resources

Department of Education and Training

Department of Treasury and Finance

(2) Standing Committee on the Environment and Planning —

Department of Environment, Land, Water and Planning

(3) Standing Committee on Legal and Social Issues —

Department of Health and Human Services

Department of Justice and Regulation

Department of Premier and Cabinet.

Motion agreed to.

BUSINESS OF THE HOUSE

Sessional orders

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

That until the end of the session, unless otherwise ordered by the Council —

(1) The following sessional orders be adopted, to come into operation with immediate effect:

A. Election of chair and deputy chair

Standing order 23.07(1) to (3) is suspended and the following will apply:

(1) Each standing committee shall elect one of its members to be chair and one of its members to be deputy chair.

(2) If a committee cannot resolve the election of its chair and/or deputy chair, either position may be determined by the Council.

(2) The foregoing provisions of this resolution, so far as they are inconsistent with the standing orders or practices of the Council, will have effect

notwithstanding anything contained in the standing orders or practices of the Council.

(3) The Clerk is empowered to renumber the sessional orders and correct any internal references as a consequence of this resolution.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I will briefly state that the coalition will support this motion by Mr Jennings. It reflects agreement across the parties that effectively collapses the legislation and references committees together by virtue of this motion providing for a common chair across the individual portfolio silos, and it will also give effect to the agreement of the parties that these committees be chaired by non-government members. Accordingly, we support the motion.

Motion agreed to.

PROCEDURE COMMITTEE

Reference

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

That —

(1) there be referred to the Procedure Committee for consideration, inquiry and report —

(a) scope and overlap of joint committees and Legislative Council committees, including options for resolving any issues;

(b) options for Public Accounts and Estimates Committee reform;

(c) appropriate size and chairing arrangements of committees; and

(d) opportunities to enhance participation in the running of committees;

(2) the Procedure Committee have the power to confer with the Standing Orders Committee of the Legislative Assembly in completing the inquiry and to report jointly to the house; and

(3) a message be sent to the Legislative Assembly advising them accordingly.

Motion agreed to.

GOVERNOR'S SPEECH

Address-in-reply

Debate resumed from earlier this day; motion of Ms SYMES (Northern Victoria) for adoption of address-in-reply.

Mr MELHEM (Western Metropolitan) — I rise to speak on the debate on the address-in-reply to the Governor's speech. Since coming to this place two years ago, mine has been a great journey in which a lot of things have happened. For example, 29 November was a good occasion on which there was a change of government in Victoria. As a member of Parliament in opposition you would not anticipate that happening in your first term, but it has been a good journey for me so far. I spent over 12 months in opposition, and suddenly I am now part of a group of MPs who have formed a government led by Daniel Andrews.

Since that date, and led by the Premier, we are getting on with business. I will go through some items of our business and list some of the things we have done over the last 150 days or thereabouts.

One of the first things the Premier did on coming to government was announce the appointment of Victoria's first female Governor. He also signed letters patent to establish Australia's first Royal Commission into Family Violence. At a federal level, former Chief Commissioner of Police Ken Lay has been appointed chair of the National Ice Taskforce, and the Victorian government recently released its *Ice Action Plan*. I think these measures highlight the leadership shown by Premier Andrews in relation to this matter, and we should all look forward to the work of the task force, the members of which will be from both sides of politics and will take a bipartisan approach to the issue.

I think we all want to achieve one thing — that is, to keep our kids, and indeed every Victorian and every Australian, free from drugs. That is an aim we all would like to achieve. I understand that we might not achieve that goal, but we are attempting to reduce the impact of drugs, particularly ice, on our younger generation. Having both sides of politics involved in putting in resources at the federal and state levels will give us a good fighting chance against the evil of drugs and, hopefully, will give us some traction in addressing the problem.

Also, at the ALP state conference some weeks ago the Premier announced that the government will introduce reform to ensure that 50 per cent of Victorian government boards will be made up of women, which was a great announcement. It is time for us all to

recognise that we need to achieve that target not only in Victoria but nationally, and we are planning to achieve our target.

Another of the first actions of the Andrews government was to end the war against paramedics — a great outcome so that those people can get on with their jobs.

In relation to law and order, some of the first things the Attorney-General did included amending the Wrongs Act 1958 to make it easier for asbestos victims to claim compensation and referring the issue of the medicinal use of cannabis to the Victorian Law Reform Commission, asking for the commission's advice and appointing an eminent Queen's Counsel to oversee that review. This government also introduced legislation to repeal the move-on laws in both houses of Parliament, and that legislation has now been passed as new law. We have also removed the statute of limitations for criminal child abuse in response to the *Betrayal of Trust* report, and that reform has enjoyed the support of everyone in the house.

In relation to education, a massive investment will be made, including putting $320 million back into TAFE, expanding the former government's public-private partnership tender process to build 13 news schools in growth areas and adding secondary school components — for example, the new Mernda Central P–12 School.

In the area of emergency services, we announced and commenced the Environment and Natural Resources Committee's inquiry into the CFA training college at Fiskville. The inquiry has commenced, and the Fiskville training college has been shut down — and the list goes on.

This government also addressed an issue which has been around for a while — that is, the issue of equality. For the first time a Victorian government has created an equality portfolio and appointed a minister to that portfolio. For the first time a Premier and the new Minister for Equality led the Pride March, together with members of cabinet and government MPs. Doing so has sent out a message that victimisation of people is wrong, and it will help ensure that we are all treated equally. That was a great step for the Premier and the government to take.

In relation to local government, one of the things the government has done is introduce a fair go for ratepayers with the introduction of rate capping in the 2016–17 financial year. Another is the appointment of the Essential Services Commission to provide advice about the rate-capping framework and its terms of reference. I give credit to the Minister for Local Government, Ms Hutchins, for working on that. I think that will go down really well, and it is long overdue. Ratepayers should not be subjected to excessive increases in rates every year.

In the area of mental health, the *Ice Action Plan*, which I mentioned earlier, was released. Funding of $25 million has been provided for treatment and support for families.

Multicultural affairs is another area where we are doing a fair bit of work, including funding the Islamic Museum of Australia and launching the Vietnamese Dual Identity Leadership program, both of which are important projects for our multicultural society.

Going back to the economy, the process has commenced for the lease of the port of Melbourne, so we will be able to get some return from that and fund some urgently needed infrastructure projects for the state. Hopefully that project will be completed soon.

In relation to roads and road safety, $1 billion will be invested in metropolitan roads and $1 billion will be invested in country roads, an area which was neglected by the previous government, which basically focused on a single project. I will choose another day to talk about that particular project. Most importantly in relation to these infrastructure projects, things have been put in place to expedite the Melbourne Metro rail project. Real money will now be committed to that project, which should have started a few years ago. Had the previous government paid any attention to Infrastructure Australia, it would have picked that up and grabbed the $3 billion that was allocated towards that project, but it chose not to. They are some of the areas the current government is working on and some of the initiatives it has implemented.

In the 6 minutes I have left to contribute to this debate this afternoon, I will talk about the 100-year anniversary of Anzac, which is an issue I think we all agree on. I start with a quote:

> For Anzac is not merely about loss. It is about courage, and endurance, and duty, and love of country, and mateship, and good humour and the survival of a sense of self-worth and decency in the face of dreadful odds.

Those are the words of Sir William Deane, a former Governor-General of Australia, on Anzac Day 1999. That is extremely well put and a good description of how we feel about the Anzacs and Anzac Day. It is the day we commemorate the Anzac landings in 1915 at Gallipoli. It is a chance to reflect on the sacrifices and the service of not just those who served in World War I but all of Australia's defence personnel, past and present. This year's Anzac Day carries significant

importance as we mark 100 years since the Gallipoli landings.

The Anzac spirit is one of sacrifice, courage and mateship. It is a legacy that continues to live on, not just within those serving as part of our defence forces in all the conflicts and operations throughout the last century but also within the wider Australian community. While Anzac Day is a day of remembrance and reflection, it must also be a day of thanks. It is about thanking those who made the ultimate sacrifice and thanking those who are currently serving to ensure that the freedoms we currently enjoy are upheld, including the 300 soldiers who are now on their way to Iraq to assist and train the Iraqi army to combat ISIL or Daish, or whatever word they decide to use. It is timely to reflect and think about those soldiers who are serving our country in various parts of the world.

I take this opportunity to thank organisations like the Returned Services League of Australia and the Shrine of Remembrance that allow the legacy of the Anzacs to continue to be an important part of Australian life through events, educational programs and regular exhibitions. They also allow many of our returned forces to get together and share stories, make connections and access support services. It is more important than ever that we pause to reflect on the actions of our previous soldiers and those who so bravely fought in World War I, World War II, the Vietnam War, the Korean War and various other wars since. It is important to note the struggles that our current uniformed servicemen and servicewomen face when returning from overseas conflicts and operations. Our community spirit has been built on the Anzac tradition and we must make sure that tradition continues to be acknowledged and supported in whatever way possible.

Today the Turkish RSL sub-branch presented me with a portrait. When asked to choose a portrait, I chose one with the famous quote by the former Turkish President, Kemal Atatürk:

> Those heroes that shed their blood and lost their lives … You are now lying in the soil of a friendly country. Therefore rest in peace. There is no difference between the Johnnies and the Mehmets to us where they lie side by side now here in this country of ours … You, the mothers, who sent their sons from faraway countries wipe away your tears; your sons are now lying in our bosom and are in peace. After having lost their lives on this land they have become our sons as well.

That is so true. The Turkish people have kept that commitment, like Kemal Atatürk said over 70-odd years ago, and that has created a bond between our two countries. We can talk about why the war happened in the first place, but it brought our two countries closer. There is a recognition that the men and women who lost their lives in the trenches of Gallipoli are now resting in peace and are respected by the Turkish people and the Australian people, and that is something we should never lose sight of.

I will finish my contribution on that point. I hope the 100-year anniversary, which takes place in the next few days, will be conducted in peace in Gallipoli, and I hope that everyone who makes the journey and participates makes it back safely to Australia and is at peace. With those comments, I conclude my contribution.

Ms MIKAKOS (Minister for Families and Children) — I rise to make a contribution to the debate on the address-in-reply to the Governor's speech. In doing so I acknowledge our 28th Governor, Alex Chernov, who will soon complete his term as Victoria's Governor. I thank His Excellency for his contribution to our state over many years in many roles, particularly most recently as Governor. I wish him and Mrs Chernov all the very best for the future.

I am proud to have been elected as a member of the Andrews Labor government. I take this opportunity to thank my constituents of Northern Metropolitan Region for their support in re-electing me, together with Mr Elasmar, a fellow Labor representative of Northern Metropolitan Region. It is a great honour to represent such a diverse and vibrant community, which starts in the central business district of Melbourne and takes in what are essentially the inner and outer suburbs of Melbourne's north. It is also a great honour to have been appointed as Minister for Families and Children and Minister for Youth Affairs in the Andrews Labor government. I take the responsibility with a great deal of seriousness in terms of the importance of the portfolio responsibilities I hold, and I will be working extremely hard to make a contribution to the Victorian community.

In referring to the outgoing Governor, I am also proud that it was Premier Daniel Andrews, a Labor Premier, who championed and advised the Victorian Parliament and community of the appointment of Victoria's 29th and first female Governor, Linda Dessau. I congratulate her on her important appointment and on achieving a great milestone for Victoria's women. This is significant for a number of reasons. It will promote the status of women in our community. It is also consistent with our government's most recent commitment to see 50 per cent of all government board positions filled by meritorious women — a move that sets the standard for modern governance both inside and outside of government. I hope the example we are giving in government will be taken up by the private sector. It was heartening to hear of recent steps taken by the

commissioner of the Victorian Equal Opportunity and Human Rights Commission to encourage a number of men in leadership roles in the corporate sector to act as champions for the promotion and advancement of women in their various industry sectors but also in the community more broadly.

We have a long way to go in terms of gender equality in our society, and that is represented most clearly in relation to family violence. I was proud to be at the Labor state conference last year when Daniel Andrews dedicated his entire speech to this most sensitive of topics and committed us to establishing Australia's first Royal Commission into Family Violence. It is heartening to see the royal commission up and running in the government's first 100 days.

As the Minister for Families and Children, I am keenly aware of the destructive force of family violence in too many Victorians' lives. There is a clear correlation between family violence and children being removed from their families and going into the child protection system and out-of-home care. We need to tackle this issue as a community, and as a government we are prepared to tackle it. We know that family violence is intergenerational, and all governments, leaders, communities and families need to join the campaign to end family violence. The incoming Governor, Linda Dessau, has been a leader in this nation's response to the issue of family violence, and I hope she will continue her great advocacy on this issue in her new role.

As an incoming government we have been keen to get on with it, to make a mark in the community and to lay the groundwork for the important changes we campaigned on during the election. I am proud that we are a government committed to delivering on our election commitments, despite the Prime Minister and the Victorian opposition goading Labor to break promises in relation to the east–west link and other matters. We have held firm. We said we would deliver on our election commitments, and on every one of the 100 or more days we have been in office we have been moving to implement and deliver on those election commitments.

We are also a government that is compassionate and committed to supporting families and children and directing our efforts towards reducing poverty, disadvantage and exclusion. We recognise that there is a window of opportunity early in a person's life to support their development, from early childhood all through their education, to ensure that they get access to employment and other opportunities as they grow and mature so that they are able to participate and make a contribution to our community throughout their life.

We want to ensure that families have access to services that enable them to bring up their children with a quality early education that ensures that they succeed at school and can choose their pathways through training and TAFE and then participate in the workforce. I am proud that we made a commitment to make Victoria the education state and to give young people the training and employment opportunities that enable them to overcome disadvantage and find a job.

We on the Labor side believe every child deserves the opportunity in life to get a quality education and to have the opportunities that will enable them to make a contribution to society and fulfil their potential. Every person deserves to acquire self-esteem and dignity through having a job.

It is very sad that during the term of the previous Liberal government youth unemployment, and unemployment generally, skyrocketed. We had a growing number of young people — about one in five — who were unemployed. The future was looking very bleak as the Liberals took to decimating our tax system and our education system through cuts to the Victorian certificate of applied learning and many other education programs. We are committed to ensuring that young people can change their lives through having access to a quality education system.

Education starts at birth, with parents being a child's first and most enduring educators through the early years. It then goes through kindergarten programs, playgroups and other early childhood services. This is why I am proud that Labor committed to a $50 million investment in early childhood education through providing additional funding for kindergarten infrastructure. The Brumby Labor government championed reforms in early childhood education, which were taken up at the Council of Australian Governments level by the then Prime Minister, Kevin Rudd. This saw the rollout of 15 hours of universal access to kindergarten, improved early childhood qualifications for educators, the adoption of the national quality framework and many other reforms in early childhood education.

We are committed to ensuring that young people and children in their early years get access to quality early years services. This means having access to quality facilities, particularly in those communities that are experiencing a huge increase in population growth, with many families moving in and needing new facilities to be built to respond to that growth.

We have moved to ensure that vulnerable families have additional support. In March I announced that our government would commit $43 million to provide

targeted care packages to support children to move from residential care to home-based care, in particular primary school-age children and Aboriginal children. This is in recognition of the fact that children need to have a stable and loving home environment wherever possible.

We also announced $19 million to do a number of things to improve the safety of children living in residential care, including mandated stand-up shifts for standard residential care units, spot audits of residential care units and the development of a foster care recruitment and retention strategy to provide alternative options to residential care for children. In the very short time we have been in office we have been moving at a steady pace to lay the groundwork for additional supports and additional reforms in the area of child protection and out-of-home care.

In the short time available to me I will say that there are many challenges ahead for Victoria. Most important of those is providing hope to Victorians — hope that they have a government that is on their side. We are a government that is responsive to the concerns and needs of Victorian people. As part of that we need to ensure that people have access to the services they need, to a strong economy and to jobs, and that is why our government is getting on with providing important infrastructure and public transport projects — to ensure that we can provide that for Victoria.

Debate adjourned on motion of Mr EIDEH (Western Metropolitan).

Debate adjourned until next day.

PUBLIC TRANSPORT INFRASTRUCTURE

Mr LEANE (Eastern Metropolitan) — I move:

That this house:

(1) congratulates the Minister for Public Transport, Ms Jacinta Allan, MP, and the Andrews Labor government for commencing work on removing 50 of Victoria's most dangerous level crossings and committing to build a world-class Melbourne Metro rail system within the first 100 days of office; and

(2) notes that these projects:

(a) are vital to upgrading and improving Victoria's public transport system to meet the demand of a growing population; and

(b) will make our roads and crossings safer and increase access to the Melbourne University and hospital precinct in Parkville.

In moving this motion I acknowledge that these are major transport commitments — not only public transport commitments but also road commitments — that were made by the government when in opposition. I am very pleased that we have since formed government, because it gives us an opportunity to implement these projects. Removing 50 of the most dangerous level crossings across the metropolitan area will be a fantastic thing not only because it will improve safety for drivers, which is obviously the best outcome, but also because it will simultaneously relieve congestion and give us the ability to increase the frequency of train services along those particular lines.

Mr Barber — Really? How much?

Mr LEANE — Mr Barber needs to be patient.

Mr Barber — I have been here for eight years.

Mr LEANE — We have only just come to government. Mr Barber has been here for eight years. He is impatient. He is a lot of things.

Mr Barber — That was more of a press release than a plan; is that what you are saying?

Mr LEANE — I say to Mr Barber that it is not just a press release. I think if Mr Barber is patient and waits about five weeks, he might see a substantial amount of money going towards these particular projects in the next budget. Mr Barber speaks about press releases. If he is interested in press releases, he may be interested in the press releases put out a couple of months ago about the establishment of the authorities that will take charge of these two major projects and about the money that was brought forward to implement them.

Mr Barber — Do they have their logos yet?

Mr LEANE — It is not about logos. It is not about anything but removing 50 of the most dangerous level crossings and implementing a world-class metro rail system for Victoria. I appreciate that people are passionate about it. People are excited — I can hear the excitement in the chamber — that these projects will be going ahead. The government has committed to removing a number of these level crossings in its first term.

Mrs Peulich — Like the ones along the Frankston line?

Mr LEANE — I do not know if Mrs Peulich is putting in a budget bid. She is talking about the Frankston line — —

Mrs Peulich — You cannot put them underground; that is your problem.

Mr LEANE — There are a number of level crossings along that line that the government has committed to removing as part of the 50, as Mrs Peulich knows. I am sure the authority and the government are happy to take up the challenge of every level crossing that has been committed to.

Mrs Peulich — I look forward to that.

Mr LEANE — Mrs Peulich looks forward to that happening, as do I. I am sure she will look forward to not being held up at those particular level crossings while she is driving around her electorate. She is very much looking forward to it.

Mrs Peulich interjected.

Mr LEANE — I am happy to have a discussion with Mrs Peulich. I look forward to it as well. I look forward to Centre Road in Clayton having its road and rail separated. We look forward to that very much.

Mrs Peulich — You're delaying it.

Mr LEANE — There are no delays. This government has already done some work around a number of the level crossings we committed to removing. I do not think Mrs Peulich cannot support this policy. Does Mrs Peulich support this policy? I am not sure.

Mrs Peulich — We want it done earlier.

Mr LEANE — Mrs Peulich did not support the policy going into the election. Then, unfortunately for her, the coalition did not form government. Now that she is out of government she is calling on this government to deliver its commitments faster.

Mrs Peulich — I have been talking about the Clayton Road level crossing for years.

Mr LEANE — For years? How did Mrs Peulich go in the last four years, when the coalition was in government?

Mrs Peulich — That was a commitment we made.

Mr LEANE — It is interesting that Mrs Peulich says this is a commitment the coalition made, because this was a commitment the coalition made after the then opposition announced the first 40 of the 50 level crossings we would remove if we were to form government. It was only after we made that commitment that the previous government announced its plan for Clayton Road. The coalition is always devoid of any originality.

Mrs Peulich — Stop delaying, and get on with it.

Mr LEANE — If we want to talk about delays and getting on with it, we will not take any advice from the former government, under which the only major project completed was a design competition for Flinders Street station. The only major project the former government completed was a design competition, which resulted in an overseas architect claiming the prize and taking the money out of the country.

Mrs Peulich — You're just talking rubbish as usual.

Mr LEANE — I am not talking rubbish; it is true. As members shall see, and I know it hurts Mrs Peulich's feelings, this government will keep its election commitments. In the last few days there have been shrill cries from the other side of the chamber about this government keeping its election commitment not to go ahead with the east–west link.

Mrs Peulich — Not a dollar in compensation!

Mr LEANE — All right, we will wear the dollar. We will wear the $1 of compensation.

Mr Barber — I'll compensate you.

Mr LEANE — Mr Barber has just compensated me; I thank him. I appreciate the compensation. If he does not mind, I might glue this dollar to the wall in my Parliament House office, and when the time comes for that dollar to be called in I will give him credit for it. I will give Mr Barber credit for the compensation for not going ahead with the east–west link.

When those in opposition were in government, they went to the election telling the electorate that this project would cost $6.8 billion. In opposition they have called and called for the contracts to be released. They should have been careful what they wished for, because the contracts have been released, and they have exposed the truth of the spin that the former government put on a project that was an absolute dud. It has been proven to be a dud project. I am sure there is great relief across the electorate that it is not going ahead.

Debate adjourned on motion of Mr RAMSAY (Western Victoria).

Debate adjourned until next day.

JURY DIRECTIONS BILL 2015

Introduction and first reading

Received from Assembly.

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

Statement of compatibility

For Mr HERBERT (Minister for Training and Skills), Ms Mikakos 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 Jury Directions Bill 2015.

In my opinion, the Jury Directions 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 re-enacts the Jury Directions Act 2013 (the JDA 2013), in order to restructure the act, and includes additional jury directions reforms to clarify the law on key evidential directions and further clarify the obligations of the parties and the trial judge under the act.

The Jury Directions Bill (the bill) will:

provide a framework for requesting jury directions

regulate important evidential directions on post-offence conduct, other misconduct evidence, unreliable evidence, identification evidence, delay and forensic disadvantage and failure to give evidence or call witness

reform directions that apply in sexual offence cases, on consent and reasonable belief in consent, and delay and credibility

provide directions on family violence

regulate directions on what must be proved beyond reasonable doubt and the meaning of proof beyond reasonable doubt, and

provide a framework for the trial judges summing up at the end of a trial.

Human rights issues

Human rights protected by the charter that are relevant to the bill

The general purpose of jury directions is to ensure that the accused is tried in accordance with the relevant law. This is an important aspect of ensuring a fair trial. Therefore, the bill as a whole is relevant to the right of a person charged with a criminal offence to have the charge decided by a competent, independent and impartial court or tribunal after a fair and public hearing as set out in section 24 of the charter, and the rights in criminal proceedings in section 25 of the charter.

In particular:

part 3 of the bill which re-enacts part 3 of the Jury Directions Act 2013 and part 4 (evidential directions), part 5 (directions on sexual offences), and part 6 (directions on family violence) which provide specific jury directions for problematic areas of the law are particularly relevant to the right to a fair trial in section 24 of the charter, and

part 7 of the bill (general directions) is particularly relevant to the right to be presumed innocent until proved guilty set out in section 25(1) of the charter.

Clause 33 of the bill is also relevant to the right to protection of children in section 17 of the charter.

Are the relevant charter rights actually limited by the bill?

In my opinion, the bill does not limit the fair trial rights under the charter. The aim of the Jury Directions Act 2013 was to assist judges in providing simple and clear directions on the law and the evidence in the case that jurors are likely to listen to, understand and apply. Re-enacting the act and including additional jury directions reforms furthers these aims. This will assist in ensuring a fair trial, and protecting rights in criminal proceedings, in particular the right to be presumed innocent, rather than limiting these rights.

Right to a fair trial — section 24

The jury direction request provisions, in part 3 of the bill, are particularly relevant to the right to a fair trial. These clauses re-enact provisions in the Jury Directions Act 2013 which created a new framework for determining what directions should be given in the criminal trial. In my opinion, this framework does not limit the right to a fair trial, but instead enhances the right by:

enhancing the integrity of the trial and decision making by juries, by encouraging short jury directions that are based on the matters that are actually in issue in the trial, therefore, making the directions easier for the jury to understand and apply.

basing the framework on counsel requesting jury directions. This ensures that directions are generally not given by the trial judge against the wishes of defence counsel who is normally best placed to determine what is in the interest of the accused.

including protections for unrepresented accused, by assuming that the accused has requested all relevant directions. This recognises the right of accused persons to represent themselves (in particular, under section 25(2)(d) of the charter), while at the same time avoiding placing an unfair burden on the unrepresented accused by requiring them to request relevant directions, which might compromise their ability to receive a fair trial under section 24.

retaining a residual obligation for the trial judge to give a direction that has not been requested if there are substantial and compelling reasons to do so. Although it is not anticipated that trial judges will regularly give

such directions, this is an important safeguard for a fair trial, for example, to ensure appropriate directions are given when counsel erroneously requests that certain directions not be given.

Part 4 (evidential directions), part 5 (sexual offences), and part 6 (family violence) of the bill regulate a number of specific jury directions. These provisions are designed to simplify and clarify these specific jury directions which are problematic at common law or in legislation. These provisions build on the framework set out in part 3 of the bill, and further enhance the right to a fair trial in relation to these problematic areas of law.

Presumption of innocence — section 25(1)

Part 7 of the bill includes provisions related to the concept of 'proof beyond reasonable doubt'. This concept is closely related to the right to be presumed innocent until proved guilty which is protected in section 25(1) of the charter.

Clause 58 of the bill simplifies and clarifies jury directions on what must be proved beyond reasonable doubt. It provides that, unless an enactment otherwise provides, the only matters that the trial judge may direct the jury must be proved beyond reasonable doubt are the elements of the offence or the absence of any relevant defence. The changes in the bill remove the requirement laid down by the High Court in *Shepherd v. The Queen* (1990) 170 CLR 573 that the jury must also be satisfied beyond reasonable doubt of indispensable intermediate facts. Knowing when to give this direction is highly complex, can be difficult for a jury to apply, and is better addressed by the approach used in this bill.

In my opinion, clause 58 engages, but does not limit the right to be presumed innocent. The elements that make up an offence, and the absence of relevant defences, are the key matters that the jury should consider and be satisfied of beyond reasonable doubt. Where certain facts are particularly important to a case, they will generally be so closely related to an element (or the absence of a defence) that directing the jury that they must be satisfied beyond reasonable doubt of that element (or of the absence of that defence) subsumes any need for the jury to separately be satisfied beyond reasonable doubt of the fact.

Clause 58 will enhance the right to be presumed innocent until proved guilty. By providing the jury with clear and simple directions on the important question of what must be proved beyond reasonable doubt, the jury is more likely to understand and correctly apply the law.

Clauses 60–61 re-enact part 5 of the Jury Directions Act 2013, which allow trial judges to explain the meaning of 'proof beyond reasonable doubt' if asked by the jury. The concept of proof beyond reasonable doubt is essential to a criminal trial. Improving juror comprehension of the concept will increase the likelihood of a fair trial generally, as well as enhancing the presumption of innocence.

Protection of children — section 17

Clause 33 of the bill prohibits the trial judge and parties from making certain statements and suggestions about the reliability and credibility of children's evidence. These prohibit statements or suggestions that relate to common misconceptions about the reliability of children's evidence. This enhances the protection of children under section 17 of the charter, by helping to ensure that misconceptions that discriminate against children are not relied on in a trial.

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 MIKAKOS (Minister for Families and Children).

Ms MIKAKOS (Minister for Families and Children) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

Introduction

Ensuring that the justice system is fair is one of the most serious obligations of any government.

Trial by jury is a fundamental aspect of Victoria's criminal justice system. Jurors perform an essential role in this system, by deciding whether the accused person before them is guilty or not guilty. Jury directions are the directions a trial judge gives to a jury to help them to make this decision. Accordingly, it is vitally important that these directions be as helpful, relevant and fair as possible.

In recent years, it became clear that the law of jury directions in Victoria required significant reform. This law was spread across both the common law and legislation. Sometimes, the law required trial judges to give conflicting directions on the same issue. Frequent amendments to criminal offences also resulted in increasingly complex directions. This resulted in trial judges giving a range of highly detailed and often complicated directions, which took longer to deliver in Victoria than any other state in Australia.

Research shows that jurors are less likely to listen to, understand or apply directions that are long, complex or of questionable usefulness. This is obviously of considerable concern, given the role that juries play in our criminal justice system. It is also very difficult for trial judges to give such directions. Not surprisingly, this can lead to judicial error and, in turn, to appeals and retrials. These problems contribute to court delays and cause further stress to victims of crime, witnesses and their families. Retrials are also costly to the community, and create understandable community concern, particularly if they appear to be due to technical rather than substantive issues.

It was clear that major reforms were required to the law of jury directions, and to the culture surrounding the giving of jury directions in our courts. This process of review began with the Victorian Law Reform Commission's 2009 report on jury directions.

The Jury Directions Act 2013, which commenced on 1 July 2013, was a significant first step to simplify jury directions. The centrepiece of that act is the jury direction request provisions in part 3. These provisions create a new framework for determining which directions are given in a

trial. Together with the act's guiding principles, these provisions encourage a collaborative culture between trial judges and counsel. This culture places appropriate weight on forensic decision making by the parties, by requiring discussions about which directions should be given and the content of those directions. The act also supports trial judges giving a short and tailored summing up, encourages better ways of communicating with juries, and simplifies problematic jury directions on post-offence conduct and the meaning of 'proof beyond reasonable doubt'.

The act has been very well received by the courts and other stakeholders. However, more needs to be done. This bill will continue the effect of the Jury Directions Act, but will improve it by restructuring the legislation and making some refinements to ensure that the provisions work as effectively as possible.

In 2014, the act was amended to include new directions on family violence. Amendments setting out directions on consent, and reasonable belief in consent, in rape and sexual assault trials were also passed, but have not yet commenced. These directions are also included in this bill, with one exception, but have been restructured to better align with the bill's framework.

The bill will also reform the law on a number of other problematic jury directions, to ensure that unnecessary directions are not given, and to simplify and clarify the directions that are given. A number of these directions were examined in the simplification of jury directions project report produced in August 2012 by the team led by the Honourable Justice Weinberg of the Court of Appeal. I thank Justice Weinberg and his team for their work in producing this very comprehensive report, and I thank the Supreme Court for making Justice Weinberg available for that project. Other directions addressed in the bill were examined as part of the ongoing review of jury directions being conducted by the Department of Justice and Regulation.

The department has prepared a report, *Jury Directions — A Jury-Centric Approach*, which sets out in detail the reasons for the reforms. The title of the report highlights that ensuring that jury directions assist juries in performing their task is central to improving jury directions.

The bill has been discussed in detail by the expert advisory group established by the department to assist in the jury directions reform process. The advice of the advisory group has been of vital assistance to the reform process, including the development of the new provisions in this bill. I would like to thank the members of the advisory group for their work to date, and for their ongoing contribution, over more than five years, to this very important reform process.

Overview of the bill

The bill will repeal the Jury Directions Act 2013 and replace it with a new, reorganised Jury Directions Act 2015 that will:

- continue the overall effect of the current Jury Directions Act 2013, with some refinements, in particular, to further clarify the obligations of the parties and the trial judge
- reduce the length and complexity of specific evidentiary directions on:
  - other misconduct evidence
  - unreliable evidence
  - identification evidence
  - delay and forensic disadvantage
  - the failure to give or call evidence
  - delay and credibility
  - what must be proved beyond reasonable doubt, and
- amend the Evidence Act 2008 to abolish corroboration directions (in most cases).

Continuing the effect of the Jury Directions Act

The bill will continue the overall effect of the current Jury Directions Act 2013. For example, the current definitions, guiding principles, jury direction request provisions, and provisions on summing up and the use of integrated directions, will all continue to have effect under the new act. The provisions on the meaning of 'proof beyond reasonable doubt' and post-offence conduct will also continue in effect, along with the directions on family violence and on consent and reasonable belief in consent in rape and sexual assault trials. However, the bill will refine some of the current provisions, to improve their effectiveness.

Restructure of the legislation

The bill will restructure the legislation, for example, by grouping directions in broad themes, such as 'general directions' and 'evidential directions'. For continuity, and given its pivotal nature, current part 3 of the act will remain part 3 of the new act.

The restructure will make the new act easier to navigate, and facilitate the addition of future provisions in a logical manner. The new provisions in the bill are discussed below, in the order in which they will appear in the new act.

Amendments to current part 3 of the Jury Directions Act

Part 3 of the Jury Directions Act 2013, which contains the request process for determining what jury directions to give in a trial, is fundamental to the jury direction reforms. It is therefore important that this part is framed in a way that best achieves the aims of the jury direction reforms. The bill will retain the overall effect of part 3, but will amend those provisions to improve their operation, and clarify the obligations of the parties. In particular, the bill will clarify aspects of the trial judge's residual obligation to direct the jury on matters that the parties have not requested.

The bill will clarify that if a party does not request a direction, the trial judge must not give the direction unless the residual obligation applies. The bill will also amend the test for determining whether the residual obligation applies. Under the bill, the trial judge will be required to give a direction if there are 'substantial and compelling reasons' for doing so, rather than the current test of whether it is necessary to do so to avoid a 'substantial miscarriage of justice'. The new test will avoid complexities in both the wording of the test and the application of the test by trial judges. These changes will make clear when the residual obligation must be exercised and ensure that appropriate weight is given to the forensic decision making of the parties.

Directions on other misconduct evidence

The term 'other misconduct evidence' is used in the bill to describe evidence of discreditable acts of the accused (other than those directly related to the offence charged) which are relied on to help to prove the accused's guilt. For example, this evidence may be used to show that the accused had a tendency to behave in a certain way.

Errors in directions on this kind of evidence are one of the most common grounds of appeal. It is difficult for trial judges to determine whether a direction is required because of conflicting case law on the issue. This risks trial judges giving unnecessary directions to 'appeal-proof' their summing up. These directions are also very difficult for juries to understand and apply.

The Weinberg report recommended legislative reform to abolish complex common-law distinctions between different types of other misconduct evidence. It also recommended simplifying the content of these directions so that they provide useful assistance to the jury on how to approach this complicated evidence, without overburdening the jury. The bill follows these recommendations, with some minor amendments for consistency with the rest of the proposed new act or to further simplify the law.

Directions on unreliable evidence

Certain types of evidence may be unreliable, for example, when the evidence is given by a witness who is criminally concerned in the events that led to the trial. Directions on such evidence may be required to ensure that the jury is careful when using the evidence. A related issue is children's evidence. While evidence given by a particular child may be unreliable, it is important that directions do not reinforce misconceptions about the unreliability of children as a class, or the unreliability of a child's evidence based solely on the age of that child.

The Evidence Act currently regulates these directions. The Weinberg report examined these provisions and concluded that they are generally working well. Accordingly, the bill will retain the overall effect of the current provisions. However, the bill will move the provisions to the new Jury Directions Act, restructure the provisions, and improve them for consistency with the rest of the act.

Directions on identification evidence

Research and experience show that identification evidence is notoriously unreliable because it relies on a witness's memory and recall. It can also be overly persuasive, as honest, but mistaken, witnesses can be very convincing. There are many known cases in which mistaken identification evidence has contributed to wrongful convictions.

The bill will provide a simple, streamlined and comprehensive framework for giving directions on identification evidence. The bill will adopt a single, broad definition of identification evidence, and use the jury direction request provisions to provide greater clarity to trial judges in determining whether to give a direction. The bill will also set out the minimum content of a direction on identification evidence that is simple and clear, but that highlights particular problems with this type of evidence.

Directions on delay and forensic disadvantage

The common-law 'Longman direction' on delay and forensic disadvantage is one of the most problematic and controversial jury directions. It has been heavily criticised by law reform commissions and stakeholders.

Where there has been a delay between the alleged offence and the complaint, the Longman direction requires the trial judge to tell the jury that it would be dangerous to convict on the complainant's evidence alone unless, after scrutinising the evidence with great care, considering the circumstances relevant to its evaluation, and paying heed to the warning, it is satisfied of the truth and accuracy of that evidence. This direction arises most frequently in sexual offence trials.

There are currently provisions in both the Crimes Act 1958 and the Evidence Act on delay and forensic disadvantage. The bill will replace these provisions with new provisions that are based on the Evidence Act provision, with some improvements. For example, the bill will make it clear that directions may only be given if the accused has experienced significant forensic disadvantage, and must not include the problematic phrases 'dangerous or unsafe to convict' or 'scrutinise with great care'.

Directions on the failure to give or call evidence

The bill will simplify directions that are given when the accused does not give or call evidence and when the prosecution does not call or question a witness.

In relation to when the accused does not give evidence or call witnesses, the bill will set out a clear and simple direction that the trial judge must give the jury, if requested by defence counsel, based on the common-law Azzopardi direction. The bill will prohibit the trial judge from giving the overly complex common-law Weissensteiner and *Jones v. Dunkel* directions. These directions are difficult for trial judges to apply and are difficult for a jury to understand.

The bill will also remove distinctions between what the co-accused can say on this issue, and what the other parties and the trial judge can say. These reforms will lead to simpler directions that are easier for the jury to understand and apply.

Directions on non-communication of consent

The bill will include new jury directions on consent and reasonable belief in consent. These restructure the directions in the Crimes Amendment (Sexual Offences and Other Matters) Act 2014 for consistency with the rest of the bill, and include an amendment to one of the directions. The relevant direction states that the fact that a person does not say or do anything to indicate consent to a sexual act is enough to show that the act took place without the person's consent. This direction is problematic as it suggests that a person may not do or say anything to consent to sexual activity but nonetheless, may be taken to have potentially consented to the activity by the law of rape.

The bill removes this direction and instead, amends the list of circumstances in the Crimes Act in which a person does not consent to include where the person does not say or do anything to indicate consent, and where, having initially consented to an act, the person later withdraws that consent. This will be clearer to the jury and more effective than the jury direction. It will also make clear that a person should not

engage in a sexual act with another person without the other person having clearly communicated her or his consent.

Directions on delay and credibility

Part of the Kilby-Crofts direction requires trial judges in sexual offence cases to direct the jury that a complainant's failure to report a sexual offence at the earliest possible opportunity may cast doubt on the complainant's credibility and the jury should take this into account in evaluating the credibility of the allegations made by the complainant.

The law in this area is highly problematic because the direction is based on inaccurate assumptions about the behaviour of victims of sexual assault, namely, that a genuine complainant can be expected to make their complaint very soon after the offence. Research shows that potential jurors can have misconceptions about how complainants should behave, expecting them to immediately complain about the offending. In addition to perpetuating these misconceptions, the law currently requires trial judges to give competing and contradictory directions, which are confusing for jurors.

In appropriate cases, the bill will require the trial judge to address any such misconceptions early in the trial. The bill will also prohibit the trial judge and parties from saying or suggesting that sexual offence complainants are unreliable as a class. However, the bill will continue to allow the parties to make specific arguments about delay and credibility in the trial.

Directions on what must be proved beyond reasonable doubt

It is fundamental to criminal trials that to convict an accused person, the jury must be satisfied beyond reasonable doubt that the accused is guilty. It is therefore vitally important that jurors understand the directions the judge gives them on what must be proved beyond reasonable doubt.

For many years, juries were only required to be satisfied beyond reasonable doubt of the elements of the offence and of the absence of any relevant defences. However, cases such as *Chamberlain v. The Queen* (No. 2) (1984) 153 CLR 521 and *Shepherd v. The Queen* (1990) 170 CLR 573 greatly complicated this by requiring the trial judge to direct the jury that 'intermediate facts' that are 'indispensable links in a chain of reasoning towards an inference of guilt' must also be proved beyond reasonable doubt. Determining whether something is an indispensable intermediate fact is highly complex. Judges often disagree on this issue. Where such facts are in dispute, directions are consequently complicated and difficult for a jury to apply.

The bill will return the law to where it was pre-Chamberlain and Shepherd by providing that the trial judge may only direct the jury that it must be satisfied beyond reasonable doubt of the elements of the offence and the absence of any relevant defences. This will lead to shorter and simpler directions, and will clarify when trial judges must give a direction, minimising the risk of appeals. Trial judges may give these directions in the form of factual questions or integrated directions, which embed the elements of the offence into factual questions that the jury must answer to reach a verdict.

These reforms provide appropriate safeguards for the accused. The only change is that the jury does not have to consider whether a particular fact is proved beyond reasonable doubt, before they may rely on that fact. The new approach also removes the complexity of the jury being directed that in determining whether they are satisfied beyond reasonable doubt about an 'indispensable fact', or an 'essential fact', they may have regard to all of the other evidence in the case.

Where the existence of a fact is essential to a case, it will be closely related to an element of the offence. For example, where DNA evidence is the only evidence relating to identity, this will be very closely related to the identity element of the offence. Directing the jury that they must be satisfied beyond reasonable doubt of the element therefore removes any need to separately require the jury to be satisfied of other facts.

Corroboration

Corroboration of evidence is no longer required under section 164 of the Evidence Act, except in cases of perjury and similar offences, and the trial judge is not required to direct the jury on corroboration. Despite this, directions on corroboration are sometimes still given.

As discussed in the Weinberg report, these directions are problematic and unnecessary. The Weinberg report did not recommend any amendments to section 164 as it is not leading to successful appeals against conviction. However, these directions are complicated, there is a risk of 'appeal proofing', and they may backfire on the accused, as the trial judge gives a warning but then lists all the evidence capable of constituting corroboration.

Accordingly, the bill will amend section 164 of the Evidence Act to abolish corroboration directions except in the case of perjury or a similar offence. Other directions, such as unreliable evidence directions, are available to adequately highlight problems with particular evidence. However, where corroboration is required (for example, in perjury cases), the bill will make it clear that a corroboration direction is required. This will enhance transparency and clarity in this area of the law.

Conclusion

The Jury Directions Act 2013 marked a fundamental change to the legal framework for jury directions in Victoria. The bill will increase the reach and effectiveness of those reforms, by continuing the effect of that act, with some improvements, and by addressing a number of additional problematic jury directions.

These reforms will assist trial judges to give directions that are as clear, brief, simple and relevant as possible, and to address certain misconceptions that jurors may have, in a way that is fair to both the prosecution and defence. This will help to streamline criminal trials and to reduce delay in our justice system. It will also increase the likelihood of jurors understanding and applying these directions, thereby helping to increase community confidence in jury verdicts and ensuring that our criminal justice system is fair.

I commend the bill to the house.

Debate adjourned for Mr O'DONOHUE (Eastern Victoria) on motion of Mrs Peulich.

Debate adjourned until Thursday, 23 April.

MENTAL HEALTH AMENDMENT BILL 2015

Introduction and first reading

Received from Assembly.

Read first time on motion of Ms MIKAKOS (Minister for Families and Children); by leave, ordered to be read second time forthwith.

Statement of compatibility

Ms MIKAKOS (Minister for Families and Children) 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 Mental Health Amendment Bill 2015.

In my opinion, the Mental Health Amendment 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 Mental Health Act 2014 established a new legislative scheme to regulate the compulsory assessment and treatment of persons with severe mental illness. The act imposes limitations on many of the human rights set out in the charter. However, those limitations are considered to be reasonable and demonstrably justifiable because the act provides for assessment and treatment in the least restrictive way possible, with the least possible restrictions on human rights and dignity subject to the creation of a number of safeguards.

This bill amends the Mental Health Act 2014 (the act) to enable the transfer and return of a forensic prisoner to a designated mental health service to obtain compulsory treatment. It also makes various amendments to address operational and policy issues identified following the implementation of the act on 1 July 2014.

Human rights issues

Human rights protected by the charter that are relevant to the bill

The following rights are relevant to the bill:

Section 10(a) (b) — protection from torture and cruel, inhuman or degrading treatment
Section 10(c) — right not to be subjected to medical treatment without informed consent
Section 12 — freedom of movement
Section 13 — privacy and reputation
Section 15 — freedom of expression
Section 17 — protection of families and children
Section 21 — liberty and security of the person
Section 22 — humane treatment when deprived of liberty
Section 24 — fair hearing

I am of the opinion that the bill is compatible with the charter. Having regard to the wording of the bill and its expected operation, I consider the bill either does not limit these rights or the limitations imposed are reasonable having regard to the factors set out in section 7(2) of the charter.

Forensic prisoners

Compulsory mental health treatment cannot be provided in prison. Section 306 of the act enables the Secretary to the Department of Justice and Regulation to transfer a forensic prisoner to a designated mental health service if the person requires compulsory mental health treatment.

A forensic prisoner is a person who is in prison subject to a custodial supervision order made under the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997. A court may impose a custodial supervision order when a person charged with a criminal offence is unfit to stand trial, or was mentally impaired at the time the offence was committed.

A court may only make a custodial supervision order committing a person to custody in a prison where there is no practicable alternative in the circumstances.

If a forensic prisoner is transferred under section 306, currently there is no readily accessible legal mechanism in the act for returning such a person to prison when they no longer need compulsory treatment. The only option is to make an application to the Supreme or County courts to vary the place of custody back to prison. This does not enable a timely response to the changing needs of the person detained. Clauses 25, 28 and 29 of the bill enable forensic prisoners to return to prison in accordance with their original court order when they no longer need compulsory treatment.

The bill repeals section 306 and enables forensic prisoners to receive compulsory treatment and return to prison using the same provisions that apply to ordinary prisoners.

The transfer and return to prison of forensic prisoners for compulsory treatment is most relevant to the rights in sections 10, 12, 21, 22 and 24 of the charter. The bill raises the threshold for compulsory treatment for forensic prisoners by changing the transfer criteria to require the person to need 'immediate' treatment to prevent serious deterioration in the person's health or serious harm to the person or any other person. The bill also requires that transferring a forensic prisoner must be the least restrictive means reasonably available to enable the person to receive treatment.

The bill will ensure forensic prisoners, like ordinary prisoners, are only detained in a designated mental health service for as long as is necessary to receive compulsory treatment. The person will be returned to prison as soon as the authorised psychiatrist determines that the criteria for compulsory treatment no longer apply.

The bill makes the detention of a forensic prisoner who has transferred to a designated mental health service as a security patient, subject to review by the Mental Health Tribunal. This is consistent with both the right to humane treatment under section 22 and the right to a fair hearing under section 24 of the charter. Security patients are required to be reviewed by the tribunal within 28 days of being received at a designated mental health service and may apply to the tribunal at any time to be discharged and returned to prison.

Inpatient's right to communicate

Section 16(2) of the act prohibits restrictions being placed on an inpatient's right to communicate with their legal representative, the chief psychiatrist, the Mental Health Complaints Commissioner, the Mental Health Tribunal or a community visitor. Clause 6(2) of the bill allows additional persons or bodies to be prescribed in the regulations as persons or bodies with whom communication cannot be restricted.

This clause is most relevant to the right to freedom of expression in section 15 of the charter. The bill supports this right by enabling greater flexibility about with whom an inpatient can communicate while the inpatient is subject to a restriction on communication. For example, it is anticipated that once established, mental health advocates will be prescribed by regulation to assist such inpatients.

Section 17 of the act requires 'a carer' to be notified of a restriction on an inpatient's right to communicate.

Clause 7 of the bill restricts the obligation to notify a carer to circumstances where the restriction on communication 'will directly affect the carer and the care relationship'.

This is consistent with the right to privacy in section 13 of the charter because it amends the act to specify more precisely the circumstances in which an interference with privacy is permitted. Thus, any interference with privacy is both lawful and not arbitrary. The bill requires there to be an impact on the carer or the care relationship to justify the disclosure of information about an inpatient and in this way balances the patient's need for privacy with the carer's legitimate need to know information where a decision affects their interests.

Facilities and supplies to be provided to a person subject to a restrictive intervention

Section 106 of the act requires a person who 'authorises' the use of a restrictive intervention to provide appropriate facilities and services to the person subject to the intervention. The obligation does not extend to a registered nurse who approves urgent bodily restraint under section 115 of the act.

Clause 14 of the bill extends the obligation to provide appropriate facilities and supplies to any person who 'authorises' or 'approves' the use of a restrictive intervention.

This clause is most relevant to the right to humane treatment when deprived of liberty in section 22 of the charter. The right to humane treatment provides that all persons deprived of liberty must be treated with humanity and respect. The right recognises the particular vulnerability of persons in detention and requires that detained persons ought not to be subject to any hardship or constraint other than those resulting from the deprivation of liberty. The bill requires anyone who initiates a restrictive intervention under the act to ensure that the needs of the person subject to the intervention are met and that persons subject to an intervention have their dignity respected.

Privacy obligations applying to clinical practice or clinical reviews

Section 140(3) of the act permits the chief psychiatrist to use or disclose information where it is necessary to prevent serious 'or' imminent harm to a person's health or safety.

Clause 18(1) of the bill requires the harm to be both serious 'and' imminent before the chief psychiatrist can use or disclose the information. This clause is most relevant to the right to privacy in section 13 of the charter. The bill raises the threshold for the disclosure of information by requiring the harm to be serious and imminent, consistent with the charter's recognition that a person's privacy should not be unlawfully or arbitrarily interfered with. It also ensures consistency with a comparable provision for the Mental Health Complaints Commissioner. Section 249(1) of the act only permits disclosure by a conciliator to prevent serious 'and' imminent harm.

Notice of Mental Health Tribunal hearing

Section 189(1)(g) of the act requires the Mental Health Tribunal to give written notice of hearings to carers when the tribunal is satisfied that the hearing 'will directly affect the carer and the care relationship'.

Clause 20 of the bill removes the requirement for the tribunal to consider the impact of the hearing on the carer or the care relationship when notifying carers. This clause is most relevant to the right to privacy in section 13 of the charter. The clause lowers the threshold for disclosure because it does not specify the precise circumstances that justify notification. Instead, disclosure is based on the person having the status of a carer.

The right to privacy is not absolute in international law and may be subject to reasonable limitations. To the extent that this provision may limit the right to privacy, the purpose of the clause is to enable the tribunal to notify carers and afford them the opportunity to attend the hearing to support the patient and/or participate in the proceedings. This overcomes the practical problem that prior to a hearing the tribunal is unable to assess the impact of the hearing on a carer or the care relationship. Being able to notify carers also assists the tribunal to make a determination based on the most complete information about the patient's current circumstances.

The nature of any limitation is lawful, proportionate and not arbitrary. 'Carer' is a defined term in the act and it requires the person to be in a care relationship with the person who is the subject of the proceedings. The nature of the information disclosed by the hearing notice is limited to the hearing particulars, the subject matter of the hearing and rights information.

Notification of carers does not of itself make carers a party to the proceedings. In the circumstances, I consider any limitation on the patient's right to privacy to be reasonable.

Making a secure treatment order

The act enables the Secretary to the Department of Justice and Regulation to make a secure treatment order for compulsory treatment when certain criteria apply. Section 276(1)(b)(iii) provides that one of the criteria for making a secure treatment is that 'immediate treatment will be provided to the person if the person is made subject to a secure treatment order'.

Clause 25(1) of the bill amends this criteria to provide that 'the' immediate treatment will be provided to the person if the person is made subject to a secure treatment order.

This clause is most relevant to the rights in sections 10 (the right not to be subjected to medical treatment without full, free and informed consent), 21 (the right to liberty and

security of person) and 22 (humane treatment when deprived of liberty) of the charter. The bill is consistent with these rights because it specifically limits the compulsory treatment to be provided under a secure treatment order to the treatment described in section 276(1)(b)(ii) that is, compulsory treatment which is needed to prevent serious deterioration or harm.

Application to perform ECT on a young person

The act requires that informed consent to electroconvulsive treatment by an adult patient must be provided personally by the patient and not by a substitute decision-maker such as a guardian. By contrast, section 94(1)(a) and (2)(a) of the act, which provide for consent to electroconvulsive treatment by a young patient or a young person does not expressly require the personal informed consent of the young person.

Clause 13(1) of the bill provides that the informed consent of the young person must be personal and not that of a substitute decision-maker such as a parent.

The clause is most relevant to the rights in sections 10, 17 (best interests of the child), 21 and 22 of the charter. The bill recognises that where a young person has capacity it is the young person's informed consent that is relevant to the making of the application to the Mental Health Tribunal for electroconvulsive treatment. This is consistent with the supported decision-making model of the act that empowers young people to make or participate in decisions about their own treatment. The bill does not alter the requirement that the tribunal must authorise all electroconvulsive treatment for young patients and young persons.

For the reasons outlined it is my view that the Mental Health Amendment Bill 2015 is compatible with the Charter of Human Rights and Responsibilities Act 2006.

Jenny Mikakos, MP
Minister for Families and Children

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Ms MIKAKOS (Minister for Families and Children).

Ms MIKAKOS (Minister for Families and Children) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The Victorian government is committed to achieving better results for people living with mental illness.

We have a well-earnt reputation for progressive mental health policy and quality services, and we plan to build on those foundations.

For this purpose, the government is developing a 10-year plan to articulate strategic directions to improve mental health service delivery in Victoria and deliver these improvements to people over the next decade. A key focus for the reform agenda will be to consolidate and expand the progress already made to implement recovery-oriented practice by public mental health service providers.

Recovery-oriented practice lies at the heart of contemporary mental health service delivery. The aim of this approach is to support people living with mental illness to build and maintain a meaningful and satisfying life and personal identity, regardless of whether or not they have ongoing symptoms of mental illness.

The principle of choice is central to recovery-oriented practice. Enhancing consumer choice has the potential to change the nature of the relationships between service providers, consumers and carers to one based more on dialogue and partnership. Evidence shows that recovery-oriented practice can improve a consumer's experience of service and lead to better health outcomes.

The 10-year plan will be developed in collaboration with consumers, carers, mental health workers and service providers.

Mental health services annual report

In addition to developing a 10-year mental health plan for Victoria, the government has committed to tabling in Parliament a state of Victoria's mental health services annual report.

The Mental Health Amendment Bill delivers on this commitment.

The annual report is intended to include information about the provision of public mental health services during the preceding financial year, including key quantitative data (such as service usage data) and qualitative data (such as results from consumer and carer surveys).

The annual report will also enable the government to report progress against the 10-year plan and to maintain a strong ongoing dialogue with the Parliament and the community about the government's vision for continuous improvement of public mental health services.

This important new initiative resonates strongly with this government's commitment to transparency in government.

The Secretary to the Department of Health and Human Services will prepare and submit the annual report to the Minister for Mental Health and the minister will then ensure the report is tabled in both houses of Parliament.

The final form, content and scope of the annual report will be informed by the development of the 10-year plan and developed in collaboration with key stakeholders. It is intended that the first annual report will be prepared for the 2015–16 financial year.

Forensic prisoners

The bill makes amendments to facilitate treatment of prisoners with a developing mental illness.

The Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 enables a court to impose custodial and non-custodial supervision orders for people who are unfit to stand trial or who are found not guilty of an offence due to mental impairment.

A court may make a 'custodial supervision order' that commits a person to custody in an 'appropriate place', such as a designated mental health service under the Mental Health Act 2014. A court may make a person subject to a custodial supervision order in a prison, but only where there is no practicable alternative in the circumstances.

If a person is detained in prison subject to a custodial supervision order and requires compulsory treatment for mental illness, they must be transferred to a designated mental health service for that treatment. Compulsory treatment is not provided in prison. Section 306 of the Mental Health Act currently enables the Secretary to the Department of Justice and Regulation to direct such a transfer.

There is, however, a gap in the legislative scheme. While the Mental Health Act enables a prisoner subject to a custodial supervision order to be taken to a designated mental health service to receive compulsory treatment, there is currently no readily accessible legal mechanism for returning the person to prison when they no longer need compulsory treatment. The only option is to make an application to the Supreme or County courts to vary the place of custody. This process does not enable a timely response to the changing needs of the individual person.

The bill amends the Mental Health Act to enable these people to be returned to prison when they no longer need compulsory treatment. It does this by extending the existing provisions in the Mental Health Act that enable ordinary prisoners to obtain compulsory treatment in a designated mental health service to this group.

These existing provisions allow the Secretary to the Department of Justice and Regulation to direct a prisoner to be transferred to a designated mental health service if certain statutory criteria apply. These include that the person has mental illness and needs immediate treatment to prevent serious harm or serious deterioration in the person's mental or physical health. The secretary must also receive a report from the authorised psychiatrist of the relevant designated mental health service recommending the transfer and stating there are facilities and services available for the detention and treatment of the person.

The authorised psychiatrist must return the person to prison as soon as the statutory criteria no longer apply. The Mental Health Act contains a range of safeguards to ensure treatment is provided in the least restrictive way possible and for the minimum time necessary, including review by the independent Mental Health Tribunal.

These changes will ensure that prisoners subject to custodial supervision orders can appropriately receive compulsory treatment and then be returned to prison in accordance with the original court order.

The amendments do not affect forensic patients detained in a designated mental health service under a custodial supervision order. Forensic patients cannot be transferred to a prison under the new arrangements.

Technical and operational issues

The Mental Health Act is a significant piece of legislation that only came into operation on 1 July 2014. The act delivers major reforms to the public mental health system, placing people with mental illness at the centre of decision-making about their assessment, treatment and recovery.

The Department of Health and Human Services has worked closely with mental health service providers, peak consumer and carer bodies and a range of other stakeholders to prepare for the commencement of the act in July 2014 and to manage implementation following commencement.

This work has identified a number of minor issues which require amendment to the act in order to ensure clarity regarding the intention of the legislation.

Many of the amendments relate to typographical errors. For example the definition of 'psychiatrist' incorrectly refers to the 'Health Practitioner National Law' rather than the 'Health Practitioner Regulation National Law'.

There are also a few instances of inconsistency in the language used in similar provisions in the act which has given rise to some uncertainty. An example is section 17 of the Mental Health Act. This section provides that a carer must be notified if an inpatient's right to communicate has been restricted by an authorised psychiatrist. However, in every other notice provision in the act concerning carers, the carer is only to be notified where the particular decision or action will directly affect the carer and the care relationship. Section 17 is inconsistent with these other provisions and does not properly reflect the policy underpinning the act, which seeks to balance a patient's right to privacy with a carer's legitimate need to know information where a decision affects their interests.

The bill amends the Mental Health Act to correct these minor errors and other inconsistencies.

It has also become apparent that a few provisions in the Mental Health Act are unclear and would benefit from minor amendment to improve clarity without changing the purpose of the provisions.

For example, the Mental Health Act does not specify what the effect is on the duration of an assessment order if it is varied from an inpatient assessment order to a community assessment order before the person is received at a designated mental health service. The bill amends the act to clarify that the duration of the community assessment order is 24 hours from the date and time the initial inpatient assessment order is varied. This reflects the original policy intention that the person should not be subject to an order for a longer period than if the initial inpatient treatment order had not been varied.

Feedback received from stakeholders has also identified some other unintended policy outcomes arising from implementation of the act.

For example, the definition of treatment in the Mental Health Act includes the words '… a person receives treatment for mental illness if things are done to the person in the course of the exercise of professional skills …'.

The response from the mental health sector has been that the words 'done to the person' are not consistent with the philosophy of patient autonomy and the supported decision-making framework that underpins the act. During the implementation of the act, clinicians, consumers and carers have raised concerns that the use of these words is inappropriate and disempowering.

Rather than treatment being 'done to an individual', the act envisages that people receiving treatment under the act will make or participate in the treatment decisions and their views and preferences should be respected.

The bill amends the definition of treatment in the act to reflect supported decision-making in practice.

In another example, the Mental Health Tribunal must give written notice of a hearing to the carer of a patient who is going to appear before the tribunal if the tribunal 'is satisfied that the hearing will directly affect the carer and the care relationship'.

The Mental Health Tribunal has advised the government this is not a practical requirement because the tribunal is not in a position prior to the hearing to assess the impact of the hearing on carers or the care relationship.

The bill amends the act to provide that the tribunal must always give written notice of a hearing to the carer of a person who is the subject of a proceeding before the tribunal.

Forensicare's statement of priorities

The Mental Health Act requires the Victorian Institute of Forensic Mental Health (also known as Forensicare) to prepare a statement of priorities. This requirement was part of a package of reforms under the act to more closely align the governance of Forensicare with other public health services.

The Department of Health and Human Services currently publishes the statements of priorities for all public health services on its website. It is intended to also publish Forensicare's statement of priorities on the website consistent with the government's policies about improving standards of governance, transparency and accountability. However there is uncertainty about the legal basis for publication.

For the removal of doubt, the bill amends the act to enable the Minister for Mental Health to publish copies of Forensicare's statement of priorities and any variations on the department's website.

Changes to the Crimes (Mental Impairment and Unfitness to be Tried) Act

The bill makes two minor changes to the Crimes (Mental Impairment and Unfitness to be Tried) Act to clarify provisions related to the preparation of reports and certificates under that act.

Conclusion

In conclusion, the government is pleased to be introducing legislation that will strengthen transparency in government by establishing a state of Victoria's mental health services annual report and by requiring the report to be tabled in both houses of Parliament.

The bill will also assist mental health service providers to deliver services consistent with the objectives and principles of the Mental Health Act by addressing a number of technical and operational issues identified during the implementation of the act in 2014.

I commend the bill to the house.

Debate adjourned for Ms WOOLDRIDGE (Eastern Metropolitan) on motion of Mrs Peulich.

Debate adjourned until Thursday, 23 April.

NATIONAL PARKS AMENDMENT (PROHIBITING CATTLE GRAZING) BILL 2015

Introduction and first reading

Received from Assembly.

Read first time for Mr SOMYUREK (Minister for Small Business, Innovation and Trade) on motion of Ms Mikakos; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Mr SOMYUREK (Minister for Small Business, Innovation and Trade), Ms Mikakos 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 National Parks Amendment (Prohibiting Cattle Grazing) Bill 2015.

In my opinion, the National Parks Amendment (Prohibiting Cattle Grazing) 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 National Parks Act 1975 to implement the government's commitment to ensure that cattle grazing cannot be conducted in the alpine and river red gum national parks. Specifically, the bill clarifies that executive and administrative powers under the National Parks Act 1975 and the Conservation, Forests and Lands Act 1987 cannot be used to provide for the introduction or use of cattle in the specified parks.

Human rights issues

There are no charter rights relevant to the bill.

Hon. Adem Somyurek
Minister for Small Business, Innovation and Trade

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Ms MIKAKOS (Minister for Families and Children).

Ms MIKAKOS (Minister for Families and Children) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

Ten years ago Parliament passed legislation to end cattle grazing in the Alpine National Park to build a more sustainable future for this outstanding national park. However, this did not stop the previous government from reintroducing cattle into the national park under the guise of a scientific trial.

To ensure our precious national parks remain protected, the National Parks Amendment (Prohibiting Cattle Grazing) Bill 2015 will amend the National Parks Act 1975 to prohibit cattle grazing for any purpose in the Alpine National Park and also the river red gum national parks: Barmah, Gunbower, Hattah-Kulkyne, Lower Goulburn, Murray-Sunset and Warby-Ovens.

The Alpine National Park contains some of Australia's most spectacular mountain landscapes and a diverse array of natural environments while the river red gum national parks protect significant areas of our iconic river red gum forests and wetlands. These national parks protect land that is culturally important to Aboriginal traditional owners who have played a vital role in its management for thousands of years and continue to do so to this day.

Cattle damage high mountain catchments, trample fragile mossbeds and springs, ruin stream banks, wetlands and soaks, and pollute water. Cattle create bare ground, disturb soil, cause erosion, and threaten the survival of rare plants and animals. They also spread invasive weeds. There can be no doubt that cattle have no place in Victoria's world-class national parks.

The science has been clear for decades. More than 100 scientific papers published over more than 50 years conclude that cattle grazing causes significant environmental damage in our high country. Nonetheless, cattle were recently reintroduced to the Alpine National Park under the guise of a scientific trial on the use of grazing to reduce bushfire severity.

Previous scientific studies, in particular of the 2003 and 2006–07 fires that occurred in Victoria's high country, show that cattle grazing had little or no effect on reducing the impact of large bushfires at a landscape scale. Again, the science is clear.

Research shows that:

> vegetation type, not cattle grazing, determines fire occurrence in the high country;
>
> vegetation type, not cattle grazing, determines the flammability of bushfire fuels in the high country;
>
> vegetation type, not cattle grazing, determines fire severity in the high country.

Cattle do not graze on the flammable wood, bark and leaves that fuel the bushfires in the high country that can impact on people, property and the environment.

Cattle grazing has been banned in high country national parks elsewhere in Australia for many years. In 2005 the Victorian Parliament voted to ban cattle in the high country. It is necessary to reaffirm that cattle grazing is not compatible with the ideals of our national parks, nor is it compatible with the community's desire to better protect our natural environment.

This bill is not about denying the mountain cattlemen's connection to Victoria's high country, or our heritage and culture. Horseriding in Victoria's high country, so memorably evoked in the iconic *Man from Snowy River*, is a proud part of Australia's recent history, and will continue. The mountain cattlemen and women will continue to play a role in managing the high country, using their invaluable skills and knowledge for the benefit of all Victorians.

This bill delivers on the government's election commitment in *Our Environment, Our Future* to, once again, ban cattle grazing in the Alpine and river red gum national parks. It complements and reinforces the earlier 2005 and 2009 legislation to cease all licensed grazing in those parks and means that the National Parks Act cannot be interpreted to allow the introduction of cattle into those parks for any purpose.

Labor is putting the care and protection of our environment back on the agenda. We are proud of our record in protecting our natural environment and our national parks. The bill will further that legacy for the benefit of all Victorians.

I commend the bill to the house.

Debate adjourned for Mr ONDARCHIE (Northern Metropolitan) on motion of Mrs Peulich.

Debate adjourned until Thursday, 23 April.

DOMESTIC ANIMALS AMENDMENT BILL 2015

Introduction and first reading

Received from Assembly.

Read first time on motion of Ms PULFORD (Minister for Agriculture); by leave, ordered to be read second time forthwith.

Statement of compatibility

Ms PULFORD (Minister for Agriculture) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, (the charter act), I make this statement of compatibility with respect to the Domestic Animals Amendment Bill 2015 (the bill).

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

Overview

The bill amends the Domestic Animals Act 1994 (the act) to impose a moratorium on the destruction of a restricted breed dog (RBD), in certain circumstances, for the purposes of the

proposed inquiry into the current arrangements, benefits and challenges of legislative provisions for RBDs in Victoria by a joint investigatory committee of the Parliament under section 33(1) of the Parliamentary Committees Act 2003.

The moratorium period will start on commencement of the bill and end on 30 September 2016 and is intended to provide sufficient time for the joint investigatory committee to report to the Parliament, for the government to consider and respond to any recommendations made by the committee and for the preparation and passage of any amending legislation that may be needed to implement a recommendation.

The bill imposes a moratorium on the destruction of an RBD under sections 84P(a) and 84P(b) of the act as they are the only provisions which permit destruction of a dog solely because it is an RBD.

Apart from preventing destruction of an RBD under those sections, the moratorium does not otherwise affect the operation of the act.

Human rights issues

The bill does not engage any human rights protected under the charter act. I therefore consider that this bill is compatible with the charter act.

Hon. Jaala Pulford, MLC
Minister for Agriculture

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 Domestic Animals Amendment Bill 2015 will amend the Domestic Animals Act 1994 to impose a moratorium on the destruction of a restricted breed dog where the act provides for it to be destroyed solely because of its status as a restricted breed dog.

The bill will implement the government's election commitment to impose a moratorium on the destruction of restricted breed dogs while a parliamentary inquiry is undertaken into the effectiveness of current legislative arrangements.

The bill will require councils to hold a dog that is protected by the moratorium until the completion of the parliamentary inquiry and consideration of the inquiry recommendations.

The inquiry will investigate the current arrangements, benefits and challenges of legislative provisions for restricted breed dogs in Victoria for final report to the Parliament by 30 September 2015.

The act provides a number of pathways for the destruction of dogs. Some apply only to restricted breed dogs, some apply only to restricted breed dogs and dangerous dogs and some apply to all dogs. Most provisions of the act under which a restricted breed dog may be destroyed provide for destruction on grounds which are either unrelated to or in addition to the dog's status as a restricted breed dog. These provisions are not affected by the bill.

Only sections 84P(a) and 84P(b) of the act permit destruction of a dog solely because it is a restricted breed dog. It is intended that the moratorium on destruction of a restricted breed dog be limited to those provisions. A restricted breed dog may still be destroyed under other provisions of the act, for example if the owner fails to recover the dog within the statutory period or where the owner is unable to be identified or where the dog has seriously injured a person or is itself required to be destroyed under veterinary advice because of ill health or suffering.

This bill will not change the requirements or enforcement of provisions in relation to dangerous dogs. The public can rest assured that the community is safe whilst a thorough review of the legislation is underway.

I commend the bill to the house.

Debate adjourned for Mr DRUM (Northern Victoria) on motion of Mrs Peulich.

Debate adjourned until Thursday, 23 April.

ADJOURNMENT

Ms PULFORD (Minister for Agriculture) — I move:

That the house do now adjourn.

Country Fire Authority Fiskville facility

Mr RAMSAY (Western Victoria) — My adjournment matter is for the Minister for Emergency Services and refers to her decision to close forever the Country Fire Authority (CFA) training facility at Fiskville near Ballan. The fact that this decision was made public by the minister on ABC radio without a recommendation being made to the CFA, the completion of the testing regime for contaminants on the site or the opportunity for the joint parliamentary Environment and Natural Resources Committee to investigate and make recommendations to Parliament is disturbing to say the least. The fact that this decision was made without consultation with Moorabool Shire Council, the municipality in which Fiskville sits, is just rude and, to an extent, arrogant. The fact that this decision means 70 community members lose their jobs without relocation plans is disgraceful.

I am hopeful that the minister's decision was not based on the directive from the United Firefighters Union to place all CFA training under the control of the Metropolitan Fire Brigade, which in turn is controlled by the United Firefighters Union at Craigieburn, where

training costs are considerably higher, but instead made in the spirit of firefighter safety. I understand that the training and accommodation areas at the facility are free of contamination, as per the most recent test results, and that a fire pad could be established on another part of the 300 acres which form part of the facility grounds.

I do not wish to refer to the work of the parliamentary committee's inquiry but instead raise the fact that the government appears to have made this decision in isolation, without reference to the inquiry. I raise this matter as a member for Western Victoria Region, in which Fiskville sits. I seek the minister's response in relation to the relocation of those jobs lost as a result of her decision and also stress the need for a CFA training facility with a fire pad located in south-western Victoria. I seek an assurance that those jobs will be retained and that the training facility will remain in the Ballan district.

National Youth Week

Mr MULINO (Eastern Victoria) — My matter is for the Minister for Youth Affairs. I ask that the minister provide an outline of the key National Youth Week events to be held in eastern Victoria and that she include an estimate of attendance and key outcomes.

National Youth Week will be held in April 2015. Victoria will be host to hundreds of very important events. National Youth Week has been held since 2000, and over the course of the last 15 years many hundreds of events have been held around Australia. These events are designed for those aged 12 to 25 years and span the areas of education, sport, music and the arts. National Youth Week is particularly important to youth living in regional Victoria and those who come from disadvantaged and isolated backgrounds. It is a particularly important week for many youth in my electorate as well as those living in outer urban and regional areas.

The theme for this year's National Youth Week is 'It starts with us', which is a call to action. It is a very worthwhile and proactive theme, chosen by young members sitting on the national planning group. It is a sign that the week will be worthwhile and generate a lot of action across the nation. Every year approximately 2000 young people are directly involved in planning events and many more take part in those events around the country and across the state. I look forward to hearing about the varied events that are to be held across eastern Victoria and wish all those who have planned the events and those hoping to participate in them all the best over the coming month.

Libraries

Ms DUNN (Eastern Metropolitan) — My adjournment matter is for the Minister for Local Government. The action I request on behalf of the Public Libraries Victoria Network is that she release the full business case for the Victorian library funding model to allow local governments to properly assess its likely impact.

Public libraries provide a vital service within their local communities. They develop strong and connected communities by providing safe, accessible public places to read, think, meet, research and access a wide range of programs that make local libraries vibrant and active places for all. However, they need clear funding arrangements to support their viability and development to meet the changing needs of the community.

This was revealed in the *Review of Victorian Public Libraries Stage 2 Report*, released by the bipartisan Ministerial Advisory Council on Public Libraries in November 2013. This wideranging review looked at current and future trends in public library usage in Victoria and opportunities for better collaboration among public libraries. The review incorporated extensive consultation and recommended the implementation of a Victorian library model comprising initiatives to improve services, maximise use of digital technology and improve the sharing of resources and systems between public libraries.

The initiatives included a single library card for membership of all Victorian public libraries based on technology currently in use; statewide inter-library loan systems to move materials between libraries more effectively and efficiently and to allow materials to be sourced, borrowed and returned from across the state at participating libraries; a statewide platform for digital material to provide a single point for rights negotiation and to improve access to digital resources like ebooks; and a collection of specialist materials in languages other than English, selected and maintained by various library services but accessible statewide.

As part of the review a business case has been developed to support the implementation of the Victorian library model. Library corporations have been waiting for the release of the proposed business case for too long. Having access to the proposed funding details and arrangements to support the new model is urgently needed to enable the implications for participation in the new model to be properly assessed.

Local libraries are determined to remain relevant and connected to their local communities and need to be in

a position to properly consider and plan for the new model. The need for certainty in funding arrangements for local libraries is particularly acute in light of the government inquiry into the implementation of a rate cap for local government. I again call on the Minister for Local Government to release full details of the business case for the Victorian library model as a matter of urgency.

Bellarine Peninsula police resources

Mr O'DONOHUE (Eastern Victoria) — I raise a matter this evening for the attention of the Minister for Police, Mr Noonan. As I have said in the house previously this week, we are starting to see across Victoria the consequences of the Labor government's decision to stop the ongoing growth of Victoria Police. The academy has less than half the number of recruits currently in training than there were last June. I am advised that at the moment Victoria Police is only recruiting to replace natural attrition, despite the sustained and ongoing population growth Victoria is experiencing.

This is putting pressure on Victoria Police. We have seen this in the Bellarine Peninsula region. Prior to the election Minister Noonan and Minister Neville, the Minister for Environment, Climate Change and Water, made a commitment to have three police stations on the Bellarine operating 16 hours a day. The then opposition said that would happen quickly after coming to government, and Minister Neville said she was hopeful it would happen by the end of March. The Portarlington, Drysdale and Queenscliff stations, I am advised, are operating closer to 16 hours a week than 16 hours a day.

An article in the *Geelong Advertiser* of 6 April headed 'Police call goes to voicemail — no-one at Bellarine station to pick up the phone' describes a situation where a Point Lonsdale woman's late-night call for help went unanswered. She has urged the state government to increase police numbers on the Bellarine. The article quotes the woman as saying:

> I rang and rang and the message said to ring 000 … At 1.00 a.m. the phone rang and it was the police. They said they'd been at a big fight and asked if they should come by now, but I said it was too late.
>
> They apologised but I just think we need to advocate for more police. I know it costs money but you need confidence that you can call for help.

As I said, because of the Labor government's decision to stop the ongoing growth of Victoria Police, we are seeing areas around Victoria where more police are needed. The action I seek from Minister Noonan is that he tell me when the government's promise to return those three police stations to 16 hours a day, which Minister Neville said would be implemented by the end of March but has not been implemented, will be delivered.

Budj Bim master plan

Ms TIERNEY (Western Victoria) — My adjournment matter is for the Minister for Aboriginal Affairs. It is in relation to the Budj Bim master plan. Last month I had the opportunity to meet with the CEO and other leaders of the Winda-Mara Aboriginal Corporation in Heywood. We discussed a number of issues, with particular emphasis on the need for employment programs and funding for out-of-home care for children.

I am immensely appreciative of the time and effort Eileen Alberts from the corporation took to impart knowledge and show me three different areas — Lake Condah Mission, Lake Condah and Kurtonitj. At Lake Condah Mission I met Damein Bell from the Gunditj Mirring Traditional Owners Aboriginal Corporation, who explained the work that had been undertaken leading up to the development of the Budj Bim master plan. It involved the local Indigenous communities as well as all levels of government.

The Budj Bim landscape is one of Australia's great national heritage landscapes. It is a special place that offers unique and authentic visitor experiences of a living Indigenous culture, a history and a landscape that does not exist anywhere else. The master plan represents a vision for the conservation and sustainable use of the Budj Bim national heritage landscape for cultural, tourism and community purposes. The master plan provides an enabling framework for the government, the tourism industry and the Gunditjmara community to invest in the future development of the Budj Bim landscape.

I seek from the minister an indication of the time line for the minister's response to this master plan, as all the stakeholders are wanting to get on with the work of implementing it. Much time and effort has gone into the plan, and now it is time for action.

Medical LSD

Ms PATTEN (Northern Metropolitan) — My adjournment matter is for the Attorney-General. On Sunday of this weekend we are celebrating Bicycle Day. This is not the sort of bicycle for which you need to wear shorts or even a helmet; this is Bicycle Day to celebrate the first trip of LSD — lysergic acid

diethylamide. LSD was discovered by Albert Hofmann. On 19 April 1943 he took some LSD.

Mr Ramsay — Did he get a trip?

Ms PATTEN — He did get a trip, and he rode his bicycle on that trip. He rode his bicycle home and discovered that during that journey he saw a lot of kaleidoscopic, fantastic images and all the rest.

Mr Drum — And he lost three days!

Ms PATTEN — Actually he didn't. He came back fairly fine except for some dilation in his pupils, apparently. What emerged from this were some really interesting medical uses for LSD and some really interesting investigations into it. It was even patented in the 1950s. They treated a number of alcoholics with it and found that it had a tremendous effect in treating alcoholism. Over 50 per cent of people responded very positively to it. It was used in psychotherapy; Cary Grant used it in psychotherapy.

It was found to have none of the negative effects that many people have attributed to it. It was found to treat depression, and even today there are still studies being done into the treatment of post-traumatic stress disorder, depression and anxiety using psychoactive substances like LSD, with remarkable effect. One study was done in 2014 by Dr Doblin, who found that one treatment with LSD in conjunction with psychotherapy can greatly reduce the anxiety of terminally ill patients as they go towards the end of their lives.

Sadly, there are a couple of organisations in northern metropolitan Melbourne that would like to explore further medical research in this area but they cannot because of the prohibition on the substance even for medical uses. The World Health Organisation reported that its assessment of the substance could not find:

> … a single example of harm from naturally occurring psychedelics … and cited only a handful of anecdotes related to LSD.

I ask if the minister would consider reviewing the legal status of some psychedelic substances in relation to medical use.

Autism spectrum disorder

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Police. I am sure everybody in this house, indeed everybody in the community, was overjoyed when young Luke Shambrook was found after he went missing at Eildon a couple of weeks ago. However, this raises a very important matter, which is the way police and emergency services workers handle people with autism. In Luke's situation it was frequently said that emergency services workers may have had difficulty looking for Luke because he may have thought they were playing a game and been hiding from them.

This raises an issue of how autism spectrum disorder (ASD) is handled by police. As a result of that a director of Ladybug House, a small business in my electorate which specialises in providing allied health services to children with ASD, has come to me with a suggestion to provide two 1-hour ASD awareness seminars at the Moonee Ponds and Sunshine police stations in June this year. According to Ladybug House:

> The pilot objective is to assess the reported benefits to the police officers understanding individuals with ASD and if successful extend the program out to other police stations and emergency services personnel.

I think this is a particularly good idea, given that the incidence of ASD has increased enormously over recent years. Ladybug House is hoping that this program will achieve the following objective:

> Create awareness of the differences in how individuals with autism experience the world so that the police officers can better adapt their communication strategies to deliver outcomes that benefit the individual and the community.

I am sure that the house can see some major benefits from this. The pilot is targeted at police officers but could very easily be extended to other emergency services personnel.

As a parent of a child with autism I was shocked and very fearful when young Luke went missing, because in years gone by our little bloke could have just as easily wandered off, as he was what is known in the autism area as a 'runner'. You had to keep an eye on him all the time, and nothing much has changed over the years. I was delighted and thrilled, and in fact I got a bit teary, when I heard that Luke had been found, but this sort of program would help police and emergency services workers faced with a similar problem in the future. I ask the minister to give this consideration and approval.

Kindergarten funding

Ms SYMES (Northern Victoria) — My adjournment matter tonight is for the Minister for Families and Children, the Honourable Jenny Mikakos. I am interested in the steps she has taken so that local kinders, councils, parents and carers have certainty about kinder hours for next year. I am concerned about the future of the 15-hour kindergarten program for four-year-olds in Victoria.

There is much at risk if the federal government reneges on the national partnership agreement on universal access to early childhood. If it does so, 15 hours of kindergarten will drop to 10. This will have a detrimental effect on jobs for the hardworking, committed and highly qualified men and women who work in early childhood development. As we know, the Productivity Commission's inquiry into child care and early childhood learning found that 15 hours of kindergarten in the year before school is vital in that it provides formal benefits for children's development and helps in their transition to school. We know that 90 per cent of a child's brain development occurs in their first five years.

The uncertainty is creating havoc in terms of enrolment, and as a parent of a child who turns four on Monday, I have experienced this. You go to a kindergarten at the moment and you want to enrol your child for kindergarten next year, which I have attempted to do, and they cannot tell you what days your child may be accepted to go into kindergarten. The practical implications of that are that you also then have to work out which days you might need child care — whether that is paid child care or care provided by grandparents. So this is making it very difficult for parents to plan for next year.

My view is that every parent wants 15 hours, every child-care worker wants 15 hours and every four-year-old child needs 15 hours, so the specific action that I am requesting of the minister is that she continue to lobby the federal government for funding for the continuation of its part of the 15 hours of kindergarten for our four-year-olds for next year and into the future.

The PRESIDENT — Order! Again I will let it ride tonight because the member is relatively new, but asking a minister to 'continue to lobby' is something we have frowned upon in the past. It may be better if it were a request to 'step up lobbying', but a member simply endorsing what a minister is already doing is really not the purpose of the adjournment debate. I understand what the member is after, however, and I think the issue is important, so I will let the adjournment matter stand. I will not overrule it.

However, members should avoid 'continue to lobby' and instead be very judicious in terms of simply calling for a letter to be written to a federal minister or for lobbying of a federal minister to be conducted. Otherwise, whether or not the request is for an action can be a moot point. As I said, however, tonight I understand, and this is an important issue — though I am not making the judgement just on the value of the issue, because that would get me into all sorts of trouble going forward.

Latrobe Valley employment

Ms SPRINGLE (South Eastern Metropolitan) — This evening I raise a matter for the Minister for Regional Development. The action I seek is that the minister meet with the Voices of the Valley community group in the Latrobe Valley to discuss a proper community-led jobs and transition plan for the region which includes replacing Hazelwood, the dirtiest power station in Australia, and rehabilitating the coal mine.

It was heartening to see reports this week that some money might be available through the Regional Jobs and Infrastructure Fund for health and training facilities in the Latrobe Valley. However, neither major party has a real plan for jobs in the Latrobe Valley after the coal plants inevitably close. The people of Latrobe Valley know that the plant is being run into the ground, that it is unsafe and that coal needs replacing with clean energy. Climate change is a huge threat to Australia, and the coal plants and mines are also a direct threat to people's health locally.

Hazelwood is the dirtiest power plant in Australia, and any party that is serious about climate change must have a plan to close it urgently. However, this government, just like previous governments, lacks a real plan for sustainable jobs in the valley. A generic fund with a nod towards a fledgling prosthetics laboratory is a good start, but it will not deliver the holistic plan that people in the valley want and need for their future.

The Greens are calling on the government to fund a proper transition plan for the Latrobe Valley in this year's budget. It must have a real vision for sustainable jobs post coal. We are also calling for the government to immediately announce a plan to replace the Hazelwood power station with renewable energy facilities and rehabilitate the coal mine. Climate change is an urgent problem, and we cannot wait any longer for real action; neither can the residents of the Latrobe Valley.

The PRESIDENT — Order! I note that the member mentioned a couple of issues, but the action sought was a specific one — to attend a meeting. I think the member, in raising more than one issue, was suggesting an agenda for that meeting.

Sunbury municipality

Mr DAVIS (Southern Metropolitan) — My matter, for the Minister for Local Government, relates to the Sunbury out of Hume issue. The previous government put in place a process and gazetted a 1 July date for Sunbury to leave Hume following a democratic vote that saw a clear and decisive result indicating that the community wanted to be separate. Unfortunately the Labor Party has breached its election commitment. Its election commitment, made in writing by the then shadow Minister for Local Government, Richard Wynne, was to support that gazettal. I have seen that letter. It is a very clear one, and that commitment has now been breached. It has been breached through a slippage of the date at a minimum, and it is also very clear that a new process has been set up.

The new process will see transition auditors put in place. They will include Frank Vincent, QC, and John Watson. I have no quibble with those individuals, save for the fact that John Watson was Hume City Council chief executive officer between 1995 and 1998. It would be hard to see how someone who had been CEO of a municipality, even with the best will in the world and while making the best attempts to be neutral and impartial, would not maintain a level of affection and generosity towards that municipality, which would make it very hard to make impartial decisions.

I also make the point very strongly that the Australian Services Union (ASU) has been deeply involved in this process and that Josh Bull, the Labor member for Sunbury in the Assembly, has been very much swayed by the ASU. It is important to note that the transition body needs to look at this very carefully. I believe this has been set up with a predetermined outcome in mind. Those who have set it up want to see an unwinding of the community's desire and vote to separate. Part of that will be a process whereby money is pulled out. The money, partially a share of the airport rate equivalent, will be redirected from the Tullamarine airport process that currently goes to Hume, and in my view Sunbury will not get a fair share in this process that is going forward. If that is the case, it will make it more difficult for a separation to occur.

I also note that the Hume council's questions and answers on 13 April saw the director of city governance and information make a number of assertions which were wrong. He was not, as Mr Finn and I were, at the meeting with Domenic Isola when he assured us that 1 July was achievable.

Finally, the ASU has been involved in the distribution of petitions, and this political material has involved the use of council resources. I ask the minister to investigate the inappropriate use of council resources for political activity engaged in by the union.

LGBTI community

Ms SHING (Eastern Victoria) — The matter I raise is for the Minister for Equality, Mr Martin Foley. The action I seek is that the minister provide an update and report on the actions that will be taken this year to support the LGBTI community and to support the work of stakeholders in engaging in the delivery of the equality agenda.

I note that this house, in particular Ms Fitzherbert, Ms Patten and me, have worked hard to develop a parliamentary friends of LGBTI Victorians group, which met for the first time yesterday. This important group stands to provide a mechanism for stakeholders to meet with parliamentarians to provide information and advice to ensure that members of Parliament are in a position to understand the issues encountered by LGBTI Victorians and to understand our obligations to give proper voice and representation to LGBTI Victorians, which include a number of groups and individuals who are represented throughout Eastern Victoria Region, which is the area I represent in this place.

I note that this builds on the important work of community groups in providing safe spaces and access to information for LGBTI Victorians as they come into their own and as they celebrate their identities. We have moved from a time when there was often a great deal of stigma and shame associated with being LGBTI and an enduring reticence to embrace one's identity whilst growing up and into adulthood. We have seen significant changes in the way these issues are dealt with by individuals, by their families, in the provision of services and programs, in access to information and in tackling discrimination, which continues to operate in the law and in areas which include everything from early childhood development through to aged care.

In order to better understand the way in which we can improve the opportunities that are available to LGBTI Victorians and how we can better engage with this group, I seek information from the minister on the way in which the equality agenda will benefit its members. I note the important work of organisations such as Minus 18, which held its fifth Same Sex Gender Diverse Formal last Saturday, 11 April, at the St Kilda town hall. I attended with the minister and was pleased to open and speak at this important event.

Victorian Multicultural Commission

Mrs PEULICH (South Eastern Metropolitan) — I raise a matter for the attention of the Minister for Multicultural Affairs, Robin Scott. My matter relates to the level of uncertainty around some of the programs that are being run by the Victorian Multicultural Commission, especially given the recent departure of the commission's chairperson, Mr Chin Tan, and tomorrow's meeting of the commissioners. There is a great deal of nervousness within the commission, but there is also a great deal of uncertainty in community organisations that typically apply for funding to assist with their programs, as well as concerns about delays in that funding.

This has been raised with me on numerous occasions in my capacity as shadow Minister for Multicultural Affairs. I raise this matter and ask the minister not to take a punitive approach to a person who may have sought representation. I hope it will not disadvantage the group in its grant application, but I have been approached by Mernda and Doreen Multicultural Association Inc., which organises Diwali, the festival of lights, which is an annual multicultural festival held in Mernda. Many members have attended lots of Diwali festivals, which often bear fairly substantial venue costs and which are able to be staged with funding made available through the office of the Victorian Multicultural Commission. Last year the inaugural Diwali festival in Mernda was attended by over 8000 local residents. The association is certainly keen to see this continue but is concerned that the Unity through Partnerships grants program, through which it obtained the grant, is in a state of uncertainty. There has been no word as to the status of the grants program or indeed any applications that have been made to it.

I ask the minister to clarify for multicultural communities the future of these programs, because these events certainly take a fair bit of organisation and without the funding which has facilitated these events taking place most of them will not occur. On behalf of the Mernda and Doreen Multicultural Association. I hope the minister will look favourably upon continuing to support the multicultural grants programs and events throughout the state and particularly Diwali, the festival of lights, in Mernda, which was such a clear success in its first year in 2014.

Wild dogs

Mr DRUM (Northern Victoria) — My adjournment matter is for the Minister for Agriculture, who is in the chamber tonight, and it relates to her policy and actions on wild dogs. Recently the minister has been a bit embarrassed by her performances on the radio, trying to state where it is she sits in relation to the policy on wild dog eradication. When asked why she had halted the aerial baiting and ground baiting programs that had been put in place over the last four years, effectively Ms Pulford said that there was no money left in the department. However, everybody knows that an additional sum of $1.84 million was put into the department specifically for aerial and ground baiting to carry the programs through until the budget allocation comes to fruition.

We were very clear in our language around wild dogs and wild dog eradication. We had a $14 million commitment for the next four years. It was crystal clear when we left office that there was enough money in the department to ensure that wild dog ground baiting and aerial baiting would continue until 30 June, when the new allocations come on stream. The money was there, but effectively Ms Pulford is saying that the money is not there.

What makes it even more important is that now is the optimum time to implement the most effective method of aerial baiting for wild dogs. This is a significant problem over a large area in the agricultural sector. Everybody is aware that the program has stopped and that we have a minister who wants a hands-off approach to wild dogs. This is the prime time to have the most effect with these programs.

I call on the minister, firstly, to find the money that was specifically left to get the program up and running again immediately, and secondly, to ensure that when the budget is handed down in early May there is a similar sum to the $14 million over four years that was committed to the program by the coalition government in the lead-up to the last election, because unless significant funds are put into the eradication of wild dogs, we will continue to have the slaughter on our farms that we are currently experiencing under this minister.

Responses

Ms PULFORD (Minister for Agriculture) — There were a number of adjournment matters this evening, including ones from Ms Springle and Mr Drum, which I will happily respond to in a moment.

There was a matter from Mr Ramsay for the Minister for Emergency Services, Ms Garrett, about the recent decision to close the CFA training facility at Fiskville, and I will pass that matter on to the minister.

Mr Mulino raised a matter for the attention of the Minister for Youth Affairs, Ms Mikakos, about National Youth Week events.

Ms Dunn raised a matter for the attention of the Minister for Local Government, Ms Hutchins, around local government and in particular libraries.

Mr O'Donohue raised a matter for the Minister for Police, Mr Noonan, around police station statuses and staff numbers.

Ms Tierney raised a matter for Ms Hutchins in her capacity as Minister for Aboriginal Affairs, particularly in relation to the Budj Bim landscape and cultural heritage issues for the Gunditjmara people in south-western Victoria.

Ms Patten raised a matter for the Attorney-General around the use of psychedelics to treat some medical conditions.

Mr Finn raised a matter for the Minister for Police. I agree with Mr Finn's sentiments. The whole community held its breath for days while young Luke was the subject of an extensive search. Mr Finn is seeking perhaps some new approaches to supporting our police to ensure that they are dealing appropriately and sensitively with people with autism.

Ms Symes raised a matter for the Minister for Families and Children, Ms Mikakos, around kindergarten hours.

Mr Davis raised a matter for the Minister for Local Government in relation to Hume and Sunbury council issues.

Ms Shing raised a matter for the Minister for Equality, Mr Foley, around the government's ongoing work to ensure equality for members of Victoria's LGBTI communities.

Mrs Peulich raised a matter for Mr Scott, the Minister for Multicultural Affairs, about supporting multicultural communities and events, in particular the Mernda Diwali festival of lights. I will pass all of those matters on to my colleagues and seek a response from them.

In relation to Ms Springle's request that I meet with members of Voices of the Valley, I am happy to do that, but in responding I note that to the best of my knowledge I have not actually received a request to meet with Voices of the Valley. I know that our candidate for the Assembly seat of Morwell at the election, Jadon Mintern, did so, and I am advised that this organisation has been in contact with the Premier's office. Of course I am happy to meet with its representative, but I did take some offence at the notion that the Labor Party does not have any plans to support job creation and growth in the Latrobe Valley.

The Greens main policy for that part of Victoria is to close the Hazelwood power station, which would result in the loss of 2500 jobs. The Greens like to keep continual pressure on the timber industry, again a supporter of some thousands of jobs in and around the Latrobe Valley. It is worth noting that jobs in both of these types of employment are among the most secure and highly paid jobs in the region. I bring to Ms Springle's attention, if she missed it the first time, that prior to the election Labor committed to invest $10 million to develop the Gippsland logistics precinct in Morwell, creating over 150 jobs to support the Latrobe Valley University Training Clinic in Churchill; that is something that came up earlier in the day. This is about supporting training in prosthetics. That creates 114 jobs.

There are additional commitments from the Labor Party around investing $12 million for the Morwell schools regeneration project and Kurnai College, as well as a new technical school in Morwell. Obviously education and training is the foundation for employment for any young person. In addition, the Andrews Labor government is supporting new and emerging industries through the Future Industries Fund, and I spoke in the house earlier today about the $500 million Regional Jobs and Infrastructure Fund, which will present many opportunities for the communities of the Latrobe Valley to seek support and to work with the government to create jobs.

In response to Mr Drum's matter about wild dogs, some of the things Mr Drum based his adjournment matter on are inaccurate, and I am grateful for the opportunity to correct the record. We support a comprehensive plan to deal with wild dog management across Victoria, and we will use what works. There is some debate about the effectiveness of the bounty, and I am keeping an open mind about this, but the funding that was provided by the former government is insufficient to support the continuation of the wild dog bounty.

Mr Drum will be interested to know that in addition to an ongoing aerial baiting program we are working with the Game Management Authority to explore greater opportunities for our hunting community to work on pest control. There are many people employed by the Victorian government as wild doggers, trapping continues and farmers can and will continue to play an important role by being part of pest control on their own private land. On public land and on private land

we take a comprehensive approach. Aerial baiting will continue, and Mr Drum was inaccurate in that part of his adjournment matter.

I note that Mr Drum offered an opinion about the best time of the year for aerial baiting. He might want to check with his leader in the Assembly, Mr Walsh, the member for Murray Plains, who I think had a contrary view, at least for this financial year. The government will support effective measures to deal with the control of wild dogs. We understand the damage they can do to agricultural production. We will support what works, we will monitor what works, we will be responsive to the needs of local communities and we will support and fund things properly, rather than just put out press releases about them.

I have written responses to adjournment debate matters raised by Dr Carling-Jenkins and Mr Purcell on 18 March.

The PRESIDENT — Order! I advise the house that Ms Pennicuik is celebrating her birthday tomorrow, so we wish her well. The house stands adjourned.

House adjourned 6.05 p.m. until Tuesday, 5 May.

WRITTEN RESPONSES TO QUESTIONS WITHOUT NOTICE

Responses have been incorporated in the form supplied to Hansard.

Homesafe

Question asked by: **Mr Edward O'Donohue**
Directed to: **Deputy Leader of the Government in the Legislative Council (for the Minister for Public Transport)**
Asked on: **14 April 2015**

RESPONSE:

The Andrews Labor Government is committed to fulfilling each of its election commitments. The Homesafe trial will support Melbourne's night-time economy, improve travel options and give people more choices and improve community safety.

Public Transport Victoria continues to work through the implementation of the Homesafe commitment and further details of the trial will be released as part of the usual Budget process.

Homeschooling

Question asked by: **Dr Carling-Jenkins**
Directed to: **Minister for Training and Skills**
Asked on: **14 April 2015**

RESPONSE:

The Victorian government funds schools to offer all children high quality education and support for individual needs.

Attending school provides students with opportunities for a broad range of learning, physical activity and social interaction.

A small number of parents in Victoria opt out of enrolling their child at a school and prefer to homeschool their children. They do so for a variety of reasons and make a significant commitment with regard to their time, energy and resources.

All parents regardless of the schooling option they choose contribute to the cost of their child's education. Parents are expected to ensure their children are equipped with essential education items and to pay for other associated costs such as excursions and school uniforms.

Parents are required to register their child for homeschooling with the Victorian Registration and Qualifications Authority (VRQA) and provide regular and efficient instruction covering eight key learning areas.

To support parents to meet the VRQA requirements the Department's website contains a wide range of online resources including current curriculum frameworks and material to support teaching and learning. The Distance Education Centre of Victoria also makes its teaching and learning materials available for a nominal fee.

Students who are homeschooled are able to be partially enrolled in their neighbourhood government school for specific activities.

We encourage participation in the NAPLAN assessment, as one way that students' learning and progress can be monitored. Homeschooled students are able to sit the NAPLAN tests through a nearby school.

Children also often move between being educated at home and attending school. At any time during the school year a homeschooled student can commence attending their local primary or secondary school.

Vocational education and training

Question asked by: **Ms Pennicuik**
Directed to: **Minister for Training and Skills**
Asked on: **15 April 2015**

RESPONSE:

Alderdice and Associates does not currently and has never held a contract to provide government subsidised training with the Victorian Department of Education and Training.

Alderdice and Associates is registered with the Australian Skills and Qualification Authority (ASQA). Consequently, I will be referring this matter on to this Commonwealth Agency.

However, I have met with both ASQA and Federal Senator Simon Birmingham to express the Victorian Government's view that stronger National compliance regimes need to be put in place. The Victorian Government will continue to negotiate for stronger regulation of training provision, including for VET FEE-HELP providers.

SUPPLEMENTARY RESPONSE:

The Victorian Training Guarantee (VTG) Funding Contract has clauses which bind all contracted RTOs to act ethically in their operations and marketing practices, including the use of any slogans as part of marketing campaigns. RTOs that fail to act ethically are at risk of losing their VTG contract. The Department of Education and Training monitors the marketing activities of providers in the government subsidised training market. If it is identified that marketing activities are inappropriate or unethical, the Department will take strong action against the RTO.

The Government is concerned, however, about the adequacy of current arrangements to ensure quality training outcomes. Consequently, as part of the Review of Quality Assurance in Victoria's VET System which was announced by the Andrews Labor Government in February this year, Departmental quality assurance processes will be reviewed and the adequacy of consumer protections available to VET students will be assessed.

Beyond Victoria's direct jurisdiction, changes to the national VET regulatory standards came into force in early April 2015. The changes intend to strengthen consumer protection against poor marketing practices, such as offering incentives to train. I have previously, and will continue to pursue improvements to student protections with Senator Simon Birmingham who has Federal responsibility for this matter.