PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Thursday, 22 October 2015

(Extract from book 15)

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By authority of the Victorian Government Printer

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The Honourable LINDA DESSAU, AM

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

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Minister for Women and Minister for the Prevention of Family Violence	The Hon. F. Richardson, MP
Minister for Finance and Minister for Multicultural Affairs	The Hon. R. D. Scott, MP
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms M. Kairouz, MP

Legislative Council committees

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

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

Legislative Council standing committees

Standing Committee on the Economy and Infrastructure — Mr Eideh, Mr Elasmar, Mr Finn, Ms Hartland, Mr Morris, Mr Ondarchie and Ms Tierney.

Standing Committee on the Environment and Planning — Ms Bath, #Mr Bourman, Mr Dalla-Riva, Mr Davis, Ms Dunn, #Ms Hartland, Mr Leane, #Mr Purcell, #Mr Ramsay, Ms Shing, Mr Somyurek and Mr Young.

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

participating members

Legislative Council select committees

Port of Melbourne Select Committee — Mr Barber, Mr Drum, Mr Mulino, Mr Ondarchie, Mr Purcell, Mr Rich-Phillips, Ms Shing and Ms Tierney.

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 Bourman, Mr Elasmar and Mr Melhem. (*Assembly*): Mr Crisp, Mrs Fyffe, Mr Nardella and Ms Ryall.

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

Council — 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

Leader of the Government:
The Hon. G. JENNINGS

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

Leader of the Opposition:
The Hon. M. WOOLDRIDGE

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

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

Leader of the Greens:
Mr G. BARBER

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Morris, Mr Joshua	Western Victoria	LP
Bath, Ms Melina [2]	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFP	O'Brien, Mr Daniel David [1]	Eastern Victoria	Nats
Carling-Jenkins, Dr Rachel	Western Metropolitan	DLP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Dalidakis, Mr Philip	Southern Metropolitan	ALP	Patten, Ms Fiona	Northern Metropolitan	ASP
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Davis, Mr David McLean	Southern Metropolitan	LP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Drum, Mr Damian Kevin	Northern Victoria	Nats	Pulford, Ms Jaala Lee	Western Victoria	ALP
Dunn, Ms Samantha	Eastern Metropolitan	Greens	Purcell, Mr James	Western Victoria	V1LJ
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Ramsay, Mr Simon	Western Victoria	LP
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Shing, Ms Harriet	Eastern Victoria	ALP
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Springle, Ms Nina	South Eastern Metropolitan	Greens
Herbert, Mr Steven Ralph	Northern Victoria	ALP	Symes, Ms 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, 22 OCTOBER 2015

Thursday, 22 October 2015

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

UNITED NATIONS DAY

The PRESIDENT — Order! I wish to make a statement to the house which is consistent with a statement that the Speaker is making in the other place. It is to advise members of United Nations Day. Honourable members in Melbourne this Saturday evening will notice that Parliament House will be illuminated blue — UN blue — as this Saturday is United Nations Day. Saturday marks 70 years since the charter of the United Nations came into force. Parliament House's illumination will be a historic and symbolic gesture. Parliament will be joined by many of Victoria's landmark buildings shining blue on Saturday night, including Government House, the World Heritage-listed Royal Exhibition Building, the iconic MCG, St Patrick's Cathedral, the Melbourne town hall and the Melbourne Star observation wheel, to mention a few.

The 70th anniversary obviously is a significant milestone for an organisation that faces many of the challenges in the world, and more strength to its arm in terms of resolving some of the dreadful conflicts and human disasters that afflict so many people around the world. Australia has played a key role in the United Nations and recognises some of the fine work that it has done through various programs, particularly things such as the United Nations Educational, Scientific and Cultural Organisation and so forth that have made such a contribution to improving the lives of people. Therefore we felt that it was certainly appropriate to recognise United Nations Day in this place.

PETITIONS

Following petition presented to house:

Special religious instruction

To the Legislative Council of Victoria:

The petition of residents of Victoria draws to the attention of the house that the government has scrapped voluntary special religious instruction (SRI) in Victorian government schools during school hours.

Prior to the last election, Daniel Andrews and Labor said they would not scrap SRI during school hours in Victorian government schools. Daniel Andrews and James Merlino have announced that as of next year they will break this promise.

The petitioners therefore request that the Legislative Council of Victoria ensure that the Andrews government reverses its broken promise and allow students attending government schools to attend SRI during school hours as has been the case in Victoria for decades.

By Ms WOOLDRIDGE (Eastern Metropolitan) (164 signatures).

Laid on table.

PAPERS

Laid on table by Clerk:

Australian Grand Prix Corporation — Report, 2014–15.

Bass Coast Health — Report, 2014–15.

CenITex — Report, 2014–15.

Game Management Authority — Report, 2014–15.

Melbourne Market Authority — Report, 2014–15.

Office of Public Prosecutions — Report, 2014–15.

Parliamentary Committees Act 2003 — Government response to the Rural and Regional Committee's Report on Opportunities for Increasing Exports of Goods and Services from Regional Victoria.

Port of Melbourne Corporation — Report, 2014–15.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 115.

Victorian Electoral Commission — Report, 2014–15.

Victorian Inspectorate — Report, 2014–15.

Victorian Responsible Gambling Foundation — Report, 2014–15.

West Gippsland Healthcare Group — Report, 2014–15.

NOTICES OF MOTION

Notices of motion given.

Mr JENNINGS having given notice of motion:

The PRESIDENT — Order! In dealing with this I am mindful of the fact that this is a notice of motion to be moved on the next day of meeting, but therefore it would not be resolved until the next day of meeting under Mr Jennings's proposal to the house today. I am of the view that if members are intending to go to RSL events for Remembrance Day on 11 November, then they would want to advise the host organisations ahead of their attendance — in other words, not advise them the day before.

Whilst Mr Jennings has not sought to do this by leave, I will intervene to ask, if there is support for this motion, that it proceed forthwith. I appreciate the courtesy that Mr Jennings has given to members by providing this opportunity, which has been requested by a number of members. I accept the courtesy that Mr Jennings has provided to the house, but from my viewpoint I would like to resolve the matter earlier, if the house is agreeable, to allow members to advise RSLs that they wish to attend events rather than waiting until the day before, which would be necessary if this motion were to proceed in its current form.

I have had an indication of agreement from the house, so I propose to have Mr Jennings move his motion after I have finished taking notices. It will then be done by leave.

Further notice of motion given.

MINISTERS STATEMENTS

Early childhood funding

Ms MIKAKOS (Minister for Families and Children) — I rise to update the house on how the Andrews Labor government is getting on with delivering its election commitment to invest $50 million in children's capital across Victoria. We are proud to be delivering on this investment, which is a 35 per cent increase in state budget funding for children's capital compared to the previous four years.

On 13 October I announced that hundreds of Victorian kindergartens would receive grants to increase their playroom sizes, recondition facilities and upgrade their IT hardware. Over 350 kindergartens are sharing in $2.6 million worth of grants to improve early childhood facilities for Victorian families across the state. Grants of up to $25 000 are supporting 58 kindergartens to enlarge their playrooms. This is a brand-new grant category introduced by the Andrews Labor government this year to help kindergartens to better accommodate the improved staff-to-child ratios ahead of their introduction in 2016.

The Labor government is also providing up to $83.7 million over four years in additional funding to support kindergartens to transition to new staff qualification and ratio requirements. Families will benefit — —

Ms Crozier — On a point of order, President, I am seeking your guidance. The minister has already put out a press release on this. I do not think it is a new initiative. Funding for the capital grants program was in the budget.

Ms MIKAKOS — On the point of order, President, I have not referred to the allocation of the kindergarten capital in this house in a ministers statement. I am updating the house on how the government is actually allocating the $50 million in the budget — an election commitment — and this is the first opportunity I have had to do so through a ministers statement in relation to this particular allocation.

The PRESIDENT — Order! Ministers statements do need to contain new information — they cannot simply be a rehash of information that has already been provided — but I think the minister is on safe ground. She is advancing the information available to the house about this program and indicating the actual allocations. I think the explanation is fair enough in that context.

Ms MIKAKOS — In addition 122 kindergartens are receiving grants of up to $10 000 to upgrade their playgrounds, to improve access for children of all abilities and to undertake refurbishments. A further 249 kindergartens will receive IT grants of up to $1500 to purchase new laptops, tablets and other digital hardware to boost digital learning programs and support administrative functions.

Investing in high-quality early childhood education is vital to making Victoria the education state, and the government is proud to support investment in high-quality early childhood facilities in every community.

MEMBERS STATEMENTS

Oddball

Mr PURCELL (Western Victoria) — I am pleased to rise today to congratulate members of the Middle Island Maremma Project in Warrnambool and the makers, cast and crew of the movie *Oddball*. The movie has taken its place among Australia's top grossing movies and is close to breaking the $10 million mark.

For those who are yet to see the movie, it is based on the true story of a Warrnambool group's efforts to use the Italian-bred maremma dogs to protect the colony of penguins on Middle Island, which had been decimated by foxes. The colony was down to

under 10 penguins when local chook farmer and current political candidate Swampy Marsh and friends approached Warrnambool City Council with a wild scheme to use his maremma dog to protect the penguins. The colony is now thriving, and it is estimated that 180 little penguins are returning to Middle Island each breeding season.

The makers of *Oddball* are now taking the movie overseas, with a dubbed version of the movie opening in Italy later this month. I wish them all the best.

Regional rail services

Mr BARBER (Northern Metropolitan) — President, if like me you are passionate about the development of regional rail in Victoria, you would have been excited to hear about an event that is occurring where a group is 'advocating for increased weekday service to Melbourne as well as an increase in weekend services to support local tourism and businesses'. The group seems to have secured the support or at least the presence of the Minister for Regional Development, our own Ms Pulford, this coming Saturday at the Maryborough IGA for a free barbecue and the opportunity to support increased rail services along the Maryborough line.

What is this community group that has stuck its head up and is advocating for extra regional rail services? In fact it is the Ripon branch of the ALP. Apparently it is calling on the community to lobby the Minister for Regional Development to lobby the Minister for Public Transport to run some more trains. If you are from south-west Victoria, you are still waiting. There has been a genuine, not astroturf, campaign running for a long time down in the south-west, but so far it has been offered not only not a meeting with the minister or a barbecue but not a sausage.

Nhill Airshow

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I was delighted to join the member for Lowan in the other place, Emma Kealy, and the federal member for Mallee, Andrew Broad, at the recent Nhill Airshow in north-west Victoria. The Nhill Airshow is an initiative of the Nhill community to commemorate 75 years since the Royal Australian Air Force first used Nhill as a World War II training base. In 2014 the coalition government contributed $160 000 from the Regional Aviation Fund for the upgrade of Nhill Airport to support the new Nhill Aviation Heritage Centre and to improve community access to Nhill. For example, the Nhill Airport ensures the ongoing provision of fly-in, fly-out gynaecological services to Nhill from Adelaide. That is something that would not be possible without the upgrade and continued viability of that airport.

Nhill is a community of only 2300 people. However, through the commitment and hard work of that community for well over a year, the Nhill Airshow was an outstanding success, attracting around 150 visiting aircraft and more than 4000 visitors. I congratulate the Nhill community on the success of its 2015 airshow and as an example of how small communities can work together to deliver some remarkable events.

Beaufort Primary School site

Ms PULFORD (Minister for Agriculture) — Members may be aware that the former Beaufort Primary School site is no longer in use as students are now in a new facility and the old site has been declared surplus to educational requirements. I know that people have been in touch with the principal of Beaufort Primary School to look at its old site in Hill Street with a view to investigating possibilities for its redevelopment as a community or other facility in the future.

It was a pleasure to be in Beaufort on Sunday to talk to community members about this, and I thank those who spared time for this conversation, including mayor Tanya Kehoe, Cr Ron Eason, Merv and Sharon Roxburgh, Barbara Blamey, local historian Pam Weller, George Kirsanovs, Robert Wood and the president of Business for Beaufort, Craig Wilson. I will be approaching the Minister for Education about the former site of the Beaufort Primary School to discuss how it could be used for the benefit of this great community in the future.

Jewish National Fund

Ms FITZHERBERT (Southern Metropolitan) — Last Thursday I attended the annual Jewish National Fund dinner with Mrs Peulich and the member for Caulfield in the other place. The Jewish National Fund began in 1901. It develops and manages land in Israel and aims to conserve scarce natural resources, leading to job creation, and to improve living standards and quality of life in Israel. The dinner was a remarkable occasion, attended by around 1000 people. We were to have been addressed by Nir Barkat, the mayor of Jerusalem, but given the current random terror attacks in his city he elected to remain there. He did, however, make a live address to the dinner by satellite.

We also heard a truly extraordinary speech from Judy Feld Carr. Between 1975 and 2000 she organised the escape of more than 3000 Jews who were prohibited from emigrating from Syria. She also smuggled rare Jewish religious articles out of Syria at the same time. Her story in her own words was truly spellbinding, and her courage was extraordinary. I also pay tribute to the board of management and committee chairs of JNF Victoria for the work it does, which includes many activities aside from the annual dinner. In particular, I single out Simone Szalmuk-Singer, co-president of JNF Victoria, who so ably emceed the event last week and Eva Rose, who is the committee chair for the gala dinner.

I note the Friends of Palestine will be formally set up today. I hope this friends group will unequivocally advocate for an end to the current violent attacks on Israel and I look forward to seeing peace in that city.

Impact investing

Mr MULINO (Eastern Victoria) — Last Wednesday I had the pleasure of attending a social impact investing seminar. The key speaker at this seminar was Rosemary Addis, the founder and chair of Impact Investing Australia. I was pleased to see Ms Addis recently named in the 100 women of influence by the *Australian Financial Review* for her long-term work in this area. A number of prominent people from the not-for-profit sector, the public sector and other jurisdictions were also at this seminar.

This is a really important active area of policy development, both in Australia and overseas. It can take many forms but at its heart it is about organisations or projects with objectives that include social and sustainability outcomes in addition to financial returns. These can include outcomes in the employment and training space — for example, including diversity outcomes in relation to helping to solve social problems or poverty alleviation. Many of these projects also achieve very strong financial returns, analogous to many investment funds which have sustainability and other goals achieving strong long-term financial outcomes.

The government can play a number of positive roles in this space including strengthening the regulatory framework, including a funding role, and also directly engaging in partnerships with these organisations. I commend the participants at the seminar and look forward to working with them over the course of this term.

Thompsons Road duplication

Mr O'DONOHUE (Eastern Victoria) — Before the last election, the issue of the upgrade of Thompsons Road was a significant political issue. The coalition promised a $310 million package to upgrade Thompsons Road, including grade separation from the Westernport Highway. The then opposition promised a $175 million project without that important grade separation or some of the other improvements that the coalition proposed.

The local communities of Casey, Cardinia, Frankston and elsewhere were disappointed when in the first budget of the Andrews government there was only $20 million provided towards this critical road project and there was not a cent in the forward estimates. This is causing a great deal of concern for commuters and others in my electorate. Thompsons Road is a critical arterial road and its upgrade will take pressure from the Monash Freeway.

Mr Davis — It is a key priority for the interface councils.

Mr O'DONOHUE — It is a key priority indeed, Mr Davis, for the interface councils. They want certainty and the community wants certainty about whether this project will be delivered as the government promised when in opposition. There is only $20 million and not a cent in the forward estimates. I call on the Premier to clarify now whether the money will be provided in the upcoming budget so that the community knows and has certainty that this project will be delivered.

Refugees and asylum seekers

Mr EIDEH (Western Metropolitan) — On 12 October I attended a stakeholder discussion meeting to start planning and coordinating responses for the increased Syrian and Iraqi refugee intake. The meeting was organised by the Victorian Multicultural Commission and the Office of Multicultural Affairs and Citizenship. I am proud to say that I attended as a representative of the Premier, the Honourable Daniel Andrews.

Over 20 stakeholders attended this meeting, which was chaired by Ms Helen Kapalos, chairperson of the Victorian Multicultural Commission. The purpose of the meeting was to share information about the following: the anticipated demographic make-up and timing of the new arrivals; essential service requirements and settlement services; housing; education and early childhood learning; health;

employment; possible settlement locations in metropolitan regional Victoria; as well as finding gaps in responding in appropriate ways to ensure that responsibilities and opportunities are coordinated.

It is also critical at this stage to engage with the Syrian and Iraqi communities in Victoria. We are hopeful that by the end of this year we will see 400 to 500 refugees arrive in Victoria. I call on all parliamentary colleagues to engage with Syrian and Iraqi communities in their electorates and to provide me with details of any specific cases. Although we cannot guarantee positive outcomes for these people, we will certainly put forward a strong recommendation on their behalf to our federal counterparts. President, I undertake to keep this house informed on a regular basis on this matter.

March for the Babies

Mr FINN (Western Metropolitan) — On Saturday, 10 October, it was my very great honour to again lead the annual March for the Babies. Thousands of people from across Victoria marched through the streets of Melbourne and massed outside this building to commemorate the seventh anniversary of this Parliament passing the most extreme abortion law in the Western world. We marched to mourn and remember the at least 20 000 tiny Victorians killed by abortionists in the previous 12 months. We marched to reach out to those babies' mothers, many of whom are suffering as a result of the trauma of abortion. Many of them were forced into a dreadful decision, ironically because they felt they had no choice. Abortion hurts women too.

We marched to make it very clear to the community, the Parliament and the government that growing numbers of us will continue to work to overturn this evil legislation, that this matter is not settled and we are not going away. We were particularly pleased to hear Dr Carling-Jenkins outline her bill to provide support for mothers and pre-born babies. I pay tribute to Victoria Police for providing most effective protection from the usual rabble — but the ferals were elsewhere this year.

I look forward to next year's March for the Babies on 8 October 2016. I look forward even more to a time when we will not have to march — a time when Victorian law will recognise and protect all life.

Olympic Village Child and Family Centre

Mr ELASMAR (Northern Metropolitan) — On 13 October I attended, along with Mr Dalla-Riva and yourself, President, the official opening of the Olympic Village Child and Family Centre. The mayor of the City of Banyule, Cr Langdon, and the member for Ivanhoe in the Assembly, Anthony Carbines, co-officiated on that occasion. It looks like a great facility for kids and families. This is what local government is extremely proficient at: providing quality family resources for the local community. I thank Banyule City Council officers for a well-organised event.

St Mary's House of Welcome

Mr ELASMAR — Mr Ondarchie's name was mentioned there, so on another matter, it was my pleasure to accept an invitation to participate in serving the luncheon organised by St Mary's House of Welcome in Fitzroy on 13 October. The theme was Anti-Poverty Week. My parliamentary colleague Inga Peulich was also a volunteer on the day. I have been a regular volunteer for several years now, but I am always deeply affected by the number of disadvantaged men and women in our community. Nevertheless, I took the opportunity to talk with the people who attended the lunch, most of whom reside across the road at the housing commission flats. My admiration for the sisters and their volunteers continues to increase with every passing year. It is my view they are worthy of continued full support.

Multicultural community events

Mrs PEULICH (South Eastern Metropolitan) — One of my great privileges is to attend many events across the state in support of our multicultural communities, and, before making some comments on some I have attended, I would like to endorse Nazih Elasmar's comments in relation to St Mary's House of Welcome, which I must say I thoroughly enjoyed serving at for Anti-Poverty Week. Having spent a lifetime in hospitality, one realises that one does not lose one's skill. I congratulate the initiative.

The event Ms Fitzherbert made extensive remarks on, organised by the Jewish National Fund of Australia Inc. at the Palladium in support of some significant projects in Israel, was just amazing. It was probably the most amazing event I have ever attended. It is an enormously supported organisation, and 1000 people were in attendance. Hopefully some outstanding projects will be able to be realised as a result of that effort.

The Sri Lankan community is getting its act together by putting its best foot forward. A number of significant events have been celebrated. The Serendib Awards 2015 were held, and, with Wendy Lovell, I had the pleasure of actually attending the awards organised by Virosh Perera. It was an amazing event.

I would also like to take the opportunity of wishing the Indian community the very best on the approaching Diwali festival. It is a very important event, and hopefully most people will be able to celebrate in their local communities.

West Gate Bridge

Ms LOVELL (Northern Victoria) — Forty-five years ago, on 15 October 1970, two years into construction of the West Gate Bridge, a large section of the bridge collapsed, killing 35 construction workers. As a primary school student in Williamstown I remember this day clearly. At 11.50 a.m. we heard a large roar, and the vibrations in our classroom led us to believe there had been a minor earthquake. We were soon to find out it was much worse, when children who had fathers working on the bridge were taken to the principal's office and sent home.

The first of the 35 names on the memorial is Royvin Barbuto, boilermaker. Roy and his young wife and baby lived just around the corner from my family, and I remember that even as a child I felt an enormous sadness for their loss. I want to pay tribute to all those who lost their lives in this terrible tragedy.

Walsh Street shootings anniversary

Ms LOVELL — Monday, 12 October, marked the 27th anniversary of the Walsh Street shootings of constables Steven Tynan and Damian Eyre, who were murdered in the line of duty. These two young men grew up in my electorate, in Bendigo and Shepparton, and Damian was a personal friend.

Today I would like to pay tribute to all of our Victorian and Australian policemen and policewomen, especially those who have lost their lives in the line of duty, like Steven and Damian. I was proud to attend the recent National Police Remembrance Day service in Shepparton, where I joined many other members of our community to pay our respects to the 159 brave Victorian men and women who have made the ultimate sacrifice in their roles, keeping us safe as part of the police force. In Shepparton we particularly remember Damian and First Constable Ray Denman, who was killed in an incident at Numurkah in 1964.

Plan Melbourne

Mr DAVIS (Southern Metropolitan) — I want to say something today about the report of the significant contribution of Professor Michael Buxton and the future of Melbourne. Whilst I agree with him that there is scope for significant infill, there are significant risks in some of this. I have to say that under *Melbourne 2030* and Victoria planning scheme amendment VC67 Labor began packing people into the middle suburbs, destroying the suburbs across metropolitan Melbourne —

Ms Crozier — And they're doing it again.

Mr DAVIS — and it is at it again, as Ms Crozier says. *Melbourne 2030* and VC67 did untold destruction. Matthew Guy, the previous Minister for Planning and now Leader of the Opposition in the Assembly, put in protections for many of our middle suburbs with residential zones, and now Labor wants to review the residential zones and go back to its old policy of packing more people into our suburbs in an unsophisticated way that damages Melbourne's fantastic older housing and destroys the amenity and livability of our suburbs.

Whilst I respect Michael Buxton's work and understand that there is a need for greater infill, it must be done in a controlled way and not where hundreds of thousands of extra people are packed in by Labor. It is clearly the plan of the planning minister to push people into the middle suburbs and destroy those suburbs. He hates middle Melbourne, he hates our middle suburbs and he is bent on damaging Melbourne's livability.

BUSINESS OF THE HOUSE

Adjournment

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

> That the Council, at its rising, adjourn until Tuesday, 10 November.

Motion agreed to.

Standing and sessional orders

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

> That the standing and sessional orders be suspended to the extent necessary to enable the sitting of the Council on Wednesday, 11 November 2015, to commence at 2.00 p.m. and the order of business to be —
>
> (1) messages;

(2) questions (up to 9 non-government members);

(3) answers to questions on notice;

(4) constituency questions (up to 10 members);

(5) formal business;

(6) ministers statements (up to 5 ministers);

(7) members statements (up to 15 members);

(8) general business;

(9) at 6.30 p.m. statements on reports and papers;

(10) at 7.00 p.m. adjournment (up to 20 members).

Motion agreed to.

PUBLIC HEALTH AND WELLBEING AMENDMENT (NO JAB, NO PLAY) BILL 2015

Second reading

Debate resumed from 20 October; motion of Mr JENNINGS (Special Minister of State).

Ms SHING (Eastern Victoria) — It is with great pleasure that I rise to make a contribution on the Public Health and Wellbeing Amendment (No Jab, No Play) Bill 2015. At the outset I acknowledge the contributions of the earlier speakers on the bill — Ms Wooldridge from the opposition and Ms Hartland from the Greens — who have indicated that they do not oppose the bill, which strengthens the mechanisms by which immunisation is encouraged, whereby herd immunity is strengthened and whereby the smallest in our communities, the most vulnerable in our communities and those most deserving of our protection are afforded exactly that.

I will start my contribution with a couple of sobering statistics: 1 in every 200 babies who contract whooping cough will die and 1 in every 500 babies who contract measles will die. These are matters that warrant careful consideration, appropriate action and a twofold approach to the way in which we secure public health for babies and children and the way in which we educate and inform our communities about the benefits of vaccination. With this particular bill the Andrews Labor government is delivering on its very clear election commitment to enshrine its no jab, no play policy in law. We took this particular policy to the election because vaccinations save lives.

To that end at this point in my contribution I would like to acknowledge the many people who have contacted my electorate office, and who no doubt have contacted the offices of my peers in this place and in the Assembly, to voice their concerns, whether they relate to the science or to the evidence of the various positions that oppose vaccination, or indeed whether they raise issues which are more appropriately characterised on a moral compass, those being the right to a conscientious objection. I have read the contributions of those who have contacted my electorate office, and I note the passion with which they have advanced their particular positions.

This issue creates enormous division in our communities and has given rise to various concerns about science right through to concerns about the way in which there may be unintended consequences arising from the potential for discrimination and the access of individuals to their right of choice and to the provision of education services, whether it be for themselves or on behalf of the children they provide love, care and attention for as parents.

I would like to allay some of those concerns by making specific reference to the work done by the Scrutiny of Acts and Regulations Committee (SARC), which has carefully assessed the effects of the bill and has raised queries about clause 5, which inserts new section 143B into the Public Health and Wellbeing Act 2008, and whether or not it is compatible with rights against direct or indirect discrimination on the basis of the possible future presence in children's bodies of organisms that may cause disease. It also raised concerns about the exemption from complying with section 143B in proposed section 143C(1)(d) for Aboriginal and Torres Strait Islander children and whether it is a measure taken for the purpose of assisting or advancing persons or groups disadvantaged by discrimination.

This bill is a carefully considered piece of legislation that, as set out in the statement of compatibility, balances the rights of individuals to exercise certain freedoms and choices against the need to ensure that public health overall is maintained, the need to ensure that overall herd immunity is achieved, the need to ensure that overall education continues and that there are a number of mechanisms to encourage people of their own free will to immunise their children.

As the minister indicated in correspondence sent to the chair of the Scrutiny of Acts and Regulations Committee, the public health and wellbeing amendment, being this no jab, no play bill, is compatible with the human rights as set out in the Charter of Human Rights and Responsibilities

Act 2006. The charter itself is an important reference point for the purposes of this particular bill, and it is one to which many people have referred in their contributions to this debate and in emails sent to my office. The charter is about proportionality. The charter is about making a decision after weighing up the rights, consequences and obligations of those who might be affected by the bill's operation. It is an important framework within which to make decisions of this nature. It provides clarity, it provides transparency and it provides a rationale for why governments choose to make the particular decisions they do in effecting policy through legislation.

As the minister indicated in a letter to the chair of SARC, which has been published in *Alert Digest* No. 13 and is publicly available, the requirement to immunise, the way in which the concerns raised by the committee might otherwise be managed and whether the provision amounts to discrimination are important to weigh up against identifying a relevant disability with some precision as well as identifying how the alleged discrimination is based upon that particular disability. As the minister has indicated in her correspondence to the chair, in her view:

> … new section 143B is a reasonable and demonstrably justifiable limit on the right, having regard to the factors in section 7(2) of the charter.

The minister notes that it is particularly important to note that the purpose of the limitation, as contemplated by section 7(2)(b) of the charter, recognises that:

> … measures taken for the protection of the health of individuals and/or the public generally is a purpose which justifies a limit on the right.

Again I would urge any people who have made contributions to our offices and who have raised this concern about proportionality and discrimination to read the minister's contribution to SARC and to read the second-reading speech and the statement of compatibility, which specifically benchmarks the effect of the bill against the rights, entitlements and responsibilities set out in the charter.

The other issue which was raised with the chair of SARC and which was the subject of correspondence from the minister to the chair related to reasonable steps taken to obtain the immunisation status of a child and to provide an opportunity for engagement with families, which is a chance to identify and address any issues that are preventing a child from being immunised. This is something Ms Wooldridge raised in her contribution in relation to a grace period. It is something which, as part of one of the various mechanisms which this bill is designed to achieve, will encourage people who do not necessarily hold a conscientious objection but have not been able, owing to time, distance or their own personal circumstances, to have their children immunised to arrange for the immunisation of their children. As the minister indicates in her correspondence with the chair of SARC, it is her view that:

> … this provision of the bill strikes a reasonable balance between achieving public health objectives and allowing access to early childhood services.

She goes on to state:

> Aboriginal and Torres Strait Islander children have been identified as a group that are under-represented in early childhood services enrolments and who face —

significant and substantive —

> barriers from accessing services on the basis of their race based on historical systemic discrimination.

Again this is an important component of the bill to make sure that rights and entitlements are not unreasonably withheld or fettered as a consequence of a child's Aboriginal and Torres Strait Islander circumstances or family. On that basis the minister has concluded:

> … new section 143C(1)(d) is a measure taken for the purpose of advancing or assisting members of a group who are recognised as being disadvantaged and does not constitute discrimination.

These are important elements of a bill of this nature. In any process, legislative or regulatory, that seeks to change the rights of individuals who would be affected by its operation there is a process of balancing. There is a process of assessing the comparative effects upon one individual versus many individuals. There is an important component to assessing the limits to which regulation can proceed without unduly, unreasonably or avoidably affecting the rights of some.

Protecting our children, however, is the most basic instinct of any parent. I note that in the debate on this bill members of both houses have made that very clear. The urge to protect overwhelms just about anything else. At the moment over 91 per cent of children under five are fully immunised. It is important, however, to maintain the momentum to achieve higher rates of immunisation. Comparatively speaking, by international standards, we are doing well, but we can do better.

Herd immunity varies from illness to illness. For example, in the case of measles the immunisation

rate is around 95 per cent, which enables herd immunity to be established. Ms Wooldridge has made contributions on herd immunity, and for the sake of brevity I do not intend to reprosecute them here. However, if fewer people are vaccinated, the chance of a disease spreading and potentially infecting those who are too young for a vaccine or who cannot take vaccination for medical reasons, through contraindication or otherwise, is increased.

The bill will make it necessary for parents and guardians to provide proof of immunisation before enrolling their children in child care and kinder, and it will come into effect on 1 January 2016. As Ms Wooldridge and Ms Hartland have both indicated, certain exemptions that will apply relate to those who may be unable to be immunised for medical reasons, whereupon a certificate from a medical practitioner will be sufficient to establish that circumstance. In relation to the exemptions that apply for vulnerable or disadvantaged people or those who, for various reasons, have not been able to access immunisation easily it is important to have a practical overlay to the way in which the bill will operate.

In that sense I note that in the area I represent — Gippsland — the distances are tyrannical. Access to health services is comparatively far less easy. Often it means finding health services and then having to find the time to access them. Essentially getting the same health-related outcomes for babies and children in that area is very challenging indeed. Communities in Gippsland are incredibly resilient, resourceful and innovative when it comes to dealing with the tyranny of distance in that regard. However, it is important to note that it is precisely for these sorts of reasons that a grace period is important.

Councils are doing a power of work to make sure that people are encouraged and facilitated with plenty of opportunities to immunise their children. For example, there are parties held which celebrate the opportunity for children to come together with their parents and be immunised at the same time. These are important initiatives, and they have gone a long way towards achieving the 91 per cent immunisation rate that is currently enjoyed. But more needs to be done. We live in a practical world; hence the need for the provision of a grace period — a reasonable period within which children and their families will have an opportunity to continue with educational services and to access early childhood services whilst they are provided with opportunities to achieve full immunisation.

As I indicated at the outset, the bill removes conscientious objection from the exemption category. This is something which has featured heavily in correspondence to my office. In that regard I note that it has been necessary to go beyond what was promised prior to the election and the change of government at the end of last year. Removing conscientious objection from the exemption category achieves a number of important outcomes. On the one hand, it enables a better harmonisation with the commonwealth scheme and with state-based schemes, such as that in New South Wales, which has introduced a no jab, no play mechanism of its own. This bill was in fact developed by reference to the New South Wales experience.

Secondly, the conscientious objection must necessarily and appropriately be weighed against the competing considerations of those at the very heart of the assessment of legislation and public law driven by the Charter of Human Rights and Responsibilities. That sounds technical and theoretical, so drilling down into what that means in practice is an important thing to do.

In the first half of 2013, 1424 cases of whooping cough were reported. In the first half of 2014, 1528 cases were reported. There have been cases of whooping cough reported in the region I represent. For anyone who ever hears a baby or young child with whooping cough, it is an enormously distressing experience. It creates enormous trauma, and given the statistic that 1 in 200 babies who contract whooping cough will die, it is enormously frightening for parents, families, schools and people who come into contact with that particular child.

The PRESIDENT — Order! I thank Ms Shing.

Ms CROZIER (Southern Metropolitan) — I am pleased to rise to speak on the Public Health and Wellbeing Amendment (No Jab, No Play) Bill 2015. The purpose of the bill is to amend the Public Health and Wellbeing Act 2008 to increase immunisation rates for young children in the community. As someone who is strongly supportive of vaccination programs and ensuring that we are protected, I and — as Ms Wooldridge has already stated — the coalition will not be opposing the bill.

Under the proposed no jab, no play legislation all parents and guardians seeking to enrol their child in an early childhood service in Victoria will be required to provide evidence that the child is fully immunised for their age, is on a vaccination catch-up program or is unable to be fully immunised for

medical reasons. Conscientious objection will not be an exemption, as has been highlighted by previous speakers.

As I have said, I am fully supportive of vaccination programs. They are one of the most effective interventions to prevent diseases worldwide and in our own communities. I have previously worked as a nurse and midwife and have seen children coming into paediatric wards with the severe effects of whooping cough, respiratory diseases and complications from measles, and I have also seen young pregnant women with tuberculosis and the terrible health conditions they have to put up with because they have not been immunised or exposed to vaccination programs.

This point is beautifully highlighted in a timely article on polio by two eminent and distinguished Australians, Sir Gustav Nossal and Dr Fiona Stanley, which was published on Monday. The headline is 'We Need One Last Push to Eradicate the Misery'. The authors talk about Australia leading the way in pushing for the eradication of polio and the fact that a Rotary program 35 years ago began that campaign. We are close to achieving a polio-free world, and the article goes on to outline the benefits of that. It states that the:

> … world will reportedly reap financial savings of nearly $70 billion over the next two decades, proving what's possible when the global community comes together to improve children's lives.

As we know, various vaccination programs are available in this country. I have spoken about the benefits of herd immunity within the general community, which will occur if we get those vaccination rates up. I have to pay tribute to the previous Minister for Health, who with others worked on achieving Victoria's immunity rate of around 93 per cent.

Ms Mikakos — The former health minister who cut the whooping cough — —

Ms CROZIER — I will take up Ms Mikakos's interjection. These rates are something the state should be very proud of, and I hope her government does not let them slide.

I will return to the bill. The department's website states that the government wants to achieve this objective but, as has previously been stated in this debate by Ms Wooldridge, the rhetoric does not match the reality. The department's website states that:

> The Victorian government has proposed new legislation known as 'no jab, no play' which requires all children to be fully vaccinated to be enrolled in child care and/or kindergarten in Victoria unless they have a medical exemption.

As I have stated, I am fully supportive of this initiative. However, when you look at the bill, there are a number of exemptions. A huge number of children will potentially be exempted from this program, which means we will not reach the herd immunity we are aiming for, nor will we achieve the benefits that come from having those high rates. Children will potentially slip through the gaps. I will read from new section 143C, which is headed 'Exemption — early childhood services'. It states that:

> (1) Subject to subsection (2), the person in charge of an early childhood service is not required to comply with section 143B in relation to a child if —
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> (a) the child and the child's parent are evacuated from their place of residence due to an emergency within the meaning of section 3(1) of the Emergency Management Act 2013; or
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> (b) the child is in emergency care within the meaning of section 3(1) of the Children, Youth and Families Act 2005; or
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> (c) the child is in the care of an adult who is not the child's parent due to exceptional circumstances such as illness or incapacity; or
>
> (d) a parent of the child states that the child —
>
> (i) is descended from an Aborigine or Torres Strait Islander; and
>
> (ii) identifies as an Aborigine or Torres Strait Islander; and
>
> (iii) is accepted as an Aborigine or Torres Strait Islander by an Aboriginal or Torres Strait Island community; or
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> (e) the child is in the care of a parent who is the holder of —
>
> (i) a health care card issued under section 1061ZS of the Social Security Act 1991 of the Commonwealth; or
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> (ii) a pensioner concession card issued …
>
> (iii) a Gold Card, being a card issued to a person who is eligible …
>
> (iv) a White Card, being a card issued to a person who is eligible …
>
> (f) the child's birth was a multiple birth, (being the birth of triplets or more); or
>
> (g) a circumstance specified in the guidelines …

I make that point because those exemptions include an enormous number of children. The government's website says, 'We are having this vaccination rate and this is going to be the benefit for all children' and, 'You have to have this done to be enrolled in an early childhood education setting unless you have a medical certificate', but this is not correct. I want to make these points because the government has a habit of saying one thing and doing something completely different.

Nevertheless, I will return to issues of early childhood, for which I have responsibility, with regard to this bill. I will be raising concerns in the committee stage. The early childhood sector has responsibilities — —

Ms Mikakos interjected.

Ms CROZIER — I will come back to the 16 weeks. I have an email from the early childhood sector which states that they absolutely support the public health policy intent but they are concerned about the public education implications. Their concerns are that children are going to be penalised.

Honourable members interjecting.

Ms CROZIER — Are members finished? If Ms Mikakos will allow me to go back to the bill — —

Honourable members interjecting.

Ms Lovell — On a point of order, President, my colleague Ms Crozier is trying to give her contribution but she is being howled down by the minister on the other side of the chamber, who has had an opportunity to put her side of the debate to the chamber during the second-reading debate.

Ms Shing — On the point of order, President, Ms Crozier has not taken up the interjection. It is open to her to do so or not do so. We all find ourselves in the position of entertaining objections and interjections in the course of our contributions, so to that end there is no point of order.

The PRESIDENT — Order! Stop the clock. In fact give the clock another 2 minutes. I make the point that interjections are unruly full stop and are really not entertained by the Chair at all on any occasion. As we know, there is a certain tolerance in the house for interjections, but it is true that I do not expect persistent interjections and intervention and attempts to distract the member. The occasional interjection or comment is fair enough. As Ms Shing says, there is an opportunity for a speaker to take up interjections if they wish, but to have a fairly incessant commentary during a speaker's remarks is not in the interests of the proceedings of the house and is totally disrespectful to the member on their feet. To that extent, I do uphold the point of order. Ms Crozier has 2 minutes back on the clock.

Ms CROZIER — As I was stating, some concerns have been raised with me. As I have said, people in the early childhood sector support the public health policy intent but are concerned about the public education policy implications. I think we are all in agreement that children need and benefit greatly from early childhood care, from both an educational and a social interaction point of view. Because as many Victorian children as possible will be attending early childhood education services, the last thing we want is to have children not attend because of their immunisation status. That is the concern raised with me by various early childhood service operators and others who are heavily involved in the sector.

Their concern is that if parents do not have their children immunised and vaccinated, then the children miss out, and what happens to those children? Those concerns are valid, and I think that the children are the ones who are going to lose here, not the parents. If we look at the legislation brought in by the federal government in relation to this matter, the parents are penalised rather than the children. I want to raise that point.

As I said, I am fully in support of immunisation and vaccination programs because I have seen firsthand the devastating effects of children not being vaccinated or immunised. I return to the point that the World Health Organisation has stated that the two most effective measures that can be undertaken to assist developing countries are to have clean water and to have vaccination programs. I think we are all in agreement with that, but it is about how this is implemented. As we know, the bill highlights a number of exemptions, so potentially a number of children will be falling through the gaps. I have raised those concerns, and I will be raising a couple more during the committee stage of the bill.

Another concern I have is about particular areas of early childhood services having to monitor which children have or have not been immunised or vaccinated. I understand it is the responsibility of people in early childhood services to provide information to parents, but what does that do, and how do we monitor that? How will those early education services be able to follow up those children

who potentially will be missing out on the benefits of early education?

I am also concerned about vulnerable children, a number of whom are noted to be in areas of disadvantage. I spoke about this earlier this week in relation to a reading program and the enormous benefits that a simple reading program can provide to children. Again, it goes to the point of the benefits of early childhood education. I note that the onus is on people in an early childhood setting to take reasonable steps, within 16 weeks after the date on which a child first attends the early childhood service, to ensure that an immunisation status certificate for the child is provided by a parent of the child. That is an issue that I will be seeking more clarification on in the committee stage of the bill, in relation to the monitoring and follow-up of that process and to ensure that that happens.

Nevertheless, I note that the intention of the bill is to increase immunisation rates for young children in the community, and I fully support that intention. I hope we can maintain those immunisation rates across Victoria, and I also hope we can maintain the attendance of children at early childhood services across the state.

Ms LOVELL (Northern Victoria) — I rise to speak on the Public Health and Wellbeing Amendment (No Jab, No Play) Bill 2015. I have some problems with both the policy and the legislation; however, I strongly support, as does my party, the immunisation of children — it is the right thing to do; we know that immunisation saves lives — but I would like to talk about what is wrong with the government's policy.

What is wrong with the government's policy is that it seeks to punish children for the actions of their parents by excluding them from early childhood education programs. Early childhood education is the most important level of education. It sets a child up for life, for learning for life and for the start of their education and improves their outcomes in life. The Heckman curve demonstrates that investment in the early years leads to the greatest gains in the development of human potential.

We also know that 95 per cent of a child's brain development happens by the age of five, before they have even started school, so those investments in the early years are absolutely vital to a child's development.

The High/Scope Perry preschool study shows that for every dollar invested in quality early years programs $17 in benefits are returned later on. This saves government funding in education, it saves it in health and it saves it in the justice system. Most importantly it improves the outcomes for that child.

No child should ever be permanently excluded from the benefits of an early childhood education; it is not good for the child and it is not good for our state. Strong early childhood programs give children the best start to their education. They improve the child's quality of life and ultimately they also add to the state economy, because if we get it right in the early childhood space and give children the best start to their education, we will deliver better students to our primary, secondary and tertiary institutions and ultimately better applicants for jobs in the workforce. What is done in early childhood very much contributes to the state's productivity later on.

Every child must be given access to early childhood programs and should not be excluded based on their parents' actions or decisions not to immunise them. Children who are not immunised can be dealt with in other ways. However, I do not at all condone the non-immunisation of children; I think that every child, apart from those who have an allergy to various vaccinations, should be vaccinated for their own protection as well as for the rest of the children.

What is wrong with this bill? Firstly, it does not deliver on the government's election commitment. It now includes a whole range of exemptions that were not part of the government's election commitment. The exemptions were included because the sector was concerned about Labor's policy. These changes were brought about because Labor had a poor policy to begin with and the sector was concerned that Labor's poor policy would be detrimental to those children from disadvantaged backgrounds who benefit most from early childhood education programs. The fact is that the current arrangements of excluding non-vaccinated children when there is an outbreak of a disease actually work better than Labor's election commitment because it does not punish children for the actions of their parents.

I am concerned that this bill will lead to more children not being vaccinated as it only highlights the ability to get around the immunisation requirements of attending child care and early childhood programs, especially as the government has not included any measure to enforce vaccination if a parent fails to do so within the 16-week grace period.

The federal government has got this right, and I think any improvements in immunisation will come from the federal government's policy of 'No jab, no pay'. This imposes a financial penalty on parents by removing their childcare payments. This is a policy that encourages parents to do the right thing and vaccinate their children. Imposing a financial penalty means that if parents do not vaccinate, they will not get childcare benefits; this encourages parents to do the right thing.

I would like to place on the record my personal and my party's strong support for immunisation. In government the then Minister for Health, David Davis, the then Minister for Education, Martin Dixon, and I as the then Minister for Children and Early Childhood Development worked together to raise immunisation rates. We set a target of 95 per cent and were working towards it. Labor has no targets, just rhetoric.

Immunisation saves lives. Worldwide immunisation has eradicated smallpox and has almost eradicated polio. Ms Wooldridge mentioned herd immunity in her contribution on Tuesday. This is when a community reaches a critical level of immunisation, which means it is protected from disease because there is little opportunity for an outbreak. Raising the level of immunisation achieves this, but I am not sure that this bill will do that. In fact I fear that this bill may lead to fewer parents choosing to immunise their children.

We have all heard about the myth put about that vaccinations may cause autism. This has been disproved a number of times. However, there is still a small group that persists in trying to prove differently, so much so that a group called Safeminds funded its own research to try to prove a link between vaccines and autism. Instead of confirming this link, its research found no link and no proof that there was any connection between vaccinations and the incidence of autism.

Even though I have reservations about the contents of this legislation, I believe any measures to improve immunisation levels are important and should be supported. That is why the coalition will not oppose this bill.

Ms BATH (Eastern Victoria) — I am pleased to rise today to make my contribution to the debate on the Public Health and Wellbeing Amendment (No Jab, No Play) Bill 2015. I would firstly like to state that The Nationals and the coalition will not oppose the bill. We support vaccination and promote healthy choices with respect to our children's wellbeing.

The content of the bill indicates that from January 2016 all parents seeking to enrol a child at an early childhood service in Victoria will be required to provide full evidence that that child is fully immunised for their age, that they are in a catch-up program to be immunised or that they have a valid medical reason or other exclusionary reason why vaccination cannot take place. Early childhood services include child care, kindergarten, occasional care and family day care. The legislation does not include enrolment in primary or secondary school, playgroups or outside occasional care that offer less than 2 hours per day or 6 hours per week.

As with all of Labor's policy commitments nothing is quite as it seems. This bill looks quite different to Labor's election promises. There is no allowance for a conscientious objection exemption under this bill, in contrast with Labor's election commitment; however, there are seven categories of exemption that provide a far greater possibility of coming under exemption than the two specified in its election commitments.

There will be issues around some of these exemptions, and we have heard about them today. Exemptions include children who descend from or identify as Aboriginal or Torres Strait Islander and children who are in the care of a parent with a valid federal government concession card. Incidentally, at one of the preschools in my Gippsland electorate the percentage of parents holding a valid concession card is 70 per cent. I am not saying that all of those 70 per cent would choose to follow this exemption, but it highlights the large proportion of concession card holders and therefore the large percentage of children who could be exempted from vaccination. Children born as a twin or from a multiple birth are also exempt.

The legislation requires that parents conduct the immunisation process for unvaccinated children within 16 weeks; however, children will not be removed from a kinder or childcare facility if this does not occur, so I am not sure what the penalty is for non-compliance. There is also an obligation for a person in charge of an early years learning centre to obtain a copy of immunisation certificates, and fines of up to $20 000 will apply for non-compliance with record-keeping elements of the bill.

According to the World Health Organisation vaccinations are estimated to save 3 million lives per

year worldwide, making them one of the greatest inventions in modern medicine. Some successful vaccination programs are for whooping cough, measles, polio, diphtheria and tuberculosis. I will discuss a couple of these diseases, which are largely preventable due to immunisation.

Poliomyelitis, or infantile paralysis, is a disease that has now been virtually eradicated in Victoria, but the legacy of this crippling condition remains. Although vaccination programs begun in the late 1950s have prevented new infections in Australia, polio survivors form the largest single physical disability group in our country. Between around 1930 and 1960 there were 40 000 cases of paralytic poliomyelitis recorded in our country. Patients with residual paralysis faced terrible disabilities and were treated with braces and taught to compensate for their loss of function with the help of calipers, crutches and wheelchairs. Due to paralysis some sufferers were incarcerated in an iron lung, which works by changing the air pressure inside the machine to enable them to breathe. We wish never to see this type of devastating disease return to Australia.

Measles is a highly contagious and serious disease. Prior to widespread vaccination in 1980, globally measles caused an estimated 2.6 million deaths per year. Worldwide, measles is the fifth highest cause of illness and death in children, occurring largely in Third World countries. Sadly, last year 340 babies died from measles in Australia. This figure is just too high.

Vaccinations work by stimulating the immune system to produce antibodies without actually infecting the body with the disease. If the vaccinated person comes into contact with the disease itself, their immune system will recognise it and immediately produce the antibodies needed to fight it. If enough people in a community are vaccinated, it is harder for the disease to pass between people who have not been vaccinated. As we have heard today and on Tuesday, this is called herd immunity. Herd immunity requires approximately 95 per cent of a population to be immunised to be effective. Last year Australian Medical Association (AMA) Associate Professor Brian Owler stated:

> The importance of immunisation from preventable diseases remains a relevant community message amid concerns about patchy immunisation rates across the country and continued rates of immunisation lower than the 95 per cent mark, which provides herd immunity …

I acknowledge that some sectors within our community debate whether or not vaccination is safe, and I acknowledge that people have written to me on both sides of the debate. In line with the AMA, the coalition feels that the risks associated with not vaccinating our children — our most vulnerable — far outweigh the extremely remote and scientifically unproven possibility of vaccinations causing any long-term danger or damage to the child. However, as I said before, it is disappointing that Labor has broken another promise. It made a commitment that this bill would be consistent with the New South Wales laws. The New South Wales legislation provides for only two exemptions: medical contraindication and conscientious objection. This bill does not do that; it has seven exemptions.

If I look at immunisation rates in my electorate, I see that 96.8 per cent of children aged five in Hazelwood, Morwell and surrounding areas are fully vaccinated. This is one of the highest vaccination rates in Australia as at 2013. Gippsland has the highest rate of five-year-old immunisation of Aboriginal and Torres Strait Islander children at 97 per cent. From this, fewer than 35 Aboriginal or Torres Strait Islander children in Gippsland are not fully immunised. The National Health Performance Authority's *Healthy Communities — Immunisation Rates for Children in 2012–13* states that immunisation programs help protect the community against the spread of potentially serious illness and diseases such as measles, polio, tetanus and whooping cough, but the success of these programs depends on maintaining high compliance rates. When immunisation rates are high, diseases have less opportunity to spread because there are fewer chances of infection.

The Gippsland Primary Health Network does a great job in working with local GPs and councils to provide adequate training and education on how to successfully implement vaccination programs and also in its administration tasks in monitoring immunisation coverage rates across the area of Gippsland.

In conclusion, the coalition will not be opposing the bill. We support immunisation and recognise its value in protecting our children. However, there are still some concerns around this bill, and I hope Labor will address them.

Dr CARLING-JENKINS (Western Metropolitan) — I rise to speak to the Public Health and Wellbeing Amendment (No Jab, No Play) Bill 2015. I put on the record that I vaccinated my son, who was born almost 18 years ago — and I understand that since this time a lot has occurred in

this space regarding science and many other developments — and I would probably make the same decision today. However, I need to represent the views of the hundreds of constituents who have contacted me and my office about this bill. This legislation has been denounced by many as discriminatory against the rights of children to be educated or attend child care and against the rights of parents to determine the medical requirements of their children.

The DLP believes that decisions should be made at the most grassroots level, so in regard to vaccines we believe parents are the best placed to make decisions regarding their children. This legislation appears to be a little bit of a heavy-handed approach. The DLP would have preferred to have seen, for example, campaigns around education first, rather than legislation.

As Australia is a signatory to the United Nations Convention on the Rights of the Child, I am concerned with some of the contradictions in the bill. The convention states at article 2(1):

> … parties shall respect and ensure the rights set forth in the present convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

It also states at article 2(2):

> … parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the … parents, legal guardians, or family members.

Clearly the beliefs of the child's parents have not been fully considered in the development of this legislation. A committee reference where people, including parents and advocates, had an opportunity to be heard would have been an appropriate step in the development of this bill. I am disappointed that this legislation appears to have been rushed without this proper and considered consultation process.

Constituents have also raised concerns with me around the contradictions with the Universal Declaration on Bioethics and Human Rights, which decries enforcing medication through coercion and condemns the withholding of education because of the practices, values and beliefs of the parents. Closer to home, I have had a look at the *Australian Immunisation Handbook*. It has been pointed out to me that it covers the issue of consent. It says for consent to vaccination to be legally valid, a number of elements must be present, including that consent must be voluntary, in the absence of undue pressure, coercion or manipulation.

I point out that this legislation affects real people. I will read some of the comments that my constituents have made. I will be careful not to disclose the names of constituents or where they are from, so I have changed some aspects of the comments I will read out to ensure that that happens. One constituent, Lyn, said:

> I am amongst a growing number of people, both 'pro vax' and 'anti vax', who have grave concerns about this proposed piece of legislation.
>
> This is an innately unethical and divisive bill, which discriminates against children who have every right to an education.
>
> …
>
> I have vaccine-injured children myself. I also have friends who have lost children. Their children paid the ultimate price for the 'risk'. I have friends who are currently supporting vaccine-injured children, like myself.

Lyn would like these views represented. Another constituent, Liz, said:

> I no longer vaccinate my … children. I am not a criminal, nor am I a negligent mother. I simply had one child with a serious adverse reaction to a vaccine.
>
> Prior to this event, I had two teenagers whom were up to date with every vaccine, and I have two preschoolers whom I was adamant would be fully vaccinated. That was before this experience.
>
> There are no guarantees in anything we do, we can cross a road and come to harm. However, before I inject my children with any substance, I as their mother, ask for a guarantee this substance will not harm my child in any way. No-one can give me this guarantee.
>
> I should be able to decide this without manipulation/monetary coercion, or threats of my children being isolated or segregated from preschool. This approach will not change my mind because my concerns are genuine.
>
> I am simply an ordinary person, I don't have a 'cause' or anything. I love my country and my state which I have always lived in. I am simply a concerned mum who loves her children beyond measure, I am apprehensive about where this proposed legislation will lead.
>
> I am however, confident this proposed approach will not change my mind.

Another constituent said:

> Please represent me, I have 20 years working in health and have great awareness that vaccination is something which needs to be deeply considered, with an open mind and

> consideration of all of the potential benefits and risks to the individual.
>
> The right to make informed health choices should never be removed in a true and fair democracy and free country. This policy is a clear violation of our rights as intelligent and loving parents.

One more, from Heidi, says:

> I am a solo parent to a two-year-old child that I have chosen not to vaccinate due to thorough research, a history of adverse reactions in the family and us both being carriers of the MTHFR gene which has significant impacts on the body's ability to process multiple vaccinations. None of these reasons is enough to gain a medical exemption —

to vaccinations. They are just a few of my constituents' emails, but they express a common theme.

One of the points many of my constituents raised with me is that there is no compensation scheme in place should adverse reactions to vaccinations occur. While this is something that is extremely rare, it is important to the few who have an adverse reaction. A principled approach to this legislation could have included at least some exploration of compensation schemes to give parents some assurance that they would be looked after if they did take up the series of vaccinations which will now be tied to access to early childhood services. Perhaps such a scheme, which is in existence in other countries, would have provided assurance to people such as Lyn and Liz, whose concerns I have read out.

Lily writes:

> I'm writing to let you know that as a mother of two, and the third on the way, I rely on child care so that I can work.
>
> Returning to work after having kids not only supports my family financially, but it has supported my mental health immensely.
>
> … I have worked very hard to establish my career and am proud of my career achievements.
>
> The 'no jab, no play' legislation would force me to quit paid employment.

I am not saying that I am against vaccination, but this could have been thought through more and there could have been more of a consultation process that would have allowed people like this to be heard. One very articulate constituent, Eleanor, had this to say:

> As a mother, I can't imagine being pressured by threat of disadvantage to submit my children to a medical procedure that I didn't believe in, even if my belief were a minority one. Consent must be obtained for any medical procedure, and where there is coercion such as this, any consent obtained is simply not valid. Of course, the other more probable outcome may be that parents will not consent, and their child will miss out on preschool.

As a sidenote, there are also concerns that a lot of unregistered preschools will now pop up full of unvaccinated children, and that is quite a concern. Getting back to what Eleanor had to say:

> As a teacher, I am deeply concerned that a small (but important) number of children in our communities would be deprived the experience of a good-quality early childhood education program before starting school. I believe that every child has the right to an education, starting with preschool education … Exclusion of unvaccinated children unfairly disadvantages them, especially if they are already financially and/or socially vulnerable. For disadvantaged children, access to child care exponentially improves their educational and social outcomes.
>
> As an Australian, I am dismayed that there are attempts to make discrimination of a minority group of children legal and mandatory. It would be completely unethical to disallow children to attend child care or kindergarten because their families happen to consciously object to vaccination, no matter what their reason. An individual must continue to have the right to make his or her own medical decisions (or those on behalf of their children) without losing access to child care or early childhood education options.

To summarise my concerns, this legislation appears to be an overreach. I think the purpose would have been better addressed through educational programs and awareness raising rather than through legislation, and this is the tack the coalition took during its last term of government. A better consultation process that took into consideration the views of thousands of constituents — hundreds of whom have contacted me directly — could have been had and would have been favourable to undertake prior to introducing this legislation.

As I said, the DLP prefers decisions to be made according to the lowest common denominator on the principle of subsidiarity, as we believe that all people have the right to participate in the decisions that affect their lives. Subsidiarity requires that decisions are made by the people closest to and most affected by the issues and concerns of the community. I will not oppose the bill, and nor do I oppose the idea of vaccinating children. However, the concerns of constituents needed to be put on the record, and I reiterate that educational programs rather than legislation would have been my preferred option.

Ms MIKAKOS (Minister for Families and Children) — I want to make some remarks before we go into committee stage on the Public Health and Wellbeing Amendment (No Jab, No Play) Bill 2015.

I will not get into the technical aspect of the bill because I am sure those issues will be well canvassed during the committee stage, but in light of emails that members have received about this bill I think it is important to put some things clearly on the public record. The Andrews Labor government introduced this bill because we are committed to doing everything we can to protect children in the community from disease and we know that vaccinations save lives. This 'no jab, no play' bill is designed to boost immunisation rates across the Victorian community.

Whilst Victoria's immunisation rates are high by international standards, we know we can do better. Vaccine-preventable diseases continue to be prevalent. In 2014 approximately 92 per cent of Victorian children under seven years of age were fully immunised, although some geographic areas have lower rates of coverage. The current immunisation rate has remained stable at between 91 and 92 per cent for the past five years. An immunisation rate at this level does not provide the protection needed for those who cannot be vaccinated for medical reasons. Immunisation does not just protect immunised individuals; it also protects others in the community by increasing the rate of herd immunity and reducing the spread of disease. Herd immunity for measles is achieved when there is 95 per cent immunisation coverage.

For those parents who have contacted members of Parliament — I have also received a number of emails about this bill — in relation to the issue of the safety of vaccines, I will make a few points about this issue. I have no doubt that these parents are concerned about the welfare of their children, but it is concerning to me that there are so many myths and untruths about vaccination and that they have been spread widely on the internet. A well-known example is the theory linking the measles, mumps, and rubella (MMR) vaccine with autism. This theory was proposed in 1998 by a group of researchers in the United Kingdom. That study has since been retracted due to the data being fraudulent. Numerous well-conducted studies and expert panel reviews since 1998 have produced conclusive evidence that there is no link between the MMR vaccine and autism. But sadly there are websites that continue to spread these myths which cause anxiety for many families. Immunisation is one of the most effective public health interventions, saving millions of lives worldwide.

A number of members have referred to the issue of polio and a very interesting article that appeared in the *Age* earlier this week around this issue. Throughout my childhood my next-door neighbour was an elderly gentleman who was in a wheelchair. He was invited to dine with my family on a number of occasions, and when we had a conversation with him I discovered that he had contracted polio as a young child. The thought that a simple vaccine that is so available in this country could have prevented this person from spending his whole lifetime in a wheelchair is very powerful. There are so many things that we take for granted in this nation because we have had the polio vaccine and so many other vaccines available now for many decades, making such a big difference in the quality of life of so many individuals. I know many countries around the world would look at our preventable disease rate with some envy. I think it is important that we are reminded of what we have achieved in relation to the elimination of particular diseases such as polio.

Sadly we do have some preventable diseases that are becoming a significant problem in the community. In particular I refer to measles. In the first half of this year there were 27 reported cases of measles, with 8 of these in children age zero to five years; 3 were under one and too young for their first dose of the vaccine; 3 were old enough to have had at least one dose of the vaccine but were not vaccinated; and 2 had had their first dose of the vaccine but were not old enough to have had the second dose. We know that measles can lead to severe complications such as pneumonia, encephalitis, low birth weight and stillbirths in pregnant women, and even death. For every 1000 children who get measles, 1 or 2 will die from it.

We have also seen, sadly, whooping cough become a problem in our community. Between 2006 and 2012, 10 infants across Australia died from whooping cough, including a four-week-old from Western Australia who passed away earlier this year. This baby was too young to be vaccinated so was relying on the immunity of those around him. Between 1 January and 30 June this year 2580 cases of pertussis, or whooping cough as it is known, were notified to the Department of Health and Human Services. Compared to the same period in 2014 and cases going back to 2013, we have seen an increase between 2014 and 2015 that represents a 69 per cent increase in overall notifications. It is very concerning that we are seeing this terrible disease. Ms Shing referred to the heartbreak involved in seeing a child suffering from whooping cough, and we are seeing this disease become more prevalent in the community.

It is important to stress to those parents who have some concerns about vaccinations that immunisation is one of the most effective public health interventions and has saved millions of lives worldwide. The scientific evidence supporting vaccination is well documented and indicates that the benefits of vaccination far outweigh the very rare risks. Of course it is important to acknowledge that no medicine, including vaccines, can be considered 100 per cent free of all risk at all times. However, all vaccines currently available in Australia must pass stringent safety testing before being approved for use by the Therapeutic Goods Administration. Safety testing is required by law and is usually done over many years during the vaccine's development. Once vaccines are in use, their safety is continually monitored by the Therapeutic Goods Administration and other organisations. In addition, all immunisation providers play an important role in reporting adverse events following immunisation, which assists in safety surveillance after a vaccine is registered for use in Australia.

In essence the bill seeks to provide a prompt — it is a reminder to encourage parents when enrolling their children in early years services to get up to date with their vaccinations. To support the implementation of the bill, the Department of Health and Human Services and the Department of Education and Training are working very closely with the Municipal Association of Victoria and the early childhood education and care sectors to develop a range of materials to support early childhood services to implement these new laws. No doubt I will go into further detail about this issue in the committee stage.

I briefly make mention of another issue which has been raised in correspondence from constituents. I am sure other members have received similar emails. This relates to the relationship between this bill and the Charter of Human Rights and Responsibilities, and in particular the report by the Scrutiny of Acts and Regulations Committee (SARC). The Scrutiny of Acts and Regulations Committee, of which I happened to be a member many years ago when I first became a member of this Parliament, tables a report each parliamentary sitting week in respect of every bill for members' information and consideration. The Minister for Health has responded in full to the specific issues noted in the committee's report and, as other members have noted, this response to the SARC report was published in SARC's most recent report tabled in Parliament earlier this week.

The rights in the Charter of Human Rights and Responsibilities may be subject to reasonable limitation. That involves balancing the rights of the individual with the need for the government to protect the broader public interest, especially in relation to public safety, health and order. The great benefits of immunisation are well documented. Vaccines prevent illness, disability and death. They do not just protect the vaccinated individual, they also protect others in the community who cannot be vaccinated. High rates of immunisation are a vital protective public health measure. They control the incidence and transmission of communicable diseases. Conversely, low immunisation rates expose Victorians unnecessarily to a number of diseases that can have extremely serious consequences.

In the debate on this bill it is good to see that broadly speaking we have a clear consensus in this Parliament in relation to the need to boost immunisation rates and that this is fundamentally important as a public health initiative.

It is important that members of the community understand that members of Parliament have had the opportunity to consider the SARC report and the minister's response in relation to this issue and that there has been careful consideration by the government of the potential limitation of individual rights that may arise from measures in this bill. The balance between individual choice and protection of public health is a cornerstone of public health policy, and we believe that with this bill we have the balance right and that the bill is compatible with human rights as set out in the Charter of Human Rights and Responsibilities Act 2006.

I say also that there has been a lot of discussion, particularly from members of the opposition, in relation to the issue of the grace period and the exemptions in the legislation. I point out that the provisions in the bill allow for some categories of disadvantaged children to have a grace period to be enrolled even if those children are not yet up to date with their vaccinations, and the categories of vulnerable families that will be subject to this grace period have been modelled on both New South Wales legislation and the Victorian kindergarten fee subsidy and Early Start Kindergarten grant provisions.

I will not go through the list, as I am sure we will go through that in some detail in the committee stage, but it is important that we provide reminders and incentives for parents to get up to date with their vaccinations, and that is exactly what will happen.

At the same time we must ensure that disadvantaged children have the opportunity to access early childhood education. The benefits for disadvantaged children in doing so have been well demonstrated; there is considerable research to indicate the considerable benefits such children derive. This is why we have struck an appropriate balance here in terms of ensuring that we provide opportunities for parents to get up to date, particularly those parents who may not be up to date with their children's vaccinations due to issues around access to services, access to information and socio-economic disadvantage, which may have had some bearing on these matters.

The opposition has in numerous speeches now, both in the other house and in this house, taken quite contradictory positions in relation to this issue.

Ms Wooldridge — They have been very consistent.

Ms MIKAKOS — Not at all. The opposition has had members, including the shadow Minister for Health, Ms Wooldridge, take the position that the exemptions should have been narrowly confined, and then we have had Ms Crozier and Ms Lovell come into the house and argue that it is important that children are not punished and have access to early-year services. So there are quite contradictory positions. We will have further opportunities to canvass these matters in some detail in the committee stage, but I just want to make the point to those in the community who have concerns about the issue of vaccination that this is an important public health measure.

I congratulate the Minister for Health for her leadership role in relation to bringing this bill to the Parliament, and I look forward to the committee stage. I hope that all members will be supportive of this very important public health measure getting through the Parliament today.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Ms HARTLAND (Western Metropolitan) — The first question I have is that in the last few days obviously we have all been receiving a large volume of emails. There is a question I need to ask. In the government's policy platform last year it said that there would be conscientious objection for this legislation, but that is no longer in the bill. Can the minister explain why that change was made?

Ms MIKAKOS (Minister for Families and Children) — I thank Ms Hartland for her question. Not having an exemption for conscientious objection strengthens the policy by ensuring that as many children as possible are vaccinated against serious and potentially life-threatening illnesses. Immunisation not only protects individuals but also protects those around them by reducing the incidence and spread of disease. If a child is spending part of their day with other children who are also vaccinated, they are less likely to be exposed to vaccine-preventable diseases.

We know that New South Wales, which introduced similar legislation commencing from, I believe, 1 January 2014, saw an increase in registered conscientious objectors following the introduction of its no-jab, no-play legislation. New South Wales specifically allowed the retention of conscientious objection within its legislation, and it had, I think, a 15 per cent increase in the number of conscientious objectors registering as a result.

In addition it is important from a practical point of view that the planned removal of conscientious objection as an exemption from the commonwealth's immunisation requirements for eligibility for the family tax benefit part A end-of-year supplement, the childcare benefit and the childcare rebate in 2016 — the commonwealth legislation is commencing on 1 January 2016 — will make it difficult to continue such an exemption at a state level. The commonwealth through its legislation is removing the register for conscientious objectors, so there will be no commonwealth register for conscientious objectors as a result of the commonwealth's changes. We think the change in circumstances — both what has happened in New South Wales and what is happening at a commonwealth level — justifies going further and removing the conscientious objection provision.

I also make the point that a media release dated 3 February 2014, attributed to the then Leader of the Opposition and now Premier and the then shadow Minister for Health and now Leader of the Government in this house, states in the key facts that the policy intent from our perspective was to be consistent with commonwealth immunisation requirements, so we have been consistent with

commonwealth immunisation requirements in the way this legislation has been framed.

Ms HARTLAND (Western Metropolitan) — I have a number of questions on how the legislation will work on a practical level. What support will be provided to childcare centres and kindergartens to implement this legislation?

Ms MIKAKOS (Minister for Families and Children) — I thank Ms Hartland for her question. The Department of Health and Human Services and the Department of Education and Training have been working and will continue to work closely together with the early childhood education and care sector in regard to the implementation of the no jab, no play laws. The departments are working closely with the Municipal Association of Victoria to develop a range of materials to support services to implement these new laws. A comprehensive toolkit is being developed for services to be circulated prior to the commencement of this legislation.

It is intended that the toolkit will include the following: detailed information about the enrolment requirements and exemptions in the legislation; information about the immunisation documents that are available to parents; and tips so that services can easily identify the information they need to administer their enrolment processes — for example, key immunisation due dates. It will include resources to assist services to administer the grace period provisions — for example, a template letter to parents explaining the requirements for enrolment and a template document designed to assist services to identify whether a child is eligible for the grace period. It will also include tips on documentation management as well as information about what to do in various scenarios — for example, when parents have lost their child's immunisation certificates or when children have received vaccinations overseas.

The toolkit will include resources that services can distribute to support parents to get children immunised — for example, a brochure for parents, contacts for local council immunisation services and a reminder card for parents so they can record the date of their child's next due vaccination. Prior to circulation of the toolkit there will be ongoing communication with the sector about this new legislation. The Department of Education and Training will also provide a 1300 phone number for any services that have questions about their obligations.

I assure the member that the intention is to be very supportive of our early years services so they understand their obligations and become familiar with the provisions of this legislation and to give them the assistance they require. I intend to write to early years services once this legislation passes through the Parliament to provide them with some additional information about that and the information that will be forthcoming soon afterwards.

Ms HARTLAND (Western Metropolitan) — That all sounds fine. What I am looking for is: how will the government assist a childcare centre or a kinder with that family who is quite chaotic and disorganised and cannot manage to do this themselves? What kind of extra assistance will a facility get from the government to assist these parents, especially around paperwork and finding out where it is that they need to go? A lot of parents will manage with the information the government will give, but there will be a group of parents who just will not manage that without extra assistance, so I ask: what kind of extra assistance can childcare centres and kinders call upon to assist them with these families?

Ms MIKAKOS (Minister for Families and Children) — Obviously there will be the toolkit, which I said is comprehensive in nature, with information that early years services can provide to families, particularly the template kind of information I referred to before and the information about local immunisation services. There will be a phone line, and all of that information will be made available to early years services.

In addition to that, we have commenced providing additional funding to local governments to support specific case management programs that reflect the demographics of their unimmunised populations and the particular needs of those populations. For example, the City of Greater Dandenong, which has a high number of refugees, receives funding for a project at Noble Park English Language School aimed at increasing access to immunisation services for its local refugee community. Local councils are already active in working to boost vaccination rates, with flexible and accessible immunisation service delivery. The no jab, no play legislation is designed to work in concert with these ongoing activities.

There are current initiatives by councils and other immunisation service providers that will also provide a range of information and assistance to families. For example, at each vaccination attendance the date of the next due vaccination is provided to parents.

Reminder letters are sent to parents by the Australian childhood immunisation register at relevant points. Victoria has some of the most flexible arrangements in Australia for the administering of vaccinations, because 79 local councils offer immunisation services at a range of times and in a range of locations — these include sessions after hours and on Saturdays — with 45 per cent of infants vaccinated at a local council immunisation service in Victoria.

Local councils promote their immunisation services in local media communications material. Some councils work with other parenting and family-based community groups to promote their immunisation services. A number of councils have home visits for vulnerable and disadvantaged families or for those who cannot attend sessions for medical reasons. Immunisation service providers can download reports from the Australian childhood immunisation register detailing due and overdue children. Some providers use these reports to write to those families with vaccination reminders. In addition some immunisation service providers send out birthday cards with vaccination reminders. Some immunisation service providers use an SMS system to send vaccination reminders to parents. Some councils have four-year-old parties with dress-ups and games at which four-year-old vaccinations are administered so that the child is up to date prior to school commencement.

Local council maternal and child health nurses also provide information about vaccinations and vaccination services, including home visits. It is important to understand that all the obligations are not just sitting with the early year services; there is a broad range of strategies here to support families, particularly by giving them access to information about what services are available in their local community. Those local vaccination services will obviously be armed with all of these strategies I have just referred to in terms of providing support to families and reminding them of the need for vaccination and of the appropriate timing for those vaccinations to occur.

Ms HARTLAND (Western Metropolitan) — I really appreciate that, but it was not quite the question I was actually asking. The minister has half-answered several other questions for me. I am talking about that small cohort of families who are just not going to manage this without support. When they are identified, is there going to be some mechanism by which the kinder or the childcare centre can call upon that extra outside help? Will they be able to ring the local council and get the maternal health nurse in to assist those families? Is there going to be another program whereby they can access this kind of assistance?

Ms MIKAKOS (Minister for Families and Children) — I thank Ms Hartland for her further question in relation to this matter. Families in those situations will be referred to existing resources in the community, whether that is the maternal child health service or other council-based vaccination services, to ensure that they can get up to date. There will be, as I explained, a toolkit with a lot of detail prepared for early services to be able to refer families to relevant vaccination services in their community.

The whole thinking behind the grace period, and in particular the 16-week period that has been provided for particularly disadvantaged cohorts in the community, is that we acknowledge that some families need additional time and support to get up to date with their vaccination and that the reason they are not up to date with their vaccinations is not related to a conscientious objection — it is just that they have had disruptive circumstances in their lives or have not been able to access the appropriate information or the appropriate services in their community. That is the thinking behind the grace period, and I point out that a grace period also applies in the New South Wales legislation — New South Wales has a 12-week grace period, and it does not have a sanction at the end of the 12-week grace period either.

This is about ensuring that we can assist families through all of these measures, including the changes that the commonwealth is introducing with its incentivising through the financial payments the commonwealth provides to families, to get up to date with their children's immunisation. All of these reminders, whether they are coming from a commonwealth agency or coming through other local services, are designed to support families to get up to date with their immunisation. Ultimately there is going to be the phone line available to assist services where they are having some difficulties and need some additional advice, so early-year services will be able to call that phone line. They will also be able to call their local maternal child health nurses as well for assistance. This is designed to assist families as much as possible to get up to date with their children's vaccinations.

Ms WOOLDRIDGE (Eastern Metropolitan) — This is on the same issue, so it might be helpful, and the issue Ms Hartland has raised is something we were interested in questioning as well. Maybe what

would help pinpoint that assistance that might be able to be provided a little bit more is if the minister were able to provide a definition for the word 'referral'. Is that referral as outlined in the explanatory memorandum as an early childhood service referring a family to a provider, handing them a number and then that being satisfied, or does that referral require further steps? Does that referral require a call to the maternal and child health service, the council or the immunisation provider? Perhaps some clarity about what the expectation or definition of 'referral' is will give some greater clarity on whether there is to be any level of assistance provided to families or whether it is the handing over of that information kit and a phone number.

Ms MIKAKOS (Minister for Families and Children) — I thank Ms Wooldridge for her question. We are now really getting to the definition of 'reasonable steps' in new section 143(C)(2), which is inserted by clause 5 of the bill. I am happy to assist the member at this point. Obviously there is no legalistic definition in the bill in relation to this. 'Reasonable steps' is a commonly understood provision, but as I was explaining to Ms Hartland, a range of resources will be made available to early years services through the toolkit that is being developed. That will provide a range of resources that early years services will be able to utilise, including the template letters I referred to in my advice to Ms Hartland. With the range of materials, whether it is information about local vaccination services or brochures for parents about how they can contact their local immunisation services, the intention is to be as supportive as possible of our early years services. We know that some services are very enthusiastic about this new legislation and are keen to provide as much support as possible to families whose children attend them.

We take the view that the obligation being imposed on early years services to take reasonable steps is a reasonable one. If the member is asking for further explanation about reasonable steps, I can indicate that the obligation on services during the enrolment process will be to request that the parents of a child provide immunisation documentation showing that the child's immunisations are up to date, that the child has a medical contraindication to a vaccine or that the child has commenced and is on track with a vaccine catch-up schedule. If immunisation documentation is not provided, services will then need to determine whether a child is eligible for the grace period provided for under clause 5 of the bill. They will also have an obligation to decline confirmation of enrolment of a child where there is no immunisation documentation provided for that child and the child is not eligible for the grace period.

If the grace period applies, after the child commences at the service the service is required to take reasonable steps to obtain immunisation documentation during that grace period. For all children who are enrolled, keeping records of the immunisation documentation received for each child is a requirement currently set out in the Education and Care Services National Law and the Children's Services Act 1996, so it is a record-keeping requirement that currently exists under law. The impact on services is not expected to be unreasonable, given the important benefit that will arise from a boost to immunisation rates. In addition, a number of the obligations on services are existing and the others are extensions of existing obligations.

Services will be supported by the communication and implementation material I referred to in my explanation to Ms Hartland. There will be considerable support for services to understand what their obligations are so they are able to assist families to get up to date with their vaccinations.

Ms WOOLDRIDGE (Eastern Metropolitan) — Just to further clarify that — and I thank the minister for running through all of that — there is the word 'referring' in the explanatory memorandum. The minister has been able to elaborate in quite some detail about other aspects, and I am wondering whether she is able to elaborate on her expectation of the explanatory memorandum's outline of reasonable steps relating to a referral and what that practically means.

Ms MIKAKOS (Minister for Families and Children) — I am just trying to find it in here.

Ms Wooldridge — It is on page 4, in the second paragraph.

Ms MIKAKOS — I thank Ms Wooldridge for assisting me to locate the precise reference in the explanatory memorandum. This comes to an explanation of the clause I have been referring to which relates to reasonable steps.

Whilst the word 'referral' is not contained within the relevant new section I referred to just previously, the explanatory memorandum is designed to assist services to understand their particular obligations, and as I have said, the toolkit is going to assist them further in relation to understanding their obligations. But a referral may include information about the nearest immunisation provider in that family's local

community. Services could use existing relationships with local government and family support services to access additional support for families where required. We know, and the member would be well aware, that the most vulnerable families are often receiving additional supports in the community. It will obviously depend on the circumstances involved with a particular family, and the toolkit will be able to provide further assistance to early years services in terms of a list of services they will be able to refer families to in their particular community.

Ms HARTLAND (Western Metropolitan) — Currently in my electorate there is obviously huge growth, and I am thinking of some of the growth councils. Werribee, in my electorate, has 70 babies born a week, and that number will just get higher. What kind of extra resources is the government looking at for local councils which are doing higher and higher numbers of immunisations?

Ms MIKAKOS (Minister for Families and Children) — I thank Ms Hartland for her further question. I referred Ms Hartland earlier to the fact that the state government has commenced providing additional funding to local government to support specific case management programs that reflect the particular demographics of their unimmunised populations and the particular needs of those populations. There has been a longstanding view that immunisation is a joint responsibility shared by commonwealth, state and local governments. Local government is responsible for the delivery of its immunisation services. Councils deliver approximately 45 per cent of vaccination services.

Ms Hartland — On a point of order, Deputy President, I am having trouble hearing the answers.

The DEPUTY PRESIDENT — Order! I ask members who are not participating directly in the committee to either vacate the chamber or desist from having a dialogue with each other.

Ms MIKAKOS — I thank Ms Hartland. As I was explaining, local government is responsible for the delivery of its immunisation services. Councils deliver approximately 45 per cent of vaccinations across Victoria, with general practitioner practices providing the remainder. The state government supports those local government immunisation services through the payment of a financial subsidisation based on a payment of $8.70, indexed annually, per vaccination encounter for a full set of age-appropriate vaccinations per child. There is provision of a fully supported and maintained immunisation database and software system for case management and the provision of fact sheets about vaccine-preventable diseases and associated information.

Vaccines for council immunisation services are provided by the commonwealth according to the national immunisation program. Councils also receive a payment from the commonwealth of $6 per vaccination encounter for the full set of age-appropriate vaccinations per child once the encounter is reported to the Australian childhood immunisation register. General practitioners can claim Medicare rebates for attendances for vaccinations, and they may choose to charge a higher fee than the rebate, which results in some out-of-pocket expenses for families.

It should be noted that when a child attends a GP, other services — for example, a health check — might be provided at the same time as the vaccinations. Obviously the issue is demand driven. If we have significant population growth, such as in Ms Hartland's local community, and more families are attending their local council immunisation services through the funding mechanism that I have just explained, they will receive additional funding. I also point out that maternal and child health funding is also linked to birth notifications. That is population driven too. For those growing communities, particularly in our interface council areas, which are experiencing a significant surge in population growth, the funding is demand driven, so they will obviously have additional resources.

Ms HARTLAND (Western Metropolitan) — A follow-up on that: clearly $14.70 is not going to cover the cost of doing an immunisation. With rate capping as well, I think councils are going to be in more and more difficult financial circumstances. Is there any consideration by government of increasing the rate it pays local government to do vaccinations?

Ms MIKAKOS (Minister for Families and Children) — I thank Ms Hartland for her question. I certainly do not want to end up having a long debate in this committee stage about rate capping. Ms Hartland would understand that the commitment that Labor took to the election is something that it is very committed to implementing. Obviously it is for local councils to determine what they wish to prioritise in their communities. Certainly I hope local government would regard the vaccination of children in its local communities to be a high priority and would adequately resource its local immunisation services.

I am not aware of this issue having been raised by the Municipal Association of Victoria in the context of this particular legislation. It does not appear to be an issue that has been raised to date, but as I explained to the member, the funding is demand driven so for those communities where there is growth and where there are more children being vaccinated, obviously their payments will increase accordingly.

Ms HARTLAND (Western Metropolitan) — I am not going to get into a debate about rate capping either, but I have been approached by a number of councils in my electorate which are saying that it is already very difficult to do the vaccinations on the amount being paid to them, so I think this is something that the government does have to consider, because if we want to achieve this outcome, some funding is going to have to go into it. I totally support the bill, but the implementation of the bill is something that the Greens are concerned about. How will the government monitor this process, and will there be a review date so that we can see whether it has worked or not?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question. The Department of Health and Human Services and the Department of Education and Training are giving considerations to ways in which the impact of the legislation can be monitored. It will be important to ensure that any review or monitoring that is established is not an undue impost on taxpayers nor an unreasonable administrative burden on early childhood service providers or immunisation service providers. I am keen to know what the impact of this legislation will be on our kindergarten participation rates.

The Department of Education and Training will consider ways in which data on kindergarten participation rates can be used to monitor the impact of this policy, and this will include liaison with local government. As the regulator of early childhood services, the Department of Education and Training will monitor service compliance with the requirements, collect data where possible about compliance with these requirements and identify any unintended consequences for services. As I indicated to the member, the Department of Education and Training is looking at establishing a 1300 phone line for any services which have questions about their obligations. This will enable us to monitor the issues and collect and collate appropriate feedback from services, and I am sure that the peak bodies in the early education and care sector would also be conveying any concerns that they might have.

In terms of monitoring the impact on immunisation rates, this will be monitored through an analysis of data from the Australian childhood immunisation register. The Department of Health and Human Services will continue to liaise with local councils about participation rates and the distribution of unimmunised children in their communities. The Department of Health and Human Services receives data from the register on a quarterly basis. The data monitors vaccination levels for infants and children, and reports are provided specifically for the Aboriginal and Torres Strait Islander cohort. The data also allows monitoring of immunisation levels for each vaccine at a state, local government and postcode level. The department provides extracted data to local councils, public health networks and other immunisation providers and stakeholders.

The immunisation providers are also incentivised to report directly to the register through a commonwealth payment of $6 — which I referred to earlier — per age-appropriate set of vaccinations once a report has been submitted. A range of data will be collated to ensure that we are able to monitor the effectiveness of this legislation and any unintended consequences that might arise.

Ms WOOLDRIDGE (Eastern Metropolitan) — Could the minister outline if the government has a target for the rate of immunisation for one, two and five-year-olds?

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Regional and rural employment

Mr DRUM (Northern Victoria) — My question is to the Leader of the Government representing the Minister for Regional Development. When will the government start the operation of the Regional Jobs and Infrastructure Fund, which has the specific purpose to facilitate job creation and retain existing jobs and yet has not yet commenced?

Mr JENNINGS (Special Minister of State) — I thank Mr Drum for his question. Whilst the government has clearly announced the introduction of this fund and has been providing support to regional communities during the first 11 months of the government, specific allocations over a number of programs may not have been actually allocated while significant work may be undertaken to evaluate the desirability of projects. Given that I am answering on behalf of my colleague, I am trying not to fall into the

trap of answering a different question in relation to which fund we are talking about.

If we are talking about the fund that was aligned to supporting regional communities in the agricultural sector in particular, which the government announced as the $200 million fund that will be funded and allocated pending the lease arrangements for the port of Melbourne, then the member would clearly understand that the allocations will flow subsequent to that outcome being secured. I do not want to mislead the member or the chamber. If that is the fund he is referring to, there is a connection between the funding allocation and that legislation being passed.

Mr Drum — The Regional Jobs and Infrastructure Fund.

Mr JENNINGS — A different one. If that is the case, I thank Mr Drum. He could have nodded his head or given some indication about whether I was answering the right or wrong question.

Mr Drum — Ridiculous.

Mr JENNINGS — It is not ridiculous.

Mr Drum — Just sit there and say you don't know.

Mr JENNINGS — I will go back to the original 30 seconds of my answer, and I will stick to the 30 seconds of my answer. In fact the government has been providing support to regional communities through the course of the life of the government. We have been taking proposals and evaluating those proposals for their utility, and the allocations will occur in due course.

Supplementary question

Mr DRUM (Northern Victoria) — I thank the minister for his answer. Today the Australian Bureau of Statistics detailed that since the election of the Andrews government there has been a loss of 10 100 full-time jobs in regional Victoria. Given that in a few days time it will be 11 months since the election of the Andrews government, and with the failure to have its regional jobs fund operational, does the government now accept some responsibility for this decrease in full-time employment in regional Victoria?

Mr JENNINGS (Special Minister of State) — The government takes responsibility for governing, and clearly it does in relation to the programs that it is responsible for and the benefit that it derives and the consequences that it shares on behalf of the Victorian community. This is not a government that runs away from its responsibility, and when opportunities arrive it provides many instances of support to regional communities, regional economies and rural businesses. Whilst I do not have a comprehensive list at my command at the moment, I know that my colleagues have made many announcements during the course of this year to support rural enterprises — many of them.

Mr Drum interjected.

Mr JENNINGS — What I am indicating to Mr Drum is that this has not stopped the Victorian government supporting regional enterprise. It has not stopped us from providing that support to any number of enterprises during the course of the year.

Mr Drum — Can you name one?

Mr JENNINGS — I have already indicated my answer to that question to Mr Drum. In fact I will come back to him. I will furnish him with the answer, and if my colleague had been here, I am certain she would have been able to provide him with a detailed list of enterprises that the government has supported during the course of the last nearly 11 months.

Information and communications technology

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade. I refer to the minister's media release of 24 September headed 'Melbourne Uni paves the way for international entrepreneurs', which states:

> ICT is one of six … growth sectors in the *Back to Work Plan* …

Given the *Back to Work Plan* does not include ICT as one of the six growth sectors, I ask: when did the government change its target sectors?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank the member for his question. Given that the honourable member had this wonderful portfolio of innovation in the previous government, he would well understand that the issue of innovation is all pervasive. He, like me, shares a passion for ICT and understands that ICT is the backbone of most industries and most businesses that operate in that space, and as a result ICT is everywhere. Like him, I share a passion for ICT, and

I look forward to extolling the virtues of the IT or the tech sector wherever and whenever I go.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for his answer, but as the minister would be aware, the government's *Back to Work Plan* lists medical technology, new energy technology, food and fibre, transport and defence, international education and professional services as the six target sectors, with no mention of ICT, so I ask: given that funding under the Future Industries Fund is only available to the six industry sectors outlined in the government's plan, will the minister now provide an assurance that ICT projects and ICT companies will also be eligible for funding under the Future Industries Fund?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank the honourable member for his question again. I point out that in life some things change. If he had looked at a ministerial list three months ago, I would not have been on it, yet here I am today. What I say to him in good spirits and in the interests of bipartisanship, because he and I share a passion for this area, is that since I have come into the role I have expressed a desire to work with every one of my ministerial colleagues to ensure that the tech sector — a great sector — gets every opportunity to access any type of funding that we have got and wherever we have got it.

On that point, President — a very important point, I might add — very shortly this government will have more to say about the $60 million start-up initiative in relation to it, and that money is being provided under a range of different programs where I am getting that funding from. The money is specifically set to help the tech sector. I share Mr Rich-Phillips's passion, and I thank him for the question.

Employment

Mr ONDARCHIE (Northern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade.

Mr Finn — Do you want a job too?

Mr ONDARCHIE — Not with him. Despite a promise from the Andrews Labor government to create 100 000 new full-time jobs by December 2016, the Australian Bureau of Statistics shows full-time jobs in Victoria have gone backwards since the election of the Andrews Labor government. What advice has the minister received about how Labor's cuts to his programs, such as Building Innovative Small Manufacturers, Export Victoria and Driving Business Innovation, have contributed to the loss of full-time jobs instead of creating them?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I appreciate the member's question. As the member would well be aware, when this government came in unemployment was at nearly 7 per cent. In fact under the most recent statistics unemployment in Victoria was the same as the national average of 6.2 per cent, so unemployment has gone down, business confidence has gone up and investment in Victoria has gone up. But again, there cannot be a downward curve in unemployment unless there are more people either working, looking for work or otherwise.

I reject absolutely the premise of the member's question, because unemployment at 6.2 per cent is showing that Victoria and Victorians have a far greater appreciation for opportunities presented in the 10 months since we came to government than what they had under the previous government, where unemployment went from 4.9 per cent to nearly 7 per cent, after what I might add was the worst financial crisis in Victoria's and Australia's living memory since the Great Depression of the 1930s.

Given that circumstance, the government is clearly reforming the way that it has chosen to support Victoria's industries and businesses. To that extent, we have reallocated some funds, and we have certainly reallocated our mindset and our programs, to the Premier's Jobs and Investment Fund, the Future Industries Fund and the Regional Jobs and Infrastructure Fund, which my colleague spoke of just moments ago.

We have reviewed programs and initiatives across the small business, innovation and trade portfolio areas. We have done so because we realise that if we had followed the trajectory and the path of the previous government, then this state could not afford unemployment to then go an additional 2 percentage points even further, which was what the trajectory was under those opposite when they were in government — from 4.9 per cent to nearly 7 per cent when they left government. If we had continued that trend, we would have been at nearly 9 per cent in four years time at the next election. We were not prepared to stand by and continue the failed programs and policies that the previous government implemented, and we make no apologies for changing the focus to ensure that economic growth and jobs are created in Victoria and that people's

confidence is up, investment is up and unemployment is actually down.

Supplementary question

Mr ONDARCHIE (Northern Metropolitan) — I acknowledge the minister's answer as it related to jobs, and I look forward to asking him many more questions about jobs in this house given his keenness to talk about jobs. Can the minister detail to the house his target, as Minister for Small Business, Innovation and Trade, for how many of the 100 000 new full-time jobs Daniel Andrews promised by December 2016 will be for employees in Victorian small businesses?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — Again I thank the member for his question and his interest in jobs, because under the previous government Victoria lost nearly 70 000 jobs, which saw the unemployment level go up. Very specifically, like the Wright Brothers, who would never have got off the ground if they had never dreamt of flying, I refuse to put targets on what we can achieve in this portfolio.

Every job we can create within the economy, whether it be for a small, medium or large employer, is another person who has disposable money in their pocket that they can then spend in a small business. We on this side of the chamber can implement no greater program than to create as many jobs as possible for those people who wish to work. I will work tirelessly and diligently throughout my time in government — for as long as I can — to ensure that those people who want opportunities have them. As I have outlined in response to the substantive question, we are reorienting our programs to ensure that that takes place.

Mr Drum — On a point of order, President, I take note of the minister's answer in light of the fact that the minister was asked a question purely about his small business portfolio, but in both his substantive and supplementary answers he answered totally within the employment portfolio. Is the minister now available for us to ask questions about a portfolio that he has elected to speak fulsomely on during both his substantive and supplementary answers?

The PRESIDENT — Order! The minister, particularly in regard to the supplementary question, responded totally within his jurisdiction. The program might well be administered by another minister, but what was sought from him was his department's expectation and the minister answered in that context. He did not go to the other minister's jurisdiction, and I tend to think that was also the case in the substantive question where the minister, whilst understanding that a range of programs were raised by the member in the question, did not specifically go to those programs as being his responsibility. Rather he discussed it, perhaps not to the satisfaction of the opposition, but discussed it in the context of his area of responsibility vis-a-vis those programs. I do not believe he has opened himself up.

Government-subsidised training

Ms LOVELL (Northern Victoria) — My question is to the Minister for Training and Skills. What is the reduction in Victorian government-subsidised training student numbers in 2015 as a result of this year's closure of training providers?

Mr HERBERT (Minister for Training and Skills) — The member has asked a question about a reduction in training numbers as a result of closure of training providers. I will add a bit of clarity to assist the member perhaps in the supplementary. Training providers are regulated through either the Victorian Registration and Qualifications Authority (VRQA) or the Australian Skills Quality Authority (ASQA), which is the commonwealth body. The vast majority of training providers in Victoria are regulated through ASQA. Most community providers, such as Learn Locals, are still regulated by the VRQA. Let us be clear on that. When you are talking about closures, they are the bodies responsible for registering or deregistering training providers — that is, registered training organisations (RTOs).

If the member is asking about the government's crackdown on government-funded training and substantial breaches of the contracts that are entered into with the Victorian government by training providers and the 20-something million we have reclaimed since the blitz from 1 July, if the member's question is how many have not received government-funded training, I can get that, but that is not the question that was asked.

Honourable members interjecting.

Mr HERBERT — I will be clear. If it is a question about deregistered training providers and how many students they had this year, that is a question either to me regarding what training providers VRQA has deregistered or it is a question to the commonwealth minister as the commonwealth does the vast majority of registrations with regard to ASQA.

Supplementary question

Ms LOVELL (Northern Victoria) — It was a simple question, but we make it difficult. Given that the minister has previously said the whole purpose of funding the vocational system is to get ordinary Victorians jobs and a chance to advance in life, I ask: of the number of students who have been displaced because of providers losing their training contracts, how many of those have received departmental support to continue training at an alternative provider, and how many have ceased training altogether?

Mr HERBERT (Minister for Training and Skills) — I will try to work through the actual question and provide an answer that perhaps is not what was actually asked. If we are talking about support for — —

Honourable members interjecting.

Mr HERBERT — I am happy to provide the house with some information and education. If we are talking about support for RTOs, recently I announced there would be funding for each RTO in the state to have two providers to get government-funded education assistance in terms of how you evaluate the suitability of training for trainees. If you are talking about the six providers since 1 July that have had their government-funded contracts removed and the students that they had on their books at the time, then every one of those students, if their qualification — —

Ms Lovell — On a point of order, President, I am not asking about support for the providers; I am asking about support for the students who have been displaced because of their provider closing down. How many of them have had government support to continue their training at an alternative provider and how many of them have ceased training altogether?

Mrs Peulich — On the point of order, President, if the minister is going to answer the question, I am happy with that, but I think the supplementary was crystal clear. The minister has used up his 1-minute allocation to obfuscate and feign confusion. In that regard, President, I urge you to request that he provide a written response to the supplementary at least.

The PRESIDENT — Order! The minister has run out of time, so he is finished. I am a bit perplexed. I am not sure whether to ask the minister to give me a question he would like to answer or whether I should ask him to answer the question that was put. I will deliberate on that.

South Gippsland Water board appointment

Ms CROZIER (Southern Metropolitan) — My question is to the Leader of the Government, representing the Premier. Can the minister confirm if the Geoff Lake recently appointed to the South Gippsland Water board is the same Geoff Lake, the City of Monash councillor, whose bullying and abuse of Ms Kathy Magee because she was in a wheelchair resulted in the equal opportunity commission forcing an apology from him and former Prime Minister Kevin Rudd seeing fit to sack him as the Labor candidate for Hotham at the last federal election?

Mr JENNINGS (Special Minister of State) — The member who asked the question may choose to see it as a simple question, but the segue in the question is not a simple matter. In fact it warrants some degree of diplomacy and some degree of respect for the employment status and opportunities of anybody in this state.

Honourable members interjecting.

Mr JENNINGS — I would provide this defence of any public office-holder in terms of acquitting their responsibilities and whether they are qualified to exercise their responsibilities as appointed by the government. I emphasise that point, because the incident that the member refers to as a contemporary issue by implication was an issue that was quite some years ago in relation to behaviour that I understand Mr Lake has subsequently apologised for. He has subsequently undertaken many responsibilities on behalf of his community, both in terms of the City of Monash and more broadly within the community, and he has rehabilitated his standing in terms of the respect and regard in which he is held by his community. On that basis there is nothing that would impair him from being provided opportunities to acquit, in this case, membership of a board under the responsibility of the Victorian government.

Indeed the answer is, 'Yes, it is the same person'. Are we saying that the actions of someone at the age of 22 that they may have recognised fall short of the professional or community standards that they should be measured by and that they have basically apologised for — and they have tried to act in accordance with professional acumen from there on in — should exclude them from the opportunity to represent their community or any bodies of public office in the future?

I do not think that is a reasonable conclusion to make. I think we should afford people a sense of natural

justice and a sense of the evaluation of the net consequences of their civic action and give them the opportunity to acquit their potential on behalf of the Victorian community. On that basis I do not believe that any implied criticism of the appointment of Mr Lake is warranted.

Supplementary question

Ms CROZIER (Southern Metropolitan) — I thank the minister for his answer — —

Mrs Peulich — Confirmation.

Ms CROZIER — And confirmation that it is in fact Cr Geoff Lake. Therefore, given the government's stated commitment to improving the diversity of water boards, will the government sack Cr Geoff Lake, as the former Prime Minister did, from the board to send a clear message that abuse and bullying of anyone, especially a person with a disability, is not condoned by the Andrews Labor government?

Mr JENNINGS (Special Minister of State) — The reason I gave a lengthier answer than the member was imploring me to do at the beginning was because I acknowledge that the government has high expectations of those it appoints to represent the community. We also have a track record of significantly changing the profile of water boards to make them more representative of their communities, and in particular of increasing the number of women on water boards across the Victorian community. Indeed this is a hallmark of the appointments that are going to be made by this government in terms of changing the entry point in terms of community qualifications for the standards that we expect of people.

Ms Crozier — Abusing a woman with a disability, and that's okay to represent?

Mr JENNINGS — You know it's not okay! You know it is not okay for any public office-holder to abuse somebody, deny them equal opportunity or treat them in a disrespectful way. You know that. I agree that it is not okay, but this is not a contemporary issue.

Grand Final Friday

Mr ONDARCHIE (Northern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade. Yesterday the minister outlined to the house that:

> I would personally conduct consultations either myself or via my office —

for the grand final parade public holiday evaluation. Does that statement comply with the minister's regulatory impact statement, or did the minister mislead the house yesterday?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — The regulatory impact statement (RIS) itself makes a number of suggestions about how a review should be undertaken. It suggests that a review may be undertaken by the department, for example. It does not mention of course that I should personally involve myself. What I was suggesting was a level of undertaking that I had already committed to prior to the regulatory impact statement being finalised when I had spoken with the chief executives of both the Ai Group and the Victorian Employers Chamber of Commerce and Industry where I said to them personally that I wanted some feedback from them and their membership post the public holiday so that I could better understand the impacts.

Yesterday I did acknowledge that I would involve myself in an undertaking to understand those implications for the sector, but I was very happy to do so because I had already given that undertaking in conversations in private — may I also add, as I mentioned yesterday — with the chambers of commerce in Geelong and Ballarat. I did so because I thought it was appropriate that, given that I had met with these people in person to hear of their concerns prior to the public holiday being implemented, I should also follow up on my personal commitment to them that I was interested in the impacts that they experienced and the information they would provide to me.

It is absolutely in keeping with the RIS because the RIS does not hold the government to what it should or should not do. What I was wanting to do, in good faith with both the community and the organisations I had met and had discussions with about the public holiday, was honour my commitment, just like we honoured our election commitment to implement the holiday in the first place.

Supplementary question

Mr ONDARCHIE (Northern Metropolitan) — I thank the minister for his response, including that he started this process before he became the minister.

Mr Dalidakis — I did not! That's not what I said. I'll get an opportunity to respond to you verballing me.

Mr ONDARCHIE — It's just getting deeper, isn't it, really?

Given the delays in beginning the regulatory impact statement, which was overdue by many months, and the minister's commitment to a written response that the evaluation will be completed by Easter 2016, I ask: has the evaluation process begun and, if not, when do you anticipate it will?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I can understand why Mr Ondarchie would have trouble understanding the concept of keeping one's word, because the previous government had great problems doing just that. When I gave undertakings to organisations that I met with to undertake that process — —

Mr Ondarchie — Before you were the minister.

Mr DALIDAKIS — No, it was not before I was minister, Mr Ondarchie. They were discussions that I had with stakeholders when in fact I undertook my obligation and role as minister. Very specifically, have I begun those? Yes, in fact, I have. What I can tell you is that unfortunately some of those organisations I said I would get information from have yet to collate that information and be in a position to provide it. They have undertaken to do so. I have already begun the process — well before Mr Ondarchie decided to get up this morning at 11 o'clock to think about what bright question he would try to provide this house with. I take my responsibilities very seriously.

Honourable members interjecting.

The PRESIDENT — Order! I indicate that I am not happy with disparaging remarks about members, even as throwaway lines. They are not helpful. They just provoke further interjections and unproductive responses that do not advance the house's processes or indeed contribute to its knowledge on these matters. Members should be prepared.

Youth mental health first aid training

Ms SPRINGLE (South Eastern Metropolitan) — My question is for the Minister for Families and Children. By way of background, it is currently voluntary for staff who work with vulnerable and often traumatised children in residential care units to undertake youth mental health first aid training. The Department of Health and Human Services (DHHS) made 132 places available to staff for youth mental health first aid training during 2014–15, but only approximately 60 of these places were taken up by staff. In other words, fewer than half of the voluntary youth mental health first aid training places made available by DHHS during 2014–15 were taken up by residential care unit staff. Why is youth mental health first aid training not compulsory for all staff who work in residential care units?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question. I think she might be referring to some information that I may have provided to her in an answer to a question on notice on this issue. As we discussed earlier this sitting week, community sector organisations are the employers of the staff who work in our residential care units. They are staff who look after some of the most traumatised and vulnerable young people in our community. They have a very challenging task in supporting those young people.

Our program requirements state that community sector organisations are expected to ensure that their residential care services are delivered by staff who have the appropriate qualifications and the appropriate values, personal skills, attributes and cultural competence to meet the needs of the children and their families, and that of course would include issues around training in relation to the specific matter that the member is referring to. It certainly is advisable and important that residential care service providers have staff in place with those types of qualifications, but the member is correct in that it is not a mandatory requirement.

We have been working with the community sector to support it in providing further professional development opportunities to staff and to encourage staff to undertake a range of training around understanding trauma, how to better respond and support young people who are traumatised and understanding how to respond to a range of issues that may arise with children in their care. But the member is correct that it is not a mandatory requirement. We certainly work with the sector to encourage and support it to provide these kinds of training opportunities to staff it is employing.

Supplementary question

Ms SPRINGLE (South Eastern Metropolitan) — I thank the minister for her answer, but my question remains: why does the minister not make it compulsory?

Ms MIKAKOS (Minister for Families and Children) — I thank Ms Springle for her question. This is becoming a bit of a recurring theme with Ms Springle's questions now.

Honourable members interjecting.

Ms MIKAKOS — It is a common theme across a range of workforce issues in care. I make the point to the member that it is certainly very easy for the Greens party to come in here and ask for new requirements to be implemented in the community sector immediately without regard to funding, resources and budgetary issues, without regard to the implications that it might have on the community sector itself and without regard to the ability for these measures to be put in place in a timely way.

Electorate office staff

Mr BARBER (Northern Metropolitan) — My question is for the Special Minister of State. Recently the Presiding Officers circulated to selected party leaders some advice and guidance from the Department of Parliamentary Services in regard to the proper use of staffing resources for members in this place. Does the government concur with the advice that was contained in that document, and has the minister circulated this to his party members for their guidance?

Mr JENNINGS (Special Minister of State) — I thank the member for his question. In terms of the government's view on these matters, the government has on every occasion said a number of things in relation to these circumstances. One is that in fact the Labor Party believes that the arrangements that have been in place in terms of the employment status of people who are employed by Labor Party MPs have been consistent with the rules, and we stand by that. We have never deserted from that view. The government itself has actually not formally constituted a view, but the Labor Party and indeed the Labor Party in office are of that view.

The piece of advice that the member refers to, interestingly enough, was not shared with me. In fact in terms of my responsibility — —

Mr Drum — You haven't seen it?

Mr JENNINGS — I may have sighted it, but in fact it was not circulated to me. It was not my document to circulate to anybody because I was not given a copy of it. And I understand — —

Mr Drum — It was written with you in mind.

Mr JENNINGS — I don't think it was written with me in mind.

Mr Drum — I think it was written with you in mind.

Mr JENNINGS — I don't think so. What I understand is there was responsibility taken within the Parliament itself to try to work through what might be the regime to provide for greater certainty of the arrangement of employment relationships in future. I believe that there was an internal working document in the formative stage of actually trying to work through to provide for greater certainty into the future in areas that are currently subject to community debate and some degree of misapprehension in the community. Indeed I believe it was a working document for that reason within the Parliament. It could and should be understood to be dealt with in that way.

In relation to the public scrutiny of these matters, I have reported on many occasions on behalf of the government that we are fully open to scrutiny by any relevant body or agency which wants to look at these matters, whether it be the police, IBAC or the Ombudsman — we are open to comply with that investigation. We are absolutely open to that and are happy to allow the consequences to fall as they may in relation to that scrutiny.

We also note that we believe and we have confidence that the audit committee of the Parliament, which is constituted in an appropriate way by the Presiding Officers and others to evaluate the circumstances by which parliamentary resources are used, is the appropriate body to look at that. I have made that comment on any number of occasions in the Parliament previously. In fact, from the government's perspective, we are totally happy to allow that work to proceed at the audit committee. We are happy to comply and to be subject to the scrutiny of any relevant agency. That is the government's view on those matters.

Supplementary question

Mr BARBER (Northern Metropolitan) — I think the dilemma we may be debating here is that while the minister's view is that the government complied with the rules, there are other arguments being put at other times in other places that the rules are not very clear. It has been established by a finding of the lower house Privileges Committee in the case of Mr Shaw that a misuse of parliamentary resources could be found to be a breach of the code of conduct

for MPs contained in the Members of Parliament (Register of Interests) Act 1978, for which the minister is responsible. The act has within it the capacity to make regulations prescribing any matter or thing authorised or required or necessary to be prescribed under the act, including the code of conduct. As I have said, the code of conduct relates to the proper use of parliamentary resources. Is the government considering any regulations to bring forth more clarity?

Mr JENNINGS (Special Minister of State) — I certainly am very prepared to actually say that I personally believe that we would all benefit from greater clarity in relation to these matters. Absolutely, unequivocally, I believe that greater clarity should be brought to bear and in fact a more consistent application of standards should be seen to be brought to the Parliament. I totally accept that and totally support that.

I would not use the considerations and the standards set by the last Privileges Committee, in my view, as the benchmark for achieving that. I actually do not think that the quality of its work, in my view, contributed much to the resolution of these matters or a greater degree of confidence within the Parliament or the community. I accept that in fact there needs to be further work done and I have actually embarked with the people who advise me upon a regulatory environment and further actions that could be taken about the way in which — —

Ms Wooldridge interjected.

Mr JENNINGS — Yes, I have — these matters should be regulated in the future.

Game management

Mr YOUNG (Northern Victoria) — My question today is for the Leader of the Government as he is today representing the Minister for Agriculture. After reading the Game Management Authority (GMA) annual report for 2014–15, I notice that it speaks quite a lot about compliance and the regulating of game hunting in Victoria and very little about activities that would be considered game management or land management for the purpose of game hunting, which appears to be a result of the statement of expectations from the previous government. What game management projects are being implemented by the GMA?

Mr JENNINGS (Special Minister of State) — President, straight through the heart — I cannot answer this question. I am going to have to take advice and come back to Mr Young.

Supplementary question

Mr YOUNG (Northern Victoria) — I thank the minister for his endeavours to take advice on that and provide me with an answer. My supplementary question is: does this government support the Game Management Authority taking an active role in game management in Victoria's state game reserves and other public lands?

Mr JENNINGS (Special Minister of State) — Without consultation with my relevant colleagues in relation to the current capability and considerations of the advisory committee, I actually say that in general policy terms the answer is yes and that that in fact has been evident in a number of administrations. I have not got any contemporary advice about the appropriateness of that committee's work, but as a policy frame the answer is yes.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) — I have written answers to the following questions on notice: 1104, 1118, 1282, 1283, 1299, 1308, 1317, 1321, 1326, 1351, 1416–23, 1536–51, 1592–99, 1707–10, 1773–79, 1801–07, 2017, 2024–46, 2051–2, 2059–61, 2096.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT — Order! In respect of today's proceedings and Mr Rich-Phillips's supplementary question to Mr Dalidakis on whether or not the ICT sector would have access to grants under the Future Industries Fund, I seek a written answer on that as to whether ICT will qualify. I understand that there are different defined industries that plug into that, and Mr Dalidakis's answer today was going towards the fact that there are indeed some other funds that would now be available to this as part of a realignment of funding. That may well be the response that is received from the minister, but Mr Rich-Phillips's question itself was quite clear, and I seek a response to the supplementary question. That is to be provided within one day.

In regard to Mr Drum's question to Mr Jennings on behalf of Minister Pulford, Mr Jennings has indicated that he was prepared to get a list of some of the

programs that were involved in that area, so I request that answer also; that is to be within one day. I think it was in response to the supplementary question that that undertaking was given.

In regard to Ms Lovell's question to Mr Herbert, I will work on the supplementary question because the substantive question was essentially canvassing the same area. What Ms Lovell was seeking was the number of students who had been displaced and who had been with organisations that became deregistered and who therefore obviously are now notionally without a training provider. Ms Lovell then in her question sought to see how many of those then went on to alternative providers and whether or not the government was able to support them in accessing alternative providers. The supplementary question also, as the other side of that coin, was, 'How many just gave up training altogether?'. That is a relevant supplementary question that I would seek a written answer for, within one day.

In terms of Ms Springle's question to Ms Mikakos on the training issue, whilst there may well be some very good reasons for why the government does not pursue mandatory training, we would all be very keen to actually hear what those reasons are, and certainly Ms Springle would be keen to hear what they are. It was a fair question to ask why there is not mandatory training. Budgetary considerations, and no doubt some other considerations, would come into that and would form part of the response to Ms Springle to inform her as to why that is not a mandated position of the government. Again, that is to be within one day, and that is in respect of the supplementary question Ms Springle asked.

On Mr Young's questions about the Game Management Authority issues, Mr Jennings has already indicated that he will take advice from the Minister for Agriculture, so in respect of both the substantial and the supplementary question I would seek a written response, and that is to be within one day.

Mr Herbert — On a point of order, President, in regard to the written answer Ms Lovell has requested, I ran out of time, and perhaps to be of assistance I am also happy to provide details of the process and numbers involved and of those who have had their government-funded contracts withdrawn, not just deregistered.

The PRESIDENT — Order! That is fine. Thank you. I always love more information.

CONSTITUENCY QUESTIONS

Southern Metropolitan Region

Ms FITZHERBERT (Southern Metropolitan) — My question is to the Minister for Environment, Climate Change and Water, and it concerns Albert Park, one of Melbourne's iconic parks, and the rubbish collection within the park. I am conscious that this is largely a local government issue, but a constituent has raised this issue with me, and it makes sense to ask it.

A constituent says that there is a continual amount of low-level rubbish on or blowing over the park and playing fields which is not picked up for weeks on end and says that many of the teams using the Albert Park playing fields pay Parks Victoria substantial rentals, with many paying thousands of dollars per year. Yet with all this money and the compulsory levy paid to Parks Victoria in our water rates, Albert Park management appears incapable of maintaining Albert Park in a clean and proper state. My question is: who is responsible for rubbish collection in Albert Park, how often are bins in Albert Park emptied and washed and why is the windswept rubbish not removed more regularly?

Western Metropolitan Region

Ms HARTLAND (Western Metropolitan) — My constituency question is to the Minister for Health. I was very pleased in August when at the Melbourne West Hepatitis Action Forum the minister committed to convening a round table with key stakeholders on hepatitis policy and to creating a stand-alone government strategy on hepatitis B and C, but I was unclear as to whether the government will create a combined hepatitis strategy or separate strategies for each of these diseases. It would be appropriate for Victoria to create separate stand-alone strategies for hepatitis B and C, as has been done by the federal government, New South Wales, South Australia and WA. Since that time a number of constituents have come to me and asked when this will happen and for further information, so I ask the minister: when will the government be convening the round table, and will it be developing separate stand-alone strategies for hepatitis B and C?

Northern Victoria Region

Mr DRUM (Northern Victoria) — My constituency question is to the Minister for Roads and Road Safety. Over the last few months at various field days, sheep shows and events I have been

inundated by constituents in northern Victoria demanding action on the maintenance of our country roads. We understand there have been significant cuts to the road asset management fund of $84 million and the axing of the country roads and bridges program. Last sitting week we found out about the Premier taking money from the Stronger Country Bridges program to fix bridges in Mulgrave. However, what seems to be an alarming trend is that VicRoads is now reducing speed limits on open roads from 100 kilometres per hour to 80 kilometres per hour for the sole reason that the roads are no longer safe to travel at 100 kilometres per hour. My question to the minister is: can he inform me as to how many A, B and C-class roads have been reduced in speed across northern Victoria due to the poor condition of the roads and where these speed restrictions are located?

Eastern Victoria Region

Mr O'DONOHUE (Eastern Victoria) — I ask a question of the Minister for Consumer Affairs, Gaming and Liquor Regulation, Ms Garrett. I have been contacted by several residents of a retirement village in my electorate. These constituents have lived in this village now for several years. They committed to the village on the basis of representations that were made about the future delivery of infrastructure such as a community centre and other services and amenities. Unfortunately these amenities are yet to be delivered, and there is no commitment from the village developer as to when they will be.

In addition to the impact on quality of life, this failure is having a detrimental impact on the value of the residents' investments. The residents have sought advice from Consumer Affairs Victoria, but it has little capacity to force action from the developer. They do not have the resources to engage lawyers. My constituency question to the minister is that she review the current legislative framework to ensure that constituents such as mine are given the best possible consumer protections so that they do not find themselves in this situation following what would appear to be possibly misleading advertising and representations.

Western Victoria Region

Mr MORRIS (Western Victoria) — My constituency question is to the Minister for Sport and relates to the wonderful Melbourne to Warrnambool Cycling Classic, which this year celebrated its 100th staging. The Melbourne to Warrnambool Cycling Classic is Australia's oldest one-day race and the world's second-oldest one-day race. The coalition in the previous term of government funded the cycling classic with $50 000 each and every year over its four years in government. However, this government has seen fit to cut that funding to $20 000 this year. My question is: will the minister restore the funding that has been cut from the Melbourne to Warrnambool Cycling Classic bike race?

Eastern Metropolitan Region

Ms DUNN (Eastern Metropolitan) — My constituency question is to the Minister for Roads and Road Safety. It relates to the Healesville freeway reserve. I have been approached by a constituent who is concerned that the election promise of the Labor government in relation to the transfer of all parcels of land to the Crown is yet to be delivered upon. There is also keen community interest in a committee of management being constituted to manage two parcels of land that have already been transferred to the Crown in order to progress community aspiration to manage and rehabilitate this land. Will the minister confirm whether a committee of management will be established to manage the parcels of land already transferred to the Crown, advise who is currently managing the two parcels of land already transferred to the Crown and confirm what the time frame is for the transfer of the remaining parcels of land, given that the initial transfer of the two parcels of land was made almost one year ago?

Western Victoria Region

Mr RAMSAY (Western Victoria) — My constituency question is to the Minister for Health. I was recently invited to inspect the facilities at Colac Area Health and was shown the deterioration of the roof of the Otway Pioneers Building. This building houses the allied health service, the student education service, a community training facility and the life support simulation room. The roof leaks regularly, and maintenance, plumbing and engineering staff indicate that the roof is beyond patching and requires immediate resheeting. Significant water damage has already occurred within the building, and each rain event increases the damage, both structurally and within the building and its contents. Colac Area Health is seeking $87 000 to replace the roof and has submitted a request through the infrastructure renewal program but at this time has not had a response, so I ask the minister to review the application process and approve the request for funding to replace the roof as a matter of urgency.

Northern Victoria Region

Ms LOVELL (Northern Victoria) — My question is to the Minister for Multicultural Affairs, and it is regarding the issues the Bendigo community has recently faced due to a planning application for a mosque. A number of protests have been held in Bendigo, and the situation came to a head during a recent council meeting when the police had to be called to escort the mayor from the venue. The division within the Bendigo community is regrettable, especially as many of the opponents are not Bendigo residents. In contrast to the experience in Bendigo, other regional centres, including Shepparton, Geelong, Mildura and Yallourn North, as well as many Melbourne suburbs, have established mosques. During a recent meeting with the City of Greater Bendigo the mayor and the CEO raised with me the possibility of conducting a study that compares the Bendigo experience with other communities in establishing a mosque. I ask the minister whether he will provide funding for this study, which would provide a blueprint for other communities to follow so that they are better informed on how to manage planning and community engagement processes to avoid the problems Bendigo is experiencing.

Western Metropolitan Region

Mr FINN (Western Metropolitan) — My constituency question is to the Treasurer. I previously asked the Treasurer to provide for me a figure indicating the cost to the Victorian economy of the thousands of hours lost in traffic mayhem on freeways and major roads in Melbourne's western suburbs on a daily basis. In his response the Treasurer provided assorted and varied information, none of which went anywhere near answering my question. Indeed the Treasurer made no attempt to answer my question at all. I ask again: will the Treasurer furnish any details his department holds on the cost to the Victorian economy of thousands of motorists being stuck on the West Gate, Tullamarine, Calder and Princes freeways and other major roads in Melbourne's west?

South Eastern Metropolitan Region

Mrs PEULICH (South Eastern Metropolitan) — My question is to the Minister for Environment, Climate Change and Water, and it is in relation to a matter I raised on a couple of previous occasions — that is, the decision by the government to support Melbourne Water's actions to terminate the pumping of bore water through the Patterson Lakes Quiet Lakes. In my view this is in contradiction of the independent review established by Melbourne Water in September 2012, which stated in its report:

> The practical function that the Quiet Lakes … play in the regional drainage network is not insignificant.

It went on to state:

> Whilst the pipeline and pumping system operation does directly benefit the water quality in the Patterson Lakes, it also provides benefit to the Patterson River, Kananook Creek, and Port Phillip Bay waterway health and the associated recreational uses.

The question I therefore ask is: given the advice in the independent review report, why has the minister decided to accept Melbourne Water's recommendation — that is, to terminate the pumping of bore water to control the contamination and stagnation of water in Patterson Lakes Quiet Lakes — and not guarantee those matters that it is obligated to do?

Sitting suspended 1.01 p.m. until 2.03 p.m.

PUBLIC HEALTH AND WELLBEING AMENDMENT (NO JAB, NO PLAY) BILL 2015

Committee

Resumed; further discussion of clause 1.

Ms MIKAKOS (Minister for Families and Children) — I know we were halfway through a question before being interrupted by question time earlier. As I recall, Ms Wooldridge was asking whether the government has set a target in terms of vaccination rates. I can advise the member that due to enrolment patterns 2016 will be a transitional year. The first full year of implementation will be 2017. It is important we recognise that this is a long-term strategy aimed at increasing rates of immunisation across the state and that it will take some time.

I point out to the member that, as was the case in previous budget papers, we have set in this year's budget papers — and I refer her to budget paper 3, page 245 — the performance measures which show a target of 95 per cent of children at school entry being immunised and 95 per cent of children at two years being immunised. As I understand it, if you look at past budget papers of the previous government, this was set at a lower rate. We have aspired higher. We want to improve the vaccination rates for Victoria, because we know herd immunity for diseases like measles requires a vaccination rate of 95 per cent.

This budget paper measure is something that has been in place for some time — I think it goes back to the time of the previous Labor government in fact — but we have increased this performance measure in setting that particular target at the level I have indicated to the member.

I also make the point to the member that despite Ms Lovell's claims that the previous government was doing more in this area — and she in particular sought to claim personal credit for work in this particular area — we have moved to implement this legislation with the specific purpose in mind of driving up vaccination rates. Of course the bill does not stand on its own; we will continue to promote the advantages of vaccination across the community. It is also backed up by the reintroduction of the whooping cough vaccine for parents of newborns, which was cut by the previous government. We have expanded the eligibility of the whooping cough program to include expectant parents from 28 weeks gestation.

So while members of the opposition come in here and claim credit for working to drive up vaccination rates, we have been more aspirational in terms of the targets we have been prepared to set in the budget papers, and we have backed that up through a number of measures: through introducing this legislation, through being prepared to promote the advantages of vaccination in the community and through the additional funding we have put in the budget this year to reintroduce the whooping cough vaccine, which has been warmly welcomed by the community.

Ms WOOLDRIDGE (Eastern Metropolitan) — I thank the minister for her response. It leads me to my next question, which ties in to a response the minister gave earlier to a question from Ms Hartland. It is also a question I raised in the briefing and to which I have not yet had a response. I seek an understanding of whether there are other new initiatives and what else will be in place to back up the measures outlined in this bill. Is there anything new that is being added by the government which has not been done previously and which will help to expand immunisation rates? Obviously the government has reinstated whooping cough vaccinations, but they are for adults. That does not go to the immunisation rate of two-year-olds or schoolchildren, which was the target we were just talking about. Promoting the advantages of vaccination is something that all governments have done and continue to do, but if there is new money or additional money that the government has put into that, that would be good to know. Is the government doing anything in addition to this bill that has not been done previously?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question. In response to a similar line of questioning from Ms Hartland I indicated to the chamber that the state government had commenced providing additional funding to local governments to support specific case management programs to reflect the demographics of their unimmunised populations and the particular needs of those populations. I remind the member that I gave Ms Hartland the example of the City of Greater Dandenong, which has a high number of refugees and receives funding for a project at the Noble Park English Language Centre aimed at increasing access to immunisation services for the local refugee community.

We know that councils are at the moment actively working to boost vaccination rates in their communities. This legislation is designed to work in concert with those ongoing activities. There are some local government areas that are doing very well in this respect, but there are others that are not doing so well. We certainly hope all councils, particularly those with a low vaccination rate in their local government area, will work with us and the department to continue to drive up vaccination rates in their communities.

Ms WOOLDRIDGE (Eastern Metropolitan) — If it is possible for the minister to elaborate, that is exactly the program I wanted to get a little bit more detail on. How much funding is available for these specific case management programs? I may as well put all the questions together to save us making multiple comments. How much is available? Is it new money or reprioritised money? Is it in addition to funding that has been available to local government areas? Is the funding that is dedicated to those specific case management programs in addition to what they may have received last year, or is it incorporated in it?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question in respect of the funding. I do not have information about the specific amounts of funding at hand, but I am happy to take that question on notice and provide the member with additional detail at a later date.

Ms WOOLDRIDGE (Eastern Metropolitan) — Perhaps I can lay out what it would be useful to know: the funding available to local councils last year for immunisation initiatives; the funding

available this year or in the 2015–16 financial year for local councils; and the specific funding available for these case management programs, such as the Dandenong one the minister outlined, where that sits and whether that funding is additional to last year's or incorporated in it. The last thing that it would be useful to know is how councils have been able to access that funding — or if there is more that is still available, how they will be able to access that funding — to be able to take advantage of it if they want to undertake further immunisation initiatives.

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question. Unfortunately I do not have that information at hand, but I am happy to take the member's questions on notice and provide that information to her at a later date.

Ms CROZIER (Southern Metropolitan) — I ask the minister for some clarification in relation to some comments in the second-reading speech which went to the failure-to-comply court penalty of up to $20 000 for early childhood services. Could the minister elaborate a bit further in relation to the details of those childhood services in terms of the breach and what it would include?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question. The reference that the member is making to the second-reading speech relates to court fines of up to $20 000 being imposed for failure to comply with the record keeping requirements in the Education and Care Services National Regulations 2011. I can advise the member that the aim of the no jab, no play laws is to increase rates of immunisation across Victoria. Obviously there is a focus on engaging with families to promote immunisation and facilitate access to immunisation services, not on penalising early childhood services. The laws do not provide for any penalties to be imposed on parents, carers or guardians, but under the Education and Care Services National Regulations 2011 services are currently required to keep a record of a child's immunisation status. Court fines of up to $20 000 may be imposed for failure to comply with this record-keeping requirement.

In addition I can advise the member that a service's approval to operate may be suspended if the service is not being managed in accordance with the national law, and relevant reasons for cancellation can include that the continued operation of the service would constitute an unacceptable risk to children being cared for or educated, or that the service has been suspended and the reason for the suspension has not been rectified at the end of the suspension period.

We obviously want services to keep records of these matters. We do not think this is an unreasonable burden on services because it is one that they are complying with at the moment. At the moment, when a child is enrolled in a service — whether it is child care, kindergarten or other appropriate service — the service is recording the immunisation status of that child. They will now be keeping a record of the appropriate documentation rather than just making a notation or keeping a record of the status only of that particular child.

Ms CROZIER (Southern Metropolitan) — I thank the minister. My question goes to clause 5, but I will ask the minister now because it is related, if she would not mind. If the 16 weeks in which a childcare service is to take reasonable steps in relation to record keeping for a child attending that service was to extend — say, if there was not any record of a child post that 16-week period — does that mean that the service would be in breach and therefore subject to that penalty?

Ms MIKAKOS (Minister for Families and Children) — I advise the member the answer is no.

Clause agreed to; clauses 2 to 4 agreed to.

Clause 5

Ms WOOLDRIDGE (Eastern Metropolitan) — I have a similar question to the one Ms Hartland asked under clause 1, in relation to why the list of exemptions is included in the bill. The government's election promise, which the minister referred to earlier, and which was outlined in a 3 February 2014 press release, essentially said the only exemptions would be conscientious objection — and we have gone through that and do not need to revisit it — or medical exemption. The election promise went on to say, as the minister said, that the policy is consistent with New South Wales laws. The New South Wales laws have some exemptions — for example, where children are in emergency care or in unpredictable environments — but there are no exemptions around concession card holders or Aboriginal and Torres Strait Islanders. I ask the minister for the reason why the legislation differs from both the policy commitment that was made and from New South Wales law, which was her justification for the removal of the conscientious objection clause.

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question. As

I advised earlier, a similar grace period does apply in New South Wales. The periods, however, are slightly different: there it is 12 weeks rather than 16 weeks, which the government is proposing in this bill. The criteria for the grace period provisions were developed with reference to the New South Wales no jab, no play legislation but also with reference to two key kindergarten subsidy programs which we have here in Victoria and which are aimed at increasing the participation of vulnerable and disadvantaged children in kindergarten.

Three of the criteria are taken from the New South Wales legislation. They relate to children being evacuated because of an emergency, children in emergency care and children in the care of an adult who is not their parent due to exceptional circumstances such as parental illness or incapacity. The other criteria in the exemption are based on the eligibility requirements for the kindergarten fee subsidy for four-year-old kindergarten and the Early Start Kindergarten program for three-year-old kindergarten because those programs have been designed for disadvantaged and vulnerable children. In addition, those programs are very familiar to Victorian operators in the early childhood education and care sector. Since they administer those programs already, they are very familiar with the criteria and also the policy intent behind why we provide additional support to disadvantaged families.

It is really important to make the point here, because a lot has been said around the grace period, that this is designed to allow services to explain the policy, to work closely with families and to support them to bring their children's vaccinations up to date. As we have already discussed, during that grace period early childhood services are obliged to take reasonable steps to obtain an immunisation status certificate for any child enrolled within 16 weeks of the child first attending the service, and to fulfil that obligation it will be expected that during that period the services will engage with parents and carers to provide appropriate information about immunisations as well as information on how families can access immunisation services and obtain confirmation of immunisation.

I have outlined before how we are going to be working with the sector and supporting them in this respect. I note that members opposite have tried to suggest that somehow this is a loophole in the legislation. I want to make it clear that we know from research that has been done — and even published as recently as this year — that for the vast majority of parents who are not up to date with their children's vaccinations it is not because they are conscientious objectors; it is for reasons such as low socio-economic disadvantage, and being a concession card holder is a pretty strong indicator of low socio-economic disadvantage.

Opposition members really need to be clear about their position in relation to this issue, because up until now they have been all over the shop. I noted that Ms Wooldridge in her contribution on Tuesday suggested that the groups exempted from this legislation should be relatively small and that exemption should apply only in quite unusual and exceptional circumstances.

Tim Smith, the member for Kew in the other place, went a lot further when this bill was debated there. He said he is was concerned about these exemptions and saw no rational justification for them at all. In fact he said at the end of his contribution that he hoped the legislation could be amended in the other place. He was in effect calling for kids to be kicked out at the end of the 16-week period. Mr Watt, the member for Burwood in the other place, similarly said he could not understand the basis for the exemptions and made some quite extraordinary comments related to Aboriginality. I hope that does not reflect the position of the opposition.

We are very keen to ensure that children from disadvantaged backgrounds participate in early childhood education. Ms Lovell came in here earlier and was claiming that we were punishing children. She was very concerned about the fact that even children with parents who are conscientious objectors would be excluded. Ms Crozier made remarks of a similar sentiment. The opposition cannot have it both ways in relation to this issue. It is all over the shop. It is trying to suggest that there is a loophole. That is not the case at all. We expect that the vast majority of children will be immunised. That is what we are working towards. We hope service providers will be supportive of these families to ensure that they get up to date with their vaccinations, but we know that we also need to support those families. That is what the grace period is all about. It is about giving them additional time and practical assistance to get their children up to date with their vaccinations.

Ms WOOLDRIDGE (Eastern Metropolitan) — I thank the minister for that long response, which verged into the political. No-one else has gone there, so I think it was completely unnecessary in this committee stage. My question was why — not what or how, but why? Why has the government excluded these groups when its policy was not to exclude

them? New South Wales, which the government said it was modelling this legislation on, did not. I am looking for a rational argument — which the minister provided in the case of the conscientious objector — about why this group is exempted.

Ms MIKAKOS (Minister for Families and Children) — I believe that I did respond to Ms Wooldridge's question. Right at the outset I talked about how the legislation and the exemptions are modelled in part on the New South Wales exemption, but that we have provided additional categories of exemption in relation to very disadvantaged cohorts in the community. We know that the majority of children who are not fully immunised do not have parents who are opposed to vaccinations, so it is reasonable to assume that, given extra time and assistance, these families will take steps to have their children fully vaccinated. It is reasonable to assume that if we provide that assistance and support, they will attend to these matters.

We think we have struck an appropriate balance here. We also have a further exemption in relation to medical contraindication. We have got what we think is a piece of legislation that has been designed to drive the message home to the community that vaccination is incredibly important, and we are going to provide a prompt to disadvantaged members of the community when they enrol their children into these services by providing them with information about why they need to get up to date with their vaccinations and giving them the appropriate referrals to ensure that that occurs.

Ms WOOLDRIDGE (Eastern Metropolitan) — Given that the 16-week grace period does not require a child to be immunised — so anyone under the exemption technically and practically does not need to be immunised in early childhood or during school — in making the call between excluding a child from attending early childhood education by requiring that they are vaccinated or not requiring that they are vaccinated so that they can attend early childhood education, this exemption policy essentially balances the access to early childhood education with the requirement to be immunised; is that correct?

Ms MIKAKOS (Minister for Families and Children) — It is important that we strike an appropriate balance with regard to all these competing policy considerations. We know that vulnerable and disadvantaged cohorts in the community derive the most benefit from childhood education and care. They are also the cohorts in the community who are more likely to experience difficulties in being fully vaccinated and who need additional help to address those barriers to vaccination. I am not going to apologise for the fact that we have struck a balance in the legislation that seeks to drive up vaccination rates in our community. It also provides additional support for those in rural communities in particular who might need more time to get to their local health service or government service to get their child vaccinated and people who might be from a non-English-speaking background who may not be privy to government information about appropriate local services in their community.

Ms Wooldridge interjected.

Ms MIKAKOS — Refugee groups will be exempted through these provisions, and many members of newly arrived communities may also be concession card holders, so we have designed this with a view to striking the appropriate balance. It is designed to drive up vaccination rates. It is sending a very important message to the community, and we want to keep reinforcing that message, about the absolutely vital need for families to get their children vaccinated.

Ms WOOLDRIDGE (Eastern Metropolitan) — The advice I have had from New South Wales is that the exemptions that Victoria has included in this bill have not been an issue in New South Wales, and that not including these exemptions in its bill has actually driven these groups to be immunised and has not inhibited their access to early childhood education. I make the point again that in the minister's response to one question about why a group is not included, her argument was that this was to make it consistent with the New South Wales and the federal government, and her argument about why another group is exempted was the opposite — that this is inconsistent with New South Wales and federal government laws. Obviously Victoria has decided to go it alone on this decision.

Can I then ask: in the review of this process, will data be collected from early childhood services in relation to how many children are turning up? Obviously the government gets registration numbers anyway, but will there be data on how many who are exempted are being registered? Also, will data be collected at the end of the 16-week grace period on whether that has driven people to have their children immunised through that grace period, or will no such information in relation to their immunisation status be provided?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her further question. Firstly, I will respond to her editorialising on my earlier response, and that is to make it clear that of course we want to derive the benefit of looking at what has occurred in New South Wales. I referred earlier to the fact that New South Wales had included a conscientious objection provision, and in response there was a 15 per cent increase in the number of conscientious objectors, and that was an important consideration for us in terms of the thinking behind removing conscientious objection from our own legislation, as well as the movements of what has been happening at the commonwealth level in respect of that particular issue.

In relation to the question that the member has just asked me around monitoring and looking at the effectiveness of these provisions, I had similar questions from Ms Hartland earlier. Of course it is important that we continually review and monitor the implementation of this legislation, as we would expect with any legislation, particularly where there is a new policy direction, and we will be looking at how we can best monitor the impacts of the legislation. There is data that becomes available through the Australian childhood immunisation register on the impact on immunisation rates, and the Department of Health and Human Services will continue to liaise with local councils about the distribution of unimmunised children in their communities and their local participation rates. The department receives data from the register on a quarterly basis, and the data monitors vaccination levels for infants and children, and reports will also be provided specifically for the Aboriginal and Torres Strait Islander cohort.

In terms of impacts on service providers themselves, we are currently considering this issue with the Department of Education and Training in terms of how we can ensure that there are not any unintended consequences of this legislative change and how we can track any issues that might arise. As I mentioned earlier in a response to Ms Hartland, that is why we are establishing a 1300 number, so we can respond to calls seeking further guidance and assistance from early childhood services directly and provide that advice directly to them. Obviously that will be one mechanism amongst others through which to hear back from the sector.

In relation to the grace period, this is a measure that has been warmly welcomed by people in the early childhood sector. They are very supportive of that additional provision in there for those disadvantaged cohorts in the community, and they are very supportive of the approach that we have taken in striking that appropriate balance, as I said earlier, in competing policy considerations. We were very concerned at the suggestion made by Mr Tim Smith, the member for Kew in the Assembly, that the coalition may have been toying with the idea of going further in this respect and putting in some sanction at the end of the 16-week period.

Ms Wooldridge — He did not say that. He did not say a sanction.

Ms MIKAKOS — He actually did. He said that on the record in *Hansard* and then went off and had a conversation with the minister suggesting that the coalition was going to move amendments in this house. I was not going to volunteer that, until Ms Wooldridge provoked me to put that on the record.

There was some anxiety in the sector as to what position the coalition was going to take because of statements that Ms Wooldridge has made in the media and statements that her colleagues have made in the other place. I want to make it clear that this measure is very strongly supported by people in the sector because they think we have got the balance right. Obviously we are going to continuously monitor implementation through the peak body and through other regular feedback mechanisms that we have in the sector, but we are also giving some further thought to whether we need to do something additional to that to make sure that we can monitor progress. I explained earlier that next year is a transitional year, which gives us time to give a lot of thought to how this is going to work over the long term, particularly as we lead into the full year of implementation in 2017.

Ms WOOLDRIDGE (Eastern Metropolitan) — I suggest that the minister has been jumping at shadows and reading a lot more into the detail of comments that might have been made than is actually the fact. The suggestion that Mr Smith has suggested that we will put in sanctions is laughable, because that was not even mentioned in the lower house debate. If anyone is fuelling concern in the sector, it is the minister in relation to that. As we did in the lower house, we are not opposing the bill and we strongly support measures to enhance immunisation.

The minister did not answer my question, and that is the reason I am asking a question under clause 5 and not under clause 1, as Ms Hartland did. I am asking whether the minister will be able to track — whether

it becomes public or not — how many children are being registered for early childhood services who come under the exemption clause and how many of those are then being immunised after the 16-week grace period?

Ms MIKAKOS (Minister for Families and Children) — As I indicated to the member, we are giving some thought at present to how we are going to do that without creating a lot of additional burdens on early years providers. They do keep records at the moment around kindergarten fee subsidies and Early Start Kindergarten participation, so we would need to ensure that we are not creating an additional regulatory burden on those providers, but some thought has been given to developing a survey, for example, to be able to monitor the take-up of these exemptions and whether this is something that we need to be mindful of as we go into a full year of implementation in 2017.

Ms WOOLDRIDGE (Eastern Metropolitan) — If we do not know the ramifications of the legislation that we are debating, I certainly encourage the minister to undertake the survey and to make that information available so that we can understand the impact of the legislation that is put in place.

The kindergarten fee subsidy group is obviously the group that has been used as the profile to model additional exemptions that will be available. Does the minister expect that the profile of children who are at four-year-old kinder — who are currently the only ones who are eligible for the kindergarten fee subsidy — will reflect the profile of the broader zero to five-year-old population who will be entering the range of early childhood services covered by this bill?

Ms Mikakos — I am not sure I understand the question.

Ms WOOLDRIDGE — Currently about a quarter of children are eligible for the kindergarten fee subsidy, and that is largely represented by concession card holders. Given that that only represents the four-year-old kinder profile and that this legislation for the kindergarten fee subsidy will now apply to a broader cohort — in fact the zero to fives rather than just the four-year-old kindergarten group — is the profile of what we are seeing for the kindergarten fee subsidy for four-year-old kinder going to be a similar profile as we will see across the whole of the cohort that this bill will be applicable to?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question. I think it is very important that we go back to basics with this bill, because this is going to apply to childcare centres and other early years services and not just to kindergartens.

In answering this question, and even in thinking about the earlier one that the member asked around monitoring, clearly we have better datasets for kindergartens, including an annual survey that we do of our kindergartens which enables us to get a better dataset around our kinders that we fund, but when it comes to childcare centres — and not all of them do offer a kindergarten program funded through the state government — it is very difficult for us to have the full datasets that are held by the commonwealth through the childcare benefits and childcare rebates that the commonwealth provides. Obviously we can monitor those services that we fund, through vehicles such as the annual survey, but unless we have data provided to us by the commonwealth it is very difficult for me to answer the member's question, because she is essentially asking me to make a prediction around the implications for childcare centres that may not have a state government-funded kindergarten program or services that may not get state government funding.

What I can say in broad terms to the member is that, in general, concession card holders are on very low incomes compared to the rest of the population. Research done by the Melbourne School of Population and Global Health identified that concession card status acts as a reasonable proxy of economic vulnerability. The study found that being listed on a pension or a healthcare card was the biggest risk factor for behavioural and emotional difficulties for children aged four to seven years, and children listed on a pension concession card or healthcare card had the poorest outcomes and were 2.7 times more likely to have emotional and behavioural difficulties.

Coming to the heart of where I think the member is going in relation to her question, I think she is making an assumption that families who might be eligible through being concession card holders and eligible through this exemption will not get up to date with their vaccinations. Obviously we have a disadvantaged cohort in the community at the moment that is eligible for free four-year-old kindergarten. That is the biggest cohort out of the groups listed in the exemptions. There is a very important policy basis for that, which we have already discussed, around trying to drive up

educational outcomes for disadvantaged kids to participate in those kindergarten programs.

I really want to stress to the member that the majority of children who are not fully immunised do not have parents who are opposed to vaccinations, so it is reasonable to assume that given that extra time and assistance those families will take steps to have their children fully vaccinated.

We are also going into new territory here in terms of the commonwealth's approach to these matters. I very warmly welcomed the commonwealth's announcement that it was going to not just provide the financial incentives to families to get their children immunised but also look at removing the conscientious objection provision, because it is important that there is some consistency in approach between the commonwealth and the states in respect of this matter.

The member said that we have gone further than the other states. It may well be that other states may follow Victoria's lead — —

Ms Wooldridge interjected.

Ms MIKAKOS — I think it is a very progressive position that we have taken in terms of trying to drive up vaccination rates in our state and an appropriate one that is well balanced between the need to drive up vaccination rates but also to provide that support and practical assistance to disadvantaged families and try to get up beyond the 92 per cent we are at at the moment.

Mr RAMSAY (Western Victoria) — I have a question in relation to proposed section 143(D)(1), which provides that for the purposes of section 143(C)(1)(g) the secretary may make guidelines specifying circumstances that may apply in relation to a child. I am seeking advice from the minister in relation to a distressed mother of two children who came to see me in Queenscliff. She indicated to me that she had suffered significant anaphylactic and autoimmune disease and had a genetic history in relation to significant severe reactions to vaccines. She looked at getting a provider declaration through an exemption from her GP. This was under the Australian childhood immunisation register and immunisation exemption medical contraindication. Unfortunately the doctor could not provide that exemption unless her children first went through the vaccination process to see whether there was a severe reaction.

This mother did not want to sign a conscientious objection form because she is not conscientiously objecting to having her children vaccinated. What she is objecting to is putting her children through the ordeal of having a significant severe reaction to a vaccination with such a history within her family.

My question to the minister is: is section 143(D)(1) a provision for the secretary to make a determination in relation to parents who want their children to be vaccinated but who are concerned about their potential severe reaction to it? Is that what section 143(D)(1) provides for — a person like the one I have just described and their children?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for his question. Just so we are clear, the provision in section 143(D)(1) which is to be inserted into the act proposes to enable the secretary of the department to develop guidelines in relation to the exemption. Those guidelines are not intended to relate to issues around medical contraindication. They will cover issues such as the various categories of refugees and asylum seekers who may be eligible for the exemption. These were not spelt out in detail in the bill because the commonwealth changes these visa classifications from time to time and therefore that would potentially necessitate regular updating of the legislation in our own Parliament in the future.

I can advise the member that the grounds for medical contraindication are referred to as an exemption in clause 5, which will insert new section 143(B)(1)(b). This refers to the specifications for medical contraindication set out in the commonwealth's *Australian Immunisation Handbook*.

I can further advise the member that under those guidelines a contraindication includes an anaphylactic reaction to a previous dose of a particular vaccine; an anaphylactic reaction to any vaccine component; an unstable neurological disease; encephalopathy, which is swelling of the brain within seven days after a previous vaccination; immediate severe acute allergic reaction after any medical vaccination; malignant disease and/or immunosuppressive therapy and/or immunosuppression; and allergy to a preservative or antibiotic contained in the vaccine. These are set out in some considerable detail in the *Australian Immunisation Handbook*, developed by the commonwealth, so there is the opportunity there for people to pursue that exemption. These exemptions will be based on an assessment made on a case-by-case basis in relation to each child. That assessment

will be conducted by the immunisation provider, such as a general practitioner. It is not proposed that we change the current guidelines for assessment of whether a child has a medical contraindication through the guidelines that the member has referred to in that clause.

Mr RAMSAY (Western Victoria) — I appreciate all of that, and I have all of that information on this form in front of me. The question I really want to ask is: is there any provision in the bill that would allow an exemption for children who have a parental history of severe reaction to vaccination where the parents do not want to subject those children to those reactions? There is a significant history of autoimmune disease.

Ms MIKAKOS (Minister for Families and Children) — The issue of medical contraindication is based on an assessment of each child on a case-by-case basis, so this is a matter that parents will need to take up with their general practitioners in terms of whether they are eligible. I do not believe an impact on the parents would necessarily suggest an automatic impact on the child, but that would be a matter for a general practitioner to advise the family on; I am not a medically qualified person. It would be a matter for the general practitioner to discuss the particular circumstances relating to that child with that family.

Mr RAMSAY (Western Victoria) — I do not want to labour the point, but all of that has happened and because of the guidelines and rules the GP was not able to provide that declaration. The mother has already gone through a process where the GP has refused to sign the medical contraindication because of the rules on the form itself. This mother now has no alternative if she wants to send her children to an early learning or childcare centre if she refuses to vaccinate her children on the basis that she knows her genetic history will give her children a significant reaction to the vaccination.

Ms MIKAKOS (Minister for Families and Children) — I thank the member for his question and the obvious concern he has for his constituent's circumstances. It is very difficult to give the member a definitive response in the committee stage, not knowing the particular medical background and circumstances in this instance, but I am very happy to offer to the member that through the Minister for Health's office we can have someone with an appropriate medical background, such as one of the department's public health officers, speak with the family involved. They will be able to give them some further advice in relation to this.

Clause agreed to; clauses 6 to 9 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

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

That the bill be now read a third time.

I thank all members for their contributions to what has been a very significant debate.

Motion agreed to.

Read third time.

NATIONAL PARKS AMENDMENT (NO 99 YEAR LEASES) BILL 2015

Second reading

Debate resumed from 8 October; motion of Mr JENNINGS (Special Minister of State).

Mr DAVIS (Southern Metropolitan) — I rise to make a brief contribution to the debate on the National Parks Amendment (No 99 Year Leases) Bill 2015. This bill directly rescinds some of the changes the coalition made in its period in government from 2010 to 2014, but it is important to put on record that the process that led to the coalition changes began under the Brumby government.

Mr Barber interjected.

Mr DAVIS — It did. Did Mr Barber know that? I am saying there was continuity. In September 2010 the Brumby Labor government commissioned the Victorian Competition and Efficiency Commission (VCEC) to inquire into Victoria's tourism industry. Its findings in July 2011 advised that regulatory reforms and a shift in focus to how tourism can enhance the environment and regional goals were required in order to prevent the Victorian tourism industry stagnating. In particular the report, which is a good read, identifies barriers to private investment in tourism facilities that are compatible with environmental heritage and other values of public land as an issue.

The coalition government addressed VCEC's findings by taking a number of steps to facilitate a regulatory environment that was more supportive of tourism developments in high natural amenity areas. The package of reforms introduced by the coalition included the *Tourism Investment Opportunities of Significance in National Parks* guidelines in March 2013, which provides a regulatory framework to streamline the process of assessing investment opportunities in national parks; the National Parks Amendment (Leasing Powers and Other Matters) Bill 2013, which extended the maximum term of leases in national parks from 29 to 99 years — of course that did not mean that the leases had to be 99 years but that there was flexibility to allow that in the circumstances; and *Tourism Investment Opportunities of Significance in National Parks — Making a Proposal* in October 2013, which identifies the overall application process.

The coalition government's approach was consistent with the previous Labor government's *Victoria's Nature-Based Tourism Strategy 2008–2012*. It is important to put on the record that there was a measure of continuity there to utilise our important park and heritage areas for constructive purposes by protecting cultural, heritage and environmental values at the same time as ensuring access was achieved and thereby getting a better tourism outcome as well. The Australian Trade Commission's *Tourism 2020* and the tourism ministers' *Tourism Investment and Regulatory Reform Report Card 2012* were also important bodies of work.

The Labor Party opposed the National Parks Amendment (Leasing Powers and Other Matters) Bill and prior to the last election adopted the policy that:

> … we will not allow large-scale private development in our national parks and will remove the government's ability to grant 99-year leases.

To the extent that this was an election policy and the election has occurred, the coalition is not opposing the bill. We understand that this bill will hamper the tourism industry. It will have an effect on the economy. It will mean less jobs are created. We believe strongly that environmental and heritage values could have been protected and were being appropriately protected under the arrangements that were previously in place.

On coming to office the new Labor government terminated the Point Nepean lease agreement and signed a 50-year lease for the Arthurs Seat State Park — this is the chairlift, I believe. My understanding is that the arrangements that were struck on the Point Nepean lease agreement were such that the process that had been undertaken was stopped and the contract was rescinded. In my view there are significant matters of sovereign risk in the government's behaviour in that case as well.

The second-reading speech says the bill will:

> … 'remove the government's ability to grant 99-year leases' and … 'not allow large-scale development in our national parks'.

We were confident that the processes that were in place would have encouraged nature-based tourism with guidelines and proper protections. We do not believe that under the government's proposals in this legislation and given the actions it has taken to date many of those developments will proceed in the way they could and should have. A negative signal has been sent out to the tourism industry. That signal will resonate. Let us face it: this government is antibusiness and antijobs. We believe the tearing up of the east–west link contract has sent a profound signal to the investment community in the state, in the nation and internationally. The set of changes that is occurring around the bill and the government's steps to rescind the Point Nepean lease agreement will also send out a significant negative signal about tourism and the ability to use our absolutely first-rate park and nature tourism opportunities to the maximum.

The former Environment and Natural Resources Committee inquired into heritage tourism and ecotourism in Victoria, and I note that the government response to that report was released in recent days. I am underwhelmed by the approach the government has taken here. I do not believe that we will see the outcomes that we would have seen. Notwithstanding that, this is also a sign of a city-based government, a Melbourne-based government that is not focused on country Victoria. A pattern is emerging whereby economic activities and opportunities in country Victoria are sacrificed for city-based pay-offs for the Labor government in terms of the arrangements that it strikes.

Mr Barber — Tell us more.

Mr DAVIS — Mr Barber, you understand the point I am making here very well. I think this is a city-based government that is determined to oppose — —

Ms Shing — How many times have you been to the edge of the state, Mr Davis?

Mr DAVIS — National parks are places I go quite often. I have a long history of camping in and around not only national parks but also state parks and for many years walking in national parks. I am an old bushwalker, Ms Shing, so you probably cannot run that line at me. In recent weeks I have even been in Point Nepean National Park, so there you are.

The point is that this bill will not assist the state. We accept that the government put this up as an election policy and we are not opposing the bill, but we will certainly make it clear that this outcome will not assist country Victoria and the economic prospects of country Victoria.

Mr BARBER (Northern Metropolitan) — It seems that the Liberal opposition has had a change of heart, and that is a good thing. It was on a hiding to nothing with this set of proposals when it was in government, even before any particular commercial development proposal had hit the ground. It is a good thing to be here today discussing the National Parks Amendment (No 99 Year Leases) Bill 2015, which will limit the length of commercial leases in national parks. The previous government wanted to give itself the power to lease land for up to 99 years. However, this bill will provide for a term of not more than 21 years except in a couple of cases, one of which is the Arthurs Seat State Park, and I will come back to that one in more detail in a moment.

Mr Davis's version of history suggests that it was simply a series of inquiries and measures that led to the proposal of 99-year leases when we know for a fact that certain lobby groups — usually those at the big end of town, the mega-commercial developer types — were the ones who had been pushing this along from the beginning. You need only to read those submissions to the Victorian Competition and Efficiency Commission (VCEC) to understand that. Interestingly though — and this is a detail that Mr Davis left out — the finding of VCEC was:

> In general … the best course is to develop tourism ventures outside the boundaries of a national park …

The Greens would of course concur. In our amazing natural attraction regions there are already a large number of businesses operating outside the parks and taking advantage of their proximity to the parks in order to offer services to those who want to visit. These are typically small businesses. I am talking about bed and breakfasts, restaurants, tourism businesses, nature guides, people who rent out bicycles and so on. If one of these proposed commercial developments were lobbed into the park, it would provide a new level of competition to those who are already helping to attract tourists and providing services and the necessary infrastructure for their visits. Then there would be various environmental problems with large-scale commercial developments in the heart of a national park — the human impact, the necessary infrastructure, the disposal of human waste and so on. That is before you even start thinking about the potential bushfire risks of locating large numbers of tourists, possibly people new to Australia and inexperienced in the bush, in the middle of a natural area.

I would be mighty surprised if any development proposal like that would ever be able to get up or meet the requirements of the existing planning scheme, but the guidelines that Mr Davis referred to and the regulation that his government created were nothing like that. We discussed them in some detail when we first opposed the Liberals 99-year lease bill in this Parliament. These guidelines — these regulations, as Mr Davis rather grandly titled them — were nothing but a kind of checklist of different issues that might be addressed in a commercial development. The government at the time could not say what would and what would not be permitted. Those guidelines were of no more use to us as members of the public with a passion to protect our parks than they would have been to a developer making a particular proposal. That just goes to show this was a half-baked, open-ended, ideologically driven approach where the shallowly buried Thatcherite tendencies of the Liberal Party exposed themselves, as they always do, when it came to national parks and natural protected areas. In other words, if you cannot make a quid out of it, it is not worth anything. That was what was driving this whole campaign for further commercial development in our parks.

Mr Davis talked about protecting cultural assets. That implies that those assets are already there, that we are protecting something that exists — for example, the historic buildings at Point Nepean. But this was not about protecting; this was about new developments that were going to bring a whole new set of impacts into an area. Far from hampering the industry, as he said, this bill provides the certain knowledge to those who now operate tourism businesses around the areas of our natural attractions — the Great Ocean Road, Gippsland, the Grampians, the coast, the alpine areas, the Murray River — that they will not be facing up to some competition for a mega-style resort. The

previous government was unable to say what it would ever draw a line under and was pretty much on a hiding to nothing. That led to publication of an open letter to the Premier, including an accompanying article from a group of eminent Australians, which said:

> National parks have not been set aside for grazing by cattle, logging, prospecting, hunting or commercial development. These activities … are incompatible with the fundamental reasons for creating them — protecting our natural and cultural heritage.

In America, where they have some of the greatest national parks in the world, they learnt this lesson over 100 years ago. The natural attractions within those areas, from the Grand Canyon to Yosemite — rivers, gorges, falls, mountains and glaciers — were overexploited very rapidly in the late 1800s and early 1900s.

Mr Davis — Teddy Roosevelt.

Mr BARBER — They became cautionary tales and, as Mr Davis interjected, became the driving force for President Roosevelt to want to protect those areas. Those involved had a very clear vision of what they did not want by way of development, and the movement to protect those natural areas was all about keeping away ugly commercial development that sought to exploit the very values that we hold precious but in the process ate away at those values and destroyed the very thing that attracted people in the first place. That is why we need a strong public focus on parks, not a bias towards commercial development.

The government is very pleased with itself for introducing this bill to reverse the power of 99-year leases and turn them back to 21, but it did not do it before it gave itself one chance to issue a 50-year lease of its own — and that is in relation to the Arthurs Seat chairlift. Many of us will remember how it was when we were kids, but if you have that image in your mind and you think that is what is coming next at Arthurs Seat, you could be in for a real shock. The annual report of the National Parks Advisory Council, tabled in Parliament this week, notes that:

> Pursuant to 32CC of the act, on 2 March 2015, council received a letter from the minister seeking consultation on proposed 50-year lease to Arthurs Seat Skylift Pty Ltd for the redevelopment and operation of a gondola and associated visitor activities at Arthurs Seat State Park.
>
> Members of the council all received a copy of the minister's letter, a written submission by Parks Victoria and a joint presentation by Parks Victoria and DELWP representatives at its meeting on 11 March 2015 …

and so on and so forth. The report continues:

> Council supports the proposal and it should proceed subject to the following considerations:
>
> > vegetation removal is minimised and suitable net gain offsets are identified;
> >
> > development of appropriate emergency and bushfire plans within designated time frame;
> >
> > encourage consideration of full Sunday trading; and
> >
> > traffic management (particularly car parking) is carefully monitored and managed if usage increases above estimate.

On that basis, with all those assurances, pretty pictures and warm fuzzy feelings from the proposed developer, the council did in fact sign off on the Arthurs Seat proposal. What we are seeing rolling out now is something that is perhaps somewhat different from the pictures the council may have had in mind.

By way of a bit of context, this development did not pop up overnight. Parks Victoria and the government have in many ways been facilitating this major proposal that we see — and not always in the best way for the protection of that natural and cultural heritage. I am advised by locals in the area that about four or five years ago the historic stone stairway beneath the chairlift, at what used to be the top station, was demolished. Shortly after that signs were erected prohibiting pedestrian access under the chairlift area. This forces pedestrians to ascend or descend via the seat if they do not want to walk extra kilometres to Arthurs Seat Road — a road which has no footpaths or shoulders in most sections.

About two years ago the historic lookout tower was destroyed. Significant extra clearing has occurred under the chairlift route and alongside several road access tracks to the route. In the last 12 months there has been some massive roadside clearing of trees and bushes alongside Arthurs Seat Road in the chairlift vicinity. The local residents say they have noticed that the tree and vegetation removal has been more significant than ever before in the last 20-plus years.

The shire council also had a role in this — it was required to issue a planning permit. Now that it is seeing what is rolling out, it is also starting to express concerns. In fact Mornington Peninsula Shire Council signed off on a permit with various conditions to the satisfaction of the responsible authority — that is, the council itself. Councillors are

now proposing a motion whereby those sign-offs — the latest sign-offs — will actually come back to council for a decision, because it turns out that the matters to the 'satisfaction of the responsible authority' one might surmise have perhaps not been delivered to the satisfaction of the councillors. They are now hoping to have the ability to pull back that delegation so that they themselves will have a say in it. At least that is what I have surmised from reading the notice of motion that appeared before the shire council.

There are some other details that people may not be aware of. There is the capacity for a later stage 2 development with additional tourist facilities, including a lookout tower high enough to take in views over long distances. Vegetation management works, whether they relate to fuel reduction, road safety or the project itself, are certainly of concern to locals. In fact all works in that area must by necessity be part of the gondola project. The proposed gondola generally follows the route of the old chairlift until it reaches the summit, but after that everything changes. Eight-seater gondolas will cross Arthur Seat Road to the summit on large pylons — 10 to 15 metres tall — and will occupy a large footprint within the public parkland currently enjoyed by visitors. That building will be 8 metres tall, possibly with a 100-seat cafe. The hours of operation could be seven days a week between 8.00 a.m. and midnight all year round, except of course on days of high winds or code red bushfire days. All this scaling up of the proposal increases the cost of construction and thereby requires more and more revenue, hence we must maximise revenue from ticket sales, food and drink sales, functions, merchandise and events — it goes on and on.

So it is not just a matter of a few crusty old environmentalists who might think that parks should be left sacrosanct. There is an inevitable commercial incentive that gets built into these types of proposals, and before you know it, whether you be a park lover, a local councillor or a person who might just want to visit a few times in your lifetime, decisions start getting made pretty quickly that are about maximising revenue. The very values themselves — often understated and subtle but certainly there in the minds and hearts of Victorians — pretty soon start getting pushed to one side. As I said, Labor was very keen to push this particular lease through before it brought in this bill. It was only on 20 July this year that the government announced that it had signed the lease, and now suddenly we get the bill. It is a case of, 'Give me chastity and sobriety, but not quite yet'. Having done its deal, the government is now putting this bill forward for the Parliament to consider.

The Greens will support the bill. We oppose the measures that were brought in by the previous government for many of the reasons I have outlined today and a few more on top of that. Our position on this has been quite consistent from the beginning, and we hope these measures mean that where visitor facilities are provided in our national parks, those visitor facilities are ones that match the expectation of visitors and are provided through public funds. When private leasing operations are attached to those facilities, which may in itself be a good model — certainly those facilities exist, such as the Cape Otway lighthouse, where we have those arrangements in place now — it should not be a matter for the profit motive to determine which of our natural areas are showcased and protected. That should be a decision purely in the public interest, and we hope the passage of this bill ensures that that continues to be the case all the way into the future for all the future generations we can imagine enjoying our parks.

Ms SYMES (Northern Victoria) — I am pleased to make a brief contribution to the debate today on the National Parks Amendment (No 99 Year Leases) Bill 2015. Labor has always and will always be committed to preserving the magnificence of our national parks for the benefit of all Victorians. In 1989 we initiated a prohibition on mineral exploration and mining in our national parks. In 1992 we significantly expanded the protected wilderness areas. In 2002 we introduced marine national parks and sanctuaries. In 2005 we removed cattle grazing from the Alpine National Park — and we did that again earlier this year after the former government reintroduced this damaging practice. We have credibility, and we have form when it comes to doing the right thing by our natural environment, and today we are continuing on that path.

In 2010 we requested a report by the Victorian Competition and Efficiency Commission on Victoria's tourism industry, with a view to better understanding how to strengthen and grow this sector. One of the recommendations of this report was to increase the maximum duration of leases on land managed under the National Parks Act 1975. The commission's report, however, did not specify or give a recommendation on how many years that should be. That thought bubble belonged to the coalition itself, which decided on 99 years. Of course that is more than most people's lifetimes.

Our national parks are a tourist's dream and an absolute goldmine for many of our regional towns and centres, as evidenced by the *Valuing Victoria's Parks* report of 2015, which showed that tourists spend $1.4 billion connected to visits to parks, and that adds 14 000 jobs to the state's economy. With the inevitable decline in manufacturing we absolutely must be growing jobs and opportunities and exploring the potential viability of other sectors, such as tourism. This is vital if we are going to make sure that Victoria remains one of the best places to live, work and play.

Maximising that potential is at the crux of this legislation we are looking at today. How do we best develop the tourist offering within our national parks whilst also preserving and protecting the very assets which are the drawcard that visitors wish to see, experience and enjoy? My electorate of Northern Victoria Region is home to some of our most beautiful national parks and natural environments in Victoria, be it the Alpine, Baw Baw, Mount Buffalo, Kinglake, Heathcote, Graytown or Yarra Ranges national parks. All are magnificent places to visit, whether you want to stay there for a week, a month or just a day.

We know that these parks support biodiversity, fauna and flora, as well as jobs and communities. We know that they are tourist drawcards, and their value is beyond any single measure or figure. These parks must be protected, and any development of them must be conducted in a way that is respectful of the environment, is conducive to the fulfilment of their potential and maintains them as places for lots of people to enjoy.

It is for these reasons that this bill is before us today. No business or developer seeking to operate from these beautiful places should need more than a lifetime of access to do so. We are implementing our election commitment to remove the ability of any government to grant 99-year leases and allow large-scale private development in our national parks. The bill will reduce the maximum term of a lease that may be granted for certain areas of land under the act from 99 years to 21 years. The bill also reduces the maximum term of a lease that may be granted for specific areas of land in Point Nepean National Park, Mount Buffalo National Park and Arthurs Seat State Park from 99 years down to 50 years. The bill will remove the provisions relating to the minister's power to grant in-principle approval of longer term leases and the minister's power to enter into an agreement to make a longer term lease.

It has to be noted that this bill is not against development in national parks; we are just saying no to large-scale developments. Anyone wishing to submit a proposal for tourism investment in a national park must demonstrate compelling reasons and put forward their case for it. They must show and ensure that it will deliver a unique nature-based visitor experience that has enjoyment of the environment and conservation of the park amongst its outcomes. The bill is about establishing the parameters to encourage the right development in the right places over the right period of time to protect and preserve our national parks, of which we are the custodians on behalf of future generations. I commend the bill to the house.

Mr DRUM (Northern Victoria) — It is a pleasure to speak on the National Parks Amendment (No 99 Year Leases) Bill 2015. It is unfortunate that we have a bill that is based purely on ideology. We have a government that wants to abolish this type of development and put our state behind all the other states. The government made this policy while in opposition and took this stance to an election. It happened to win the election, so we understand that it has the right to make this decision, and therefore we will not be opposing the bill. However, many of us live in the regions and love enjoying our natural beauty and being able to get away every now and then to enjoy what it is that our regions and other regions have to offer.

I will make various comparisons between what visitor experiences are available in our regions and what we might see when we travel elsewhere. The problem I have with this shallow thinking is that we will disallow 99-year leases in our national parks. We have a situation where the government, when it suits, will allow 50-year leases in some national parks, but one of its big investments in the upcoming budget will be its investment in the Grampians Peaks Trail. It is a substantial investment of something like $19 million. It is a project that we were also going to support and invest in, but offering the true visitor experience that most Victorians, as well as interstate and overseas travellers, are now looking for is where we are at loggerheads with this legislation.

In Victoria not only do our walks have a most amazing natural beauty ideal for ecotourism but we also have a perfect climate. We have a climate that is made for walking. There are only one or two months of the year when it is too hot. Compare that to Queensland where it is uncomfortable for walkers. That is why our industry could be absolutely

anything when it comes to experiencing the various walking trails around Victoria.

People have spoken to us about an opportunity to further upgrade the Goldfields Track, linking Bendigo to Ballarat, and taking that trail out through the O'Keefe Rail Trail, which would land you in Heathcote. A possible continuation of the old O'Keefe trail would land you in Kilmore, and taking a train would get you to Seymour or Broadford, where you could then take off on another trail towards Wangaratta and Bright. But what we are moving towards is only more of the same. We are on the cusp of an amazing opportunity, but we will not take it.

Those people who have been lucky enough to travel overseas and do some of the famous walks around Europe — I am not one of those people — have seen that because the townships are so close together there is effectively in-built infrastructure, walking from village to village with no shortage of places to stop for a coffee, a cold drink, accommodation or entertainment or to hire a bicycle, a canoe or a whole range of different tourist products. But in Australia, with our much sparser geography, we do not have those opportunities in frequent towns.

The three-day bike ride that is the Ballarat to Bendigo Goldfields Track goes through four or five towns: Ballarat, Bendigo, Daylesford, Castlemaine and maybe one other. It is a lot of walking or a lot of bike riding without any stops or facilities, and this is the type of development that we think Victoria would be best served by — not by high-rise apartments but by eco-accommodation that would see huts built along our various walks. We have a situation where it is incredibly hard to monetise any of our walks in Victoria so that we can afford to maintain what we currently have and love.

The Murrindindi shire was the beneficiary of a truckload of grants following the bushfires that affected Murrindindi, and with that we were looking at opportunities to grow tourism. We helped the shire with the development of a range of walks in Murrindindi, but it has got to a stage where it cannot maintain the upkeep of those walks. It was granted all this money in the aftermath of the fires, so it built the walks, but as a small rural council it simply does not have enough money to maintain them.

We now have the Labor Party in government, and it will forbid these councils and authorities from taking up economic opportunities to enhance the experiences and also from creating opportunities for these beautiful experiences to be self-sufficient and economically viable into the future. This is ideology that will end up being detrimental to what we currently have. We will spend millions of dollars trying to entice people to Victoria's national parks to experience the beauty that we have and love, yet when they get there it will be a lesser experience than it could have been — whether it be bike hire, canoe hire or any other hire or the accommodation that will not happen — had it not been for the Labor Party bringing this ideological legislation into being.

Anybody who has been to see the Twelve Apostles knows there are only seven of them left now. I think five of them fell down during Labor Party times! One of the biggest problems we have with the Twelve Apostles is that too many people hire a car in Melbourne, drive down, have a look at them for the day and then drive back to Melbourne. The failure to monetise one of Australia's great sites is simply another example of what we are not doing in this country. There is no doubt there could be a tasteful opportunity to build on what we have. One trip I have done is that I have taken my son along that south coast, and the number of gorges and formations is staggering, but you have to go into the established towns to find accommodation.

It is also interesting that the Otway Fly, one of the great tourist attractions that drags people into that part of Victoria, had to be set up on private land. It is a perfect example of a tourism industry asset that should have been able to be established on Crown land in a national park, but it is not. It is located right next door, on private land adjacent to the national park. This is the type of investment that we think should be able to be used to improve the visitor experience.

However, as I say, the Labor Party has its views. It took this view to the election and won, so it has every right to introduce it as it sees fit.

Mr Barber — Like the grand final holiday in that respect.

Mr DRUM — I never heard about the grand final holiday, so that is one that Labor slipped in in a very nondescript manner. But let us not get off track. I was having a reasonably good day until you mentioned the grand final holiday; now I just feel sick in the stomach. Every time you bring that up it reminds me that the bloke who is running the state is an absolute idiot. That is a worry, because he still thinks it is a good idea. He still thinks it is a good idea — —

The ACTING PRESIDENT (**Ms Dunn**) — Order! Mr Drum! I remind the member that it is inappropriate to reflect on the Premier in that fashion, and I ask him to speak to the matter at hand.

Mr DRUM — Yes, it is inappropriate. As I said, I was having a good day until Mr Barber poisoned it by talking about that.

Anyway, this is what the government took to the election. It won, so it has the opportunity to do this. However, I love to be able to put the running shoes on, whether I am here, interstate or overseas, and explore what this world has to offer. Most times I am looking to have that experience added to in some way by a commercial interest. That experience is nearly always improved by those commercial interests, which we are now not going to have here. Under this legislation we will have lesser experiences. Hopefully the proof of all this will be in the development of our national parks in the future.

Ms LOVELL (Northern Victoria) — I rise to speak on the National Parks Amendment (No 99 Year Leases) Bill 2015. Perhaps it really should have been called the No 99-Year Leases Bill 2015, because what this bill does is remove the ability for there to be a 99-year lease extended within a national park. Fortunately it leaves several areas in which there can be leases of up to 50 years, including one area within my electorate, namely, the Mount Buffalo National Park. Much of my contribution — in fact probably all of my contribution — will be about the Mount Buffalo National Park.

I want to take everybody back in time to talk about the establishment of the chalet in the Mount Buffalo National Park. The chalet was built in 1910 and, despite its grand proportions, it offered very basic accommodation at that time. The building was unlined at first and had no heating, probably because the chalet was intended to be built of granite. A temporary weatherboard building was established, and that is the chalet that exists today, 105 years later. In 1910 the chalet was leased to Mr J. Newton. Its popularity was immediate, and by 1912 it was described as the epitome of luxury, with large sitting rooms, ample fireplaces, well-ventilated bedrooms and hot and cold baths. Improvements were made to the building shortly after the construction of the original building which had no heating et cetera. Other improvements included a golf links in 1911, a north wing in 1912 and a south wing and billiard room in 1914.

In 1919 a new lessee was appointed — a Miss Hilda Samsing — who lobbied the government to make further improvements to the chalet's amenities, such as in heating and lighting. In 1921 and 1922, in addition to the south wing, more bedroom and bathroom facilities were added. The billiards room was moved to the front of the house and a terrace garden with rubble granite retaining walls was laid out at the front of the chalet. In 1924 the management of the chalet was transferred to the railways department. The facility was then operated in a more formal manner, which included issuing standard railway tickets for all the activities at the chalet and dressing the porters in railway uniforms. While 1924 was a long time ago, I think most people in this chamber, if they visited the chalet as children, would have done so when it was still run by the railways department.

Further improvements were made to the chalet in 1925 and 1926. In 1937 and 1938 major alterations were made, extending the south wing and adding a second storey to the central wing of the building. At this time the provision for 200 guests at the chalet was noted as more than equalling the best city hotels — it had become a substantial size and was a very popular venue amongst Victorians. More than 200 guests were able to stay there, which was akin to the size of the best city hotels at the time. After the war many of our migrant families and displaced persons from Europe, many of whom were Jewish, found the chalet to be a comforting reminder of their homelands.

The railways department managed the chalet until 1985 when the government took it over under the auspices of the tourism commission. In 1993 the chalet was leased into private hands once again, and it continued to provide accommodation until 2007, when it was unfortunately closed.

In 1960 legislation was enacted to allow development leases in national parks. Leases were subsequently granted in the Wilsons Promontory and Mount Buffalo national parks, and while the lease at Wilsons Promontory was later abandoned, the Mount Buffalo lease resulted in the construction of what was then known as Tatra Inn, which later became Cresta Valley Lodge. Mount Buffalo hosted the first professional downhill ski race in Australia in 1964.

In the lead-up to the 2006 state election the future of the chalet became an issue of great concern for the Victorian community. At the time I was the shadow Minister for Tourism so I was receiving representation not only from my local constituents —

Mount Buffalo National Park is in my electorate — but also from people from all areas of Victoria and interstate. Everyone who spoke to me was horrified that the future of the chalet was under threat. Everyone had their own special connection to the chalet and their memories of visits there. Generations of families had visited the chalet. This was true of the lessees at the time, the Burbank Group. Stepbrothers and the co-founders of the Burbank Group, Eddie Sanfilippo and Eddie Puhar, had been taken to the chalet when they were children. They had grown to love the chalet and wanted to preserve it for future generations.

I received many hundreds of calls and letters from Victorians who had tales to tell of special memories of the chalet, and they wanted to share them. Many of them had visited the chalet for their honeymoon, and some had gone there for family holidays. I think we all have memories of school trips to Mount Buffalo. My parents taught us, or tried to teach us, to ski there because it was a safer mountain. Whenever we went there my parents told the story of how they had stayed in the chalet on their honeymoon. The chalet conjures up emotional memories for many Victorians.

In 2006, when the closure was imminent, I was meeting regularly with the chalet managers, Suzi and Brendan Cadigan. They were a young couple who managed the chalet on behalf of the Burbank Group. They had a lot of passion for the chalet. Suzi and Brendan had the passion, and Burbank had the passion. What they did not have, however, was a lease that gave Burbank the security of tenure it needed to invest the many millions of dollars required to bring the chalet up to scratch. The chalet was not profitable in its existing state; it was tired and in much need of refurbishment. It also needed to have the right infrastructure and product mix to attract tourists and conferences. When Burbank took over the chalet, it did not even meet building safety standards. For example, only 10 per cent of the hardwired smoke detectors in the building complied with safety regulations, and sprinkler systems which should have had 15 millimetre heads only had 10 millimetre heads fitted.

Heating in the building has always been an issue. Originally the building was not heated, and attempts to install heating had not been entirely successful. In fact one of its wings was known as Siberia. The chalet was costing an average of about $70 000 per month to run, and Suzi and Brendan told me that in the winter the diesel fuel bill to run the power generators alone was as much as $50 000 to $60 000 per month. Maintenance was a never-ending issue; there were four to five staff working full time on upkeep, and they still could not keep up with the work that needed to be done. The fire escapes were dangerous and falling down, and there was asbestos in many of the walls.

Suzi and Brendan informed me that the Burbank Group was prepared to invest between $20 million and $30 million on the chalet, but in order to do that they needed a lease that gave them security of tenure beyond the 10 years they had left and beyond the 21 years allowed for in the National Parks Act 1975 at the time. Burbank was keen to not only refurbish the existing facilities but also build 100 new accommodation rooms for conference and family accommodation, a day spa and conference facilities. It also wanted to install snow-making facilities. The leaseholders, the Burbank Group, had been trying to get a meeting with Parks Victoria and the government for at least two years to discuss its requirements for investing in these works, but those requests went without acknowledgement, and they never got that meeting.

Cresta Lodge, which, as I have said, was formerly the Tatra Inn, was also run by the Burbank Group and managed by the Cadigans. Cresta consisted of 28 rooms, a day centre and a restaurant. Unfortunately Cresta Lodge, which was the profitable part of the lease, and the ski lift were lost in the great alpine fires in December 2006. Cresta has never been rebuilt. At the time the Bracks government would not listen. It would not even meet with Burbank to discuss extending the lease, and unfortunately the chalet closed in 2007. It remains closed to this day. In 2010 the Brumby government introduced 50-year leases for national parks, but unfortunately for the chalet it was too late; The Burbank Group had moved on. It remains unknown whether a 50-year lease would have been enough to attract a lessee who would have properly restored the chalet. As I said, to invest the $20 million or $30 million that was needed to refurbish the chalet a lessee would need a tenure long enough to enable them to recoup that investment.

At the time the Alpine Shire Council said it believed the lease period should be up to 99 years, which would be in line with the leases offered under the Alpine Resorts (Management) Act 1997 as it exists at the moment. This bill will, of course, change that. As I have said, the chalet has been a much-loved tourist icon, and it is too late to save it as a grand accommodation venue. However, the coalition did make available $7.5 million to allow parts of the

chalet to be restored to offer a day visitors centre, including a cafe. Tenders were sought, and I believe they came in at around the $11 million mark. The Alpine shire is keen to act as quickly as possible to refurbish and reopen the chalet. I urge the government to work with it to ensure that the entire $7.5 million does not end up being used just on maintenance requirements, which, I understand, are about $300 000 per year. This facility should be saved. It should be preserved for future generations. It should be preserved because it is part of the history of our state. It deserves to have that investment in it, and I urge the government to work with the Alpine shire to make sure it can be saved and to make sure it can be opened again for future generations of Victorians to enjoy.

I tell the chalet story because it highlights a need for government flexibility and longer term leases in national parks. The Northern Grampians Shire Council has written to me, although that shire is not in my electorate, I would like to read out a portion of its letter because it also highlights the need for long-term leases. In his letter the mayor of the Northern Grampians shire, Cr Murray Emerson, when talking about the decision to revert from 99-year leases to 21-year lease arrangements said:

> This decision is totally against any economic development aspirations that any local government organisation would have for their long-term investment strategies. How would anyone, specifically outside investors, be prepared to invest in short-term leases for large amounts of money? The longer term lease at least gives the investor an opportunity to recoup some of their investment. Even when we purchase our first homes, we enter into 25 to 30-year leases. And of course the recommendations on the lease for our ports from both sides of government seems to be at least 50 years.
>
> I and my council find it totally incomprehensible that the Labor government would commit several million dollars to our peaks trail development in Halls Gap and then move to reduce the lease time frames from 99 years to the suggested 21 years. It will undoubtedly reduce the investment opportunities for our shire in the Grampians National Park.

I find this piece of legislation to be very short-sighted. As I have already outlined, with the much-loved Mount Buffalo Chalet the government's short-sightedness back in 2006 forced the closure of that chalet. It lost the opportunity for $20 million to $30 million of private investment to go into that facility, which would have seen it redeveloped as a great conference centre with first-class accommodation. That opportunity has now been lost for our state. We need to move as quickly as possible to salvage what we can.

The legislation is short-sighted. Under the current legislation, which allows for leases of up to 99 years, the minister has the discretion on the term of a lease and can grant leases that are shorter than that. It does not require the minister to grant a 99-year lease. It allows for flexibility and for consideration of individual projects on their merit, and I think the government is being extremely short-sighted. As someone said before, this is an ideologically based bill that does not provide for the best outcomes for Victoria. It will cost investment. It will cost jobs. But as we know, this government is anti-investment, antibusiness and antijobs.

However, the government has stated its intention to have a 21-year to 50-year lease time frame. Whilst I do not think that is the best outcome for Victoria, the Liberal Party is not opposing this piece of legislation. I just think it is a much-missed opportunity for our state.

Ms BATH (Eastern Victoria) — It is with pleasure that I rise to speak today on the National Parks Amendment (No 99 Year Leases) Bill 2015. Firstly I would like to mention that The Nationals and the coalition will not be opposing this bill, which essentially has two components: the first is to reduce the maximum term for a lease that may be granted under the general leasing powers from 99 years to 21 years; and the second is to reduce the maximum term for a lease that may be granted in respect of specific areas of land at Point Nepean and Mount Buffalo nationals parks and the Arthurs Seat State Park from 99 years to 50 years.

As a member for a regional area, national parks are extremely important to me and my constituents. My electorate of Eastern Victoria Region is home to some absolutely beautiful national parks and natural wonders, which our local communities are very proud of. Perhaps the most well-known and popular is the pristine coastline at Wilsons Promontory. Situated at the tip of mainland Australia, the spectacular views of towering granite mountains, sweeping beaches, green open forests and rainforests, beautiful blue ocean and waterways is something to behold. I can vouch for its beauty, as I have enjoyed many hikes and overnight stays throughout my years while living locally next to this gem. There are fantastic bushwalks available for people of all ages and abilities, which make the most of the spectacular panoramic views.

Stretching from central Gippsland in my electorate all the way to the New South Wales border is the Alpine National Park — home to some of Australia's

most stunning alpine landscapes. Further opportunities for scenic bushwalks are found at this park, which features waterfalls, mountains and wildflowers. In far East Gippsland the Croajingolong National Park, named after the Aboriginal people of the area, features eucalypts and rainforest, with secluded coastline beaches where people can enjoy boating, fishing, beach walks and birdwatching.

It is important that people are encouraged to visit and enjoy all of these wonderful national parks while still looking after our environment. In order for our national park resources to develop and attract tourism, it is vital we support an environment that caters to varied tastes and needs.

It is important to note here that when I talk about private development in national parks I am not referring to high-rise developments on the shores of our pristine parks. Often opponents of private development talk about the extremes and not realistic, appropriate and sensible options that could attract more visitors to our regions. We need to remember that investors would and should be accountable to strict environmental guidelines.

Ecotourism is essential in attracting people to these beautiful parks to immerse themselves in the environment without doing damage. This is something I am supportive of. When we have an experience of something, we can appreciate it and value it. Developments such as eco-friendly lodges or huts to accommodate those who do not enjoy spending a night in a tent but still wish to enjoy staying in our national parks and all they have to offer is the type of investment that we should be considering. Overnight stays provide more of an economic boost to our regions than just drop-in day visits, and these stays should be encouraged.

The coalition government worked to facilitate a regulatory environment more supportive of tourism developments in high natural amenity areas. This included a package of reforms which extended the maximum term of a lease in a national park from 21 years to 99 years. It is important to mention that the coalition government's approach was consistent with the previous Labor government's *Victoria's Nature-Based Tourism Strategy 2008–2012*. Prior to the last election Labor adopted the policy of removing the government's ability to grant 99-year leases. Labor went to the election with this commitment, giving a false impression that the coalition was out to ruin our national parks with large-scale developments. Nothing could be further from the truth, and it was certainly not the case. It is important that we take care of our natural treasures while still allowing people to enjoy their beauty, and there are ways to do this sensibly.

The effects of shortening the lease agreements are unknown, but what I do know is that private investment means job generation and increased tourism opportunities. It is important to the success of our natural attractions and, in turn, our local communities. These changes will make it more difficult for investors to feel confident in investing large sums of money and could potentially reduce investment opportunities in our regions. In order to attract private enterprise, land tenure over a period of time is required.

The 2014 inquiry into heritage tourism and ecotourism in Victoria found that our state lags behind other Australian jurisdictions in developing sustainable commercial development on public land, particularly in the area of hutted accommodation on iconic walks. Expenditure has already been devoted to the development of projects such as the Grampians Peaks Trail. I can only hope that these changes will not jeopardise the benefits that could have come from projects such as the Grampians Peaks Trail.

I know that the Northern Grampians Shire Council is strongly opposed to these lease changes, saying it finds it 'incomprehensible that a Labor government would commit several million dollars to the peaks trail development in Halls Gap and then move to reduce the lease time frames from 99 years'. The council believes this will 'undoubtedly reduce the investment opportunities' for their shire in the Grampians National Park — and I have no doubt other councils will have similar concerns.

I think it is important that we look at every park on an individual basis. There are some that may cater for private investment more than others, and each should be assessed on its own merits. Some investment may warrant longer lease arrangements.

I believe the coalition government's package encouraged nature-based tourism while promoting clear guidelines for public and private investment in high natural amenity areas. These measures addressed the previous Labor government's recommendations to increase activity at our national parks and develop world-class visitor experiences through investment.

I agree we need to take care of our national parks and native flora and fauna to ensure a sustainable and prosperous future so we and future generations can

continue to enjoy our national parks and what they have to offer. Ecotourism plays a role in attracting people to these beautiful spots to immerse themselves in the environment without doing damage. However, a lack of appropriate infrastructure can be a drawback to our natural wonders being explored and treated the way they deserve. I believe under the right environmental frameworks there are ways to ensure that we attract visitors to our national parks through added private investment while still ensuring that we protect our environment.

As mentioned earlier, we will not be opposing this bill; however, we have some real concerns that the 99-year leases will deter any proposals for appropriate high-quality private investment as it would not allow certainty and time to recoup a decent return.

Mr JENNINGS (Special Minister of State) — I want to make a couple of comments. The Labor Party has been very consistent, in and out of government, in its view on this very important issue of the protection of national parks. We are very keen and have been very keen to support the integrity of our park system, and we have taken many actions by legislative reform to increase the park estate during the course of the governments that I have been associated with, either as an adviser or as a minister. Indeed Labor governments have introduced many new parks to our national park system and provided them with appropriate and long-term protection. That is the spirit in which we restore the integrity of the legislative base of protections for national parks today.

A number of people in this debate have indicated that this is a short-term piece of legislation. In fact it is exactly the opposite. It is a long-term commitment to the protection of national parks. It is driven not by ideology, as has been alleged, but in fact by understanding our important obligations to protect precious parts of the ecosystem for this and future generations in Victoria, and that underpins what we are about. Where this bill provides for some degree of development within the park system to support visitor amenity, comfort and attraction now and into the future, it is something that should be very carefully managed. It needs to deal with the sensitive environments that we are dealing with. They are special in every sense and precarious in many ways in terms of their vulnerability to inappropriate use and abuse and the impact of human visitation to some of these areas should be undertaken with minimal impact upon the short and long-term health of the park system.

That is what is at the heart of this piece of legislation. We want to make sure that development is provided for within our national park system which is based upon the history of the existing footprint of development within the system. This current piece of legislation still provides a number of opportunities for longer term leases. Point Nepean and Mount Buffalo are a couple of examples where there has been a pre-existing footprint of development and where longer term leasing may be available to support development within that footprint. But there are appropriate restrictions on new investment and new proposals. There is also a recognition that the low-impact nature of those developments would not warrant either a capital injection which would see a large-scale development or, because of the nature of the capital requirement, a long-term leasing arrangement to provide for commercial return of an investment either to the state or to a private operator.

Clearly the government's policies are to be brought into line with environmental protection. The long-term viability of the park system has been restored as a value proposition within Victorian legislation. We allow for appropriate, low-scale development to occur. Infrastructure requirements for low-impact presence within park facilities do not justify long-term leasing arrangements, so the long-term public interest is protected by not appropriating public land for private purposes beyond what is a reasonable lease arrangement to provide for the scale of development. Where there is a pre-existing footprint of development that would warrant longer term leasing options, the government will provide those, just as it has provided them in legislation in the past.

For these reasons I am confident of this legislative framework. It is totally consistent with the approach that I have taken to environmental protection in this place for all of my time in the Parliament and for that matter the time that preceded my entering the Parliament in the Labor governments that I worked for. As far back as the Cain government we have understood the importance of this issue, and we will continue to recognise, in perpetuity I hope, the values in our national park system, of which Victorian should rightly be proud.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

VICTIMS OF CRIME COMMISSIONER BILL 2015

Second reading

Debate resumed from 8 October; motion of Mr JENNINGS (Special Minister of State).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to rise to make some remarks on the Victims of Crime Commissioner Bill 2015. The bill continues from the work undertaken by the previous government in establishing, in 2014, the original victims of crime commissioner as an administrative office associated with the Department of Justice, and the establishment in 2012 of the Victims of Crime Consultative Committee, also within the scope of the Department of Justice. The purpose of this bill is to now establish that consultative committee and the commissioner as statutory offices under this new piece of legislation, recognising the important role that the victims of crime commissioner plays in advocating on behalf of and in support of victims of crime in the Victorian community.

The coalition has had a proud history of recognising and supporting victims of crime here in Victoria, recognising the legitimacy of acknowledging and having regard to the experiences of victims of crime and ensuring that their views, collectively and individually, in judicial matters are recognised in judicial proceedings and more generally in the conduct and direction of the criminal law in this state.

In the mid-1990s it was the Kennett government, with Jan Wade as Attorney-General, which established the first formal recognition of victims in the criminal justice system with the introduction of victim impact statements. Victim impact statements provide a formal mechanism for direct victims of crime to have input into the sentencing of a particular proceeding with which they have been involved.

Since then we have seen substantial improvement and expansion of the role means available to victims of crime to articulate their views on their particular experiences of crime and to change the way in which courts deal with victims of crime in order to make the court process and environment far less onerous as they go about having matters heard. We have welcomed those successive developments over the last 20 years and recognise the legitimate role of victims of crime in participating in the proceedings to which they are a party, in having their voices heard in those proceedings and in ensuring that they find the court environment not unduly distressing or challenging simply because of their proximity to the party who has acted against them.

These developments over the last 20 years have been very positive, and in 2012 they culminated in the establishment of the Victims of Crime Consultative Committee. The purpose of that committee, which was an initiative of the former Attorney-General, Robert Clark, the member for Box Hill, was very much to bring together the key entities involved in the criminal justice system — representatives of the judiciary, the police, the Department of Justice and victims organisations — so that the issues around the administration of justice and the operation of the judicial system could be considered from the perspective of victims of crime in order that court processes and procedures could be better administered to reduce the burden on victims of crime and make their passage through the criminal justice system far less onerous.

The committee has been a very successful body. I might add that its membership also included representatives from the Office of Public Prosecutions and the parole board, which has in recent years been a particularly contentious body in respect of the criminal justice system in Victoria. Having parole board representation on that consultative committee means that board members are exposed to the views of victims of crime. This is an important way of ensuring that their views and experiences are given appropriate weight.

Likewise, last year the coalition government was pleased to appoint Victoria's first victims of crime commissioner. We recognised that there was a role for an advocate, supported by the government and the department, to be a voice for victims of crime — someone held in high regard and acknowledged by victims of crime as having substantial standing in the community. With the establishment of that office just over 12 months ago, the former government was very pleased that Greg Davies, APM, who was known to many Victorians as the former secretary of the Police Association Victoria and had a distinguished career as a police member here, agreed to take on that role, and he has performed with great distinction. The coalition believes he has brought great gravity to the role and has ensured that the role of commissioner is an important element in the support mechanisms for victims of crime in Victoria. From my own engagement with him I know Mr Davies is a strong advocate for victims of crime and for the causes he prosecutes.

With the bill before us, which the coalition is not opposing, the structure that established the commissioner role and supports the consultative committee is now enshrined in its own legislation. This is a welcome development insofar as ensuring the ongoing standing of the office. It gives pause to think about whether establishing new statutory offices is a path we need to be continuing down. I know it has been a concern of central government, particularly the Department of Premier and Cabinet, that we are seeing an increasing number of statutory offices established, but to the extent that this legislation will ensure the ongoing operation of the victims of crime commissioner it is a positive step, because we believe an important mechanism has been put in place to provide support and advocacy for victims of crime in Victoria.

In Mr Davies we see a worthwhile candidate for that office. He has performed his current role with great distinction, and we consider him able to continue in the new statutory role when it is established. It will be a five-year appointment and by virtue of being in statute, will provide new powers to undertake own-motion investigations, which may, on the recommendation of the minister and with the support of the commissioner, be presented to Parliament. That is a worthwhile expansion of the jurisdiction of the commissioner.

The coalition in opposition does not oppose this legislation. We think it is a worthwhile step in ensuring that we have a victims of crime commissioner into the future. We believe the office was a good initiative of the coalition government. It has worked well, and Mr Davies has executed his office with distinction. We believe he would be a fine candidate to continue in that office once its statutory form is enacted.

Ms PENNICUIK (Southern Metropolitan) — I am happy to speak on the Victims of Crime Commissioner Bill 2015. Until the 1990s the criminal justice system largely neglected the impact of crime on victims. This began to change with the introduction of victim impact statements back in 1994, which have assisted the judiciary but have also been very helpful for victims and have helped to create more of a balance between victims' rights and those of the accused, as well as the introduction of the victims charter, which was established in 2006.

The establishment of the victims of crime commissioner and the Victims of Crime Consultative Committee under this bill puts in statute the roles of the consultative committee, which has been around for some three years now, and the victims of crime commissioner, who has been in place for around 12 months. The commissioner is Mr Greg Davies, who was previously the secretary of Police Association Victoria. I have had conversations with Mr Davies over the years in my role as Greens spokesperson for police, and I congratulate him on taking up the position. These two roles are put in place to ensure that victims have a voice in the criminal justice system and that the knowledge gained from their experiences is used to further improve the experience for victims of crime in the justice system. A great example of this is Rosie Batty, who brings much wisdom as well as compassion and is motivated by a desire to serve and protect the community and ensure that what happened to her and her family does not happen to other people.

Victims of crime need to be treated with sensitivity, be listened to, receive full explanations of the processes in the criminal justice system and be given timely updates as to what is happening so as not to exacerbate any anxiety and trauma associated with not only the crime committed against them but their experience in the justice system. Research shows that victims have a wish above and beyond punishment and compensation for respect and appreciation. If victims of crime are left voiceless and are retraumatised by the criminal justice system, they will not have faith in it. That can also lead to an under-reporting of crime.

The Greens will be supporting this legislation, but we do have queries with regard to the victims of crime commissioner in that the commissioner has different powers and may not have sufficient powers or specific legislative guidance under this bill to be as effective as he or she can be. In New South Wales and South Australia the commissioners have specific powers to deal with individual complaints from victims of crime and to use their best endeavours to resolve those complaints. They can also request that agencies make written apologies to victims where there are breaches of the rights of victims under the victims charter. We have been querying the department about the commissioner's powers. In the other states there are specific legislative powers to publish codes, guidelines and other practical guidance; to conduct, promote and monitor training and public awareness activities; and to provide research on victims of crime.

This bill creates the independent victims of crime commissioner, and the second-reading speech says the commissioner's focus will be:

> … on the recognition of victims of crime in the justice system, to represent the interests of victims of crime to government —

and I understand that to be victims of crime collectively, not victims of crime individually —

> and to promote the inclusion and participation of victims of crime in the justice system.

The bill also formally recognises the Victims of Crime Consultative Committee, which has existed since 2013 and is chaired by retired Supreme Court Justice the Honourable Bernard Teague, who was recently appointed following the resignation of former Supreme Court Justice the Honourable Philip Cummins. The victims of crime commissioner will be a five-year fixed-term appointment, and there is the possibility of a reappointment but for no longer than another five years.

In the second-reading speech the minister continued:

> The commissioner will of course receive complaints from individual victims of crime. These individual complaints will assist the commissioner to identify the issues that are affecting victims of crime, and to target his —

or her —

> inquiries at the right issues. Where possible the commissioner will provide advice and information to individual victims of crime.
>
> However while the commissioner is able to advocate on behalf of victims of crime, our intention is that commissioners will not involve themselves with individual cases, or become involved in particular prosecutions.

In South Australia the commissioner can assist victims in their dealings with prosecution authorities and other government agencies; monitor and review the effect of the law and court practices and procedures on victims; and more specifically a public agency or official must, if requested to do so by the commissioner, consult him or her regarding steps to further the interests of victims in general or a particular victim or class of victims. The South Australian commissioner also has the power to recommend that an agency or office give a written apology to the victim and provide a copy of that notice of recommendation to the victim. The South Australian commissioner must also in his or her report specify the number of notices given by the commissioner and the public agencies or officials to whom notices were given during the year the report relates to.

In New South Wales the commissioner also promotes and oversees the implementation of the victims charter, including publishing codes, guidelines and other practical guidance on the implementation of the charter; makes recommendations to assist agencies to improve their compliance with the charter of victims rights; receives complaints from victims of crime and family members about alleged breaches of the charter; tries to resolve complaints; and makes recommendations to agencies to apologise to victims for breaches.

Mr Dalidakis — On a point of order, Acting President, I believe the member is reading from a preprepared speech.

The ACTING PRESIDENT (**Mr Morris**) — Order! I have been observing Ms Pennicuik as she has been making her contribution. I believe she is referring to notes, but I do not believe she is reading a preprepared speech, so I do not uphold the point of order.

Ms PENNICUIK — Yes, I was reading some excerpts about the particular powers of the New South Wales and South Australian commissioners, which I had not committed to memory, but I am not reading a speech. I am happy to give the notes to the minister if he wants to look at them later so that he can work that out for himself.

As I was saying, the functions and powers of the commissioner in Victoria are broad and include advocating for the recognition, inclusion and participation of and respect for victims of crime by government departments and bodies responsible for conducting public prosecutions and carrying out inquiries on systemic victims of crime matters. These are good things, but they are very broad.

In terms of the function held by the commissioners in New South Wales and South Australia, dealing with individual cases and classes of cases would inform the commissioner in identifying systemic issues and carrying out inquiries into them. In fact it was the President who said in this place only this Tuesday that looking at individual cases informs consideration of issues of a systemic nature.

I just raise as a query the differences between the Victorian regime and the regimes in place in South Australia and New South Wales, which are already tried and tested. In Victoria the commissioner can report to and advise the Attorney-General, but the powers as outlined in this bill are much broader and less specific than they are in the other two jurisdictions I have mentioned which also have commissioners in place.

Clause 32 outlines the functions of the committee, including: to provide a forum for victims of crime, justice agencies and victim of crime services to discuss improvements to policies, practices and service delivery; to provide advice to the Attorney-General regarding policies and practices and to promote the interests of victims of crime in the administration of the justice system; and to provide advice on the matter referred to the committee by the Attorney-General.

Clause 38 outlines the membership of the committee, including the chairperson and the commissioner, the judicial members of the committee, a legal practitioner of the Office of Public Prosecutions (OPP), an officer of the Adult Parole Board of Victoria, a police officer nominated by the Chief Commissioner of Police and other members, which includes up to seven persons who are victims of crime, a member representing a victims of crime services organisation and one or more persons as additional members. It is good to see that it is quite a substantial consultative committee, as it will be able to provide advice as required for the important functions that it will be carrying out.

The Greens wrote to the minister's advisers about some of the issues on which we had queries, including the commissioner's ability to act on behalf of individual victims and to recommend a written apology if an agency has done the wrong thing, which is possible in South Australia and New South Wales, and also with regard to publishing guidelines and other things that are specifically mentioned in the legislation in other jurisdictions but not in the Victorian legislation.

I thank the minister's advisers and the department for the responses they have sent. Regarding the written apology, we were provided with the following advice:

> If the commissioner considers that recommending a written apology is the appropriate response to a case, then this specific function will allow him to do this. It is not a formal process available under the act, but there is nothing in the act that would prevent him —

or her —

> from taking this course, or from making suggestions to other departments, agencies and bodies as to how they should approach a particular matter involving a victim's interests.

I would be happy to hear from the minister about whether that really is the case. We also asked about acting on behalf of individual victims, and one of the pieces of advice was:

> The Victorian commissioner's powers would be complementary to those of the Ombudsman, the Director of Public Prosecutions and the Chief Commissioner of Police, as well as other bodies, like IBAC. Parliament intends that the commission in carrying out an inquiry should liaise with other investigative authorities, official bodies and statutory officers to … facilitate the coordination and expedition of inquiries that are to be separately conducted by different authorities, bodies or officers.

We were also advised that:

> We do not want individual court cases to be delayed or extended by adding another party to that case. Our intention is that the commissioner will concentrate his resources on work that can benefit all victims by addressing systemic failures in the criminal justice system.

I thank the department and the minister for getting back to me on those issues, but I am still left with a question regarding the difference between victims being able to be represented or being assisted more closely by the commissioner — who is the commissioner for victims of crime — and their having to go back to the OPP, to the Ombudsman or to another officer of the Parliament, another statutory officer, when one would think this officer has been set up to do that job. I remain concerned about the answer that other officers or agencies will be picking up that job, when it seems to me that the commissioner has the right role to be doing that job. As I said, if the victims of crime commissioner were involved in those cases, as they can be in the other jurisdictions, it would inform their role in terms of looking at systemic issues.

Those are the main queries the Greens have about the establishment of the victims of crime commissioner in Victoria. I end by saying that a lot still needs to be done in educating the judiciary and even the medical profession, which could do with some education about how to deal with victims of crime from a health perspective. People who work in the community legal system feed back to us that victims of crime can find dealing with the health professions and the judicial system very traumatic. Through the whole system that deals with people who have been through these traumatic experiences, we can still do better.

I finish by saying that the government could monitor whether the provisions it has put in place are working over the years. Perhaps it could look at the models that exist in other states to see whether, as we experience the ongoing roles of the commissioner

and the consultative committee, more specific powers need to be added.

Ms TIERNEY (Western Victoria) — It is with great pleasure that I rise this afternoon to speak on the Victims of Crime Commissioner Bill 2015. The bill before us is a fairly simple bill; however, its simplicity does not take away from its importance. The key to today's debate is an acknowledgement that we can never, ever do enough in terms of making sure that the voices of victims of crime are heard, listened to and incorporated into the justice system.

This bill builds on work that has been done over the years, and I acknowledge the work that was done by the previous government as well. It is important in talking to this bill that we acknowledge that it is about not just victims of crime but their actual experiences. It is not looking just at crime figures and statistics but also at the ability of victims of crime to engage with the system. It is for us to not just learn from their experiences but also to hear from them about the repercussions of what has happened to them and their families not just at the time but as the years go by and for us to understand what other services need to be provided to assist and support those who have suffered and endured great disadvantage as well as injustice.

The bill provides the government with a more humane approach to policy and program development in making sure that those who have been at the coalface of crime are not just afforded an opportunity to talk but are also active participants in making sure that we have a more humane approach to the issue of crime and its impact on individuals, families and the community.

This bill enshrines the voices of victims of crime in law through the victims of crime commissioner. Victims of crimes are put at the centre of our thinking, ensuring their recognition in the justice system. The commissioner will represent the interests of victims as an independent voice when dealing with government as well as promote the inclusion and participation of victims in the justice system. It is important to note that the previous government was responsible for setting up the role of the victims of crime commissioner that serves Victoria today.

Mr Greg Davies, APM, was the inaugural victims of crime commissioner, and I take this opportunity to recognise and thank Mr Davies for fulfilling this important role. Mr Davies has had a long and distinguished career in the criminal justice system and is an excellent advocate for victims of crime. However, the previous government did not give the commissioner or indeed the Victims of Crime Consultative Committee any real formal functions or purpose, and today this government is attempting to address this issue.

This bill seeks to provide some structure to the role within a legislative framework, with clearly stated functions and powers. The bill also recognises the Victims of Crime Consultative Committee, which has existed since 2013. The committee is made up of victims of crime as well as representatives of the court and legal system, and it will provide the Attorney-General with advice on the improvement of the criminal justice system.

The bill will also ensure that the committee endures beyond changes of policy and government. The committee retains a high-level membership, including judicial representatives. The representatives of victims of crime will change every two years to ensure a broad representation of victims, and the members of the committee are bound by confidentiality provisions. Victim representatives on the committee have non-renewable two-year terms to ensure the turnover of those positions and therefore the representation of the widest possible range of views from within the community.

The Andrews government recently appointed retired Supreme Court Justice Bernard Teague, AO, as the chair of the committee. As a former Supreme Court judge, former member of the Adult Parole Board of Victoria and chair of the 2009 Victorian Bushfires Royal Commission, he has extensive experience in the justice system in general and in the criminal justice system in particular so brings invaluable knowledge and experience to this role. I wish Justice Teague the very best in his new role.

The first chairperson of the committee was Justice Philip Cummins, MA, a former judge of the Supreme Court of Victoria and the current chair of the Victorian Law Reform Commission. Justice Cummins did a fine job as the inaugural chair, and I thank him for his service.

This government has introduced this bill into the Parliament because it is committed to doing whatever it can to improve the criminal justice system. We have shown that through a number of pieces of legislation that have come before the house — for example, the Serious Sex Offenders (Detention and Supervision) and Other Acts Amendment Bill 2015, which was recently debated in this place — and the

government's initiative of the Royal Commission into Family Violence.

The state government also supports the Victims Support Agency, which administers the statewide victims of crime helpline and funds a network of local support services under the victims assistance program, otherwise known as VAP. The helpline operates from 8.00 a.m. to 11.00 p.m. seven days a week, including public holidays, and is a gateway to the victims service system. Helpline staff provide and facilitate referrals for victims to relevant services for ongoing support. The Department of Justice and Regulation also has a victims of crime website, which provides comprehensive information for victims on the support services that are available to victims of crime and on all aspects of the criminal justice process. This includes the investigation process, the court process and of course victim impact statements. In 2014–15 the website had over 130 000 visits.

The Bracks and Brumby Labor governments were also strong in their actions on criminal justice and victim support with such initiatives as the introduction of the Victims' Charter Act 2006, among many others. And the government will continue to work hard to improve the criminal justice system, particularly those mechanisms that enable the voices of victims to be heard at the table.

The participation of victims in the criminal justice system undoubtedly leads to a stronger and, I would say, a fairer criminal justice system. To meet the needs of victims we must hear and understand their experiences. Victims have had firsthand knowledge of where the gaps are. Whether that be a lack of services for a particular type of crime area or the lack of services for non-English-speaking communities, when services such as these do not exist, it may lead to victims not reporting the crime at all — meaning there is no statistic. However, when the victim's voice has a chance to be heard, agencies such as the victims of crime commissioner and its consultative committee can advise governments on these gaps in the system. Victoria's victims of crime commissioner and the legislative framework that this bill introduces is an effective way of giving victims a voice. It is the agency that is there specifically for victims, and in turn it will understand their practical needs but also the barriers they experience to having their voice heard. Numerous studies from around the world clearly state that the victim has an important role to play in the justice system. As a government, it is our job to ensure that this voice is heard.

However, the commission is not just a voice to government for victims; it also carries out very important education work in the community. Over the last two years victim representatives on the committee have participated in community education forums held during Law Week in May and at regional forums in Traralgon, Shepparton, Broadmeadows and Geelong, which is in my electorate. Victim representatives on the committee have also recently participated in a film to help other families deal with the loss and grief that follows the death of a loved one as a result of an act of violence. This film is a moving account of their own experiences and journeys that will also be used by Victoria Police in training police members, by the Office of Public Prosecutions in educating prosecutors and potentially by the Judicial College of Victoria in educating judges.

In concluding, as is the case with the Royal Commission into Family Violence, the Andrews Labor government is a government that wants to hear from everyone affected by crime in our state so it can create a system that minimises its frequency and impact as much as possible. The victims of crime commissioner, Victoria Police and the Office of Public Prosecutions were consulted during the development of this bill and have certainly indicated their support. I take this opportunity to thank all those who were involved in the commission to date and wish them the very best in their important work into the future. I commend the bill to the house.

Mr BOURMAN (Eastern Victoria) — As I have told everyone from time to time, I have been a policeman and I have seen a lot of criminals, but I have also seen a lot of victims of crime. For a lot of years I have felt that they have been completely and totally underrepresented. From my perspective, the courts really do not do justice to victims of crime, so anything that can be done to help them has to be a positive step. We may talk about rehabilitation, we may talk about punishment and justice, but in the end there is a victim or the family of a victim, as the case may be. The Shooters and Fishers Party will be supporting this bill, and I commend it to the house.

Mr ELASMAR (Northern Metropolitan) — I am pleased to contribute to the debate on the Victims of Crime Commissioner Bill 2015. Too often innocent people in our community are injured or terrorised by criminals. In the past, once victims of crime had given their evidence, they were largely ignored. Today this is no longer the case. The bill seeks to build on the previous achievements of the Victims of Crime Assistance Act 1996 and the Victims' Charter

Act 2006. Both these pieces of legislation were enacted to provide a legal mechanism which takes into account the interests of victims of crime. The bill goes even further, because it actually provides a voice and a designated commissioner. The Andrews Labor government is dedicated to minimising the harm suffered by victims of crime and is committed to doing whatever it can to improve their experience within the criminal justice system. The victims of crime commissioner is an independent voice advocating for victims of crime in their dealings with the criminal justice system and government agencies.

This bill formalises the role of the independent commissioner with clearly stated functions and powers. The Victims of Crime Consultative Committee was established in 2013 and comprises the legal system, representatives of the court and victims of crime. Importantly the bill ensures that the Victims of Crime Consultative Committee will continue to provide victims with the opportunity to be heard by government and within the criminal justice system.

The victims of crime commissioner has extensive, meaningful powers enshrined in the bill, and this will ensure that justice is the prevailing tenet of the operation of this important office. I would like to make mention of Victoria's inaugural victims of crime commissioner, Greg Davies, who was appointed to the position by the previous government. He has done a tremendous job, given that the previous government chose not to give the role any formal functions or purpose.

The bill before us gives the commissioner a full set of functioning teeth. It also includes the capacity for the commissioner to refer particular cases to the Ombudsman, the Chief Commissioner of Police or the Director of Public Prosecutions. In addition the commissioner will be able to comment on any issue of concern to victims that he considers is worthy of inquiry. The commissioner will identify and inquire into problems in the system and report his findings to the Attorney-General.

In conclusion, the Victims of Crime Consultative Committee will operate and comprise not only justice professionals but up to seven victims of crime representatives. This bill will put in place a meaningful mechanism to address important issues identified by ordinary men and women who have suffered harm and hurt at the hands of criminals. I commend the bill to the house.

Mr ONDARCHIE (Northern Metropolitan) — Thank you, Acting President, for the opportunity this afternoon to speak to the Victims of Crime Commissioner Bill 2015. The position of the state opposition is not to oppose this bill. Those are generally the words used in a matter such as this, but I will say not only that the coalition does not oppose the bill but also that I support it. It establishes in legislation the victims of crime commissioner and the Victims of Crime Consultative Committee, both initiatives of the former government.

The victims of crime commissioner is a very important advocate for and representative of victims of crime in their dealings with government and government agencies within the wider community. The role of the commissioner is to ensure that the rights and needs of victims are both respected and recognised across government agencies and those support services that support victims of crime, to ensure that victims are able to access the appropriate support and advice they need and also to give them some advice on how the justice system works, because that has been a problem and a worry for those affected by crime. I will talk about that in a moment.

The bill grants the commissioner a wider range of powers to initiate own-motion investigations into systemic victims of crime matters, to access relevant records where appropriate and also to report findings to the Parliament. There is also a Victims of Crime Consultative Committee, which brings together representatives of victims, courts, police, the Office of Public Prosecutions and the Adult Parole Board of Victoria. That provides an opportunity for victims of crime to have their say, to inform others of what is important to them, to make sure that we continue our evolution in making this process better each time and to identify ways in which the justice system can allow itself to work better for victims of crime. The committee was another initiative of the previous coalition government, and we are really pleased to see that the current government, with a positive bipartisan approach, supports it as well.

These reforms and initiatives are part of a broader suite of reforms achieved by the coalition, including the creation of a dedicated position on the board of the Sentencing Advisory Council for a member with frontline victim support experience, extending the hours of operation of the victims of crime helpline, providing funding for additional victims — 6000 victims a year — to receive the support they need and major sentencing and parole reforms that protect victims and do something about reoffending.

Having been a member of the coalition when it was in government, I am proud of our achievements for victims of crime, and I view them as an important part of the significant legacy of our time in government. Given that we started these reforms, I am pleased to see that they are continuing to get support from the current government.

Others have chosen to go through the elements of the bill. I choose not to do that today, other than to now speak from the perspective of someone who has been deeply, seriously involved in a crime where the victims needed support. In 2005, on the Mornington Peninsula, my uncle, a great man whom I admired, respected and loved, was murdered in his own home. He was stabbed 31 times by a drug-affected person who broke into the home for who knows what reason. He found my 72-year-old uncle sitting in his chair watching TV, and he stabbed him 31 times and killed him. My cousin was in her bedroom at the time. She was relatively young because she was the product of his second marriage. She heard her father groaning and screaming in the family room, and she went to assist him because she thought he was having some sort of health issue. She discovered her father dead on the ground, stabbed 31 times.

That presents a whole lot of issues. I choose not to go into the matters around why it happened or those concerning the offender, who was subsequently jailed; that is traumatic enough on its own. But one of the hardest bits is knowing what to do next, because there is a police investigation, a coroner's report and a whole lot of other stuff. As a family we were a bit at odds as to what to do. Who was standing up for us, particularly my cousin, as victims of this crime? Trying to find your way through the labyrinth of the legal system, the coronial system, police and medical advice is just really difficult. That trauma still exists in our family today. It is a hurt that we will never get over. There are a whole lot of medical issues associated with people who needed support post this tragedy. Having a victims of crime commissioner who has the capacity to look after victims is an important part of the development of Victoria. We needed it. We did not know how to go about this. My cousin would turn up in court for the hearings not knowing how to go about this. What do we do? Who do we see? Who do we speak to? How do you access support services?

People think victims of crime are all about getting some money, but that is nothing compared to the tragedy that my family went through. What we need are support services and a way to navigate our way through all the services that are potentially available to us. The lawyers move in to try to either prosecute or defend the defendant, and that becomes the story. It takes the spotlight and becomes the focus, but beyond that there are a whole lot of people who are affected by the tragedy, and who is standing up for them? Who is giving them the help and support they need? That is why this bill is important to the evolution of Victoria, and I commend it to the house.

Ms SYMES (Northern Victoria) — I am honoured to make a contribution to the debate on the Victims of Crime Commissioner Bill 2015. No-one ever asks to be a victim of crime, and yet in becoming one, these unfortunate people are inadvertently thrown into the new, complicated and overwhelming world that is our criminal justice system. In most cases they are traumatised and suffering. For many it will be the first dealings they have had with police, courts, lawyers and the complex and lengthy processes that this can entail. Even the language can seem foreign. Even as a law graduate I find that much of the language is foreign. In fact much of it still is, when you look at the Latin terms that remain in our system.

There is no one-size-fits-all description of a victim of crime. The term encompasses a range of tragic scenarios, from those who are injured or die because of violent crime, those who are injured by witnessing violent crime, parents who suffer because their child is a victim of violent crime to family members of those who are connected with or are witnesses to violent crime. For years the voices of these victims were barely audible — just a whisper — and as such their needs were rarely met and their insights and calls for reform took a long time to be recognised. Too often they were left to find their own way through the system — a judicial maze — and expected to come out the other side fully intact and functioning, and there is a cruelty in this.

It was my old boss, former Attorney-General Rob Hulls, who initiated the process of putting victims first when he introduced the Victims' Charter Act 2006. This finally provided for the rights of victims in relation to matters concerning the justice system. I was proud to be part of a government that made so much reform during the Brumby and Bracks era. I was a justice adviser during that period, and some of my memories of that time are of dealing with a lot of victims and having to sit and listen to parents who lost their children through violent crime. You do not ever get a meeting with Mr Halvagis out of your head, so it is something I am passionate about, and any improvements we can make to the lives of victims and those who still suffer because of a crime

committed recently or in the past are to be supported. I am proud to be part of a government that is now building on that legacy.

I note that the initiative for the commissioner came from the previous government, and I am happy to say there is bipartisan support on this front for victims of crime. I also commend the previous government for its decision to appoint Greg Davies as the inaugural victims of crime commissioner. However, as we know, there were no formal functions or purpose assigned to the role, so the legislation before us today picks up where things left off.

The bill formalises the role and establishes the victims of crime commissioner as a Governor in Council appointment with clearly stated powers and functions. The bill seeks to provide much-needed structure to the role within a legislative framework that will reinforce and provide rigour to the commissioner's capacity to act as an independent voice advocating for victims of crime. The bill enables the commissioner to focus on ensuring that victims of crime are recognised within the justice system, not just as observers but as participants who need to be protected, recognised, acknowledged and supported. The commissioner will first listen to the experiences and problems of victims and then have the ability to inquire into and report on a range of systemic issues across the justice system that affect victims.

The bill also enables the commissioner to represent the interests of victims when dealing with government and promoting the inclusion and participation of victims in the justice system with absolute independence. The bill provides for the commissioner to comment on any issue of concern to victims that he considers worthy of inquiry, and he will then conduct such an inquiry into problems in the system and report his findings to the Attorney-General. The commissioner will also have the power to refer particular cases to the Ombudsman, the Chief Commissioner of Police or the Director of Public Prosecutions. We are a government not afraid to empower experts with the ability to independently analyse and critique our systems and processes to drive better outcomes and necessary improvements.

At this time I acknowledge the Victims Support Agency. I had a fair bit to do with the agency in a past life, and although I am happy to see that an independent commissioner has been appointed, the work the Victims Support Agency does now and has done in the past cannot go without comment.

The bill ensures that the Victims of Crime Consultative Committee will continue to provide victims with the opportunity to be heard by government and within the criminal justice system. The bill ensures a robust structure, good governance and transparency in the running of the committee by prescribing that the committee endures beyond changes of policy and government; that it retains a high-level membership, including judicial representatives; that the representatives of victims of crime change every two years, ensuring a broad representation of victims; and that the members of the committee are bound by confidentiality provisions. We recently appointed retired Supreme Court justice Bernard Teague, AO, as the chair of the committee, and I congratulate him on his appointment. I have the upmost confidence that he will fulfil his duties with the professionalism and skill for which he is renowned.

Like the Serious Sex Offenders (Detention and Supervision) and Other Acts Amendment Bill 2015 and the Royal Commission into Family Violence, this bill is yet another piece of the work the Andrews Labor government is undertaking to protect the vulnerable, strengthen the weak, support the needy and empower communities and individuals to be stronger and safer. We are listening, we are encouraging voices to be heard and through this bill we are acting. I commend the bill to the house.

Ms SHING (Eastern Victoria) — I rise this afternoon to add to those from all sides of the house who have spoken before me in support of the Victims of Crime Commissioner Bill 2015. At the outset I acknowledge the considerable work that has gone into bringing us to this point whereby the roles, functions and responsibilities of that office are formalised and codified, thus adding to the suite of reforms and the enormous body of work that has gone into addressing the position in which victims find themselves, into assisting them and their families and into enabling people to move on from the often significant trauma that is sustained as a consequence of criminal activity.

As previous speakers have indicated, victims of crime were previously at the edges of the justice system. The administration of justice was inherently geared towards understanding who a perpetrator was and how a crime had been committed, establishing responsibility to the satisfaction of the relevant burden of proof — criminal and potentially civil responsibility — and then from there moving on to apply a sanction, whether that involved an indictable offence that led to jail time or some other offence and

penalty. We have come a long way since then in relation to understanding the effects of crime. We have come a long way from leaving victims to clean up their own crime scenes without providing them with assistance. We have come a long way from the point at which victims were left to pick up the pieces of their lives and to clean up the mess that the actions of one or a number of other people had caused.

This bill effectively guarantees that the good work undertaken by Greg Davies, the inaugural victims of crime commissioner, will continue and that it will involve as an important cornerstone of this work a formal consideration of the systemic issues that underpin victims of crime considerations and matters. The Attorney-General may then be in a position to receive reports on any systemic victim of crime matter, and indeed the independent office of the commissioner will be able to advise the Attorney-General and government departments about improvements to the justice system to meet the needs of victims of crime. In that sense perspective is everything, because the justice system comes to the issue of crime, criminal activity and criminal responsibility from a very different perspective to that brought by victims.

As Ms Pennicuik indicated in her contribution, victims of crime impact statements were a really significant step forward because they include victims in a process — they involve victims' active participation in the right and the capacity to tell their stories. In the telling begins the healing, and in the telling and the listening begins the acknowledgement of pain. As Mr Ondarchie said in his contribution, victims of crime are not necessarily after financial assistance — in the instance he outlined it was the last thing on the minds of those who were affected.

Financial assistance may be a relevant part of the reparation required, and that is a necessary and important component of making sure that victims and their rights and lives are considered valuable in the matrix of the broader administration of justice. However, while the work of the excellent Victims of Crime Assistance Tribunal, building on the Crimes Compensation Tribunal's jurisdiction, continues, it is also important to acknowledge that the role of an independent office-holder, such as the commissioner in this instance, whose office is being consolidated by the passage of this bill, will indeed enable other systemic factors and considerations to come into play.

As a central point of contact for victims who have experienced difficulties or confusion in dealing with the criminal justice system and also with government, this particular independent office will enable those voices to be consolidated and will enable themes to be developed around the areas of confusion, around the language, around the alienation, around the disenfranchisement and around the needs and priorities of victims in the period not immediately after a crime but going forward, to make sure that in the long term trauma is not further embedded but rather has somewhere to go to be addressed and released to enable healing to occur. In that regard I will say a few things about the way proactively addressing the victims of crime and the consequences of the issues which have previously, I think, often been left to be dealt with by the individual or individuals concerned may indeed prove very positive and valuable in reducing or removing the risks that victims themselves may become perpetrators.

It is an important point to note that in addressing the anger, in addressing the rage, in addressing the shame and in addressing the enormous grief of victims those emotions then cease to become the driving force that may otherwise, under certain circumstances but not under others, lead to conduct resulting directly from the crime committed against those people whereby they become perpetrators. This is an important part of the way we approach the effective administration of justice.

It builds upon the idea that we need to invest in people not only in terms of their health and wellbeing when things are good but also in terms of their health, wellbeing and security when things are bad. When people are struggling, when they need and deserve assistance, it is an independent office such as this one that will provide enormous value and key insights into the way the system deals with victims of crime, which will enable people to have the best possible chance of moving on after becoming victims of the crimes of another. With those comments I commend the bill to the house and wish it a speedy passage.

Mr HERBERT (Minister for Training and Skills) — In summing up, I thank all speakers. Clearly this is an issue of law but also one of compassion and justice. I think the debate today really highlighted those three points. I am sure it was a debate that was well listened to and well understood, and one that was well appreciated by those who have suffered from crimes against them, the impacts of which may have had a devastating effect on their lives.

I will not go into the details of the bill; that has been done many times before. I will respond to some concerns raised by Ms Pennicuik. Whilst I dare say I probably cannot answer all of her concerns in detail, I would like to comment on the issues she raised about differences between the Victorian legislation and framework and that of South Australia and New South Wales.

It is fair to say that in general whilst New South Wales and South Australia have models, they have different operating structures and different powers and responsibilities, as does each and every state that has this or similar legislation in place, in response to the peculiar circumstances the states find themselves in on this issue of justice for victims of crime. In Victoria the commissioner will be able to recommend an apology where appropriate. As previously advised, it is not a formal process. There is nothing in the act about it, but there is also nothing in the act to prevent it. I am sure the commissioner will do that where appropriate.

Victoria does not want to duplicate powers already available in other parts of our criminal justice system. I know there are differences of opinion around this, but that is why the victims of crime commissioner will refer victims to existing services that are best placed to assist individual victims — it could be to the victims assistance program, the Victims of Crime Assistance Tribunal or wherever is relevant. Different states have different facilities and agencies already in place, and we believe that in this case a referral to those existing Victorian agencies is the best way to go rather than to duplicating powers. We think the commissioner should focus primarily on systemic issues, which will benefit all victims of crime, and leave some of the more individual actions to those agencies already in place. We believe that over time this will maximise the benefits to victims of crime because we can have a more systemic look at it.

We have chosen this particular model — as I said, in each state there are different models — because we think it suits our jurisdiction best. On the issue of whether it will or will not work, in the short time I have been representing the Attorney-General in this chamber I have become aware that this area of lawmaking is a constantly moving feast as governments continually seek to improve legislative frameworks. Undoubtedly this will not be the end of this matter; it is the beginning, not the end.

The government's view is that we will monitor how the role is going forward in ensuring that victims are appropriately assisted and supported. I think it is important that we do that for all legislation, particularly this legislation. If change is needed, we will bring more legislation to the Parliament. With that, I commend the bill 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.

ADOPTION AMENDMENT (ADOPTION BY SAME-SEX COUPLES) BILL 2015

Introduction and first reading

Received from Assembly.

Read first time for Ms PULFORD (Minister for Agriculture) on motion of Mr Herbert; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Ms PULFORD (Minister for Agriculture), Mr Herbert 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 Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015.

In my opinion, the Adoption Amendment (Adoption by Same-Sex Couples) 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 Adoption Act 1984 (Adoption Act) currently discriminates against same-sex couples based on their marital status and sexual orientation by only permitting couples in heterosexual relationships to make a joint application to adopt, and against couples in which either partner does not identify as a specific gender. The Adoption Act also discriminates against children in same-sex families based on the gender identity, marital status and sexual orientation of their family members by preventing them from being adopted by those family members.

The purpose of the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015 is to remove discrimination

against same-sex couples and children in relation to adoption.

Clause 7 of the bill amends section 11 of the Adoption Act to allow partners in a domestic relationship, regardless of the sex or gender identity of the partners, to have adoption orders made in their favour.

Clause 17 of the bill inserts a new section 82(3) in to part 5 of the Equal Opportunity Act 2010 (EO act) to remove the exception to the prohibition to discriminate in relation to religious bodies providing adoption services.

Human rights issues

Equality before the law

The bill promotes section 8 of the charter, which provides that every person has the right to enjoy their human rights without discrimination, is equal before the law and is entitled to the equal protection of the law without discrimination and has the right to equal and effective protection against discrimination.

The Adoption Act currently uses gender-specific terminology and definitions with the effect that only a married couple or a 'man and a woman' in a de facto relationship are eligible to adopt a child in Victoria. This excludes the following categories of people from adopting: (a) same-sex couple applicants, or couple applicants where one or both partners do not identify as a specific gender; and (b) step-parent applicants, who are in same-sex relationships with the parent of the child, or are in relationships where either partner does not identify as a specific gender.

The bill will remove discrimination against couples in these categories by ensuring that they are eligible to adopt on the same basis as heterosexual couples.

Protection of families and children

Section 17 of the charter provides that families are the fundamental group unit of society and are entitled to be protected, and that every child has the right, without discrimination, to such protection as is in his or her best interests.

In my view, the bill will promote the protection of families and children by removing discrimination that currently prevents same-sex step-parents and long-term carers to adopt on the same basis as heterosexual couples. Consistent with the current provisions of the Adoption Act, prior to adopting, a couple must be in: (a) a marriage or a registered domestic relationship for at least two years before adopting; or (b) in the case of unregistered domestic relationships, to have been living with their partner for at least two years.

The best interests of the child will continue to be regarded as the paramount consideration in adoption decisions in accordance with section 9 of the Adoption Act.

Freedom of thought, conscience, religion and belief

Clause 17 inserts a new section 82(3) of the EO act to provide that the prohibition on discrimination, contained in part 4 of the EO act, applies to anything done by a religious body in the provision of adoption services, despite the 'religious bodies exception' contained in section 82(2). Clause 17 does not alter the religious exception in section 84 of the EO act, which applies to individuals.

The bill's exclusion of the 'religious bodies exception' in the EO act from applying to adoption services will prevent faith-based adoption service providers from discriminating against same-sex couples in the provision of adoption services. Although the right to freedom of religion and belief under section 14 of the charter may appear relevant, section 6(1) of the charter makes clear that only persons have human rights. As religious bodies are organisations, not persons, in my view clause 17 does not limit any human rights protected by the charter.

In any case, to the extent that the bill may limit rights, I am of the view that any limits on the freedom of religion and belief of faith-based adoption service providers need to be balanced against the impact of the current discriminatory adoption policy. The continuation of a policy that permits adoption providers to discriminate against people on the basis of their gender identity, marital status and sexual orientation, or that of their parents, limits the rights of same-sex couples and children in same-sex families to equality before the law under section 8 of the charter.

Approved adoption agencies, whether faith-based or secular, are providing services on behalf of the government and these services are essentially secular services that should be available to all members of the public.

Further, the current legislation limits the right of families and children to be protected by the state, and in particular children have such protection as is in their best interests. An adoption policy that allows for discrimination may deprive children already living with same-sex step-parents and caregivers of the right to formalise that care arrangement through adoption and may result in children missing out on the opportunity to be placed with the most suitable adoptive parents.

In my view, there is no less restrictive means available of removing discrimination against same-sex couples and children in same-sex families. Retaining the religious exception for adoption services would fundamentally undermine the intended aim of the bill, which is to remove discrimination against same-sex and gender diverse couples in accessing adoption services.

I therefore consider clause 17 to be compatible with the charter.

The Hon. Jaala Pulford, MP
Minister for Regional Development

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr HERBERT (Minister for Training and Skills).

Mr HERBERT (Minister for Training and Skills) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The government is committed to putting equality back on the agenda, particularly for lesbian, gay, bisexual, transgender and intersex — LGBTI — Victorians. This government aims to create an inclusive Victoria as we strive for equity, fairness and decency in our community. The Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015 is just one part of the government's broader equality agenda.

A person's sexual orientation is distinct from their capacity to be a loving and caring parent. By restricting the pool of eligible adoption applicants, a child in need may potentially be deprived of the opportunity to be placed with the most suitable carers.

The Victorian government has a vision of a community where children in same-sex families suffer no harms because of discriminatory attitudes and behaviours from their peers at school or in any other part of their lives. Righting the wrong of excluding same-sex families from adoption will help achieve that vision.

The bill implements the government's pre-election commitment to review the Adoption Act 1984 with a view to legalising same-sex adoption and removing discrimination against same-sex couples and their children in relation to both known-parent adoption (where an existing relationship exists between child and adoptive parent) and adoption in general.

Currently, the Adoption Act 1984 only permits couples in heterosexual relationships to make a joint application to adopt and excludes known-parent adoptions in same-sex families.

By relying on gender-specific terminology and definitions (for example, the use of 'a man and a woman' in the definition of 'de facto relationship'), the Adoption Act 1984 currently excludes the following categories of people from adopting: same-sex couple applicants, or couple applicants where one or both partners do not identify as a specific gender; and step-parent applicants, who are in same-sex relationships with the parent of the child, or are in relationships where either partner does not identify as a specific gender.

Section 9 of the Adoption Act 1984 states that in the administration of the act, the welfare and interests of the child shall be regarded as the paramount consideration. This remains the most important consideration and will continue to apply under the proposed amendments, as will existing safeguards such as the requirement that applicants are 'fit and proper' persons.

It is clear that the time has come to update our laws to reflect our diverse society and to ensure that same-sex families and most importantly the children within them are not disadvantaged. It is what the majority of our Victorian community expects.

In 2007, the Victorian Law Reform Commission released its final report on assisted reproductive technology and adoption (VLRC report). The VLRC report recommended that the eligibility criteria in the Adoption Act be expanded to permit same-sex couples to adopt in the same circumstances as heterosexual couples.

Eamonn Moran, PSM, QC, was commissioned to conduct a review into the legislative changes required to permit adoption by same-sex couples under Victorian law.

In accordance with the recommendations of the review, the bill will amend the Adoption Act 1984 to substitute the gender-neutral 'person' for references to a man and a woman.

Consistent with review recommendations and comparable legislation in other jurisdictions the proposed amendments will allow for adoption by same-sex couples, and where one or both members of the couple do not identify as a specific gender. The bill will do this by reflecting terminology used in the Relationships Act 2008. This means that the term 'de facto relationship' will be replaced with the inclusive term 'domestic relationship'. Also the term 'registered domestic relationship' will be introduced. A registered domestic relationship, which may be entered into by same-sex couples, will have the same status as a married relationship for the purposes of the Adoption Act.

Consistent with the current requirements of the Adoption Act, prior to adopting, a couple must be in a marriage or a registered domestic relationship for at least two years before adopting, or in the case of unregistered domestic relationships, to have been living with their partner for at least two years.

The bill will also amend the religious exceptions in the Equal Opportunity Act 2010 to exclude their application to adoption services. The effect of this will be that a faith-based adoption agency will not be able to rely on a religious defence to discrimination in the provision of adoption services. This is to ensure that neither same-sex couples, nor children, are unfairly discriminated against in the provision of adoption services. The state is required to act in a non-discriminatory way as a secular provider of services and cannot rely on a religious defence when providing public services. Access to adoption services should be provided equitably, with the welfare and interests of the child concerned to be the paramount consideration.

This bill will help to provide a fair and inclusive Victorian society that stands up for human rights, confronts discrimination and respects diversity.

I commend the bill to the house.

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

Debate adjourned until Thursday, 29 October.

CHILDREN, YOUTH AND FAMILIES AMENDMENT (ABORIGINAL PRINCIPAL OFFICERS) BILL 2015

Introduction and first reading

Received from Assembly.

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

Statement of compatibility

For Ms MIKAKOS (Minister for Families and Children), Mr Herbert 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 Children, Youth and Families Amendment (Aboriginal Principal Officers) 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 of bill

The purpose of the bill is to amend the Children, Youth and Families Act 2005 (the act) to make further provision in relation to the authorisation of a principal officer of an Aboriginal agency.

Human rights issues

The following rights under the charter act are potentially relevant to the bill: the right to privacy (section 13) and cultural rights (section 19).

Right to privacy

Section 13(a) of the charter act provides that a person has the right not to have his or her privacy or family unlawfully or arbitrarily interfered with. The right to privacy is relevant to information-sharing provisions in the bill.

The bill inserts new section 18(2A) into the act, which enables the Secretary to the Department of Health and Human Services to share information with the Aboriginal agency and the principal officer that is reasonably necessary to assist the Aboriginal agency and the principal officer to make an informed decision about whether to agree to an authorisation. New section 18C permits the secretary to disclose information to the principal officer that would otherwise be prohibited from disclosure under the act.

Any interference with a person's privacy resulting from the above provisions will be neither unlawful nor arbitrary. The purpose of these provisions is to enable the Aboriginal agency and the principal officer to determine whether to accept an authorisation; and to enable the principal officer to perform the functions and exercise the powers in respect of an Aboriginal child that the secretary would otherwise perform and exercise for the child's protection. Information disclosed under section 18(2A) is prohibited from being disclosed for any secondary purpose by new section 18D, which is a penalty provision. Once an authorisation is made, the principal officer is bound by the existing confidentiality provisions in the act under existing section 18(5).

I consider that any interference with privacy occasioned by the sharing of personal information in connection with the authorisation of a principal officer of an Aboriginal agency, will be lawful and not arbitrary. Having regard to the circumstances in which information may be shared and the safeguards imposed, I conclude that the information-sharing provisions in the bill are compatible with the right to privacy.

Cultural rights

Section 19 of the charter act provides for the right to enjoyment of culture, and that Aboriginal persons hold distinct cultural rights and must not be denied the right to enjoy their identity and culture and to maintain their kinship ties, amongst other rights.

The bill promotes the distinct cultural rights of Aboriginal persons by addressing limitations that currently impede authorisations to a principal officer of an Aboriginal agency under section 18 of the act. Authorisations under section 18 will support self-determination and the delivery of a culturally appropriate service, by allowing a principal officer to perform specified functions and powers in respect of an Aboriginal child on a child protection order.

New section 18B provides the principal officer with the power to delegate to a person or class of persons employed by the Aboriginal agency. The internal review provisions of the act are amended to allow for review of child protection decisions under an authorisation in the Aboriginal agency, rather than in the department.

New section 18A allows an acting principal officer to perform the functions and exercise powers specified in an authorisation, even if the person is not an Aboriginal person. This is needed to minimise disruption to the child which may result if the principal officer is unable to perform the functions of his or her office and the authorisation was required to be revoked for that reason.

Accordingly, I conclude that the provisions of the bill are compatible with cultural rights.

Jenny Mikakos, MP
Minister for Families and Children

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr HERBERT (Minister for Training and Skills).

Mr HERBERT (Minister for Training and Skills) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

This bill, to amend the Children, Youth and Families Act 2005, is an example of the Labor government's intentions to support Aboriginal children and families by ensuring that Aboriginal children subject to Children's Court orders remain connected to their community and culture.

There is a significant over-representation of Aboriginal children in the Victorian child protection system. Whilst Aboriginal children and young people make up 1.6 per cent of the Victorian population, they constitute over 16 per cent of children and young people on care and

protection orders. The Protecting Victoria's Vulnerable Children Inquiry, led by Judge Philip Cummins, recommended in 2012 that a major system reform goal should be to 'plan for practical self-determination for guardianship of Aboriginal children in out-of-home care and culturally competent service delivery'.

The outcomes for vulnerable Aboriginal children are generally poorer than for other children, and it is important that government and the broader community develop new and innovative responses to address the needs of Aboriginal children in Victoria.

Section 18 was included in the Children, Youth and Families Act in 2005. The provision was included to empower Aboriginal agencies to have responsibility for the care and protection of Aboriginal children subject to protection orders. It was envisaged that a phased and planned approach would be followed, and that Aboriginal services and communities would be able to assume greater case planning and management responsibilities for Aboriginal children over time, as they were ready.

The intention of section 18 is to provide for the Secretary of the Department of Health and Human Services to authorise a principal officer of an Aboriginal agency to perform specified powers and functions conferred on the secretary in relation to a protection order in respect of an Aboriginal child. Authorisations have to occur on a case-by-case basis. The current wording of the provision has been found to present a number of impediments to implementing section 18 authorisations:

> there is a lack of clarity regarding the meaning of the term 'principal officer';
>
> the act does not empower the principal officer of an Aboriginal agency to delegate functions and powers to suitable employees of their agency;
>
> connected with this, section 17(1)(e) prevents the Secretary of the Department of Health and Human Services from delegating the function to be satisfied that a permanent care order placing an Aboriginal child solely with a non-Aboriginal person or persons will accord with the Aboriginal child placement principle, which would also prevent delegation by an Aboriginal principal officer;
>
> the act does not provide for internal review, within an Aboriginal agency, of decisions made under a section 18 authorisation, or subsequent review by the Victorian Civil and Administrative Tribunal;
>
> appropriate arrangements for sharing information in relation to section 18 authorisations have not been established.

Anything to do with the removal of children from parental care is challenging, and particularly for Aboriginal communities, in light of historical practices in child welfare. Many Aboriginal families and communities still experience the traumatic impact of these past practices today. It is understandable then, that there will be a variety of views in Aboriginal communities about Aboriginal organisations taking on this kind of role. It is entirely understandably that there will be differences of opinion. Ongoing consultation will be vital as we progress towards making section 18 authorisations.

I want to assure the house that the implementation process will be managed with great care, and these issues will be approached sensitively. For section 18 authorisations to happen both the board of an Aboriginal agency and the Aboriginal principal officer need to agree to accept the authorisation.

This bill will clarify the meaning of the term 'principal officer', which will be defined as the chief executive officer, or equivalent, of an Aboriginal agency. This is the position most similar to the position of secretary in the department — the person employed as the head of the organisation.

The bill will empower the Aboriginal principal officer of an Aboriginal agency to delegate authorised functions and powers to suitable employees of their agency. It will allow for the powers and functions of a section 18 authorisation to be exercised by a person who is acting as the principal officer, whether that person is Aboriginal or non-Aboriginal. These measures will overcome significant practical barriers to implementing these authorisations, while maintaining an appropriate balance between privileging self-determination through decision-making by Aboriginal people for Aboriginal children, and avoiding disruption to decision-making arrangements for a child if a chief executive officer takes leave or there is a gap between ongoing appointments.

The bill will repeal section 17(1)(e) of the act which prevents the secretary from delegating a function requiring the secretary to be satisfied that a permanent care order placing an Aboriginal child solely with non-Aboriginal carers will accord with the Aboriginal child placement principle before such an order can be made. Both the secretary and the Aboriginal principal officer will be able to delegate this function, which will prevent any delays associated with carrying out this function personally.

The bill provides for internal reviews of decisions made in the course of section 18 authorisations within the Aboriginal agency, in the same way that such reviews are available in relation to decisions made within the department. If the internal review process has been exhausted, an application can be made to the Victorian Civil and Administrative Tribunal for review of the decision. This mirrors the process where the secretary or their delegate is the decision-maker.

This bill allows for information to be shared for the purposes of a section 18 authorisation, including where this may otherwise be prohibited. It provides for information sharing prior to an authorisation so that the Aboriginal principal officer and agency can make an informed decision about whether to agree to the authorisation, and there is a penalty provision to prohibit further disclosure. The existing protections in relation to disclosure of information about a child and family will apply to the Aboriginal principal officer and agency where an authorisation is made, as will existing penalty provisions. The bill also requires that where an authorisation is revoked, all records in respect of the child are provided to the secretary by the Aboriginal principal officer.

It is acknowledged that the history and past actions of government and non-government agencies have negatively impacted on Aboriginal families and this has resulted in continued trauma for Aboriginal communities. Policies

that support self-management and self-determination provide healing opportunities and increase the capacity of Aboriginal communities to care for their children.

The bill is a powerful symbol of the Labor government's commitment to developing a service system based on the principles of self-determination and reform that will improve outcomes and the cultural connectedness of vulnerable Aboriginal children.

I commend the bill to the house.

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

Debate adjourned until Thursday, 29 October.

JUSTICE LEGISLATION AMENDMENT (POLICE CUSTODY OFFICERS) BILL 2015

Introduction and first reading

Received from Assembly.

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

Statement of compatibility

Mr HERBERT (Minister for Training and Skills) 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 Justice Legislation Amendment (Police Custody Officers) 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. I base my opinion on the reasons outlined in this statement.

Overview

The bill amends a number of acts to provide for the authorisation and powers of police custody officers (PCOs) to manage persons in police gaols and during transport, as well as additional powers relating to court security and the taking of forensic samples.

Human rights issues

The bill provides PCOs with statutory powers to safely manage persons in police gaols and transport detained persons to and from police gaols to various places. The bill provides for this in two ways, the first is by extending the class of persons who can exercise existing powers to include PCOs, and the second is by inserting new stand-alone powers and functions that apply to PCOs. These powers are modelled on existing custody management powers that police and other authorised officers currently exercise in relation to police gaols, transportation of persons in custody, court security and the conduct of certain forensic procedures.

To preface my discussion, it is important to outline the oversight, accountability and governance regime in which PCOs will operate. Victoria Police will maintain responsibility for implementing all activity relating to the recruitment, training and deployment of PCOs. PCO applicants will be appropriately vetted prior to employment, including being subject to standards and testing for character and reputation, psychological, medical, fitness and cognitive ability as well as communication skills. These processes are consistent with existing vetting procedure for police and protective services officer applicants.

The powers I discuss below will be exercised by officers subject to stringent oversight, accountability and management.

PCOs will be subject to initial training, as well as ongoing training. The training program will be customised for the particular role and responsibilities of PCOs, and is based on components of the training provided to police, protective services officers and prisoner escort officers. The training includes components relating to dealing with vulnerable persons in custody such as juveniles and those with mental illness.

PCOs will be subject to a range of internal and external measures to ensure appropriate oversight, discipline and management, including being:

subject to Victorian Public Service performance management, misconduct and discipline processes and procedures;

required to comply with the chief commissioner's instructions under section 60 of the Victoria Police Act 2013;

subject to on-duty targeted, random and critical incident drug and alcohol testing (further discussed below in this statement);

subject to the offences and other safeguards against disclosure of personal and sensitive information contained in the Victoria Police Act 2013 and the Privacy and Data Protection Act 2014;

subject to the obligations of public authorities under section 38 of the charter, including the requirement to act in a way that is compatible with human rights, and, in making a decision, to give proper consideration to relevant human rights.

Further, the Independent Broad-based Anti-corruption Commission (IBAC) may:

receive and assess complaints and notifications concerning PCO misconduct and corruption;

review internal Victoria Police investigations about PCO conduct to ensure they are managed appropriately and fairly;

investigate serious corruption and misconduct by PCOs in response to complaints or on its 'own

motion', including complaints regarding the use of force.

IBAC is independent from Victoria Police and the government and has a range of powers to support these functions.

It is my view that this bill does not impose any additional limits on human rights, as in effect it appropriately extends the exercise of existing powers of custody management and other functions to a new class of officers who will have the requisite training and oversight to operate in this role.

However, I note that many of these custody management powers have existed prior to the introduction of the charter and have not been considered by previous statements of compatibility. Accordingly, I consider it appropriate to discuss the implications for human rights posed by these powers, notwithstanding my conclusion that this bill will not introduce any new limits not currently imposed on persons subject to custody management in police gaols.

Further, it is necessary to acknowledge that the powers discussed below will operate within existing safeguards regarding the presence of young persons in police gaols. Section 17(2) of the charter provides that every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child. Part 5.2 of the Children, Youth and Families Act 2005 will continue to apply, requiring any child taken into custody to be released, granted bail or brought before the court within a reasonable time and no later than 24 hours after being taken into custody. Further, the obligations on the Chief Commissioner of Police still apply regarding the holding of children in police gaols, including limitations on holding remanded children in a police gaol, and, obligations to keep children separate from adults and separate according to their sex, to allow children to receive visits from parents, relatives, legal practitioners and others, and other requirements relating to observance of any medical, religious and cultural needs of children, and the handling of complaints by children. Further, the various powers discussed below must be exercised by PCOs in accordance with the right to protection of children, including the exercise of discretionary powers relating to search and seizure and the interpretation of use of reasonable force in the context of a child.

Powers of police custody officers relating to search and seizure

The bill provides for a number of powers relating to search and seizure across a number of acts.

The bill amends the following statutory powers to allow for their exercise by PCOs:

Formal searches of visitors to police gaols — Section 104B(1) of the Corrections Act 1986 provides that a person who wishes to enter or remain in a police gaol as a visitor must, if asked, submit to a formal search. A formal search means a search to detect the presence of drugs, weapons or metal articles carried out by an electronic or mechanical device. Section 104B(3) provides that a person who does not submit to a formal search may be prohibited from entering the police gaol or ordered to leave the police gaol immediately. Clause 18 extends this provision so that a PCO may conduct a formal search, and if a person refuses, to prohibit that person from entering or order them to leave.

Search powers — Section 104C of the Corrections Act 1986 provides for the exercise of search powers by police officers for the good order or security of a police gaol or detained persons, including searches at random. This includes searching any part of the police gaol; searching any charged person, visitor, police officer or any other person in the police gaol or their held items (with certain exceptions); or examining any item held by police on behalf of a detained person. Detained persons (who are not charged persons) may be searched if the officer in charge believes on reasonable grounds that the search or examination is necessary for the security or good order of the police gaol, for the safety of persons at the police gaol, to locate a weapon or anything that may be used in the escape of a person from a police gaol or to locate anything connected with the commission of the offence for which the person is detained in the police gaol. Persons other than a detained person or police officer may refuse to submit to be searched, and may be ordered to leave the gaol immediately if they refuse. A failure to comply with an order to leave is an offence punishable by a fine. Clause 19 extends this section to allow PCOs to exercise the search powers of police officers in the above contexts.

Seizure — Section 104D(1) of the Corrections Act 1986 empowers police officers to seize items found during searches of persons in police gaols. This includes anything found in the police gaol which the officer believes on reasonable grounds is likely to jeopardise the security or good order of the police gaol or the safety of persons in the police gaol, anything found on a detained person other than an authorised item under the regulations (provided that item does not jeopardise security, good order or safety) or anything which the officer believes on reasonable grounds is connected with the commission of the offence for which the person is detained in the police gaol. Clause 20 extends this section to allow PCOs to seize items in these circumstances. A PCO must inform the officer in charge of the police gaol of any seizure executed as soon as practicable.

Powers for the purposes of court security — Authorised officers under the Court Security Act 1980 are provided with powers to uphold the secure and orderly operation of courts and other tribunals, including the power to conduct frisk or scan searches of persons and their possessions on court premises, or seize prohibited items found. Clause 24 provides PCOs to be included in the definition of authorised officer.

Clause 7 of the bill also inserts the following new provisions into the Victoria Police Act 2013 which provide for PCOs to exercise the powers identified below in relation to an arrested person who is being supervised or transported by that PCO at the chief commissioner's direction:

search powers: new subsection 200I(2)(b) provides that a PCO can search and examine an arrested person or any thing in the person's possession or

under the person's control if the PCO believes on reasonable grounds that this is necessary for the safety of the PCO, the person or any other person.

seizure: new subsection 200I(2)(c) provides that a PCO can seize any thing found on an arrested person or under the person's control if the police custody officer believes on reasonable grounds that this is necessary for the safety of the police custody officer, the person or any other person.

New section 200M also allows the search and seizure powers identified above to be exercised by PCOs when directed by a court to supervise a person at court.

Clause 21 inserts new provisions into the Corrections Act 1986 to provide for similar search and seizure powers as above in relation to police gaols, and in connection with the transport of persons in other contexts, such as to and from a police gaol, remand centre, youth residential centre, court, designated mental health service or hospital.

Search and seizure powers are relevant to the rights to privacy (s 13) and the right to property (s 20).

Right to privacy (s 13)

Section 13 of the charter provides that all persons have the right not to have their privacy unlawfully or arbitrarily interfered with. It is clear that, in general terms, a search of a person's body or things is an interference with their bodily privacy or personal sphere.

Intrusions on privacy must pass a threshold of seriousness before the privacy right can be said to be interfered with. Trivial intrusions will not amount to an interference with privacy for the purposes of section 13. Accordingly, the power to conduct formal searches of visitors, including scan or frisk searches by use of electronic metal detection do not amount to a sufficiently serious intrusion to limit privacy. Further, visitors to police gaols or courts choose to voluntarily enter a restricted space where there is a reasonable expectation that they will be subject to such searches.

The more intrusive search powers will interfere with the right to privacy, however I am of the view that the interference will not be arbitrary. The prohibition on arbitrariness requires that an interference with privacy must be reasonable or proportionate to a law's legitimate purpose. It is critically important that those tasked with the custody of detained persons be able to prevent prohibited and/or dangerous items such as weapons, drugs or mobile telephones from entering police gaols and to maintain the good order and security of police gaols. The bill provides that a PCO may search and examine any person who enters or is in a police gaol, including a charged person, a visitor or another officer. Such searches may be conducted at random. I note that the search power in section 104C(1) of the Corrections Act 1986 is limited in that it cannot be exercised in relation to certain persons such as judges, magistrates, relatives or friends of a detained person or persons visiting a detained child. I also note that visitors to a police gaol can refuse to submit to be searched under this section, but may be ordered to leave the gaol immediately if they do so.

The detection and prevention of dangerous articles in police gaols poses significant challenges for Victoria Police and such search powers provide a valuable tool to meet these challenges. It has been acknowledged that random searches are an effective means of limiting the amount of prohibited articles smuggled into gaols. I am of the view that there is not a less restrictive means of preventing dangerous or prohibited articles from entering police gaols, and that an appropriate balance is met between upholding the privacy of visitors and maintaining the security and safety of the police gaol. Further, it is accepted that detained persons have a limited right to privacy in relation to their possessions while detained, and that loss of privacy is an inherent incident of confinement. This recognises the important community expectation that those tasked with the supervision of detained persons are equipped with the necessary tools to ensure the safety of police gaols and the prevention of crime. Further, the community expects gaol administrators to provide an environment for detained persons, employees and visitors that is both secure and safe. A secure and safe environment also enhances the protection of other human rights of detained persons, such as the right to life and security of person. The same principles can also be applied in the context of transporting detained persons.

The bill contains an added safeguard against unjustified interference or harassment in relation to searches on detained persons who are not charged persons. The ground upon which these persons can be searched is narrower, as there must be reasonable grounds for believing that such a search is necessary for prescribed grounds related to security, safety or good order. These circumstances are specified in the legislation and tailored to ensure the power is not applied arbitrarily. Further, the search power is discretionary, and accordingly, any exercise of the power by a PCO, including the manner of a search conducted, must be done in accordance with human rights by way of the obligations on public authorities in section 38 of the charter.

Finally, I am satisfied that there are no less restrictive means to achieve the purpose of the searches, as any higher level of privacy protection for detained persons would prevent PCOs and police officers from maintaining a secure gaol or mode of transport.

Accordingly, I conclude that the bill's search powers are compatible with the right to privacy.

Right to property (s 20)

Section 20 provides that a person must not be deprived of his or her property other than in accordance with law.

The bill allows for seizure of a person's property under certain circumstances. I note that seized items must be dealt with in accordance with regulations and the chief commissioner's instructions issued under section 60 of the Victoria Police Act 2013, which require that a receipt must be provided for any seized item (other than a drug of dependence), a register of seized items must be maintained and set out when a seized item must be retained, forfeited, disposed of or returned. I also note that a PCO is required to take all reasonable steps to ensure the security of any property that is in a supervised or transported person's possession. Under the charter, any interference with property rights only requires justification in circumstances where the interference is 'other than in accordance with law'. The bill provides that any deprivation of property will be confined to circumstances where the PCO believes

on reasonable grounds that it is necessary for the safety of the PCO, the person or any other person. Any deprivation of property is therefore in accordance with the law.

Powers relating to taking of identity particulars

The bill provides for a number of powers relating to the taking of identity particulars across a number of acts.

The following statutory powers are amended to provide for PCOs:

> ***Fingerprinting of sentenced person*** — Section 11(7A) of the Corrections Act 1986 requires that, as soon as possible as a person is received into a police gaol to serve the whole or a part of a prison sentence, a police officer may take the person's fingerprints. Clause 10 extends this provision so that a PCO may also take the person's fingerprints. Clause 10 also allows the fingerprints to be taken in the vicinity of a police gaol, which is being inserted to account for the operational reality that many police stations do not locate fingerprinting devices within the gazetted police gaol (which comprises of a portion of a police station), but instead may be in a room within the police station which is near, adjacent to, or in the vicinity of, the gazetted area.
>
> ***Fingerscanning of charged person*** — Section 464NA of the Crimes Act 1958 provides for police officers to take fingerprints (via fingerscan) for identification purposes only from charge persons above the age of 15 who are detained. The fingerscan is inadmissible as evidence. Clause 25 extends this provision so that PCOs may take a fingerscan of a person in these circumstances.
>
> ***Power to take photographs of a detained person*** — Clause 16 inserts new section 104AF into the Corrections Act 1986, which provides that a police officer or a PCO may take photographs of a detained person for the purpose of identification or the compilation of custody records concerning the person at any time after the person is detained.

Right to privacy (s 13)

Fingerprints contain unique biographical information about an individual and therefore the printing or scanning of fingerprints engages the right to privacy, as does the taking of photographs. However, case law supports the view that fingerprinting and photographing is at the lower end of intrusiveness in terms both of the intimacy of the information that is revealed and also the duration and invasiveness of the process by which the information is collected. The purpose of taking fingerprint and photographic information is essential to PCOs being able to accurately record or verify the identity of a detained person received into a police gaol, including verifying that a person is lawfully in custody, that any court order is being properly administered, that the person is appropriately placed in detention and that security is maintained. The storage of fingerprint, photographic and other personal information of a detained person is protected by law and wrongfully disclosing such information is punishable by law. Safeguards exist in relation to fingerscanning of charged persons, including providing that such scans are inadmissible as evidence and restricting such scans to persons above the age of 15.

Accordingly, I am satisfied that these powers are not arbitrary, in that they are proportionate and serve a legitimate objective of correctly identifying detained persons, and are therefore compatible with the right to privacy.

Powers relating to taking of samples

The bill provides for powers relating to the taking of bodily samples across a number of acts.

The following statutory powers are amended to provide for PCOs:

> ***Procedure for taking samples*** — Section 464Z of the Crimes Act 1958 provides that the chief commissioner can authorise police officers to supervise a person taking a mouth scraping (buccal swab) for evidentiary purposes. Clause 26 extends this provision to allow PCOs to be authorised to conduct this particular supervision.
>
> ***Oral fluid testing and analysis*** — The Road Safety Act 1986 provides for the chief commissioner to authorise a person to take evidentiary breath tests (to detect alcohol) and a police officer to take oral fluid tests (to detect illicit drugs). Clause 28 amends section 55E(6) of the Road Safety Act 1986 to provide that PCOs can carry out the procedure for the provision of a sample of oral fluid.

Right to privacy (s 13) and the right not to be subject to medical treatment without consent (s 10(c))

The taking of bodily samples is relevant to a person's right to privacy, including their right to bodily integrity, however I am of the view that mouth scraping, breath tests and oral fluid tests (saliva) fall into the less intrusive end of the spectrum of taking bodily samples. The procedures involved to collect oral fluid or mouth scrapings are less intrusive than the collection of blood or urine, and involve a minor interference with the integrity of a person's body. Further, the obligation to submit to testing is clear and prescribed, and arises in proportionate circumstances. The compulsion to provide an oral fluid sample under the Road Safety Act 1986 arises in the context of road safety enforcement, where a driver has failed a roadside preliminary test or assessment. The taking of buccal swabs under the Crimes Act 1958 arises in relation to persons suspected of committing an indictable offence and where reasonable grounds exist to support belief that the taking of buccal swabs will confirm or disprove this belief. The bill merely authorises PCOs to supervise a person who has consented to the taking of their own buccal swab. PCOs will not be authorised to effect the forced taking of such samples. Accordingly, I conclude that any interference with privacy is low and occurs in prescribed circumstances for the legitimate purpose of detecting criminal offences.

Section 10(c) of the charter provides relevantly, that a person has the right not to be subjected to medical treatment without his or her full, free and informed consent. In my view, given my conclusion that mouth swabs and the taking of oral fluid is a low-level interference with bodily integrity, it is unlikely that such forensic procedures would constitute 'medical treatment' under the charter. In any event, even if such procedures did constitute medical treatment, any limitation would be reasonable and demonstrably justified under s 7(2) of the

charter because such tests are conducted in limited circumstances, and for the important public purpose of confirming a reasonably held suspicion that a person has committed an indictable or a road safety offence.

Accordingly, I am satisfied that these powers relating to taking of samples are compatible with the charter.

Powers relating to use of reasonable force and instruments of restraint

The bill provides for a number of powers relating to the use of reasonable force and applications of instruments of restraint.

The following statutory powers are amended to provide for PCOs:

> ***Powers for the purposes of court security***: Clause 24 provides PCOs with the power to use reasonable force to remove a person from court premises who has refused to submit to a demand to provide identity particulars or undergo a frisk search.

Clause 7 of the bill inserts the following new provisions into the Victoria Police Act 2013 which provide for PCOs to exercise the powers identified below in relation to an arrested person who is being supervised or transported by that PCO at the chief commissioner's direction:

> ***use of reasonable force to compel a person to obey an order***: new subsection 200I(2)(a) provides that a PCO can order an arrested person to do or not do anything that the PCO believes on reasonable grounds is necessary for the safety of the PCO, the person or any other person. New section 200J provides that a PCO, where necessary, use reasonable force to compel a person to obey an order given by the PCO in the exercise of a function or power the police custody officer has under the relevant division.
>
> ***apply an instrument of restraint***: new sections 200I(d) and 200I(e) provide that a PCO can apply an instrument of restraint to a person for the duration of the supervision or transport of that person if the chief commissioner or the PCO believes on reasonable grounds that the application of the instrument of restraint is necessary to prevent the escape of the person or the assault of, or injury to, any person.

New section 200M also allows the powers identified above to be exercised by a PCO when directed by a court to supervise a person. Clauses 16 and 21 insert new provisions into the Corrections Act 1986 to provide for similar management powers in relation to police gaols, and in connection with the transport of persons in other contexts, such as to and from a police gaol, remand centre, youth residential centre, court, designated mental health service or hospital.

Relevant human rights

The power to use reasonable force to compel an offender to obey a direction and apply instruments of restraint will necessarily involve the physical restraint or apprehension of a person, which may constitute an interference with an offender's right to life (s 9), freedom of movement (s 12), bodily privacy (s 13), security of person (s 21), humane treatment when deprived of liberty (s 21) and protection from cruel, inhuman or degrading treatment (s 10).

The use of force may reasonably limit these rights provided it occurs within the framework of the law and with the objective of protecting public order, people's lives or property. Human rights principles require that the law and policies governing the use of force protect life to the greatest extent possible and safeguard the circumstances in which force is used. Any use of force must be no more than absolutely necessary and strictly proportionate to achieving a clearly defined lawful purpose.

These powers accord with human rights principles as they permit use of reasonable force or application of instruments of restraint only in strict circumstances, which are directly connected to safety and preventing assault, injury or escape. The primary purpose of these provisions is to enforce orders which are necessary for security and good order of police gaols, or the safety and security of persons in police gaols or undergoing transportation. PCOs work in difficult circumstances and can be required to deal with challenging and potentially dangerous situations. The powers meet important community expectations that PCOs tasked with the supervision, management or transport of detained person are able to use reasonable force if necessary for safety and to prevent escape. This expectation forms part of a broader and legitimate expectation that officers with supervision duties of persons detained in custody are able to fulfil their role in contributing to public order and public safety. Finally, the chief commissioner has a duty of care to ensure a safe working environment for PCOs, police officers and other persons, which may require the use of reasonable force when necessary to prevent loss of life or injury to any person, including staff, detained persons or members of the public.

Existing operational procedures for police officers exercising similar powers under the Corrections (Police Gaols) Regulations 2015 require that the use of force is always proportionate to the relevant safety risk and is a last resort. Officers are trained to appropriately assess security risks and must identify possible courses of action that involve the use of all other options before resorting to the use of force to manage risks to safety, such as verbal direction, communication or negotiation. PCOs will undergo similar training and be subject to similar operational procedures in how to manage difficult situations and how to use force safely when there are no other alternatives. I also note that PCOs are required to take all reasonable steps to ensure that a detained person's safety and welfare is maintained.

Accordingly, I am satisfied that any interference with human rights caused by these powers is compatible with the charter.

Refusing visits to a lawyer

Clause 16 inserts new section 104AC into the Corrections Act 1986 which, amongst other things, permits an officer in charge of a police gaol to refuse permission to a lawyer to visit a detained person, having regard to the interests of the security of the police gaol and the safe custody of any person held at the police gaol.

Rights in criminal proceedings (s 25)

Section 25(2)(b) provides that a person charged with a criminal offence is entitled to communicate with a lawyer or adviser chosen by him or herself. While new section 104AC may result in a person having limited access to a lawyer, I am satisfied that any limits are proportional and reasonably justified under s 7(2) of the charter. New section 104AC(2)(a) requires that an officer in charge must not unreasonably refuse permission to the lawyer, and requires that any decision to refuse access take into account the interests of justice and the principle that a person must have reasonable access to a legal representative. As noted above, the officer will also be bound to give proper consideration to the right in s 25(2)(b) of the charter, and would be required to act compatibly with that right.

Courts in other jurisdictions have found that section 25(2)(b) does not guarantee unfettered access to a legal representative, and that the right is flexible enough to permit restrictions. It is essential to the proper administration of a police gaol that visits can be restricted when security or safety considerations require it. Further, the limit, when lawfully imposed, only applies to physical visits to the police gaols, and a detained person may still be able to communicate with his or her lawyer through other means, such as in writing or via telephone. Accordingly, the right will only be limited where overriding interests of security and safe custody management exist, which I consider compatible with s 25 of the charter.

Drug and alcohol testing of police custody officers

Clauses 5 and 6 expand the scope of certain drug and alcohol testing provisions in the Victoria Police Act 2013 to apply to PCOs. These provisions grant the chief commissioner power to give a testing direction to a person to give a sample of breath, urine, hair, saliva or blood.

Clause 5 inserts new section 89A which provides that the chief commissioner may issue a testing direction to a PCO who is rostered on if the chief commissioner reasonably suspects that the person has consumed alcohol or a drug of dependence, and, because of that suspicion, the chief commissioner reasonably believes that the person ought to be tested for the good order and discipline of Victoria Police. The chief commissioner may also issue a testing direction if he or she believes that the person appears to be unfit for work because the person has consumed alcohol or a drug of dependence.

Clause 6 extends random testing to PCOs who are rostered on, allowing the chief commissioner to issue a testing direction (other than a direction to give a sample of hair) if the officer has been chosen by random selection.

Right to privacy (s 13) and right not to be subject to medical treatment without consent (s 10(c))

Section 13 of the charter provides that all persons have the right not to have their privacy unlawfully or arbitrarily interfered with. A direction that a person undergo testing and provide a bodily sample interferes with privacy, and the operation of random testing can constitute an arbitrary interference. As discussed above, section 10(c) of the charter provides that, amongst other things, a person has the right not to be subjected to medical treatment without his or her full, free and informed consent.

However, I am of the view that any limit is justified under s 7(2) of the charter. While the rights of officers are important and must be respected, these rights can be limited and must be balanced against the rights of the broader community. PCOs assume important duties and responsibilities including the power to supervise detained persons and use reasonable force. The exercise of these powers can limit or interfere with the rights of individuals, including the rights to life, liberty and security of person. It is essential to the protection and promotion of those rights that the chief commissioner has sufficient powers to monitor and manage the ability of an officer to carry out his or her duties. Enabling alcohol and drug testing assists in maintaining the integrity and public confidence in PCOs, and upholds other important charter rights of persons supervised by such officers, including the right to humane treatment when deprived of liberty and protection against inhumane and degrading treatment.

The limitations on officers' rights are minimal. Section 97 of the Victoria Police Act 2013 applies to provide that evidence from testing is not admissible in proceedings, subject to certain exceptions. Further, section 98 provides for the confidentiality of test results in accordance with regulations. Finally, section 232 creates an offence for disclosing identifying information or the results of a drug or alcohol test otherwise than in accordance with the act or regulations.

As discussed above, I do not consider the provision of bodily samples to constitute 'medical treatment' and therefore do not consider s 10(c) of the charter (protection against medical treatment without consent) to be affected.

Reverse onus offence provision

Clause 16 inserts new section 104AD into the Corrections Act 2015, which requires that a person must not, without reasonable excuse, give information which is false or misleading in response to a request to provide certain information relating to identity particulars.

Right to be presumed innocent (s 25(1))

Section 25(1) of the charter provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law. This right is relevant where a statutory provision shifts the burden of proof onto an accused in a criminal proceeding, so that the accused is required to prove matters to establish, or raise evidence to suggest, that he or she is not guilty of an offence.

Section 104AD(2), when read in conjunction with section 72 of the Criminal Procedure Act 2009, places an evidentiary onus on the accused to present or point to evidence that suggests a reasonable possibility of the existence of facts, that if existed, would establish 'reasonable excuse'. However, I do not consider that an evidential onus limits the right to be presumed innocent. Courts in other jurisdictions have taken this approach. The prosecution is still tasked with proving that the person gave false and misleading information. Regarding reasonable excuse, once a person has adduced some relevant evidence that such an excuse exists, the burden shifts to the prosecution to prove the elements of the offence. The accused is only required to raise evidence of matters that would be within their personal knowledge (i.e. the reasonable excuse why the person provided false and

misleading information). Accordingly, I conclude that this offence provision is compatible with s 25(1) of the charter.

The Hon Steve Herbert, MP
Minister for Training and Skills

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr HERBERT (Minister for Training and Skills).

Mr HERBERT (Minister for Training and Skills) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The government is committed to a well-resourced police force, with a strong commitment to community engagement and smarter policing which is critical to reducing crime, improving responsiveness and keeping the community safe.

This is why this government has committed to recruit, train and deploy 400 police custody officers to undertake custody management of people in police custody and other related functions. This policy will free up police to focus on frontline duties like tackling crime and keeping the community safe.

This bill provides the legislative framework to enable the appointment, powers, protections and accountability of police custody officers. The bill has been developed in a collaborative spirit with Victoria Police, the police association and the Community and Public Sector Union. The government greatly appreciates the goodwill demonstrated throughout the development of this bill, which represents an excellent outcome for the Victorian community.

Police custody officers will have duties to assist with the management and operation of police gaols in accordance with the Corrections Act 1986, to supervise and transport persons in custody in accordance with the Corrections Act and Victoria Police Act 2013 and to perform other duties determined from time to time by the chief commissioner. The bill provides PCOs with coercive powers and protections for custody management, transport and supervision purposes. The bill also amends the Court Security Act 1980, Crimes Act 1958 and Road Safety Act 1986 to empower police custody officers to perform select functions under these acts that are ancillary to the custody management functions.

The bill enables the chief commissioner to appoint a Victoria Police employee to act as a police custody officer. Only the chief commissioner's Victorian Public Service (VPS) employees can be appointed to act as a police custody officer.

The bill allows the chief commissioner to conduct random and targeted drug and alcohol testing of police custody officers rostered on for duty. These arrangements are consistent with current arrangements for other Victoria Police employees working in designated work units.

As Victoria Police employees, police custody officers will be subject to the legislative and other accountabilities that already apply to Victoria Police employees including the police personnel conduct jurisdiction of the Independent Broad-based Anti-corruption Commission.

The bill provides police custody officers with a range of custody management powers. These powers are modelled on existing powers of police officers and prison escort officers under parts 8 and 9A of the Corrections Act 1986 and under the Corrections (Police Gaols) Regulations 2015. The bill separates these powers into two key categories. First, powers to manage the good order and discipline of select police gaols. Police gaols are areas declared by the Governor in Council (GIC) and gazetted under section 11 of the Corrections Act. Police custody officer powers will only apply in respect of specified police gaols as declared by the GIC under the bill. Second, the bill provides for more limited 'transport and supervise' powers that enliven either on the direction of the chief commissioner (or his or her delegate), or, in very limited circumstances, on the direction of the court.

Police gaols powers

The police gaols powers are contained at clauses 10, 11, 16, 18, 19, 20 and 21. The bill respectively:

1. applies the police power to take fingerprints under the Corrections Act 1986 to police custody officers and enables the fingerprints to be taken in the vicinity of a police gaol and within a police station;

2. inserts into the Corrections Act 1986 the following provisions currently contained in the Corrections (Police Gaols) Regulations 2015 and applies them to police custody officers in the same way as they currently apply to police:

    i. manage visitors in police gaols, including requesting identifying information, search, seizure and ordering a person to leave the police gaol in certain circumstances;

    ii. a requirement for detained persons to give certain identifying information;

    iii. give orders that are reasonably necessary for the security, good order or management of the police gaol or for the safety of any person at the police gaol;

    iv. take photographs of detained persons for identification or custody management purposes and enables the photographs to be taken in or in the vicinity of a police gaol;

    v. restrain detained persons noting that the police custody officer power is limited to its exercise within a police gaol;

    vi. conduct a range of searches and seizures for the good order and management of the police gaol (including in respect of detained persons) and for more limited reasons.

3. provides for police custody officers to use reasonable and proportionate force while exercising their powers in respect of police gaols.

Powers to transport and supervise

The bill provides for police custody officers to have functions and powers to transport and supervise persons in custody including arrested persons when directed by the chief commissioner.

Specifically, clauses 7 and 21 enable police custody officers to:

1. give orders reasonably necessary for safety reasons;

2. search and seize items reasonably necessary for safety reasons;

3. apply instruments of restraint where reasonably necessary to prevent escape or the assault or injury to any person; and

4. use reasonable and proportionate force while exercising their powers in respect of people they are transporting or supervising.

These 'transport and supervise' powers enliven on a direction by the chief commissioner, which can be made in a range of circumstances such as:

1. supervising arrested persons at police stations and hospitals;

2. transporting certain detained persons to and from police gaols and other places such as prisons, courts and hospitals; and

3. incidentally supervising detained or arrested persons at the locations to and from which they are transported.

Clause 7 provides police custody officers powers to supervise certain persons who have been ordered by a court to be detained in custody on the court premises or have surrendered to the custody of the courts in answer to their bail. While the chief commissioner determines the allocation and deployment of police custody officers, this provision provides clarity for police custody officers who are in court and will provide them with appropriate powers to effect decisions and directions of the court in relation to these persons in the court's custody.

Ancillary powers

The bill also enables police custody officers to exercise a number of existing powers that are ancillary to their core custody management functions. This will give the chief commissioner flexibility to maximise the release of police officers to frontline duties.

Clause 24 enables police custody officers to exercise the powers of authorised officers under the Court Security Act 1980 including searching court visitors for prohibited items, seizing those items and removing persons from court premises. These powers are currently exercised by police, protective services officer (PSOs), contracted staff and appropriately authorised court staff. Providing these powers to police custody officers is primarily aimed at enabling them to respond to security incidents on court premises that involve the public where required.

Clauses 26 and 27 enable PCOs to supervise a person taking their own voluntary buccal swab DNA samples and fingerscans taken for identification purposes pursuant to the Crimes Act 1958.

Clause 29 enables the authorisation of appropriated trained PCOs to conduct oral fluid sample procedures of motorists who have tested positive to a preliminary roadside drug test under the Road Safety Act 1986.

The work of Victoria Police is of fundamental importance to a safe, secure and prosperous Victorian community. This bill will support the progressive release of police back into the community, where they can focus on tackling crime and keeping the community safe.

I commend the bill to the house.

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

Debate adjourned until Thursday, 29 October.

VICTORIAN ENERGY EFFICIENCY TARGET AMENDMENT (SAVING ENERGY, GROWING JOBS) BILL 2015

Introduction and first reading

Received from Assembly.

Read first time for Ms PULFORD (Minister for Agriculture) on motion of Mr Herbert; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Ms PULFORD (Minister for Agriculture), Mr Herbert 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 Victorian Energy Efficiency Target Amendment (Saving Energy, Growing Jobs) Bill 2015.

In my opinion, the Victorian Energy Efficiency Target Amendment (Saving Energy, Growing Jobs) 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.

Human rights issues

There are no human rights protected under the charter act that are relevant to this bill. I therefore consider that this bill is compatible with the charter act.

The Hon. Jaala Pulford, MLC
Minister for Agriculture
Minister for Regional Development

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr HERBERT (Minister for Training and Skills).

Mr HERBERT (Minister for Training and Skills) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

In Victoria, Labor governments have a strong tradition of implementing progressive energy policies which deliver positive outcomes for consumers, the economy and the environment.

Under a Labor government, we were the first state to require a mandatory renewable energy target and a 5-star standard for homes. We were also the first state to deliver a mandatory energy efficiency target through the Victorian energy efficiency target (VEET) scheme.

The VEET scheme was established by the Labor government to reduce greenhouse gas emissions, encourage the efficient use of electricity and gas; and encourage investment, employment and technology development in industries that supply goods and services which reduce the use of electricity and gas by consumers.

In operation, the VEET scheme supports over 2000 jobs, reduces household bills and cuts millions of tonnes of greenhouse gas emissions. However, despite these significant benefits, the former coalition government committed to abolish the VEET scheme.

Following the November 2014 election, the Andrews Labor government reinstated energy efficiency leadership in Victoria by announcing it would save the VEET scheme. The Labor government made this decision on the basis of the economic and environmental benefits the VEET scheme delivers for Victorians.

The Victorian Energy Efficiency Target Amendment (Saving Energy, Growing Jobs) Bill 2015 will amend the Victorian Energy Efficiency Target Act 2007 to:

a. set VEET scheme targets for 2016 to 2020;

b. provide a mechanism for setting future VEET scheme targets; and

c. clarify that retailer liabilities are intended to meet the VEET scheme target.

The VEET scheme, also known publicly as the Energy Saver Incentive scheme, is a market-based scheme that provides incentives to households and businesses to take up energy efficiency products.

Eligible energy efficiency activities earn certificates representing the amount of greenhouse gas emissions they abate.

Energy retailers surrender certificates each year to the Essential Services Commission, so that total liabilities meet the scheme target for that year.

Under the VEET act, targets are set in calendar years for periods of three years (a phase). The target must be set no later than 31 May in the year before the three-year phase. This occurred for the first phase (2009–11) and the second phase (2012–2014). However, a forward target was not set in regulations by 31 May 2014 as required.

Analysis has found that setting targets for five years achieved greater benefits than three-year targets. Increasing targets over time also maximises benefits by allowing new business models to develop to deliver these targets.

The bill sets annual VEET scheme targets for the five-year phase of 2016–2020. The targets have been set at a level to provide significant economic benefit, expected between $1.3 billion and $3.2 billion net present value (NPV) between 2016 and 2050. This is the value of avoided greenhouse gas emissions, improved air quality, and avoided energy generation and network costs.

This bill will set the scheme target for 2016 at its current level of 5.4 million VEET certificates. The target will then increase annually, reaching a target of 6.5 million certificates in 2020.

With each certificate having the equivalent value of 1 tonne of carbon dioxide, we will have committed to achieve a reduction of 30.2 million tonnes of greenhouse gas abatement over the lifetime of the measures.

The bill also provides for the setting of future targets for the remaining lifetime of the scheme. Annual targets for the two further phases in 2021–2025 and 2026–2029 will be prescribed in regulations.

The bill clarifies the link between the annual VEET scheme target and the delivery mechanism for achieving the target, energy retailers' liabilities under the scheme. The bill provides that the minister must have regard to the VEET scheme target when recommending the annual greenhouse gas reduction rates to be made by the Governor in Council. These rates are used in the calculation of energy retailer liabilities under the act. This amendment confirms existing practice and ensures that the total number of certificates that must be surrendered by retailers under the scheme will continue to meet the VEET scheme target each year.

The VEET scheme reduces overall energy demand suppressing wholesale electricity prices. This generates downward pressure on electricity bills for all consumers. The cost of generating certificates is more than offset by these benefits.

Through this bill, the Victorian government is establishing strong forward VEET scheme targets, which fulfils the government commitment to support jobs and assist with reducing Victoria's greenhouse gas emissions.

The VEET scheme underpins our state's energy efficiency sector and new scheme targets will build this industry further.

I commend the bill to the house.

Debate adjourned for Mr DRUM (Northern Victoria) on motion of Mr Ondarchie.

Debate adjourned until Thursday, 29 October.

GAMBLING LEGISLATION AMENDMENT BILL 2015

Introduction and first reading

Received from Assembly.

Read first time for Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) on motion of Mr Herbert; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Mr DALIDAKIS (Minister for Small Business, Innovation and Trade), Mr Herbert 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 Gambling Legislation Amendment Bill 2015.

In my opinion, the Gambling Legislation 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

Interstate exclusion orders

Section 77(3) of the Casino Control Act 1991 (CCA) makes it an offence for a person who is the subject of an interstate exclusion order to enter or remain in the casino. Section 3 defines an interstate exclusion order as an order made by an interstate chief commissioner of a similar nature to an exclusion order made under section 74 of the act.

Under section 74, the Chief Commissioner of Police may issue a written order to prohibit a person from entering or remaining in a casino or the casino complex if it is considered necessary in the public interest.

The offence was established as part of a national system of casino exclusions arising from a New South Wales government inquiry into the conduct of the Sydney casino licence. The inquiry proposed that the police commissioners of all states and territories be given the power to effect the exclusion of criminals from casinos and called for all states and territories to legislate for the establishment of a system of reciprocity for exclusions by police commissioners.

The bill makes a technical amendment to the definition of 'interstate exclusion order' to ensure all interstate exclusion orders are captured by the provision.

Precommitment information

Division 6 of part 8A of chapter 3 of the Gambling Regulation Act 2003 (GRA) creates a confidentiality obligation relating to information obtained from the precommitment system (precommitment information). This information is the play history, time and loss limits, and personal information of players using the precommitment system.

The existing precommitment confidentiality regime prohibits disclosure of precommitment information except in limited circumstances. It does not, however, prevent a person from being required to disclose precommitment information to a court.

The bill inserts an explicit provision in the GRA providing that a person must not disclose precommitment information to a court unless specifically authorised by the GRA.

Human rights issues

Section 12 — Freedom of movement

Every person lawfully within Victoria has the right to move freely within Victoria and to enter and leave it and has the freedom to choose where to live.

The right to freedom of movement may be engaged if the amendment is viewed as extending the definition of interstate exclusion order to include persons not previously captured. It is my view that the amendment does not expand the application of the legislation so the right to freedom of movement is neither engaged nor limited.

If freedom of movement was to be limited by this provision, insofar as it is limited any such limit is reasonable and justified under section 7(2) of the charter. As set out above, this is a reciprocal power for the purpose of enforcing an exclusion order already in place. It is restricted in its application, both in terms of who is affected and the area from which they are excluded. There are no less restrictive means available to achieve this purpose.

The particular exclusion is confined to exclusion orders made by, or at the direction of, an interstate chief commissioner of police and is required to ensure the casino remains free from criminal influence or exploitation.

Section 20 — Property rights

A person must not be deprived of his or her property other than in accordance with law.

Persons subject to an interstate exclusion order are also required to forfeit all winnings on gaming machines and table games to the state in the event that they enter or remain in the casino.

The amendments may engage the property rights provisions of the charter if the amendment is viewed as

authorising the deprivation of property not previously authorised by the CCA. A deprivation of property is permitted if the powers which authorise the deprivation of property are conferred by legislation or by common law, are confined and structured rather than unclear, are accessible to the public and are formulated precisely. It is my view that as the amendment does not expand the application of the legislation, it neither engages nor limits property rights.

If property rights were to be limited by this provision, insofar as they are limited, the right to deprive an excluded person of their property is permitted because it is conferred by legislation and confined in its application, therefore a person will not be deprived of their property except in accordance with the law.

Section 13 — Privacy and reputation

A person has the right —

(a) not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and

(b) not to have his or her reputation unlawfully attacked.

The right to privacy and reputation is engaged but not limited by the precommitment amendments in this bill.

The amendments will promote section 13 privacy rights by aligning the provision with the general confidentiality provisions of the Gambling Regulation Act 2003 to prevent a person's precommitment information from being disclosed in court proceedings unless specifically authorised by the GRA.

The Hon. Philip Dalidakis, MP
Minister for Small Business, Innovation and Trade

Second reading

Ordered that second-reading speech, except for statement under section 85(5) of the Constitution Act 1975, be incorporated into *Hansard* on motion of Mr HERBERT (Minister for Training and Skills).

Mr HERBERT (Minister for Training and Skills) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

This government recognises the gambling industry is an important part of our community that provides significant jobs, entertainment and tourism opportunities. The government has committed to developing programs and policies to address the insidious nature of problem gambling, with a specific focus on the minority of people who develop addictive and destructive behaviours.

Gambling addiction can have catastrophic consequences for some people. While gambling is a legitimate recreational activity, risks must be managed and addiction must be treated.

According to the 2008 gambling study in Victoria that surveyed 15 000 adult Victorians, 73 per cent of Victorian adults participate in some form of gambling each year, equating to almost 3 million people in Victoria. An estimated 28 000 of these Victorian adults are problem gamblers, and a further 95 000 are moderate-risk gamblers. While only representing a small percentage of the population, gambling by problem and moderate-risk gamblers represents a disproportionately large share of total losses from gambling and its harm.

As a result of the time and money they spend, problem gamblers may experience great financial hardship, relationship breakdown, involvement in criminal activity and alienation from friends and workplaces. Problem gambling can also lead to family dysfunction and domestic violence, including spouse and child abuse.

This government is committed to providing support to problem gamblers, to working with industry and problem gambling experts to prevent and minimise harm, and to supporting health professionals and family services to minimise and treat the harm caused by problem gambling.

The Gambling Legislation Amendment Bill 2015 makes several necessary reforms in relation to the regulation of gambling in Victoria.

I now turn to the provisions of the bill before the house.

Firstly, the bill makes several amendments to the Victorian Responsible Gambling Foundation Act 2011.

The bill amends the act to implement the government's election commitment to give the Victorian Responsible Gambling Foundation an advocacy and policy role.

The foundation plays a significant role in supporting Victorians affected by problem gambling and fostering greater understanding and awareness of responsible gambling in the wider community.

It works within a public health framework to build the resilience of Victorians to problem gambling. It achieves this through undertaking community education and awareness-raising activities to foster responsible gambling and promote problem gambling help services, and undertaking research to inform best practice in problem gambling treatment and prevention and responsible gambling communication.

The bill enables the foundation to draw on this knowledge, expertise and experience, to provide advice to the minister on matters related to its objectives under the act.

In a similar manner to VicHealth, which has successfully applied its knowledge and experience in advocating and providing policy advice to government, I see considerable opportunity for the foundation to draw on its relationships with government, industry, health professionals and community groups to provide the minister with informed advice to address problem gambling in Victoria.

For this reason, the bill provides for the foundation to consult with representatives of organisations and other persons in the exercise of its functions.

Providing the foundation with a legislated advocacy and policy role will supplement the policy advice the minister

receives from other bodies such as the Responsible Gambling Ministerial Advisory Council and the Department of Justice and Regulation, and support the government's decision-making in relation to responsible gambling policy.

The bill amends the foundation's governance arrangements in relation to the appointment and dismissal of the foundation's chief executive officer.

The current absence of responsibility for the board to appoint and dismiss the CEO is inconsistent with good governance principles and usual practice within the Victorian public sector.

The bill provides for the board to be responsible for appointing and dismissing its CEO subject to ministerial approval. The bill includes a transitional provision to provide that the current Governor in Council appointment will continue until the end of its natural term and may only be terminated under existing Governor in Council arrangements.

Finally, the bill amends the Victorian Responsible Gambling Foundation Act to allow the foundation to charge fees on a cost-recovery basis in limited circumstances for some of its education and training services, subject to the approval of the minister.

Secondly, the bill makes a technical amendment to the definition of interstate exclusion orders under the Casino Control Act 1991.

In Victoria, the Chief Commissioner of Police may issue a written order to prohibit a person from entering or remaining in a casino or the casino complex if it is considered necessary in the public interest. The Casino Control Act makes it an offence for a person who is the subject of an exclusion order, including an interstate exclusion order, to enter or remain in the casino.

The offence was established as part of a national system of casino exclusions arising from a New South Wales government inquiry into the conduct of the Sydney casino licence. The inquiry gave rise to the establishment of a system of reciprocity for exclusions by police commissioners.

In Victoria, these powers have been used to make orders to exclude Melbourne underworld identities, suspected mafia members and outlaw bikie gang leaders from the casino on public interest grounds.

Despite the intention of the interstate exclusion order provisions to capture all relevant interstate orders, not all interstate exclusion orders are made in the same way. For example, in some states orders are made by the casino operator at the direction of the Chief Commissioner of Police rather than by the chief commissioner directly.

The bill removes ambiguity to ensure all interstate exclusion orders are captured regardless of how the exclusion orders are made.

Thirdly, the bill makes a number of amendments to the Gambling Regulation Act 2003.

The amendments enable the government to ensure that the provision of responsible service of gaming training incorporates emerging research, industry best practice and changes to regulation of the industry by replacing the current training requirements and approval process with the requirement to complete a training course approved by the minister.

Victoria has a statutory requirement that gaming venue staff complete responsible service of gaming training. The aim of this training is to provide gaming venue staff with the knowledge and practical skills they need to provide gambling responsibly and to minimise harm to consumers. This will enable staff to assist those who may be having problems with their gambling or gambling at risky levels.

Deficiencies in the quality and consistency of responsible service of gaming training were identified by the Victorian Auditor-General's Office and the Responsible Gambling Ministerial Advisory Council, which undertook a review and made recommendations for change.

The government has been working with the Victorian Commission for Gambling and Liquor Regulation and the foundation to address these issues.

The government is developing a new model for responsible service of gaming training that will incorporate the improvements suggested by both the Victorian Auditor-General's Office audit and the council's review and is committed to redeveloping the training to ensure Victoria has the best training in Australia for staff working in gaming venues.

The bill amends the Gambling Regulation Act to enable regulations to be made to specify who must undertake responsible service of gaming training, the content of the required training, who is responsible for its delivery and when it must be undertaken. These amendments provide a flexible framework for the delivery of responsible service of gaming training and are the first step in the implementation of measures designed to improve this training in Victoria.

Finally, the bill amends the precommitment provisions of the Gambling Regulation Act to provide that a person must not disclose information obtained from the precommitment system to a court.

Precommitment is a vital harm minimisation and consumer protection measure that will help players control their gambling and avoid it escalating to harmful levels. Precommitment is not just for problem gamblers, it is for everyone who makes the decision to play a gaming machine.

The Victorian precommitment system will allow players to set limits on both the time they spend playing gaming machines and on their losses. The precommitment system will also enable players to track their play and spending over time so that they have a clear idea of how much time and money they spend playing gaming machines.

The precommitment system will capture the personal details and play history of players who choose to register for precommitment. The government understands the concerns about potential misuse of that sensitive information. Even though there is a general duty for all persons to keep precommitment information confidential, the law recognises circumstances under which information would need to be released. These amendments will help to

maintain the confidentiality of precommitment information by prohibiting the disclosure of precommitment information other than in accordance with the limited exceptions provided in the act.

De-identified data from the precommitment system will provide an important source of information regarding gaming machine play and the use of limits for the purpose of research and evaluation into the effectiveness of the precommitment policy.

I commend the bill to the house.

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

Debate adjourned until Thursday, 29 October.

ADJOURNMENT

Mr HERBERT (Minister for Training and Skills) — I move:

That the house do now adjourn.

Diwali and Annakut exhibition

Mr ONDARCHIE (Northern Metropolitan) — My adjournment matter tonight is for the Minister for Multicultural Affairs, the Honourable Robin Scott. It concerns the wonderful Diwali and Annakut exhibition that has been held here in Parliament House this week. The BAPS Shri Swaminarayan Mandir, in association with various Indian associations and organisations, has put on a wonderful display celebrating the upcoming Diwali festival, which, as you can see, involves the offering of food to the gods. Many parliamentarians and visitors have taken advantage of the wonderful display that our multicultural community has brought before us this week.

By way of my adjournment matter for the minister, I congratulate the BAPS Shri Swaminarayan Mandir on its work. This Diwali and Annakut exhibition in Parliament House was only possible because of the inspiration and guidance from His Divine Holiness Pramukh Swami Maharaj for hundreds of BAPS volunteers from his Australian sadhu representatives: Pujya Paramchintan Swami, Pujya Shrijikirtan Swami, Pujya Adarshmuni Swami and Pujya Priyachintan Swami.

I ask the minister if he can seek, in a bipartisan way, support and funding to continue that inspiration and guidance for an even bigger exhibition in 2016, involving even more Indian associations and organisations engaging with us here in Parliament.

myki fares

Ms PATTEN (Northern Metropolitan) — My adjournment matter today calls upon the Minister for Public Transport to consider extending the 2-hour myki fare to 3 hours for concession healthcare card holders. At the 2014 state election, the Australian Sex Party ran an online campaign asking people to vote for one of three policy ideas that we could champion if we were successful in being elected to the Victorian Parliament. Well, here we are! Twenty-three per cent of people voted for the introduction of motorcycle filtering and 35 per cent for freedom from bicycle helmets, but the winning policy, with 42 per cent support, was a push for 3-hour myki tickets on public transport. I am very pleased to be able to advocate for this policy in Parliament today.

Even though myki was initially rolled out in 2008, much confusion still exists about the use of the ticketing system. Furthermore, the limitations of ticketing times severely impact on people's ability to use public transport fairly and economically. If you live in the northern suburbs of Broadmeadows, South Morang or Mill Park and try to get into the city on a 2-hour ticket, it is impossible, especially during non-peak times, when there are only two or three services an hour. Those needing to travel to the CBD or other hubs for a job interview or a medical appointment or just to enjoy the city will almost certainly have to pay for a full day because of the distances they are travelling.

In order to allow greater travel flexibility and fairness as well as providing uniformity across the system, I call on the Minister for Public Transport to extend the current 2-hour myki to a 3-hour myki, seven days a week, for concession healthcare card holders.

Maryborough Education Centre

Ms TIERNEY (Western Victoria) — My adjournment matter this evening is for the Minister for Education and is in relation to the Maryborough Education Centre. I call on the minister to commit funds to improve the amenity of Maryborough Education Centre.

The centre is a school where young people of the Maryborough community can learn and grow in a supportive, respectful and inclusive environment. The teachers and other staff have positive and supportive relationships with their students, which form the basis of the centre's work. The Maryborough Education Centre has received a number of grants over the years to upgrade parts of

its grounds. However, further work is required to improve the amenity of the school. The school is located on a disused tip and has had issues with ground contamination, poor drainage and the near absence of topsoil for many years. The school has identified ground paths and beautification, front and centre, as its highest priority.

The education centre is a community centre. It is a vibrant one, and I take this opportunity to raise these issues with the minister and seek his action on them.

Bellarine Peninsula police resources

Mr O'DONOHUE (Eastern Victoria) — I raise a matter for the attention of the Minister for Police, and it relates to comments made by the member for Bellarine in the other place. I note my colleague Mr Ramsay has also raised this issue in this house on numerous occasions.

The action I am seeking from the minister is some clarification of the government's policy position relating to the Queenscliff, Drysdale and Portarlington police stations, because in the *Queenscliffe Herald* of June 2014 the member for Bellarine, in a piece she wrote for that publication, stated:

> The shadow minister for police and I are committed to maintaining all four stations if elected in November, with Queenscliff, Drysdale and Portarlington operational 16 hours …

The member for Bellarine confirmed this commitment in government. In *Hansard* of 28 May she is recorded as having said there will be:

> … extra police to ensure that we can reopen stations that the previous government closed …

I am seeking some clarity from Minister Noonan about what exactly the position is in relation to these three stations because, as he has said repeatedly, the allocation of resources is a matter for the Chief Commissioner of Police. But we have the member for Bellarine, who is now the Minister for Environment, Climate Change and Water, committing the then opposition and now government to this — and once elected she reaffirmed in *Hansard* the promise that these stations would be open 16 hours a day. You cannot have it both ways, so I am seeking some clarity from the minister as to what exactly the government's position is about these three police stations.

By way of further context and background, it is my understanding — and Mr Ramsay and Mr Morris would have a better local knowledge of this than I do — that Ms Neville's promise that she often spoke of before the election has actually not been fulfilled and that these police stations are not open 16 hours a day. I am not advocating for interference in the way that the Chief Commissioner of Police allocates police resources, but what I am seeking is clarity about the unequivocal promise that Ms Neville made on behalf of the then opposition and now the government. What is the status of the promise that these three police stations will be open 16 hours a day?

Social enterprise sector

Mr MULINO (Eastern Victoria) — My adjournment matter this evening is for the Minister for Employment. The action I seek is that she visit the Shire of Cardinia early in 2016 to engage with local social enterprises and representatives of local government and other relevant community stakeholders to discuss how the state government might best support the establishment of more social enterprises and the growth of this sector more generally.

I have spoken on a number of occasions about how social enterprises already play a very positive role in our society and our economy. Indeed they are becoming more common at a very rapid rate throughout our state. One example that I have talked about is an event that I attended a couple of months ago, the Crunch event which was organised by Social Traders and which was a very interesting forum in which entrepreneurial social enterprises pitched their ideas for funding from a range of sources.

In the Cardinia area there are already a number of very successful social enterprises — for example, the On Track Cafe at the Toomah Community Centre. That was the Cardinia Shire Council's first social enterprise cafe, and it is being managed by a former member of this Parliament, Tammy Lobato. I have eaten there are on a number of occasions. It provides both amazing food and incredible opportunities for young people in the area.

I also note that in the Casey Cardinia Business Awards for 2015 there is a social enterprise of the year category, and the nominees are Casey North Community Information and Support Service, Cranbourne Information and Support Service and Waverley Industries. Waverley Industries is a major employer of people with disabilities. It employs over 250 disabled adults in Notting Hill and Hallam. Those areas are not located in my electorate, but I

think it is fair to say that there would be many people from my electorate employed at those locations.

I am very keen to work with the minister, local government and other stakeholders to try to create more opportunities for these kinds of enterprises to flourish and provide opportunities for people from a range of backgrounds in my electorate so that they can gain employment and provide other beneficial services for the community.

Regional and rural roads

Mr MORRIS (Western Victoria) — My adjournment matter is for the attention of the Minister for Roads and Road Safety. After listening to members of this house spend a number of hours yesterday debating and ultimately condemning the Andrews government for neglecting Victoria's regional road network, I was pleased to read today that the Great South Coast Group — comprised of the Colac Otway, Corangamite, Glenelg, Moyne, Southern Grampians and Warrnambool councils — has issued a media release on this particular issue. The title of this media release is 'Calls for urgent action on port roads', and it states:

> 'Broken' freight roads in the Greater Green Triangle region are putting a $15 billion export industry at risk, the region's peak advocacy body has warned.

I was pleased to read what the group's chair, Cr Colin Ryan, who is also the mayor of the Shire of Moyne, said:

> 'The timber harvest in the Greater Green Triangle region is really only just getting started', Cr Ryan said.
>
> 'We're expecting a 700 per cent increase in harvest volumes over the next five to seven years — that equates to around $15 billion in exports through the port of Portland.
>
> 'If we don't take immediate action, all of that will be in jeopardy'.

I was very pleased to read this media release because I realise that the majority of members of this house, as well as councillors from the councils represented by the Great South Coast Group, understand the importance of our regional road network. It is critically important that the minister also understand the importance of the network.

I ask the minister to commit to following the coalition's lead — it was the coalition government that implemented the very successful country roads and bridges program — and properly funding Victoria's regional road network, and in particular roads in the south-west of Victoria.

Rural City of Wangaratta

Ms SYMES (Northern Victoria) — My adjournment matter is for the Minister for Local Government, the Honourable Natalie Hutchins. Democratically elected councillors will return to Wangaratta Rural City Council from October 2016. I take this opportunity to acknowledge the great work of the administrators, ably led by Ailsa Fox along with CEO Brendan McGrath. They are doing a fantastic job in developing vision and strategic direction and are working hard to produce positive outcomes for the residents of the rural city.

This good work followed turbulent years. There were instances of bullying and intimidation within the council, and the council was unable to operate efficiently in the way it should have. The legislation to formally dismiss Wangaratta Rural City Council received bipartisan support in 2013. Although in Victoria we operate under a system of electing persons to local council, and it is important that the residents of Wangaratta and the surrounding catchment area be afforded the right to directly elect their representatives, it is also important that community representatives be first rate and that the candidates the community chooses from be up to the job. It would be a shame if talented community-minded leaders who live in the area were reluctant to put their hands up because of historical experiences.

The recent review of the Rural City of Wangaratta electoral structure that was completed by the Victorian Electoral Commission has recommended — and the recommendations will be accepted — that next year's election involve seven councillors elected from one four-councillor urban ward and three single-councillor wards, ensuring that a spread of people who are in tune with local issues will be put forward.

I think councils are most effective when they reflect the communities they serve. I would love to see fresh faces, diversity and passion in the candidates for Wangaratta Rural City Council. I would like the minister to visit Wangaratta on a bit of a roadshow, run some forums promoting the return to democracy and call on those who might be interested to put up their hands to work with the council to provide support and development for potential candidates. This will ensure that we have people who provide the effective leadership and representation this community deserves.

Eastern Beach development

Mr RAMSAY (Western Victoria) — My matter is for the Minister for Planning, the Honourable Richard Wynne. It relates to the development of a mineral springs spa and wellness centre at Geelong's Eastern Beach. The development of a mineral springs spa and wellness centre on the foreshore at Eastern Park will provide a significant boost in local, national and international tourism for Geelong and Victoria. This is a very exciting infrastructure project, with an estimated total development cost in excess of $20 million. Once completed, the mineral springs spa and wellness centre will attract more tourists and visitors to Geelong, with the benefits to be felt right across the local economy.

The project has received strong support from Tourism Victoria and the Victorian Mineral Water Committee and complements the tourism infrastructure priorities for Victoria and the region. In the 2014 state budget the then coalition government provided funding of $85 000 towards a $120 000 in-depth feasibility study. I would like to take the opportunity to congratulate a former member for Western Victoria Region, David Koch, for his advocacy. The coalition government was keen to support the project, which forms part of the Eastern Park master plan and has been a key priority for the City of Greater Geelong.

The Geelong mineral springs spa and wellness centre feasibility report considered the project's financial viability, social and economic impact and traffic impact, and included the development of a planning and environmental strategy. It noted that the centre would take three years to build, create 84 jobs and inject $13 million into the state's economy. It also involved market engagement to determine what level of private interest there is in the project. The feasibility report was tabled at last week's council meeting, with councillors voting to continue work on developing an expression of interest process with a view to selecting a suitable developer. Once all these steps have been completed, the City of Greater Geelong will then consider offering this exciting opportunity to the private sector via a tender process.

The report indicated guests of the spa and wellness centre would have 180-degree north-facing water views of Corio Bay, while 'enjoying therapeutic bathing experiences, delightful culinary specialties and an extensive array of relaxing spa and massage experiences'. It sounds a bit like an advertisement, I admit. There is no doubt many locals and visitors alike will enjoy an experience usually reserved for fantastic spa facilities like those at Daylesford. Given the City of Greater Geelong has now completed the feasibility report — —

Ms Tierney interjected.

Mr RAMSAY — I thank Ms Tierney. I have been to the Daylesford spa, and I enjoyed that experience. The action I seek from the minister is that he discuss with council and the new Geelong Development Authority, chaired by Peter Dorling, how the Andrews government can expedite this exciting project for Geelong and Victoria.

The PRESIDENT — Order! That would save Mr Ramsay from having to travel to Daylesford.

Workplace learning coordinators

Ms SHING (Eastern Victoria) — The matter I wish to raise this evening is for the attention of the Minister for Education, James Merlino. It relates to various comments that have been made by the shadow minister for training, skills and apprenticeships, the member for Euroa in the other place, Ms Ryan, in relation to the Workplace Learning Coordinators program and a couple of media releases issued by the Assembly members for Morwell and Narracan that effectively scaremonger about a cessation of the Workplace Learning Coordinators program. They indicate that the review of the program will lead to a cessation of funding, which will lead to a reduction in services to assist people in accessing opportunities to develop skills and training and transition into employment.

In fact the funding for workforce learning coordinators was never cut; it was simply being reviewed by the Department of Education and Training. This program was only funded until the end of this year. The former coalition government had provided no certainty in funding beyond that. The fundamentals of this particular program are sound, but it needs to be tailored to ensure that it remains effective into the future.

The shadow minister has spent an awful lot of time pushing around misinformation regarding the program. It is interesting to see that that has now made its way into media releases from the members for Narracan and Morwell in the Assembly, claiming credit for solving what is, by their own design, a fictitious crisis. Despite the numerous media interviews and press releases to the contrary from the shadow minister no funding was ever cut from this

program and there has been no 'backflip', to quote the shadow minister.

If any workplace learning coordinators have in fact quit their jobs as a result of this, then the shadow minister should take personal responsibility for spreading this misinformation in the media and via those two members in the other place that the program has been cut. We are working assiduously to make sure that this misinformation is corrected. To that end I call upon the Minister for Education to immediately provide details of how and when this program will be delivered and to make sure that we are able to correct the record on this issue and give people the confidence around the continuation of this program and the delivery of services that will assist and enable Gippslanders to develop their skills and get the necessary support around workplace learning in our schools so that they find and keep the jobs they need and deserve into the future.

Sunbury rail crossing

Mr FINN (Western Metropolitan) — I wish to raise a matter this evening for the attention of the Minister for Roads and Road Safety, and it is in regard to a long-running sore in the township of Sunbury that needs to be rectified as soon as possible, which is the need for a third railway crossing in Sunbury. At the moment we have two, one at Station Street, which is a level crossing — which I have no doubt the government will at some stage in the next 50 or 60 years get around to removing — and we also have one at Macedon Street, which is a bridge that some genius at VicRoads closed some years ago without telling anybody, causing total gridlock from one end of Sunbury to the other, to the point where people just left their cars and came and picked them up the next day.

Mr Herbert — If they are still there.

Mr FINN — Some of them might still be there. There would be other suburbs, Mr Herbert, where they would not be there the next day, let me tell you, or certainly their wheels would not be!

As I said, the need for a third crossing is a matter that has been ongoing for some years. This need is particularly strong now that we have had the growth in housing at Jacksons Hill, which is a very impressive estate in Sunbury. Of course Sunbury itself is a rapidly growing area. When I first went there many years ago it was a country town — —

Ms Fitzherbert — It was a village.

Mr FINN — It was indeed a village, or a hamlet. Is there any advance on that? But now Sunbury is very much an outer suburb which has grown over the years. Many more thousands of people live in Sunbury than did so when I first went there in the 1970s. I assume the minister would understand that this means more traffic and that he would also understand that this means we need more infrastructure for that traffic, particularly for those vehicles that wish to get across the railway line from one side of Sunbury to the other, or access Vineyard Road or the Melbourne road on the other side of Sunbury. I ask the minister to get cracking with VicRoads and request that it draw up a plan. In fact it would not surprise me if it already had a plan, but if it has not done so, to get this project under way soon as possible. The people of Sunbury need this project to happen as soon as is practicable.

Fruit tree netting subsidy

Ms LOVELL (Northern Victoria) — My adjournment matter is for the Minister for Agriculture and it is in regard to the losses that the Goulburn Valley horticultural industry has faced due to recent severe weather events, and ways in which the government can support the industry to protect it from similar losses in the future. My request of the minister is that she consider providing a fruit tree netting subsidy for Victorian orchardists to assist in the prevention of future loss of crops from environmental impacts which are outside their control.

Last Thursday evening I attended a meeting organised by Fruit Growers Victoria for Goulburn Valley growers who were impacted by the damage done to local crops as a result of a recent hailstorm. It is always disappointing to hear of further bad news for our local horticulturists, as the industry has had more than its fair share of hard times in recent years. After the meeting a group of growers approached me to suggest that one way the government could assist would be through the provision of a government-subsidised hail-netting program.

New South Wales currently has a state government subsidy program for netting to protect trees from flying foxes. This is the same style of netting as hail netting and would not only help protect trees from hail damage but would also provide some protection from frost, offer some shade protection to prevent further damage to fruit from sunburn and assist with on-farm water use reduction. The New South Wales subsidy scheme has the government meeting half the cost of installing netting, capped at $20 000 per

hectare, with orchardists taking responsibility for all ongoing maintenance and replacement costs. Goulburn Valley growers believe a similar subsidy scheme for Victoria would be of benefit to the industry going forward. Our region is vital to the Australian fresh and preserved fruit market, with about 90 per cent of the nation's pears being grown in the Goulburn Valley as well as a significant proportion of the nation's apples and stone fruit.

Whilst a study of the full extent of the damage caused by last week's hailstorm is yet to be finalised, early results, which cover 315 hectares of orchards, show that in this area growers have lost around 47 per cent of their apple crop, 65 per cent of their pear crop and 76 per cent of their stone fruit crop. One young orchardist I spoke to, who has three orchards, had lost 100 per cent of his crop in two orchards and 60 per cent in the third. Results like this are devastating to growers and to our broader community. Growers have faced significant difficulties in recent years, with several major storm events and drought conditions over 10 years, with only a small reprieve. They are now facing further drought.

For the community the loss of the crops will also mean less employment throughout the fruit season from direct jobs in orchards, in packing sheds and at the cannery and also indirect jobs in packaging products, transport and other areas. In addition to all of these impacts, there will be a further impact on our retail sector, which is already suffering. My request of the minister is that she consider providing a fruit tree netting subsidy for Victorian orchardists to assist in the prevention of future crop losses from environmental impacts that are outside their control.

Diwali festival

Mrs PEULICH (South Eastern Metropolitan) — The matter I wish to raise is for the urgent attention of the Minister for Multicultural Affairs. I am asking him or someone in his office to try to resolve a last-minute impasse involving the Melbourne Racing Club, which manages Sandown Racecourse, and the police, particularly those at the Springvale police station. This impasse has emerged in the organisation of the Diwali festival event that is being held this weekend, which is probably one of the most successful events on the multicultural calendar. It is being organised by Australian Indian Innovations Incorporated (AIII).

I have attended the festival — as you have, President — for many years. Typically what I understand happens is that the cost of the provision of a number of security guards throughout the venue is factored into the cost of the overall venue. I believe it has been 12 in the past, with a couple of people doing bag searches at the entrance. In addition to that, the trustees typically hire a couple of guards for VIP security during the closing ceremony. The crowds usually number about 10 000, with 3000 to 4000 during peak times.

It has now emerged from discussion between the Melbourne Racing Club and the police that the police need to attend as well, and for the police to attend AIII needs to pay in advance several thousand dollars in cash. Obviously it is a hurdle that needs to be resolved. The event is just around the corner. There has been promotion of it, and obviously there will be a doubling up of the security arrangements. I am not aware and nor are the organisers of any particular trouble or drunken behaviour that they believe the police are arguing has occurred in the past. It does require some high-level intervention at very short notice.

I am asking the minister's office to assist, and I am asking because clearly some discussion between the Melbourne Racing Club and the police needs to occur to resolve what seems to be a misunderstanding. It is no reflection on anyone, but obviously this is an important event, and they do not have the additional several thousand dollars to pay security only a few days before the event is scheduled to take place.

We want to see the event proceed, and of course we also want people who attend to be secure and safe. I have never had any issues and have never seen any disturbances that have caused me concern and none have been brought to my attention. I believe it is a misunderstanding and hope the minister's office can intervene to resolve it.

Rural and Regional Committee export inquiry

Mr DRUM (Northern Victoria) — My adjournment matter is for the Minister for Agriculture and has to do with her response to a report that was handed down by the Rural and Regional Committee — which has been disbanded and merged into another monster committee — on its inquiry into the opportunities for increasing exports of goods and services from regional Victoria. The government's response is effectively the one and a half pages I hold in my hands. The government now thinks it is okay to interview and take evidence from 130 witnesses over nine months, and for the

committee to go out and hold seven regional sittings. And the government's only reference to the report is to say it will give further consideration to the recommendations as it implements its emerging policy agenda.

We have a situation where under the previous government, David O'Brien, a former member for Western Victoria Region, was chair of the Rural and Regional Committee. The committee travelled the state and interviewed everybody in relation to how we can increase our trade in goods and services in Victoria and how we can improve the goods we send overseas and interstate. Then we have this incredibly disrespectful and lazy response, which effectively refuses to touch on any 1 of the 23 recommendations handed down by the committee. It simply does not mention 1 of the 23 recommendations. It does not say whether the government supports, objects to, or supports the recommendations in principle. There is just no reference to them whatsoever.

The report talks about what the government is doing with its $500 million Regional Jobs and Infrastructure Fund, and we heard earlier today that has not even started 11 months in. This is one of the greatest pieces of snobbery. The government is, in my opinion, walking away from rural and regional Victoria, but to let the committee do this work and abandon it by offering absolutely no response to any of the 23 recommendations in its one and a half page response to the whole report is the most amazing response we could have.

I am calling on the minister to respond to the report properly by going through and responding to each of the 23 recommendations in terms of whether the government supports, does not support or supports them in principle — that is, to respond in the way governments have responded to joint committees of this Parliament and committees of this house for as long as I have been a member in this house.

Albert Park Primary School

Ms FITZHERBERT (Southern Metropolitan) — The matter I wish to raise on tonight's adjournment is for the Minister for Education and it concerns Albert Park Primary School, which I have spoken about before in this place. The school has been subject to enormous growth in numbers. In 2001 it had 278 students; today it has 510 students and next year it will have around 550 students. What is really needed is a new school in South Melbourne, but under this government, work on the Ferrars Street site has stalled and it has taken nearly a year to appoint an architect to start on the plans for South Melbourne Park Primary School. There will be no school on either site anytime soon, so existing schools in the area need help with gaining some extra space and resources to cope with increasing numbers of enrolments.

During 2010 Albert Park Primary School got eight portable classrooms and another six in 2014. I gather that finally discussions are happening between the Department of Education and Training and the Department of Economic Development, Jobs, Transport and Resources regarding the school taking into its grounds part of the intersection at Moubray Street West and Bridport Street next to the pop-up park. But what is really needed is less talk and more decision-making. This issue should have been sorted out well before now, so that Albert Park Primary School can organise itself for the school year in 2016.

An honourable member interjected.

Ms FITZHERBERT — I have already explained what it is that the previous government did to assist with extra classrooms. It was quite significant — and more than your government has provided.

I understand that there is imminent work to create two more classrooms for 2016 on the second floor of the main building, but despite this the school will have no music room, no French room and no library. All of the books have been boxed up in order to provide an additional classroom.

The new issue now is toilets. This is critical for the school given the growing number of students. It currently has nine toilets for boys and nine for girls — the teachers have had to give up their own toilets for the students. Under education department guidelines this school should actually have 37 toilets for boys and the same for girls.

The school now finds itself in the ridiculous position of being offered a portable block of toilets by the education department but having no room in which to put this temporary block. I note that unlike many other schools, Albert Park Primary School opens its grounds to the local community after hours as a community resource. More grounds at this school would mean more outdoor space for locals who have no personal connection to the school.

The action I am seeking from the minister is for him to direct the education department to buy or lease the land at the intersection beside the main playground at Albert Park Primary School so that it can be incorporated into the school grounds. This would

enable the school to plan its building needs for 2016, including room for an adequate number of toilets.

The PRESIDENT — Order! Is the request for the acquisition of the land the same request Ms Fitzherbert made on a previous occasion when she raised the subject of the school?

Ms FITZHERBERT — I have raised this issue before, and I am raising the new issue of the toilets, which has made it even more critical for a decision to be made now.

The PRESIDENT — Order! But the member is calling for the same action. I will let it stand tonight, but adjournment items should be on different matters. I understand that the toilets are a different issue within the school's needs, but if the action is the same, the member cannot go over that again. For tonight I will let it stand, as indeed I will let Ms Shing's adjournment item stand, despite the fact that I was concerned that it was focused very strongly on the actions of a member in another place — an opposition spokesperson. The adjournment debate is not really an opportunity to reflect in such detail on the actions of members in another place. I note that the member requested an action that I thought was satisfactory, so I will let that stand.

I will also make one other comment, and for this one I will stand to add some imprimatur to it. I must say that I have some concerns about the matter Mr Drum raised this evening. My concern is not about him raising that issue, because I think it was most appropriate that he did so. If in fact the information he provided to the house tonight, which was not within my awareness, is the case, then I am most concerned about the response to the report of a committee. I would certainly hope not only that the recommendations might perhaps be readdressed, as Mr Drum has asked, but that this will not be a precedent for responses to other committee reports.

As Mr Drum rightly outlined in his adjournment item, there is significant work put into these reports by members of Parliament right across the political spectrum. They involve hearings in many cases; they certainly involve submissions. Those hearings put people — stakeholders — to some inconvenience in terms of meeting our timetables for providing those submissions and appearing before committees, and it is certainly unfortunate if a government does not give a full and proper response to committee recommendations where so many people have invested in that work.

The Parliament goes to a great deal of expense in funding those committees, often funding hearings and in some cases even overseas trips and so forth, to ensure that the best possible information is available to inform the members of those committees and in turn the government, and to provide the government and members of other parties within the Parliament an opportunity to develop public policy in response to those committees' findings. So from my point of view, if indeed this is the case, as Mr Drum has put tonight — and I accept that this is the situation — I will investigate this matter further myself and may well also write to the government to express my concerns in the terms that I have expressed tonight.

This is an important matter. Certainly on this occasion there may be some mitigating factors, and no doubt the minister responsible, the government representative in this case, may well be able to provide some rationale as to why it was not possible to make a more fulsome response to this particular committee's report. I certainly do not see the fact that the committee has been disbanded or merged with another committee as a mitigating factor, because the report has been completed and tabled, and it includes recommendations.

As I said, it is at the very least discourteous to all those people — to the committee members themselves; to the staff who work so assiduously on these reports, often in their own time as much as in paid time; and certainly to members of the public or stakeholders who contribute to those reports by way of submissions or appearances at hearings — and in some respects it could almost border on a contempt of the committee's process. As a Presiding Officer I certainly would not wish to see that position continue.

As I said, there may be some mitigating factors in this case. Mr Drum is obviously seeking some information on that and indeed is going further in terms of calling for a more fulsome response from the government to the report. There may have been a timetable issue, and the government may well have intended to provide a further, fulsome, report — we will see — but I certainly want to indicate tonight what I see as the gravity of the matter that was raised by Mr Drum on this occasion.

Responses

Mr HERBERT (Minister for Training and Skills) — Before responding to the adjournment matters I seek your advice, President, on a couple of aspects of the ruling you just made. Firstly, in regard

to Ms Shing's comments, you pointed out that the adjournment debate is not an opportunity to reflect on the actions of others in the other place — the shadow minister in this case. I agree wholeheartedly with what you said, but I would say there are many occasions in the adjournment debate when ministers in the other place are reflected on disparagingly. I can only assume by your comments that what applies to a shadow minister should also apply to a minister in terms of not using the adjournment debate to reflect disparagingly on ministers.

The PRESIDENT — Order! My concern was a matter of the degree and the fact that it was a bit of a setpiece speech. It was more in that context rather than in preventing a member from raising an issue, expressing concern and responding to actions of an individual member of Parliament in the other place. I think it was a matter of degree. But, as I said, I do not set the matter aside. Ms Shing ought to expect a response from the Minister for Training and Skills and the appropriate minister as she has put that matter to the house tonight.

Mr HERBERT — On the matter of your response to Mr Drum's adjournment matter, I seek some advice. I should probably know this, but where there was business, such as a committee report, before a previous Parliament, what is the case in terms of the government's response, or the Parliament's response, in the new Parliament? Do those matters carry over, or are they, by law, assumed to be finished when that Parliament finishes?

The PRESIDENT — Order! When a Parliament is prorogued or has finished its session there would usually be a need for an instrument of the Parliament to resume an inquiry and to finalise a matter that had not been completed at the time of an election. In this case, though, we have a report that was tabled by the committee before it was merged with another committee. So we actually have the final document from the committee. The minister is right that the government might have taken an attitude. I thank the minister for raising this.

Let me go a little bit further on that. I believe it is still incumbent upon the government to provide a fulsome response in the context of what has been the historical record, where a committee has provided a final report. The reason for that goes back to what I was saying — that is, there is an expectation by the community. If the Parliament has expended funds on a report and the committee processes, if the community has participated in good faith in those committee processes and if the members of the committee finalise their work, then I think it is necessary for the government to provide that fulsome response.

As I said, I thank the minister for the query because it goes to an attitude I have. We have gone back through our records to check committee reports that have been tabled where there has not been a response to those reports. If those reports have been formally tabled and they are completed reports, then I think there is still a need to respond to them. Even though there may have been a change of government, I believe those reports ought to be responded to. I think the Parliament has a responsibility to the community as much as the government has a responsibility to the Parliament. I thank the minister for the query.

Mr HERBERT — I shall refer to the relevant ministers the following matters. Mr Ondarchie raised a matter for the Minister for Multicultural Affairs seeking funding for next year's Diwali exhibition at Parliament, seeking to make it bigger and better than before. I will pass that on to the minister.

Ms Patten had an issue for the Minister for Public Transport seeking to have 2-hour myki fares extended to 3 hours for concession healthcare card holders.

Ms Tierney had a matter for the Minister for Education seeking funds for the Maryborough Education Centre.

Mr O'Donohue had a matter for the Minister for Police asking that he provide information on the opening of the Queenscliff, Drysdale and Portarlington police stations.

Mr Mulino had a matter for the Minister for Employment seeking that she visit and meet with social enterprises in his electorate.

Mr Morris had an issue for the Minister for Roads and Road Safety seeking funding for regional road upgrades in the south-west.

Ms Symes had a matter for the Minister for Local Government seeking that the minister visit Wangaratta and promote the return of democracy to the Wangaratta Rural City Council.

Honourable members interjecting.

Mr HERBERT — I think there will continue to be a few questions on the Assembly electorates of South-West Coast and Polwarth coming up.

Mr Ramsay had a matter for the Minister for Planning seeking that the minister raise with council and the planning authority ways to expedite the north-facing mineral springs proposal for Geelong.

Ms Shing had an issue for the Minister for Education seeking that he provide information on funding for the Workplace Learning Coordinators program.

Mr Finn had an issue for the Minister for Roads and Road Safety seeking that VicRoads provide action on a third railway crossing in Sunbury.

Ms Lovell asked for action from the Minister for Agriculture seeking that a subsidy be established for fruit tree netting for orchardists.

Mrs Peulich raised an urgent matter for the Minister for Multicultural Affairs, seeking intervention and the facilitation of high-level dialogue between Melbourne Racing Club, the police and the organisers of the Diwali festival, which will occur at Sandown, regarding the costs and necessity of having police officers at that festival.

Mr Drum raised an issue for the Minister for Agriculture seeking a more detailed response to a report that the former Rural and Regional Committee tabled in Parliament last year.

Ms Fitzherbert raised a matter for the Minister for Education seeking that the government buy or lease land for more toilets at Albert Park Primary School.

These matters will be referred to the relevant ministers.

I have a written response to an adjournment debate matter raised by Ms Shing on 15 September 2015.

The PRESIDENT — Order! On that basis the Council will adjourn. I indicate that the Diwali display in Queen's Hall that Mr Ondarchie mentioned has — —

Ms Shing — He ate them all, didn't he?

The PRESIDENT — I do not think he has eaten them all. Apparently there is abundant repast there that people are invited to share. If you are going to tackle the rice, you will need a spoon. The house stands adjourned.

House adjourned 6.30 p.m. until Tuesday, 10 November.

WRITTEN RESPONSES TO QUESTIONS WITHOUT NOTICE

Responses are incorporated in the form provided to Hansard

Timber industry

Question asked by: **Ms Dunn**
Directed to: **Minister for Agriculture**
Asked on: **8 October 2015**

RESPONSE:

The criteria and standards for successful regeneration are provided in the Management Standards and Procedures for Timber Harvesting Operations in Victoria's State Forests 2014 which are incorporated into the Code of Practice for Timber Production 2014.

The monitoring of VicForests' forest regeneration performance following timber harvesting is conducted through the Forest Audit Program administered by the Department of Environment, Land, Water and Planning (DELWP). The Forest Audit Program audits a statistically representative sample of coupes submitted as successfully regenerated.

All 224 coupes have been regenerated and have been measured by VicForests as meeting the required standard for successful regeneration. Certainty that VicForests is meeting a high level of compliance with regeneration standards is provided by various independent audits, including the Auditor-General in 2013, and DELWP's Environmental Audit Forest Audit Program.

I am advised that all coupes submitted by VicForests as successfully regenerated over the last three years have been audited as compliant with the Code.

Melbourne Metro rail project

Question asked by: **Ms Wooldridge**
Directed to: **Special Minister of State**
Asked on: **20 October 2015**

RESPONSE TO SUBSTANTIVE QUESTION:

A cost review of Melbourne Metro Rail Project was commissioned by the Department of Treasury and Finance, as part of its High Value High Risk project assurance processes.

It is both common and good practice for expert independent cost reviews to be undertaken for very complex projects. The review is taking place now to ensure the final business case costs are as robust as possible.

DTF has appointed Turner and Townsend for a four week period in October and November to undertake its review. This is in line with similar engagements commissioned by DTF for other major projects.

Turner and Townsend is an internationally well regarded quantity surveying firm whose expertise will augment the detailed cost work already undertaken by the Melbourne Metro Rail Authority and its advisers.

RESPONSE TO SUPPLEMENTARY QUESTION:

The review undertaken by Turner and Townsend will contain commercially sensitive information about the project and is not expected to be released prior to the procurement process being undertaken.

Firearms

Question asked by: **Mr Bourman**
Directed to: **Minister for Training and Skills**
Asked on: **20 October 2015**

RESPONSE:

In response to Mr Bourman's question, I am advised by Victoria Police that the requested data cannot be provided. The LEAP database does not differentiate between indictable and summary offences.

I am further advised that the LEAP database cannot allow for the identification of prohibited persons.

Melbourne Metro rail project

Question asked by: **Ms Patten**
Directed to: **Special Minister of State**
Asked on: **20 October 2015**

RESPONSE TO SUPPLEMENTARY QUESTION:

The Melbourne Metro Rail Authority has identified the need to acquire a total of 15 residential buildings affecting 63 residential properties, and 29 commercial buildings affecting 31 commercial properties across the 9km alignment for the Melbourne Metro Rail Project.

The Melbourne Metro Rail Authority commenced engagement with landowners and tenants on Monday 19 October. Wherever possible, face-to-face or telephone conversations have been conducted and copies of letters have been hand-delivered and sent by Express Post.

The Government is committed to engaging with people who face acquisition with sensitivity and respect. The Government is providing significant notice, with properties not needing to be vacated until 2017.

The formal acquisition process will not begin until the necessary planning approvals have been achieved.

Land owners, residents and businesses whose properties are acquired will be treated fairly and, as appropriate, compensated for this disruption to their lives. Where surface property is acquired for the project, the acquisition will be undertaken in accordance with the Land Acquisition and Compensation Act 1986. The compensation process includes paying independently assessed market value for the property, entitlement to stamp duty savings when buying another property and reimbursement of reasonable legal, valuation and relocation costs.

MMRA has been engaging with affected businesses along the project alignment to explain the compulsory acquisition process and to get a better understanding of the specific circumstances for each affected business.

The Melbourne Metro Rail Authority has a Manager, Business Support Service to work with other staff members to liaise with affected businesses and traders, to discuss their business requirements, including possible relocation opportunities, and to provide advice, guidance and referrals to specialist services during this challenging time.

The Government is committed to keeping the community up-to-date as Melbourne Metro continues to gather speed and we get closer to the start of major construction works in 2018.

Public holidays

Question asked by: **Ms Wooldridge**
Directed to: **Minister for Small Business, Innovation and Trade**
Asked on: **21 October 2015**

RESPONSE:

The evaluation process will seek input from interested parties. The issues they choose to raise will be left entirely up to them.

Grand Final Friday

Question asked by: **Mr Ondarchie**
Directed to: **Minister for Small Business, Innovation and Trade**
Asked on: **21 October 2015**

RESPONSE TO SUPPLEMENTARY QUESTION:

The evaluation process will be finalised before Easter 2016. In keeping with the initial Regulatory Impact Statement we will be seeking feedback from interested parties.

TAFE board membership

Question asked by: **Mr Dalla-Riva**
Directed to: **Minister for Training and Skills**
Asked on: **21 October 2015**

RESPONSE:

The Education Legislation Amendment (TAFE and University Governance Reform) Bill 2015 restores elected staff directors and the CEO to TAFE boards. It does not provide for the addition of elected students on TAFE boards.

In 2012, the former Government passed legislation which removed elected staff and students, and CEOs, from TAFE boards.

The former Government also removed TAFEs' supplementary funding and changed the funding model so they were paid the same as non-TAFE providers.

The TAFE related changes were justified by the former Government on the basis that TAFE boards needed to become more corporate in the sector-neutral funding model that had been created. At the time there was significant stakeholder criticism of the changes to TAFEs, and this Government opposed the change.

Most TAFEs have struggled to adapt to the changes to market settings implemented by the former Government.

The governance structures put into place by the former Government prioritise commercial practice and efficiency ahead of the educational and social functions of TAFEs.

TAFEs cannot be governed on the basis of commercial drivers alone. The governance changes proposed in the Bill mean that TAFE boards will remain fit to govern large public entities and ensure TAFE boards understand the issues affecting staff, students and the community. Staff have a significant interest in TAFEs. Decisions that are made by TAFE boards should take into account their views.

These changes fulfil this Government's election commitment and have the support of TAFEs, their staff and students.

Vocational education and training

Question asked by: **Mr Finn**
Directed to: **Minister for Training and Skills**
Asked on: **21 October 2015**

RESPONSE:

As at September 2015 there are 3505 students enrolled in Barista training as part of the Certificate III in hospitality. In 2014, 6779 students were enrolled in the same course.