

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Thursday, 25 June 2015

(Extract from book 9)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

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

Legislative Council committees

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

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

Legislative Council standing committees

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

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

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

participating members

Joint committees

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

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

President: The Hon. B. N. ATKINSON

Deputy President: Ms G. TIERNEY

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

Leader of the Opposition:
The Hon. M. WOOLDRIDGE

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

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

Leader of the Greens:
Mr G. BARBER

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

¹ Resigned 25 February 2015

² Appointed 15 April 2015

PARTY ABBREVIATIONS

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

CONTENTS

THURSDAY, 25 JUNE 2015

STANDING COMMITTEE ON THE ENVIRONMENT AND PLANNING		<i>Eastern Metropolitan Region</i>	2040
		<i>South Eastern Metropolitan Region</i>	2040
		<i>Northern Victoria Region</i>	2041
		<i>Eastern Victoria Region</i>	2041
Reference.....	2011	BUDGET PAPERS 2015–16	2062
STATE TAXATION ACTS AMENDMENT BILL 2015		COURT SERVICES VICTORIA AND OTHER ACTS AMENDMENT BILL 2015	
<i>Clerk’s amendments</i>	2011	<i>Second reading</i>	2062
PETITIONS		<i>Third reading</i>	2065
<i>Korumburra Secondary College</i>	2011	APPROPRIATION (PARLIAMENT 2015–2016) BILL 2015	
CHILDREN’S COURT OF VICTORIA		<i>Second reading</i>	2065
<i>Report 2013–14</i>	2011	<i>Third reading</i>	2068
MUNICIPAL MONITOR		DELIVERING VICTORIAN INFRASTRUCTURE (PORT OF MELBOURNE LEASE TRANSACTION) BILL 2015	
<i>Darebin City Council</i>	2011	<i>Introduction and first reading</i>	2068
PAPERS	2012	<i>Statement of compatibility</i>	2069
BUSINESS OF THE HOUSE		<i>Second reading</i>	2071
<i>Adjournment</i>	2012	ADOPTION AMENDMENT BILL 2015	
MINISTERS STATEMENTS		<i>Introduction and first reading</i>	2073
<i>Target One Million</i>	2012	<i>Statement of compatibility</i>	2073
<i>TAFE Back to Work Fund</i>	2012	<i>Second reading</i>	2074
MEMBERS STATEMENTS		ENERGY LEGISLATION AMENDMENT (PUBLICATION OF RETAIL OFFERS) BILL 2015	
<i>Regional rail link</i>	2013	<i>Introduction and first reading</i>	2074
<i>Taxation reform</i>	2013	<i>Statement of compatibility</i>	2074
<i>Avis Meddings</i>	2014	<i>Second reading</i>	2074
<i>Firearms</i>	2014	ROAD SAFETY AMENDMENT (PRIVATE CAR PARKS) BILL 2015	
<i>Violence Free Families</i>	2014	<i>Introduction and first reading</i>	2075
<i>Laverton health clinic</i>	2015	<i>Statement of compatibility</i>	2075
<i>Women’s Health West</i>	2015	<i>Second reading</i>	2076
<i>Parliamentary study tours</i>	2015	PLANNING AND ENVIRONMENT AMENDMENT (INFRASTRUCTURE CONTRIBUTIONS) BILL 2015	
<i>National Emergency Medal</i>	2015	<i>Introduction and first reading</i>	2077
<i>Gerard FitzGerald</i>	2016	<i>Statement of compatibility</i>	2077
<i>Phillip Island</i>	2016	<i>Second reading</i>	2078
APPROPRIATION (2015–2016) BILL 2015 and BUDGET PAPERS 2015–16		ASSOCIATIONS INCORPORATION REFORM AMENDMENT (ELECTRONIC TRANSACTIONS) BILL 2015	
<i>Second reading</i>	2016	<i>Introduction and first reading</i>	2080
APPROPRIATION (2015–2016) BILL 2015		<i>Statement of compatibility</i>	2080
<i>Second reading</i>	2027	<i>Second reading</i>	2080
<i>Committee</i>	2027, 2042	ADJOURNMENT	
<i>Third reading</i>	2062	<i>See Me vehicle reflectors</i>	2081
ECONOMIC, EDUCATION, JOBS AND SKILLS COMMITTEE		<i>Jumps racing</i>	2082
<i>Membership</i>	2033	<i>VicForests</i>	2082
QUESTIONS WITHOUT NOTICE		<i>Kindergarten funding</i>	2082
<i>Minister for Small Business, Innovation and Trade</i>	2033, 2036	<i>Mooroopna Football Netball Club</i>	2082
<i>Regional development review</i>	2034	<i>Gippsland public transport</i>	2083
<i>Port of Melbourne</i>	2034	<i>Western distributor</i>	2083
<i>Regional network development plan</i>	2035	<i>Kew ambulance station</i>	2084
<i>Public holidays</i>	2035, 2036	<i>Darebin City Council</i>	2084
<i>Leadbeater’s possum</i>	2037	<i>Ararat and Stawell police stations</i>	2085
<i>VicForests</i>	2037, 2038	<i>Community correction orders</i>	2085
<i>Firearms</i>	2038, 2039	<i>Mobile Black Spot program</i>	2086
QUESTIONS ON NOTICE		<i>Port Melbourne Primary School</i>	2086
<i>Answers</i>	2039	<i>Country Fire Authority Fiskville facility</i>	2087
CONSTITUENCY QUESTIONS			
<i>Western Metropolitan Region</i>	2039, 2041		
<i>Southern Metropolitan Region</i>	2040		
<i>Western Victoria Region</i>	2040		

CONTENTS

<i>Centre–Mackie roads, Bentleigh East</i>	2087
<i>Responses</i>	2087
RULINGS BY THE CHAIR	
<i>Questions on notice</i>	2089
WRITTEN RESPONSES TO QUESTIONS WITHOUT NOTICE	
<i>Victoria Police</i>	2091
<i>Minister for Small Business, Innovation and Trade</i>	2092
<i>Kindergarten funding</i>	2092

Thursday, 25 June 2015

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

STANDING COMMITTEE ON THE ENVIRONMENT AND PLANNING

Reference

The PRESIDENT — Order! I advise the house that I have received a letter from the Honourable David Davis, chair of the Standing Committee on the Environment and Planning. He writes to me:

I am writing to advise the Legislative Council that pursuant to sessional order 6, at its meeting on 24 June 2015 the environment and planning standing committee adopted the following terms of reference as a self-referenced inquiry:

That the environment and planning standing committee undertake an inquiry into the Planning and Environment Act (Recognising Objectors) Bill 2015, and that the committee reports its findings and recommendations to the Legislative Council by 4 August 2015.

While the letter is dated 25 June, I am advised that that is an error in the letter and that the letter should have been dated 24 June. That is when it was written and conveyed to me.

STATE TAXATION ACTS AMENDMENT BILL 2015

Clerk's amendments

The PRESIDENT — Order! I wish to advise the house of a matter concerning the State Taxation Acts Amendment Bill 2015. It is a message that has been provided to me by way of a letter from the Clerk of the Parliaments with regard to some corrections to that bill, none of which have an impact in terms of the debate, the decisions or the amendments made by this house or indeed accepted by the Legislative Assembly. These are simply some consequential matters in terms of numbering and so forth.

The information I have been provided with by the Clerk of the Parliaments is as follows:

Under joint standing order 6, I have received a report from the Clerk of the Parliaments informing the house that he has made corrections in the State Taxation Acts Amendment Bill 2015.

The report is as follows:

Clause 15 of the bill inserts new sections 3A to 3F into the Duties Act 2000. I have deleted the quotation mark and second full stop at the end of new section 3E. They

are not required as the inserted text finishes at the end of new section 3F.

Clause 26 of the bill inserts new sections 3A to 3C into the Land Tax Act 2005. I have deleted the quotation mark and second full stop at the end of new section 3B. They are not required as the inserted text finishes at the end of new section 3C.

PETITIONS

Following petition presented to house:

Korumburra Secondary College

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the need for additional funding to complete the rebuild of the Korumburra Secondary College.

Neglected by previous Labor governments for many years, the former coalition government provided \$5.6 million for the planning and first stage of works at the school.

The petitioners therefore request that the Legislative Council urge the Labor government to fund the completion of the Korumburra Secondary College rebuild project as a matter of priority.

By Ms BATH (Eastern Victoria) (186 signatures).

Laid on table.

CHILDREN'S COURT OF VICTORIA

Report 2013–14

Mr HERBERT (Minister for Training and Skills) presented report by command of the Governor.

Laid on table.

MUNICIPAL MONITOR

Darebin City Council

Mr JENNINGS (Special Minister of State), by leave, presented further report.

Laid on table.

Ordered to be published.

PAPERS

Laid on table by Acting Clerk:

Charter of Human Rights and Responsibilities Act 2006 — Report on the Operation of the Act, 2014 (*Ordered to be published*).

Ombudsman — Reporting and investigation of allegations of abuse in the disability sector: Phase 1 — the effectiveness of statutory oversight, June 2015 (*Ordered to be published*).

Parliamentary Committees Act 2003 — Government Response to the Public Accounts and Estimates Committee's Report on the 2012–13 Financial Performance Outcomes.

Statutory Rules under the following Acts of Parliament —

Audit Act 1994 — No. 63.

Cemeteries and Crematoria Act 2003 — No. 59.

Estate Agents Act 1980 — No. 54.

Gambling Regulation Act 2003 — No. 55.

Legal Profession Act 2004 — No. 51.

Legal Profession Uniform Law Application Act 2014 — Nos. 52 and 53.

Liquor Control Reform Act 1998 — Nos. 56 to 58.

Road Management Act 2004 — No. 61.

Road Safety Act 1986 — No. 62.

Subordinate Legislation Act 1994 — No. 60.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 56 to 58.

Surveillance Devices Act 1999 — Australian Crime Commission Report, 2013–14.

Victorian Government Report on Multicultural Affairs — Whole of Government Report, 2013–14.

BUSINESS OF THE HOUSE

Adjournment

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

That the Council, at its rising, adjourn until Tuesday, 4 August, at 2.00 p.m.

Motion agreed to.

MINISTERS STATEMENTS

Target One Million

Ms PULFORD (Minister for Agriculture) — I rise to update the house on measures the government is

taking to implement its plan to get more people fishing more often through our Target One Million policy. Recreational fishing is not just a hobby; it contributes \$2.3 billion to our social and economic wellbeing and it encourages kids and families to get outdoors and learn more about their natural environment. The Andrews Labor government wants to grow recreational fishing in Victoria. We have a \$35 million plan to phase out commercial netting, upgrade fishing clubs and increase the number of recreational fishers to 1 million by the year 2020. The 2015 Victorian budget delivered \$20 million to kickstart this plan to phase out commercial netting, increase fish stocks, improve fishing and boating facilities and help local clubs promote this great pastime. Labor will increase fish stock from 3 million to 5 million a year, implementing a marine species stocking program in Victoria's drought-affected bays and inlets and introducing 15 000 barramundi to Hazelwood Pondage.

The government is also preparing to conduct a review to establish Fisheries Victoria as a statutory authority. It will require the body to introduce a minimum size for trout and to pursue reciprocal licensing arrangements with New South Wales. Victoria is home to 750 000 recreational fishers. By working with fishers to boost fish stocks and by supporting local clubs to grow membership and participation and improve access and facilities, Labor will grow recreational fishing and get more families outdoors.

President, it was my intention to make this statement in waders, but after taking some advice from you I sported them in Queen's Hall rather than in the chamber. I would like to explain to the house that this is a result of a bet that I accepted from my friend and colleague Shaun Leane. After the bet was accepted Mr Leane organised colleagues from this house and the other place to donate more than \$1500 to the Treasurer's budget charity, SecondBite. SecondBite redistributes surplus fresh food to community food programs around Australia. Food is donated by farmers, wholesalers, markets, supermarkets, caterers and events. This high-quality surplus food is redistributed to community food programs that support people who are homeless, women and families in crisis, youth at risk, Indigenous communities, asylum seekers and new arrivals. It is a wonderful cause, and we are pleased to be able to support it.

TAFE Back to Work Fund

Mr HERBERT (Minister for Training and Skills) — I rise to inform the house about successful applicants to the Andrews Labor government's TAFE Back to Work Fund. For the past couple of weeks I

have been visiting TAFE institutes across Victoria hearing about the fantastic projects that will be delivered under the program to support local people to get back into training and jobs, and also build business and industry capability. The \$50 million fund is in addition to the \$320 million TAFE Rescue Fund. It will play a key role in putting TAFEs on the road to recovery. It will also support Victoria's economy in partnership with industry and employers to provide training for students and unemployed people, which translates into real job opportunities and real productivity for industry. Through the TAFE Back to Work Fund, 44 TAFE initiatives will be funded, which will lead to an estimated 7000 new apprenticeships and traineeships and about 7000 job placements and will enable some 8000 students to go on to further study as the program is rolled out.

I was pleased to be at Holmesglen Institute of TAFE, Chadstone campus, this morning with the Premier, Daniel Andrews, where he announced \$1.4 million for a joint program between Holmesglen, Chisholm Institute of TAFE and the Brotherhood of St Laurence to get over 300 unemployed young people skilled-up for jobs in Melbourne's south-east. It is a terrible thing when young people leave school and end up on the treadmill of unemployment. It is a treadmill which leads to disillusionment, despair and a lack of hope for them. The program we announced this morning will help get those young people off that treadmill and onto the footpath of success, success through getting training and getting a real job.

The program links industry, the Brotherhood of St Laurence and local businesses. It provides specialised training to meet those industry needs and links them to getting a job at the end of it. It gets them job-ready, but also links to where the jobs are. It is a terrific project. It is one of five projects under this TAFE Back to Work Fund that targets unemployed, disadvantaged youth.

In total the five projects will receive about \$8.6 million in funding and will generate 312 apprenticeships, 408 traineeships, 572 job placements and will enable well over 1100 young people to move on to further studies and further work. It is a great initiative. I am pleased to be rolling this out right across Victoria. I look forward to more announcements to come as TAFE institutes take up this program and look to a new era where they can look directly to community need and their local industries and employment needs and look away from simply having to focus on keeping their doors open because of funding cuts.

MEMBERS STATEMENTS

Regional rail link

Dr CARLING-JENKINS (Western Metropolitan) — I rise to speak about the opening of the regional rail link and the Tarneit station open day. It was a pleasure to participate with the local community on Saturday, 13 June, in what was a very festive atmosphere at the brand-new Tarneit railway station. I spoke to many constituents, and the feedback was very positive. Locals are pleased with the way V/Line and ComfortDelGro Cabcharge Victoria (CDC Victoria) have worked together to coordinate their services and provide easy access to train stations via bus routes. Constituents are also pleased with the ample car parking at Tarneit station and the improved public transport access to the city.

The new services will be of great benefit not just to people in the city of Wyndham but also to people in the areas of Ballarat, Bendigo and Geelong. A particular highlight for me was the community liaison service provided by the Victorian Maori Wardens and bus operator CDC Victoria. This is a brilliant initiative, and I would love to see more such efforts by community groups across our state. Victorian-made products are a rare find these days, so I was very excited to see CDC's new Victorian-made double-decker bus hit the road for the first time.

The regional rail link is the product of a combined effort of the community, public transport operators and state and local governments. It is encouraging to see what can be achieved when people work together, something I hope to see more of during my time in this place.

Taxation reform

Mr RAMSAY (Western Victoria) — I wish to reflect on why I came to this place as a member for Western Victoria Region. After representing a farmer organisation for over a decade I was determined to add a strong voice to the Parliament, representing rural and regional communities. I remain convinced that removing regressive taxes, red tape and regulation while improving access to trade and government services will help small business and farming enterprises across the state. But the reliance on stamp duty, payroll tax and speeding fines — all regressive taxes — as part of state revenue will only change with significant tax reform at the federal level. The likelihood of these regressive taxes being removed will increase only if they can be replaced with progressive ones.

I am equally convinced that real tax reform will not be successful unless the federal Parliament adopts four-year terms. That would allow time for policy development and thorough community and stakeholder consultation. The white paper for tax reform is a good step, and an increase in GST will allow the transition away from regressive taxation. With Australian personal taxation rated as among the highest in the world, a tax on employers to employ just does not make sense, and neither does a small increment reduction in company tax that does not stimulate productivity.

The GST needs reforming urgently because local government is struggling to cope with a tax and grant system that is hopelessly inadequate. Strangely enough we have superannuation funds absolutely brimming with cash but not willing to invest in Victoria, particularly regional Victoria. We have taken small steps — for example, the fire services levy — in relation to tax reform, but we must do much more. I will continue to represent our regional communities to that end.

Avis Meddings

Mr DALIDAKIS (Southern Metropolitan) — Earlier this month I had the pleasure of presenting Avis Meddings with her 40-year membership medallion. Unfortunately Avis was unable to attend the state conference earlier this year due to ill health, but it was a great pleasure to attend the Hawthorn branch and deliver her medal myself.

The year 1975 was a significant time in the federal political landscape and within the ALP. The dismissal of Gough Whitlam saw a significant increase in ALP membership, and Avis is one such example. We were regaled by stories of Avis's involvement with the party, her passion for the Kooyong electorate, her vocal stance on refugee rights and her involvement in countless local campaigns over the years. One of the shining glories for Ms Meddings was that back in 2002 she ran for the seat of Hawthorn against Mr Baillieu. For the first time in a long time he was pushed to second preferences, which never happened again.

I congratulate Avis on a great campaign in 2002, and I also congratulate her on 40 years of membership of the Australian Labor Party. I thank her for her service to a progressive Victoria and a stronger Australia.

Firearms

Mr BOURMAN (Eastern Victoria) — It should be no surprise to people that members of the Shooters and Fishers Party are highly attuned to the happenings

regarding firearms and legislation in the state. Back in 1996 we saw changes which introduced what I call an unfair system, but it is a system we must abide by. Of late there has been some furore regarding an Adler lever-action shotgun that has somehow managed to make the front page of the news and is taking up a lot of air time.

I saw online last night that a senior minister has said that they share a concern about the classification of this firearm, but I need to remind the government that these classifications have been in place for 19 years and nothing has gone wrong. This firearm, the Adler shotgun, is by every definition a category A firearm, and it should remain a category A firearm.

Violence Free Families

Ms CROZIER (Southern Metropolitan) — Whilst all of us continue to be appalled by family violence deaths and the long-term damage that family violence does, I am pleased that there are commitments from governments of all persuasions to tackle the issue. In Victoria we have the royal commission, the federal government is addressing family violence through the Council of Australian Governments and right across the state community groups are identifying family violence as having a major impact and working with local government. I commend all governments for their efforts in doing what they can to address the issue.

Community attitudes must change if we are to make real change, because family violence is completely unacceptable at any time and in any place, and while I commend governments for doing what they are doing, there are many local organisations that are working within their own communities. They are identifying the problems, addressing the cultural concerns and working with schools, sporting clubs, authorities and voluntary organisations to provide support and programs within their own local communities.

One such initiative I would particularly like to highlight is an online behaviour change program developed by Violence Free Families. It is such a simple concept and has been trialled and evaluated by the University of Melbourne. It has received great support from the philanthropic sector. It is the only program that caters for a group of men who are unable or unwilling to attend face-to-face programs. These are men who are perhaps shiftworkers and who are unable to access a program because there is none available, especially in rural or regional Victoria, or because they are too ashamed to present to a conventional men's behaviour change program. This program provides great support not only to men but also to women and children who

are subject to family violence. This is exactly the sort of initiative that does not need the conclusion of the royal commission. It needs government support, and it needs it now.

Laverton health clinic

Mr EIDEH (Western Metropolitan) — I was pleased to hear that a new medical and allied health clinic had recently opened at the Laverton community hub. This integrated health clinic will be a fantastic boost to the health and wellbeing of locals and will also relieve some of the pressure on nearby hospitals by providing alternative options in non-emergency cases. This is a great achievement for one of the busiest and fastest growth areas, and providing these services to locals will ensure that it is easier to get fast medical treatment without having to travel far.

Women's Health West

Mr EIDEH — I congratulate Women's Health West on the announcement of a funding boost for its counselling services. This organisation has worked hard over the years to deliver family violence services and promote health to women in the western suburbs. Although domestic violence is prevalent in all communities, cultures and age groups, the western suburbs have been identified as facing the greatest demand for counselling services. With this much-needed boost of \$108 584 for the next financial year, 56 children experiencing family violence in this area will have extra support and counselling. This is in addition to approximately 150 young people who are already offered counselling by this agency each year.

Sadly, there is a high demand in the western suburbs for counselling services and support groups for women and children. These services are a crucial tool to encourage mothers and children to get the support they need to leave toxic relationships. These services are also important in rebuilding the lives of women and children who have experienced violence in their family lives. I commend the Andrews Labor government on this vital funding boost, which is part of a \$3.5 million boost to counselling services for family violence across Victoria.

Parliamentary study tours

Mr BARBER (Northern Metropolitan) — We are about to start an approximately five-week break between parliamentary sittings, and I am going to be using that opportunity to go on a study tour. I am sure that a number of other members around this place will be doing the same. Politicians do not arrive here

knowing everything about everything, and so it is appropriate for us to visit other jurisdictions to learn about both the best and the worst in the way they have been implementing their policies.

Do members know that Los Angeles has a plan to build a bigger tram system than Melbourne's? I have read about it, but I want to see it for myself and ask for some answers that are perhaps not immediately obvious from reading about it on the internet. Likewise, New York has a plan called Vision Zero — that is, zero pedestrian or bicycle fatalities in traffic crashes. I will be talking to some of the people who are involved in that program.

As Gorbachev said to Reagan, 'It is better to see something once than to hear about it a thousand times'. Members will all be hearing about it when I return; in fact I will be tweeting as I go. I also look forward to hearing reports from other members who travel over the winter break about what they learn and can bring back for our wisdom and edification.

National Emergency Medal

Ms SYMES (Northern Victoria) — I was honoured to be in my home town of Benalla on Sunday to attend the Country Fire Authority (CFA) National Emergency Medal presentation. We are all well aware of the horrific events of Black Saturday. The fires had a profound effect on Victoria and on the entire country. One of the things that often happens when tragedy occurs, however, is that we see the best of individuals and communities. The extraordinary service provided by thousands of CFA men and women during the summer of 2009 was inspiring.

Supported by other emergency services, CFA members were on the fire line, organising logistics and working in incident control centres. They supported individuals and communities in a variety of ways. Many of them risked their lives, put jobs on hold and worked tirelessly to save lives and property in the face of great adversity. It is this service and leadership that was acknowledged with the presentation of nearly 60 National Emergency Medals to CFA members who displayed sustained service to others during this declared nationally significant emergency.

I was proud to present the medal to members of the following brigades from the north-eastern region of Victoria: Benalla, Boorolite, Bowmans-Murम्ungee, Eldorado, Greta, Lurg, Merton, Oxley, South Wangaratta, Swanpool, Tatong, Thoona, Wangaratta and Woods Point. My home-ground advantage gives me the capacity to also acknowledge and pronounce the

fantastically named Goomalibee-Upotipotpon fire brigade.

Gerard FitzGerald

Mr MORRIS (Western Victoria) — I was saddened to hear earlier this week that Mr Gerard FitzGerald, the highly decorated coach of the North Ballarat Football Club, will not continue in the role next year.

Mr FitzGerald has achieved much during his playing and coaching career, including a hat-trick of Victorian Football League (VFL) premierships from 2008 through to 2010. He holds the record for the most games as a VFL coach, currently at 337. Amongst many other achievements — too many to mention here — Mr FitzGerald has also coached the North Ballarat Rebels under-18 team as well as many other football clubs.

Mr FitzGerald, or ‘Fitzy’ as he is affectionately and ubiquitously known in Ballarat, is a stalwart of the Ballarat community, a great football coach and, more importantly in my view, a positive role model and man of great character who helps many young people fulfil their potential both on and off the football field. I note that Fitzy will coach the Roosters for the remainder of the 2015 year. I wish the Roosters well, and I wish Fitzy all the best in his future endeavours, whatever they may be.

Phillip Island

Ms SHING (Eastern Victoria) — It was my great pleasure to drive around Phillip Island and attend a number of meetings, consultations and discussions with people from a variety of groups last week. In particular I met with the CEO of Phillip Island Nature Parks, one of the state’s greatest contributors in terms of tourism, in relation to branding of the state and to learn about some of the best experiences one can possibly have as far as being up close and personal with wildlife — namely, the little penguin. It was exciting to hear about future development plans and about a partnership with WWF as far as interactive tours are concerned and to make sure the penguin habitat is, as far as possible, protected and restored.

I then went on to meet with the Phillip Island road users group, which has quite rightly and justifiably raised concerns about the influx of high numbers of visitors during peak holiday periods to a town that has relatively sparse infrastructure as far as roads and road treatments are concerned, to hear what the position is in relation to what is required to be done to make the roads safer and to minimise fatalities, collisions and near misses.

I then went on to meet with representatives of the Phillip Island Conservation Society to discuss their concerns and priorities for the future, as well as meeting a very grumpy koala called Harriet at the Koala Conservation Centre, before meeting with Destination Phillip Island general manager Kim Storey to discuss future plans for tourism and business development in the area.

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

Second reading

Debate resumed from 24 June; motion of Mr HERBERT (Minister for Training and Skills) and motion of Ms MIKAKOS (Minister for Families and Children):

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

Ms BATH (Eastern Victoria) — It is with pleasure that I rise to speak on the Appropriation (2015–2016) Bill 2015 today. Labor’s Victorian budget came in a package of documents with the heading ‘For families’. The cover of each document features photographs of people with smiling faces. I can only assume that the photographs of these people were taken in the city, because my concern is that it would be hard to find really happy, smiling faces in rural and regional Victoria with this budget. Unfortunately the budget has delivered very little for the country.

On a point of clarification for the government, regional Victoria is not just Ballarat and Geelong. Gippsland, in my electorate, has so much to offer, but it finds it hard to compete for its fair share of the resource pile and has largely been neglected in this budget. It was disappointing that regional Victoria missed out on its fair share of funding from the major projects budget, with only 2.9 per cent of the allocation of the infrastructure budget. This occurred even though 25 per cent of Victorians live in regional Victoria.

Councils in my electorate are devastated by the government’s decision to cut the \$160 million country roads and bridges program, which provided \$1 million each year to each rural council. This was a fantastic program that was delivered by the coalition, which committed to continuing it before the election because it was so successful. Along with the scrapping of this program comes the government’s rate-capping proposal, which may place more pressure on small rural councils in funding the necessary services and infrastructure programs. Then there was the disappointing 10 per cent cut to VicRoads funding,

which can only result in regional Victorians dodging more potholes and travelling on substandard roads.

More pressure on country Victorians comes with the government's decision to increase the fire services levy by 7.2 per cent. The coalition, when in government, introduced a fairer and more equitable fire services levy, and Labor's changes will hit rural and regional Victorians the hardest — for example, farmers, rural homeowners and businesses will be out of pocket. It appears that this increase in the levy is to fund additional paid firefighters for metropolitan and suburban areas.

Also of concern is the fact that the agriculture budget has been cut by 12 per cent, the wild dog bounty is gone and the fox bounty has only a year to run. Government members do not seem to think it is important that the wild dog bounty has been cut, but they need to understand that horrific injuries have been inflicted on livestock — sheep in paddocks — and that this has an economic flow-on effect as well. We now see farmers sleeping outside with their flocks in order to protect their livestock.

The Macalister irrigation district project also missed out on funds in this budget. This major irrigation system modernisation project was strongly supported by the coalition government, with \$16 million provided and another \$10 million committed before the election. I can only hope that future funding is coming from the Labor government, as this is a vital project that is expected to provide the economy with approximately \$45 million every year through increased water efficiency and food production.

It was also disappointing that no funds were provided to South Gippsland Water for the northern towns water project, which would improve water security for local towns in my electorate, including Korumburra, Poowong, Loch and Nyora.

Only two days ago I listened to Mr Herbert, a member for Northern Victoria Region, praise the budget for delivering jobs. I know he is passionate about delivering jobs; however, it was hard to swallow his comment that Labor is supportive of job creation and is boosting employment with respect to the Latrobe Valley, in my electorate. Labor's decision to cut a highly successful job creation program will have the opposite effect. My colleague Russell Northe, the member for Morwell in the Assembly, is passionate about that program.

I refer to the \$15 million Latrobe Valley Industry and Infrastructure Fund, which was established by the

coalition and supported more than 40 businesses, leveraged close to \$1 million in investment and created over 1 100 jobs in our community. It was a highly successful program which not only created employment but also diversified our local economy, but it has been cut. While Labor may be creating jobs through large infrastructure projects in the city, those in regional Victoria, such as those in the Latrobe Valley, have been forgotten.

The regional development output budget is also being cut by 24 per cent, and, as I understand it, the Regional Infrastructure Development Fund is being used to fund projects that should have been funded through other departments, such as agriculture, environment, health, sport and arts, to allow the money that is left in the core budget to be spent on city-centric projects. It is a duplicitous way of trying to look as though regional projects are being funded when really the government is investing the absolute minimum that it can spend on regional development through legislation. The coalition made sure that our Regional Growth Fund was used for projects that would develop regional areas. This government's infrastructure fund seems to pale in comparison.

Another hit to regional Victoria has been the cuts to the Regional Victoria Living Expo. This year 48 regional and rural councils and thousands of Victorians took part in the successful expo, which has helped to drive tourism and economic development in our rural communities. Cutting this expo will hurt regional Victoria.

While many areas in my electorate missed out, I am relieved to see some wins in education. As a former teacher, I understand how important it is that school infrastructure allow students to work at their best and enable them to have the best possible opportunities. Therefore I am very pleased to see that the Sale Specialist School is funded in this budget. I know that the former local member, Mr Peter Ryan, the former Leader of The Nationals, along with my other Nationals colleagues in the Assembly Tim Bull, the member for Gippsland East, and Danny O'Brien, the member for Gippsland South, fought very long and hard for the Sale Specialist School. We want the special kids in Sale to have a great opportunity to learn in a positive environment.

On the subject of schools, I raise the issue of the Morwell Primary School regeneration project, to which the coalition, while in government, made an election commitment of \$13 million. This money would see the amalgamation of Morwell Primary School, Tobruk Street Primary School and Commercial Road Primary

School all on one site. The former government was also involved in the redevelopment of Morwell Park Primary School. While it is pleasing to see that this government has contributed \$10.45 million to the Morwell schools regeneration project, it is concerning that Morwell Park Primary School seems to have been left off the funding list.

Last sitting week Mr Dalidakis was rejoicing that the government is pouring approximately \$3.9 billion into education. Listening to his contribution, I heard him list a number of schools being funded. They were all metropolitan schools. Missing from this budget is funding for Korumburra and Leongatha secondary colleges in South Gippsland, Wonthaggi Secondary College in Bass and Bairnsdale Secondary College in East Gippsland. The coalition had committed to funding all of these schools if it were returned to government. I can only hope that these schools are on future funding lists, because country students deserve equal opportunities to those attending city schools.

While Morwell did attract some budgetary spending, another important town missed out entirely: Traralgon has a population of 28 000 people yet is the only town in Victoria that does not have a heated indoor aquatic facility. Such a facility would create amazing opportunities for economic development and improve the health and wellbeing of the local population. The coalition made a pre-election commitment to contribute \$9 million towards supporting the council to build this new aquatic centre, but that money is missing from this budget.

While I understand that it is hard to please everyone when developing a budget, I believe it is important to remain fair. The coalition achieved fairness by cutting debt, reducing red tape, cutting taxes and delivering services to country Victoria. Labor's budget has largely ignored rural and regional areas. We have new taxes and increased taxes despite promises to the contrary. The government has made cuts to important regional programs, which will impact upon opportunities for people living in regional areas. I will do my best to fight for the needs and wants of my constituents in regional Victoria. I can only hope that this government takes the time to look away from the bright city lights to see how investing in country Victoria today can be hugely beneficial for the future of our state.

Ms DUNN (Eastern Metropolitan) — I appreciate the opportunity to respond to Labor's first budget since 2010. This is a budget that is best characterised as two steps forward and three steps back. There are certainly steps forward in numerous areas, but these steps mainly correct the previous government's neglect of public

transport services and infrastructure. This budget has no bold vision, no integrated plan for transport, no vision for the future of our forests and nothing new for renewable energy. The government is continuing a business-as-usual approach to the management of the state. While the Greens respect the role given to us by the people of Victoria, we are going to hold the government to account against a standard that the people of Victoria deserve: a decent, fair and compassionate government working towards a prosperous present and a sustainable future.

While it is good to see that a number of Labor's key election promises have been converted into budget commitments — investment in Melbourne Metro, the announcement of new rolling stock, a high-capacity signalling trial and the level crossing removals are all welcome — these initiatives are just the must-do projects that show the government's laudable but hardly courageous attempts to start playing catch-up with our failing transport system after many years of neglect by successive Labor and coalition governments. These initiatives represent the minimum needed to prevent the Victorian public transport system from sliding into national and international disgrace as Melbourne continues to grow faster than any other city in Australia.

I do have particular concerns in a number of areas relating to my portfolio work as the Greens spokesperson. I begin with our forests, for which nothing new has been allocated to protecting the habitat of the Leadbeater's possum from destruction by unsustainable logging, despite the species being listed as critically endangered. Though a task force has been set up, as a bare minimum there should be a moratorium on logging in Leadbeater's possum habitat while that work is conducted. There is also no money allocated to the development of the Great Forest National Park. This government is sticking to the plan that sees logging continue in the native forest industry despite it yielding few jobs. It is sticking with the mantra used by a small number of timber industry lobbyists, who claim there are 21 000 jobs connected to logging in native forests. There are nothing like 21 000 jobs in native forests. In the 2011 census the number of Victorians who specified forestry and logging as their occupation was 559.

Native forest logging destroys pristine native forest habitats forever. Logging is associated with an unsustainable industry that is begging for modernisation. The government should be investing in higher job commercial timber plantations, higher job products in the finished timber market and higher job tourism industry outcomes by moving forward with the

Great Forest National Park. The Greens want the best long-term outcome for the timber industry, for the environment, for climate change, for endangered species and for the economy. Let us have a full inquiry into the regional forest agreements to expose the shameful sham that continues to be perpetrated on the Victorian public in the name of sustainable forests management. And while we are at it, let us inquire into the operation of VicForests too.

I move to public transport. The Andrews government's first budget has condemned public transport users to continuing overcrowding on trams and trains. All meaningful investment in new rolling stock is off in the never-never, meaning that overloaded trams and trains will only get more crowded during this term of government. I invite members to commute on our public transport system for themselves so they can experience the sardine crush that commuters experience on a daily basis. While it is good to see investment in Melbourne Metro, new rolling stock, a high-capacity signalling trial, level crossing removals and upgrades to busy rail lines, these are cherrypicked initiatives that do not sit in any overall transport plan. The real test is whether we will see more train services and greater frequencies across our rail networks — or are the level crossing removals really only about road-based transport?

Where is the integrated public transport plan? Where is the government on cost-effective fixing of the small gaps in the trams network? Where is the government on Doncaster rail and Rowville rail? Doncaster rail has been talked about since 1890, and it featured as planned works in 1969. It will shift 1000 people per train off the Eastern Freeway and massively reduce congestion in Hoddle Street and Alexandra Parade. Where is the government on addressing the immediate crisis of overcrowding on commuter public transport? Yes, the additional investment is good, but what about a fully integrated plan to capitalise on existing public transport networks to build intermodal links for across-town transport? What about a clear plan for integrating cycling infrastructure with public transport links to take the pressure off roads and public transport? What about the buses?

The Auditor-General has recently exposed major problems in the operation of Melbourne's bus network. Buses are fantastic. I am a bus fan, along with many of our supporters. The beauty of buses is that they use existing infrastructure and have great flexibility in meeting the community's needs. They should connect local communities with speedy rail transport. They should get people to where they want to go in ways that rail cannot.

What about freight management? Instead of waving in the toll road companies to take over the role of responsible government in transport planning, how about developing a proper plan that gets to the heart of the issue of lowering ever-increasing freight truck numbers on Victorian roads? How about creating real incentives for the port to get freight onto rail? While it is at it, how about the government taking responsibility and getting to the bottom of the freight movement inefficiencies that see many unnecessary container movements, putting more containers onto Melbourne roads than need to be there?

I turn to local government, a tier of government that is very dear to my heart. Local government is a particularly sore point in this budget. Before the election Labor launched a cynical attack on local government — a grab for popularity — by introducing a consumer price indexed rate cap. It has kept its promise so far by pushing the issue to an inquiry into how to implement it.

In the context of the \$29.6 million cut to local government funding, the government needs to release its modelling of the true effect of the introduction of rate capping on local councils. The true effect will be a reduction in services such as immunisations, maternal and child health, childcare services, meals on wheels, aged-care services, family support and counselling services, animal regulation, road repairs, local libraries and sporting facilities. That names but a few of the services that local government provides. In my experience with the Yarra Ranges Shire Council, that council provides 150 services to its community. Which of those will be under threat from a CPI-imposed rate cap? I lament for the community there and that loss of services.

How about a program to incentivise councils to take a participatory budget-setting approach through interactive processes to allow residents to have a real say in the services they fund through council rates? How about treating local councils with the respect they deserve as they take on more responsibilities while state and federal governments wind back funding for support services?

The government should hardly be congratulated for merely following promises to the people of Victoria. While the average voter is getting all too accustomed to politicians who promise one thing prior to an election and then deliver something completely different when elected, I do not accept that the Labor government should receive any accolades for shocking the average voter by actually meeting its pre-election commitments. And what about those key initiatives that did not make

the promise list? There is no promise for Rowville rail. There is no promise for Doncaster rail. Too bad for the people of those communities; there is nothing here for them. They are condemned to their cars and to traffic congestion for, it seems, yet another term of state government.

What we need is a bold vision to address the future of our forests and threatened species, to transition our state to a renewable energy future and to have a transport plan that delivers a public transport system that gets you where you want to go, when you want to get there. Our growing state deserves no less. The Greens will be holding the government to account to a standard that the people of Victoria deserve.

Mr MORRIS (Western Victoria) — I rise to make my contribution with regard to Labor’s budget. Unfortunately it is a budget of broken promises. It is a budget of spin and lies. It is a most unfortunate budget, not only for Victoria in its totality but especially for regional and rural Victoria and in particular western Victoria. I was greatly concerned when I read of the new taxes and surcharges that are going to be imposed upon the great people of Victoria. We had a commitment from both the Premier and the Treasurer that there would be no new taxes, yet in this place just this week we have been debating a new tax on foreign investors purchasing residential land.

Mr Dalidakis interjected.

Mr MORRIS — As Mr Dalidakis well knows, in the inquiry in which we discussed the new tax, the government was shamed into amending its legislation to ensure — —

Mr Dalidakis interjected.

The PRESIDENT — Order! Mr Morris is making a speech. He is not having a conversation with Mr Dalidakis, especially by way of interjection. It has been going on right through the last couple of speakers as well. It is not on. Mr Morris to continue, without assistance.

Mr MORRIS — We also saw the slashing of 3700 jobs with the cancellation of the east–west link, which is going to cost Victorians up to \$1 billion — a significant and critically important infrastructure project that is not going to occur. We know that in the region of western Victoria, where manufacturing is having a tough time but is still critically important, one of the main difficulties manufacturers have is getting their goods to port. What we have seen from this Labor government is that it has cut an important project that was going to deliver that certainty and reduce travel

times to the port, which has hurt manufacturers in western Victoria.

Unemployment is forecast to increase. We have seen that growth is down and inflation is up. We have seen not one additional police officer in western Victoria west of the Bellarine Peninsula. It was a commitment based wholly on politics to have new police based at Bellarine. This Labor government is not committed to serving Victoria and ensuring that the community of Victoria is kept safe; rather, those opposite are interested in looking after their own seats.

I listened with interest to Ms Dunn’s contribution with regard to local government, because what we have seen from this government is an attack on local government. Local government delivers incredibly important services across the breadth of our community, but what has this government done? It has cut the country roads and bridges funding, a \$160 million program which served our 40 smallest councils by ensuring that they had the capacity to maintain their roads and bridges, which were crumbling prior to the election of the coalition government and which are going to crumble again under this Labor government.

Where are those funds going to go? The Labor government has said, ‘Don’t worry, those funds are still going to be spent on roads’. Whose roads are they going to be spent on? They are going to be spent on the roads that the government is not responsible for. The government is ripping money out of local councils that was intended to ensure that their roads and bridges are kept in good order and placing those funds into bridges and roads in its own members’ electorates.

On top of that, this government is introducing a rate-capping regime that is going to decimate the services local government provides to our community. I go around and speak to many mayors and CEOs from many councils across western Victoria, and I have heard discussion about what this is going to mean. Is it going to mean a reduction in library services, or is there going to be a reduction in child and maternal health services in our community, the critical services that are delivered by local government? We have rate capping, and we have the cutting of the country roads and bridges program at the same time. This is going to decimate our smaller councils in western Victoria, whether they be the Buloke shire, the Yarriambiack shire — it goes on. These are the smaller councils which do not have the capacity to raise those funds and which were appropriately supported by the former coalition government but have been forgotten by this Labor government.

Then there are the other election commitments that this government has failed to meet, one being the late-night bus service between Melbourne and Ballarat. It sounded like a great idea; a bus service leaving Southern Cross station at 2.00 a.m. to return people home after a night at the football, a concert or just a dinner and a show with their significant other. However, this service has not started. This is an election commitment that the government has not kept.

Ballarat in particular is growing very quickly. It is growing at 2 per cent per annum. Of the order of 2000 people are moving to the great city of Ballarat each year. What is it that people come to Ballarat for? They come to Ballarat for the great education that is provided there, for the magnificent gardens and also because of the excellent health care that is provided in Ballarat. That was provided and well-supported under a coalition government. I was recently in Ballarat for the opening of the helipad and multilevel carpark, a piece of infrastructure — —

Mr Ramsay — You were lucky.

Mr MORRIS — I was lucky to attend. I think my invitation was lost in the mail, as was Mr Ramsay's. However, I was there at the opening of the helipad, and this is a piece of key infrastructure that the coalition invested in in Ballarat, because the coalition understands how important it is to make sure the people of western Victoria have the appropriate services. There was to be a redevelopment of Ballarat hospital that included three additional floors, but that is not going to be delivered by this Labor government. A project that would have delivered three additional floors for a hospital in a city that is growing at 2 per cent per annum has been forgotten by Labor.

During the election campaign Labor made a commitment to expand the Ballarat sports and event centre. I welcomed that announcement until we saw a \$7 million black hole in the project. Ballarat Basketball has been waiting nearly two decades for investment in additional basketball courts, but what do we see? We see a Labor government leaving a \$7 million black hole in a critical project for Ballarat. This is not just about ensuring that people have a place to play sport — young and old people. It is critically important that people have a space to play sports, but this is also about having an economic driver for Ballarat. This is about the opportunity to bring new events and new economic activity into Ballarat. Ballarat Basketball does an exceptional job at attracting events to Ballarat. It does a remarkable job. However, it has been forgotten by this Labor government, which has left a \$7 million black hole in that project.

One of the key announcements made by then Premier Napthine in the lead-up to the 2014 election was the VicRoads relocation to Ballarat, which would have produced 600 jobs and \$60 million of annual economic activity for the CBD of Ballarat. Where is Labor with this relocation? It says it is thinking about it. We have gone this far into this term of government, and we have a government on the other side which is still thinking about providing jobs for Ballarat. Ironically the Labor government held a jobs forum in Ballarat. The government has a project that will create 600 jobs if it would just get on with it. We know VicRoads is going to be moving from Kew; we know how welcome that is for Ballarat. The city of Ballarat, those involved in Ballarat's commerce, the Committee for Ballarat and local business in Ballarat are supportive of the move, but this Labor government is dragging its feet on that announcement.

There has been a great deal a discussion this week about another of the government's announcements, which concerns the long-term lease of the port of Melbourne. There are many members opposite who I am sure do not quite understand the importance of the port of Melbourne to rural and regional Victoria. But we are hearing about an up to 800 per cent increase in rents for use of the port of Melbourne. Effectively the government will be ripping money out of the country so it can put this money into its unfunded level crossing removal program. There was no plan to fund this project, so rather than admitting that it cannot achieve it, the government is going to rip money out of the bush to place it in inner Melbourne. It leaves me absolutely aghast.

I mentioned Assembly electorates such as South West Coast, Polwarth and South Barwon. There was little to nothing in this budget for those electorates. The good, fine people of western Victoria living in those electorates have been forgotten by this government. What did we see? In the electorate of Lowan a mere \$1 million of in-kind funding for the Wimmera cancer centre has been forgotten. In an electorate where there is a high incidence of cancer — one of the highest of anywhere in Victoria — with the worst mortality statistics to go along with it, the residents have been forgotten by this Labor government.

There is also Eureka Stadium in Ballarat. Who loves football? We all love football. We have been told that the funding for this project is going to come through. The Premier, Daniel Andrews, has committed to AFL football being played in Ballarat — games for premiership points. There is just one slight problem — the AFL has not committed to playing games in Ballarat. We apparently need to take the Premier at his

word that these games are going to be coming to Ballarat. Unfortunately, I am not so sure.

The regional rail link project was delivered on time and under budget by the coalition government, but what have we seen from this Labor government? The delivery of the infrastructure was done, on time and under budget, and the Andrews government was required to do one thing, which was to ensure that the timetabling was sorted out. But, no, the timetabling has been an absolute shemozzle. The removal of carriages from trains between Ballarat and Melbourne has required people to sit on the floor or stand for the entire journey. That is unacceptable from this Labor government.

The Regional Growth Fund is something that was extremely well used and supported under the coalition government. It supported and helped grow rural communities. What are we seeing now? We are seeing that core infrastructure that should ordinarily be funded by this government is going to be funded out of the Regional Infrastructure Development Fund. The Regional Growth Fund was there to help support and grow regional Victoria. But what has happened to it now? It is effectively a fund for whatever it is that this government wants to do. Why is this the case? It is because this government is city centric. It has forgotten about the bush. It has forgotten about regional and rural Victoria; regional and rural Victoria has been left behind.

I conclude by saying that this budget is a budget of broken promises, it is a budget of spin and lies and it is a budget that does a disservice to Victoria and to the good people of western Victoria.

Ms PENNICUIK (Southern Metropolitan) — I am pleased to rise to make some remarks on the budget papers and the Appropriation (2015–2016) Bill 2015. I will start by making some comments on the budget estimates process, being a member of the Public Accounts and Estimates Committee (PAEC). Acting President, you would be aware that the Public Accounts and Estimates Committee conducted 11 days of hearings into the budget papers. The make-up of the committee changed this year, in that for the first time ever it is not controlled by the government — although it is chaired by a government member. The Deputy Chair is from the opposition and in fact was the previous chair of PAEC. There have certainly been some improvements.

In terms of questioning, there was certainly a fairer allocation of questions for members of the opposition, the Greens and the crossbench, represented by

Dr Carling-Jenkins, in comparison to what occurred during my membership of that committee in 2009–10, when I often would not get a chance to ask a question of some of the ministers because of the way the questions were allocated in the committee process. That is a welcome improvement.

But in many ways the more things change, the more they stay the same, and there is a lot that is still the same in the process, in particular the glossy presentations by ministers and the Dorothy Dixers by government members. I welcomed the fact that government members were not able to ask supplementary questions yet opposition members, crossbenchers and the Greens were. I think that is an improvement in the process. However, there is still a lot that remains the same. In many ways it is not a very robust process compared to those of other parliaments.

I look forward to a review of the operation of the Public Accounts and Estimates Committee. The review has been foreshadowed by the government and will include an examination of how those committees run and look at improving the process to make it more robust. These committees are mainly called public accounts committees in other parliaments and they do not necessarily run the estimates process.

This is Labor's first budget. I would like to start by saying that it reverses some of the worst cuts to the public sector and public services by the former government. But the government is focusing on delivering on its election commitments and has proudly said that its first budget delivers on 96 per cent of its election commitments. Outlined in the budget papers you can find the 4 per cent of election commitments that have not been included in this budget but which will be included at some time in the future.

You would have to say that this government is really following the trajectory of the previous government, in that its mantra whenever it was questioned on any programs or legislation brought into the Parliament was, 'This is an election promise; we're doing this because it was an election promise'.

Mr Jennings — Is there something wrong with that?

Ms PENNICUIK — The Leader of the Government asks, 'Is there something wrong with that?'. The answer is yes and no. Certainly there were some very ill-advised election promises made by the previous government. Even though they were ill-advised — some might say pretty out there — it was determined to implement them. I am saying yes and no.

On the other hand if the election promises that are put forward by an aspiring government, in opposition at the time, are not particularly visionary, they hold you to a lower standard, and that is something that has been touched on by my colleagues Ms Sandell and Mr Hibbins in the other place and also this morning by Ms Dunn in her budget reply speech. The standard needs to be higher than just fulfilling election promises. If the government is going to say, 'All we're going to do for four years is fulfil our election promises', I do not think that is a high enough standard.

As I have said, there are many initiatives in the budget and a restoration of funding to programs, and they are welcomed and supported, but I also say there is little vision. If you look at the budget papers you see 'For families'. No-one is against 'For families', but what does it actually mean? Then there is 'Getting on with it'. What does 'Getting on with it' mean? There is also 'Putting people first'. I have given that a big tick because my motto is 'Put people and the environment first', so I give that a big tick, but I still do not know what it means and how it is related to the budget papers. Then there is 'Suburban growth'. There might be suburban growth, but it is without the backup of the infrastructure and services needed to support it, particularly in transport, education, health and housing. I could go on.

If you look at the presentation by the Premier at the Public Accounts and Estimates Committee hearing, you will see dot points on the first two pages about what the budget is about. Amongst other things, 'delivering our election commitments' and 'delivering on the government's commitments' are dot points. I raise a concern about that focus. I hope the government does not drag its feet just fulfilling its election commitments.

The problem with some of the election commitments by the then opposition and the now government, and by the then government and the now opposition, is that they involve a lot of pork-barrelling. There are a lot of election commitments particularly in terms of transport, which schools may get funding for much-needed maintenance and infrastructure, which hospitals may get more funding and which level crossings may be removed et cetera, but if you take a closer look you will often see these commitments linked to particular electorates; less marginal electorates are not getting the attention or what is needed.

That brings me back to my other point, which is about having a vision and a coordinated response to the big issues of transport, education, health and the environment. We do not see any vision in this budget. Let us look at education. I questioned the Minister for

Education at the Public Accounts and Estimates Committee hearings and I raised the issue of transparency in education funding. There is no transparency in education funding. The Auditor-General pointed this out in his recent report on the rising cost of public education to families. In an appendix to the report he tried to explain to the Victorian people what happens with education funding.

In terms of the allocation, not only of recurrent funding and funding for special programs but particularly for school maintenance and new facilities in schools, the way that is allocated is not transparent and open. If people look at the analysis I did of the promises made during the election campaign in terms of school maintenance and facilities, they will find that the majority of the announcements made by both the coalition and Labor were concentrated in areas of either seats they were trying to win or seats they already held.

This government is talking about being open and transparent. I asked the minister when he was going to open up the process so that the Victorian people could see how education funding was allocated, and the answer was that Steve Bracks is conducting a review of it. That is not all that reassuring. It needs to be much more open than just sending in a previous Premier to look at it. I raise this issue now because we are hearing about the problems of the rorting of funding from the education department in hearings before the Independent Broad-based Anti-corruption Commission. Very serious allegations are surfacing at IBAC.

Mr Barber — It seems to have been going on for a while.

Ms PENNICUIK — Yes, as Mr Barber said, it has been going on for a long time. IBAC is also recommending that charges be laid against certain persons in the then Department of Transport, Planning and Local Infrastructure for rorting contracts. This has been going on for a long time under both governments — the previous government and the one before. Secrecy about how the funding is allocated by departments leads to this type of problem.

We are talking today about the budget and where funds are being allocated under the Appropriation (2015–2016) Bill 2015, but we have seen very big problems in huge departments. The Department of Education and Training is the biggest-spending department. Millions of dollars have been rorted under the eyes of the ministers and senior bureaucrats who oversaw the departments. That is a very big problem. While we are here passing a budget and saying that much money is going to the

education department, the oversight on how that is being spent is wanting.

Of course the Treasurer's budget speech did not contain the term 'climate change' at all. The amount of effort and resources being put to that issue is very small. It is around \$20 million for renewable energies. I asked the Minister for Energy and Resources at the PAEC hearings about the renewable energy project, one of the outcomes of which was to reduce greenhouse gas emissions. When I asked her by how much the target was going to reduce greenhouse emissions, there was no answer. There was no target. There was no answer. I followed that up with questions about transition plans for workers in the fossil fuel industries that inevitably will close down. Jobs will be lost in the coal industry. We have seen the closure of the Anglesea power station and we are going to see more closures. The government should have a plan for closing down coal-fired power stations, particularly stations like Hazelwood, but there is no plan about that and there is no plan about transitioning those workers.

I welcome initiatives in the area of equality that this government has introduced, particularly given the previous government's record in that area. They are welcome initiatives. I am trying to use broadbrush big vision here, and if I only had more time, I could spend a long time on particular initiatives in the budget. There is not enough transparency. This government says it is about transparency. Only yesterday we were talking about the non-production of documents that the Council has ordered — —

Mr Jennings — Which we've delivered on three or four of them.

Ms PENNICUIK — Of course they have not been delivered, as Mr Jennings would know if he had a look at what I said in the chamber yesterday. We need more transparency and we need more vision. We are seeing problems with the lack of transparency and we will see problems with the lack of vision because you cannot have a budget which plans to increase suburban growth without any infrastructure, particularly in public transport. We have had decades of spending on roads, and we really need to turn that around and spend on public transport. We need more trams. We need more trains.

Ms Shing — Like the Melbourne Metro rail link.

Ms PENNICUIK — Melbourne Metro is a long way off. There are a lot of things that can be done in the public transport system now that will make a real difference to people's daily lives and commuting on the

public transport system, but there is little sign of that from this government. Although there are some welcome initiatives and changes of direction by this government — I acknowledge that — it lacks a vision.

Mr ATKINSON (Eastern Metropolitan) — As members would be aware, in my role as President I do not contribute to many debates, but in this debate on the Appropriation (2015–2016) Bill 2015 and the budget papers I feel it is important to make some comments on how I see the context of this state budget. Like Ms Pennicuik in her contribution, I intend mostly to concentrate on some of the big-picture things rather than the initiatives that are in the budget — and indeed there are a number of initiatives that I certainly welcome both in my electorate and across Victoria. But I am adopting a position in my thinking on this state budget, and indeed the national picture, that we need to look at a range of issues far more carefully and with a great deal more cooperation going forward between levels of government, because there are very significant challenges here in Australia and in our state of Victoria. I believe that our position is actually deteriorating, I believe that to some extent we are living in a fool's paradise and I believe that we need to start to address some of the issues confronting our state and our nation more carefully and more vigorously — and perhaps that seems like a contradiction in terms, but we need action.

Far too much of the future is now clouded for our young people. One of the interesting things about my time in this place is that I see my role as being very much about shaping the future for our children and our grandchildren. I have to say I am perturbed about the future because I see that Australia has become far too complacent. I see that our investment levels are inadequate to maintain the sort of productivity that we need to compete in a global world. We do live in a fool's paradise.

I note that some of the predictions in this budget about the future, about growth levels and so forth, are more modest than those the previous government made in its last budget before the 2014 election. I welcome the moderation of some of those growth targets, some of those changes to the figures, because I think they are more realistic in the outlook going forward. However, I do not believe they are realistic enough, and I share the view that Ms Patten expressed yesterday in her speech that in fact some of the targets are unlikely to be met.

I am concerned, for instance, that the unemployment figures that have been cast are way too low. The national unemployment figure is quoted at around 6 per cent; with underemployment it is more like 8.5 per cent.

But the reality is that the Australian Bureau of Statistics does not even believe its own figures anymore. It says those figures that are being thrown up are incomprehensible and the real underlying unemployment rate in this nation is now more like 12 per cent, which is what Roy Morgan Research's figures suggest. I think there is a lot more substance to those figures when you look around this state and when you talk to people, in particular young people who are so badly impacted by these unemployment statistics.

This government has a fairly bullish attitude towards employment growth and state product growth in the next few years. Yet I look to the future and particularly at the closure of the car industry in Victoria and I see that, for every one of the jobs lost at those automobile manufacturers, five supply chain jobs will be lost. It may be pessimistic, but I do not think we will save more than two out of five of those supply chain jobs. BAE Systems has just announced it will not compete for a \$600 million contract for the building of new ships, and that is at a cost of 1000 direct jobs. But what concerns me about the car industry shutdown, BAE's announcement and a number of other announcements across our industrial sector is that we are losing skills. We are losing the ability to innovate. We are losing opportunities to create and participate in global markets with new products and services.

Today I heard about a unit at Monash University that is involved in the regeneration of muscle after heart attacks — world-leading research. The whole unit is going to the United States because it cannot get funding here in Victoria.

We really need to get serious about some of our investment. I note some of the initiatives, including the Premier's Future Industries Fund and so forth, in this budget, and I think they are welcome initiatives, but we need more if we are serious about creating opportunities for our children and our grandchildren.

We are often very happy about foreign investment into this country, and yet so much of that foreign investment is actually lifestyle investment. It is passive investment; it is not productive investment. It is true to say that there has been productive investment in the mining sector. It is true to say that a large range of foreign retailers have invaded Australia. They do not bring much in the way of innovation, and for the most part they do not pay their corporate taxes along the way, and they are relocating jobs rather than necessarily creating new jobs.

Beyond those sorts of investments, most of the investment in Australia is, as I said, lifestyle

investment. It involves the purchase of residential properties. Some of the investment and the acquisition of Australian firms by overseas-owned companies is about intellectual property transfer. One of the advantages of foreign investment is that you are supposed to get new innovation and bring intellectual property into Australia that advances our economy, but what is happening with many of the investors today is that they are buying up the intellectual property of Australian companies and exporting it holus-bolus overseas.

Even where we have fantastic biomedical and bioscience organisations and people who are doing wonderful things with the synchrotron — which was a significant investment by this state and an important one in terms of our future — and we are doing this wonderful research work, we cannot commercialise those opportunities. We are losing the lion's share of the economic benefits of our smarts to other countries. We have to do a lot better.

I am alarmed at some of the chopping and changing of our infrastructure. The people of Moreland must today be fairly unimpressed by what has happened with regard to the EastLink project that some of them campaigned quite strongly against, because now they have the worst of all worlds. Transurban stands to gain the greatest benefit from a proposal it put to the government. It will alleviate some of the traffic issues of the western suburbs, but essentially it will best benefit Transurban. It fails to make the link with the EastLink project or with any of the roads to the east, and in fact it brings traffic directly into the areas of those people who were most antagonistic towards the project.

I was told before the election that Bay West was a furphy, and that while it was an election policy, it was never going to be implemented. It was simply designed to prop up the Geelong seats. That is not a broken promise; it is deception. It is as much of a ridiculous proposition as the current proposal to lease off the port for 70 years. With the Greens I voted against the dredging of Port Phillip Bay to bring in larger ships to the port of Melbourne, because it did not make sense.

Ms Pennicuik — It still doesn't.

Mr ATKINSON — And it still does not make sense. But a 70-year lease on the port of Melbourne will see us lose the competitive advantage that this state has in terms of export facilities. So too are we failing to recognise the importance of Melbourne Airport, which now carries more freight by air than any other airport in

Australia. It is essential infrastructure, but it is not fully supported to the extent that it needs to be.

Our infrastructure building costs are higher than anywhere else in Australia, and we need to address that. We need to bring them down and get better value for money. We need to make sure that the infrastructure we put in place does not chop and change but is infrastructure that has the support of all members of this house in terms of a future plan. I agree with Ms Pennicuik when she said there may be a fairly rocky road ahead in trying to establish a coherent plan that has the support of all members of the chamber. But we need a consistent plan so that the investment that comes into the state is informed investment. We need to be able to guarantee that it will proceed and be welcomed. We need to ensure that we are a pro-business state and that we get the efficiencies that come from good planning, efficiencies that have been lost a number of times by governments changing plans and changing course at the last minute.

Some speakers have talked about the international markets and the international environment, and there has been some degree of optimism about an improving world economy. I do not share that enthusiasm for the world economy. The United States is kidding itself if it thinks it is out of trouble. I am a little more optimistic about Greece this week than I was last week. Greece may not get out of trouble, but it will be able to kick the can a little further along the road. The reason it will be able to kick the can along the road has nothing to do with economics; it is to do with politics. It is the fact that the European nations cannot afford Russia stepping in and getting closer to Greece, so they will find a solution to Greece's current debt problems on the basis of keeping Russia out. For all the wrong reasons they are going to tackle the issue. But there is no doubt that Europe is far from out of the woods so far as its economy is concerned.

There is also a slowdown in Asia, and I am not simply talking about China, which despite a slowdown still has remarkable growth rates. There is also a slowdown throughout the rest of Asia, and this has impacts for Australia. The new reality is in the prices we are seeing now for iron ore. Some years ago I spoke on this matter — I think in this place but certainly in other places — and said that the whole issue with our iron ore is that it comprises 30 per cent of our national exports. What an exposure in one commodity area.

Where are our smarts? Where are the things that Victoria is good at in terms of that national export spectrum? The reason it is the new reality in terms of the prices we are now at and why companies like that of

Twiggy Forrest's are going to be in strife going forward is, in my view, that the Chinese now have alternative supply. It is not a demand issue. It is not a cyclical issue as far as how much iron ore they, Japan or South Korea can consume. There is now much greater supply in the marketplace, and China is a price maker not a price taker. That has very real implications for Victoria.

People say to me, 'We should get out of all the things we are not good at and all the things on which we cannot compete with other countries'. I say, 'Exactly what are we good at competing at?'. We think we are pretty good at services, and yet many of our large accountancy and legal firms are sending backroom jobs overseas in order to process a range of their activities, including tax accounting, conveyancing and so forth. They are being sent offshore. The problem there is not just that we are losing direct jobs but that we are losing entry-level jobs that enable young people to get a foothold in the workforce and come to understand what working in a job is all about.

I am very worried about young people today in the sense that our social cohesion depends on those well-educated young people being able to find jobs and then being able to set themselves up in life. How do they do that when housing affordability is as it is? When I bought my first house it cost less than two times my annual salary. Today it would cost 9 or possibly 10 times a proportionate salary to buy the same house. That is a major issue for us going forward. Our budgets need to make sure that we take into account some of these broader economic conditions and that we address them cooperatively as a Parliament, not simply as a government and an opposition with dramatically competing policies.

Mr BOURMAN (Eastern Victoria) — I am going to be fairly brief in my contribution today, as is usual. I have several statements to make regarding the budget, one of them being on the fox bounty. It is clear that the fox bounty has a positive impact on the environment. I am a little mystified as to why there is only one year of funding for it. It is not what I would call 'infrastructure funding', and I am not sure at this point in time why it should not be funded for the entire term or at least for the foreseeable future.

That brings me to the dog bounty. This is obviously a contentious subject, particularly amongst my constituents in the Gippsland area. There is no dog bounty whatsoever. We have heard stories about people having to sleep with their flocks, much as the old shepherds had to do, to ward off wolves. It seems that this issue is not being addressed at all other than with a

bit of aerial baiting, which is the same as last year and the year before.

I share concerns about the port lease. I think 99 years is way too long, particularly if there is a clause providing that if another port is opened in that time, compensation will be paid. My biggest concern with the port lease is that as far as I can tell there is no money whatsoever for regional areas. It is all going to urban areas. Whilst I appreciate the need to remove level crossings in Melbourne and get public transport back into some sort of fit state, we do not all live in Melbourne.

I see it as good that 400 police are being released from watch house duty and other various duties, but as far as I can tell there is no extra money for police except for 15 extra police in the Geelong area. Crime is a problem in all areas, and there is nothing extra in the budget for those living out east.

I have a couple of comments regarding health services. The Bush Nursing Support Fund has been axed as far as we can tell. We have limited resources for researching this, but we have done the best we can. Bush nursing services played a pivotal role in Victoria's health services for a while by providing primary health services, emergency response and some acute inpatient services. It appears that all the funding for infrastructure and capital upgrades of these facilities has disappeared.

APPROPRIATION (2015–2016) BILL 2015

Second reading

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Under clause 1, I would like to follow the practice of committees in previous years by examining the macro issues surrounding the budget before dealing with individual appropriation issues in the schedule. With that in mind, I start by asking the minister about the government's long-term and medium-term financial objectives, noting that the objectives set down in this year's budget have changed quite substantially in a number of ways from the strategy that was outlined in the previous budget. I invite the minister to start by outlining why the government has made those changes to those key

objectives, both long term and short term. I will then probably have some follow-up questions relating to that.

Mr JENNINGS (Special Minister of State) — I thank Mr Rich-Phillips for the opportunity. While I have done committee stages for many different types of bills in my life as a minister, this is the first time I have done a committee stage for a budget bill. I look forward to the sense of adventure that has created for me and perhaps for us all in terms of how we will traverse this.

The government recognises and acknowledges — and hopefully this will reduce some of the underlying tensions or divisions between the government and the opposition — that in many ways the budget structure that it inherited, in terms of its projected surpluses, was a balanced approach to managing the finances of Victoria in a stable and predictable fashion. That is not to ignore some of the profound challenges that the incoming government believed it would have created both immediately and in the longer term. Some of the great stresses and strains on that budget structure relate in particular, although not exclusively, to demand pressures in the important areas of health and education.

The adjustment to commonwealth revenues coming to the state of Victoria into the future would lead, over the forward estimates period, to the government having a great deal of difficulty delivering on demand pressures in major portfolios such as the ones I have identified. In particular the commonwealth government's forward estimates, particularly from 2017–18 onwards, would lead to monumental pressures on the structure and viability of state budgets into the future. The incoming Victorian Labor government recognised that over the forward estimates there were service pressures that it believed had not been adequately accounted for in the output funding arrangements in the budget settings that were created for us. We recognised, within the overall structure of the surplus and its intended use by the outgoing government, that those surpluses were going to be largely acquitted through infrastructure and asset creation rather than output funding.

However, there was headroom for us to adjust the structure of the budget to be more mindful, from our perspective, of an appropriate balance in terms of attributing the foreshadowed surplus in line with our ability to account for those growth pressures and to get greater funding coming into output areas. We were able to modify the proportion of the forward estimates that was attributed to output funding as distinct from asset funding — to recalibrate those settings — in order to provide greater certainty and confidence to us as the

incoming government that we could meet recurrent expenditure and recurrent output demand, and we were able to moderate the proportion of those surpluses that was attributed to large infrastructure projects. I will not go into a debate about the relative merits of those projects, but I have just outlined for the committee's benefit that that was a conscious decision made by this government.

Within the framework I have just described, the government has maintained a commitment to achieving ongoing surpluses in the Victorian budget and to making reasonably conservative yet appropriate projections in relation to the growth of the economy and the employment expectations that underpin the forward estimates in relation to the economic activity in the state. We have made relatively modest and steady projections in relation to a combination of growth, CPI and economic indicators, which creates some degree of predictability within the structure of the budget.

We believe it is appropriate for us to address in particular those areas of service demand that we think the forward estimates we inherited did not adequately account for, but we think we can recalibrate those to get a balanced and appropriate outcome for the citizens of Victoria.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — The minister obviously canvassed a number of matters, some of which I would like to follow up in a bit more detail.

The minister spoke about the rebalancing, as he described it, this government has done between new output funding and asset funding. Firstly, I will comment with respect to the level of output funding and follow with some commentary from the Treasurer's speech with respect to the growth in output funding under the previous government, which the Treasurer stated in his view was not adequate. I make the point that that was on the back of growth in output funding, which had exceeded 8 per cent per annum for a decade, so that period of slower growth in output funding was not coming on the back of slow growth. It was coming on the back of growth which had far exceeded inflation and had far exceeded population growth.

To go to the issue of the rebalancing, as part of the medium-term fiscal strategy the previous government articulated in its budget papers a target for infrastructure investment, with a clear target of 1.3 per cent of gross state product (GSP) on a five-year rolling basis. There is no longer a target published by this government in the fiscal strategy, so I ask the minister: in the context of the rebalancing he has spoken about, what is the

government's long-term target for the level of infrastructure investment?

Mr JENNINGS (Special Minister of State) — Clear limits are set within the papers that were published on budget day about what the trajectory of debt would be as a proportion of gross state product that is in fact intended to be complied with. Within that you can track back to establish what will be the investment profile of the government in the years to come. Whilst, as Mr Rich-Phillips indicated, there was no specific dedicated target in percentage terms of GSP, it can be seen within the limits set within the budget settings that there is substantial headroom for a significant asset program to be undertaken between now and the end of the forward estimates.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — The minister referred to debt constraint, and we appreciate what that means in the context of maintaining the state's AAA credit rating. As I outlined in my contribution to the second-reading debate on the bill, there are a number of moving parts and a net result. If you are increasing output spending and therefore you have lower surpluses, and if you are keeping debt constrained for whatever reason — and in the case of maintaining a AAA credit rating your capacity for infrastructure spending is less — that is reflected in this year's budget over the forward estimates period by around \$6.2 billion less committed to infrastructure than was articulated in the pre-election budget update, which reflected the previous government's commitments. Given that the minister has spoken about the debt constraint on infrastructure spending, is that going to be the determining factor for the government moving forward? Does the government see a minimum level of infrastructure spending, or is it the case that if there are increased output priorities and that debt constraint, that will be what drives where you land your infrastructure spending on a year-by-year basis? Is there a minimum threshold?

Mr JENNINGS (Special Minister of State) — I appreciate the way in which Mr Rich-Phillips has couched his question, because he obviously understands what he describes as the moving parts that can affect the outcome. In terms of what is attributed to the asset program now and into the future, it will be a combination of the budget priorities of the day and the infrastructure needs as assessed by the Victorian government at the time budget decisions are being made. I can assure the member that it will be a priority of this government to maintain a pipeline of infrastructure expenditure in accordance with a profile very consistent in the intermediate period of time with what the previous government had identified.

Whilst the balance and recalibration that I have described has led to a priority in the forward estimates, basically attributed to the incoming government wanting to increase output funding where it believed that the forward estimates were not sufficient to keep up with growth demand pressures, that does not mean that there will be a major desertion of a major infrastructure program now or into the future. We think there will be a sustained infrastructure program, particularly when we think about the profile of the projects that have been identified by the previous government and now this government. They are commensurate in terms of the scale of investments in the previous government's term — its priorities in relation to the east–west project, both iterations of it. Whilst it appeared to be politically quite a latent commitment to the Melbourne Metro tunnel and the revisions of the public transport network, I have some appreciation that there may have been some accounting for that into the future.

The incoming government's priorities relate to the 50 level crossing infrastructure proposal, which will be the primary driver of investments in the next few years, with a commitment to the metro rail system and other funding arrangements in relation to other infrastructure, such as the road networks and other major road funding arrangements. Significant in this government's commitment is the first iteration of a major investment profile within education. We will see the net effect of our priorities by and large contributing beyond the forward estimates, probably into the intermediate period and into the next term of government, within an envelope fairly similar to the envelope of the pre-existing government, although not being determined in the formulaic way that the member says was articulated in the budget he was associated with.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — The level of capital investment outlined in this budget and over the forward estimates is on average about 20 per cent lower than it was in the previous budget. On aggregate it is about \$20 billion compared to a bit under \$27 billion. If I understand correctly, the minister has indicated that this is where he expects the government's forward plan to be on infrastructure asset spending. The current government in opposition was critical of the previous government for having what it said was an insufficient commitment to infrastructure projects, with infrastructure construction employment being a factor. Given that previous criticism, how does the minister reconcile now having a pipeline that averages about 20 per cent lower than that of the previous government with providing adequately for construction sector demand?

Mr JENNINGS (Special Minister of State) — Without necessarily accepting the profile of the change in quantum in the way the member has just described and which underpins the question, I suggest that part of the outgoing government's criticism was on the basis of the priorities of the previous government and this government. This government clearly has different priorities in relation to infrastructure spending. We clearly have different expectations about its contribution to productivity, about business cases that underpin projects and about their net effect on economic growth in the state. From our perspective, in terms of part of the recalibration, we think our priorities may contribute to higher net economic activity in the state because of the cumulative effect of those priorities and the employment activity that will be generated.

In terms of actually trying to work through the economic modelling that underpins our estimation of the effectiveness of our program and the program of the outgoing government — and I am sure there are many economists who are exercising their minds greatly about the way in which they can prove the net effect of the economic stimulus and the economic growth that are underpinned by infrastructure, and good luck to them — the current government does accept that it is essential to have the long-term pipeline of infrastructure needs of our state not only identified but consolidated and ultimately embedded within the forward projections of the budget.

As the member would be aware, part of my responsibilities is to create the legislative framework for Infrastructure Victoria. That legislation was introduced to the Victorian Parliament this week, and we will have an opportunity to talk about that later in the year in this place. My hope is that I will be sufficiently persuasive to convince the member and others in this place that Infrastructure Victoria can play a useful role in trying to create a high degree of confidence and stability in terms of the infrastructure needs of the state, a pipeline of economic activity and an infrastructure rollout that hopefully we can all mobilise around. I understand that that is a challenge, but it is a challenge that we are prepared to take up and hopefully embrace.

If and when this particular aspect of our conversation today is discussed in future budget committee meetings, I hope that each time we will have an increased acceptance of the value proposition of what should be embedded within the forward estimates of the Victorian budget, which will create certainty about the scale of the infrastructure program and its stability and reliability in terms of being seen by all parts of the chamber as being of value to the state and perhaps being less contested than it has been in the past.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I suspect the challenge the minister has laid down to economists to prove would be equally as challenging to disprove, which may be more appealing given the circumstances. I would like to move to the issue of growth in output expenditure and again the issue of targets. The previous government had a minimum surplus target articulated in the budget papers. Indeed the previous Labor government under former Treasurer John Lenders had a surplus target, if my recollection is correct, of 1 per cent of revenue. This government no longer has a numerical target. Based on our experience in government, one of the things a government needs is surpluses to absorb shocks. We witnessed, as has been articulated in various budgets and budget updates, shocks particularly with GST revenue, shocks with stamp duty revenue and shocks with land tax revenue, and all of those needed to be accounted for. What is the government's policy position with respect to a target for surpluses, having regard to the need to absorb shocks, which can be hundreds of millions of dollars, particularly in the case of federal grants?

Mr JENNINGS (Special Minister of State) — I certainly accept that there is an ongoing requirement within the fiscal strategy of the government — it is a view that we share — to have within the structure of the Victorian budget a sustained ability to maintain a cumulative surplus for the reasons that have been identified. This is particularly the case in terms of what I have foreshadowed to be the demand pressures that the state budget will be exposed to in light of the current commonwealth government settings in relation to budget support for major service output requirements in the years to come, particularly beyond the 2017–18 financial year. The current settings mean there will be major pressures on any state budget that does not have structural integrity.

On that basis there is a need within the forward estimates period for us to be able to maintain a steady and predictable budget structure, which is laid out in the budget papers through the forward projections of what the surpluses will be. The budget papers do report on that, and Mr Rich-Phillips can assume that, within what he has described as the moving parts of the budget settings, the government will be acting to protect us against external shocks, if that is possible, but most importantly to gear up with what it anticipates to be those pressures on output demand growth into the future, beyond the forward estimates period. The budget has some headroom to deal with those, given the variation and lack of confidence that not only our state but all states must have at this point in time in relation

to their confidence about revenues coming from the commonwealth.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — What is the trigger point, then, for an intervention? The previous government articulated in its last budget a \$100 million envelope. In this government's decision-making processes — budget updates, scorecards et cetera — is there a target figure at which an intervention will be triggered, be it revenue or expenditure? Is it \$50 million, \$100 million, 0.5 per cent of revenue, 1 per cent of revenue? What triggers an intervention, a recognition of the need to do something, in response to a shock?

Mr JENNINGS (Special Minister of State) — I am not in a position to be able to indicate to the member what that trigger may be because my colleagues, in their statements on the structure of the budget, have not crystallised them in the form he is seeking. As much as it may be desirable for me to be out ahead of that, I am not going to today.

Mr Rich-Phillips — I would welcome it.

Mr JENNINGS — I know Mr Rich-Phillips would welcome it, but if he knows nothing else about me, he knows I am a team player. On that basis I will stick with the team discipline. The team discipline is that our government is very committed to making prudent budgetary decisions that do not allow these moving parts to get out of line with the maintenance of the structural integrity of the budget, the AAA credit rating, keeping our debt profile and maintaining our support of output demand pressures. As Mr Rich-Phillips well knows, they are sometimes a very difficult balancing act. Our track record in the previous administration during the Bracks and Brumby era is that we were able to maintain that, notwithstanding some major pressures in relation to the impact of the global financial crisis. Notwithstanding those pressures, we were able to keep those elements in balance, and that will be a discipline that we will seek to maintain during this term and beyond.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Just to follow up on that particular matter with the minister, I invite him to lay down some guidelines for the Treasurer for all of us to be aware of at this point in time. Just to conclude on the issue of the articulated strategy, in a similar vein the previous government had a target around the reduction of net debt as a proportion of GSP over the forward estimates. The current government does not have such a target. What are the parameters that the government is targeting for the maintenance of the debt profile? Are

they simply those that are articulated by Moody's and Standard & Poor's around what triggers a AAA assessment? Or are there internal government targets around what is a prudent level of debt going forward? Is it a reduction as a proportion of GSP?

Mr JENNINGS (Special Minister of State) — That is a good question. I just want to go back on a bit of the commentary. I want to convey to Mr Rich-Phillips, the rest of the committee and the community that there is a great coincidence of interest and discipline that the government shares in relation to the principles I am outlining today, and the Treasurer is obviously a leading player in that discipline. I want Mr Rich-Phillips to be very clear about that. I have great confidence in the Treasurer's ability to maintain that discipline.

The question I am then asked, in substance, is: are we necessarily guided by what our best endeavours would lead us to believe is the headroom of the AAA credit rating that the ratings agencies may see as a headline number in relation to the structural integrity of the budget? I am sure Mr Rich-Phillips knows that they are also very mindful of revenues and of output funding. Asset funding is not the only issue at hand here; they are interested in all those moving parts that we have discussed up until now. In terms of the headroom they would have — and there is an expectation of the asset program — they probably have limits that are beyond what the current profile of the budget settings is. The current government is maintaining a profile in the budget papers that is reasonably consistent, if not totally consistent, with the budget settings it inherited. We will be doing our best to — and I have great confidence that we will be able to — achieve a significant asset program and be able to maintain an outcome of the net scale of the level of debt to gross state product consistent with the profile we inherited.

Mr BARBER (Northern Metropolitan) — The minister may argue that my question is irrelevant to the scope of the bill. I will argue that my question is absolutely essential to the implementation of this piece of legislation, and it relates to the Auditor-General's continuous request for powers to follow the public dollar. At the moment, as the minister would be well aware, the Auditor-General cannot follow some of the funds that are appropriated in this budget once they are spent by a private entity, a public-private partnership or even a piece of grant funding. The only ability the Auditor-General has is to audit the government's own tracking of those funds.

If this were British Columbia, the Auditor-General would have the power to follow each and every dollar

appropriated in this bill. The link to his power is the link to the money having been appropriated. My question to the minister is: when will he and the Department of Premier and Cabinet first meet with the Auditor-General to begin a discussion about the form these powers ought to take, because I understand that we have a commitment that these powers will be brought into legislation before the end of this calendar year?

Mr JENNINGS (Special Minister of State) — I am not quite sure what information base underpins the member's question. I am not suggesting to him that it is a totally irrelevant issue; what I am a bit intrigued by is the basis of what he asserts to be the case about the lines of communication between me and the Auditor-General. That is the intriguing bit of his question, and he should assume that conversations have taken place. How far they have proceeded is a matter between the Auditor-General and me and the Department of Premier and Cabinet, not necessarily a matter for the member.

Mr BARBER (Northern Metropolitan) — That is exactly what I am arguing: in the context of this appropriation and in terms of the house's consideration of the bill and the implementation of this legislation — that is, the spending of all this funding — members want to know whether we would be able to call on the services of the Auditor-General to explain to us, as this bill rolls out of the financial year, where exactly the money went, how it was expended and whether it was used efficiently and effectively for the purposes for which we are appropriating it today. It makes a difference to our consideration of this bill whether we can expect the Auditor-General to be able to track the money — all the money — for us or whether we will run up against the sort of barriers he has been continually alluding to. I have given the minister an opportunity to answer the question; I am not going to press him for an answer.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I would like to ask the minister about some of the economic forecasts in the budget and how they reconcile with some of the government policy positions, in particular the government policy positions with respect to the Back to Work Act 2015, which was something this Parliament passed early this year and which comes into effect on 1 July. It is the \$100 million pot of money.

The employment growth forecasts for the forward estimates period — so budget year out — are 1.5 per cent for 2015–16, 1.5 per cent for 2016–17 and 1.5 per cent for 2017–18. They are exactly the same as the

employment forecasts in the pre-election budget update, which is to say that Treasury is not forecasting any additional employment, notwithstanding the fact that as of 1 July this year the government will have a \$100 million fund which the minister said would drive employment growth. Can the minister reconcile why Treasury is forecasting no additional employment, notwithstanding the fact that the government now has that policy in place, which was to drive employment?

Mr JENNINGS (Special Minister of State) — There is nothing wrong with the question. In terms of the level of precision that occurs when you are dealing with the scale of the economy and the scale of the workforce in terms of the forward projections of the cumulative effect of a number of factors in the economy, this program will be one contributing factor to employment growth. In terms of the size of the workforce, it is a bit hard to crystallise and identify what on that scale would be attributable to which elements of economic activity in the level of detail in the table in the budget papers the member refers to.

The critical issue, which was the clear intention of the government, is providing support for particular sectors within the economy — that is, people who may have been retrenched, the long-term unemployed or those who may require additional assistance to be in the workforce. They should be given some degree of advantage, if not preference, for an employer to select them for employment within their enterprise. So there are two intentions of the program. One is to support the profile that is indicated by the employment growth and unemployment levels identified in the budget papers. That is one purpose. The other purpose is to try to overcome what might be disadvantage in some sectors of the workforce in relation to the ability to gain and maintain employment.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I accept what the minister says with respect to the granularity of the forecast, but that can be read in two ways. The element that we have not discussed, separate from the Back to Work package, is the Future Industries Fund the government has put forward, which is also ultimately supposed to drive employment but which is not reflected in these forecasts. Equally you can argue, taking the minister's point of view, that these government policies do not have material impact on employment in the state in the sense that you have got an employment base of 3 million people, or thereabouts, and no change is reflected at that aggregate level. The target the government articulated for the Back to Work scheme was 100 000 new full-time jobs over two years, which reflects about a third of a per cent increase in

employment, so it is not the target that the government originally set. It is not insignificant in the scope of the entire employment pool. It is about a third of a per cent, but nonetheless it is not reflected in Treasury's forecast of what is going to happen over that two-year period.

Mr JENNINGS (Special Minister of State) — One of the good things from my vantage point is that Mr Rich-Phillips clearly understands a lot of the things that are embedded in his question. Sometimes by the length of his question he almost answers the question himself, so I appreciate that. Because he is on top of the issues he actually understands the order of magnitude that we are talking about — —

Mrs Peulich — Flattery will get you everywhere.

Mr JENNINGS — Not everywhere.

In this instance, if there were a shared understanding between us, two effects were intended to be produced by the programs we have talked about — the Back to Work scheme, the Future Industries Fund and the other funds that will be used to support economic activity. Our intention through these programs is to do two things. One is to maintain a level of economic activity and job creation. That is clearly the case, and in fact if anything the drop in unemployment that occurred within Victoria indicates that we are creating jobs at a faster rate than people are entering the workforce. That is a good thing in relation to what those forward estimates say.

The other element is that we are giving preference to disadvantaged workers through the Back to Work program, and we are assisting in the economic transition of industries or the creation of industries of the future in terms of the viability of our industrial capability, our finance sector, the pharmaceutical sector or other industries of the future. We are increasing the proportion of our economy that is in a positive stretch in relation to transition and exposure to domestic, national and international markets, and ensuring that these parts are more viable into the future.

Those two things come together, and there is a steer in the types of economic activity we want to generate. We want to overcome disadvantage and maintain an overall trajectory for the economy. We think the cumulative effect of those measures will hold us in good stead. I thank Mr Rich-Phillips for recognising the granularity, as he described it — and he said it much better than I did — of what is embedded within the budget and reflected in the tables we have referred to. The overall position for Victoria continues to be quite strong in relative terms, particularly when you look at the fact

that by the out years we expect unemployment to go down.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — We might get a question in in the remaining 30 seconds before we need to report progress. The question is on the issue of unemployment. While the minister refers to the expectation that unemployment will go down, the budget forecasts reflect that profile as a deterioration relative to the pre-election budget update in the sense that the decline in unemployment the minister refers to is less than what had previously been forecast. For 2016–17 unemployment is now forecast to be 6.25 per cent, which is up from 6 per cent. For 2017–18 it is forecast to be 6 per cent, which is up from 5.55 per cent. The improvement in unemployment is slower than was forecast last year, notwithstanding the programs we have spoken about, the infrastructure program we have spoken about. What is the government's explanation for why unemployment is going to be higher than previously forecast for those out years?

Mr JENNINGS (Special Minister of State) — Again because of the degree of Mr Rich-Phillips's understanding of these issues, he understands the time frame by which these things wash through the economy if they are not subjected to monumental shocks. There are trends that take some time to build up cumulatively and then, through the correction, take a different trajectory. He has highlighted some variations that have occurred in the middle years of the forward estimates period in relation to the effect of either the previous policy settings and priorities, the level of economic activity or how long that will take to wash its way through the Victorian economy. Indeed the member will note that even in the trajectory he has outlined, within the original budget settings there was an increase in unemployment before it went down. In our trajectory we acknowledge that this is taking longer to come through the system, but we believe the cumulative effect of our policy settings will be to stabilise and improve the situation by the out years in our budget paper.

Progress reported.

Business interrupted pursuant to sessional orders.

ECONOMIC, EDUCATION, JOBS AND SKILLS COMMITTEE

Membership

The PRESIDENT — Order! Before we proceed to questions without notice, I wish to advise that I have

received a letter from Jude Perera, the member for Cranbourne in another place. He has written to me with regard to the Economic, Education, Jobs and Skills Committee. He might have used Australia Post to send this letter because it is dated 11 June. That is a fair while ago. Mr Perera says:

It is my understanding that I was placed on the Economic, Education, Jobs and Skills Committee.

Please note I am resigning from the Economic, Education, Jobs and Skills Committee as of this day.

QUESTIONS WITHOUT NOTICE

Minister for Small Business, Innovation and Trade

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My question is to the Special Minister of State, and I ask: has the minister been briefed on or had discussions on the progress of the two investigations around Minister Somyurek?

Mr JENNINGS (Special Minister of State) — No.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for his response. Given that the Premier indicated the investigation should take weeks and not months, and it is now over a month since it commenced, is the minister able to provide any explanation as to why this investigation has taken so long?

Mr JENNINGS (Special Minister of State) — I thank the member for his question. My answer to his substantive question was an indication of why I cannot confidently tell him the time frame. Last time I was asked a question on this subject I answered in good faith the question by the Leader of the Opposition about when I anticipated the inquiry would be concluded. I based it upon the advice that I had received when the investigation commenced. I believed that would be the case, and on that very day that I stood up I said I believed it was going to be concluded by June. Later that day I then discovered through the media inquiries and subsequently in print the following day that there had been communication between those undertaking the investigation and the legal people who work for the complainant and the minister and that they themselves had volunteered in the public domain that the time frame had shifted. And so they, because they are participants in the process, have better knowledge than I do.

Regional development review

Ms LOVELL (Northern Victoria) — My question is to the Minister for Regional Development. On 6 March the minister announced members of an external advisory board to conduct an independent review of regional development. The minister's press release indicated the board would be chaired by former Premier John Brumby and that it would deliver its final report by mid-May. Given that we are now almost at the end of June — six weeks past mid-May — why has the final report not been released publicly?

Ms PULFORD (Minister for Regional Development) — I thank the member for her question and her interest in this important piece of work. There have been many organisations and individuals who have provided input into this. Indeed interest in participating in this was greater than anticipated, so the advisory board is in the process of finalising its work, and I expect to receive the report in the not-too-distant future.

Supplementary question

Ms LOVELL (Northern Victoria) — Is it not a fact that the minister has an event organised for 16 July for the release of this report but it was put back from this week because she instead called the regional development directors in from the regions to brief them on a restructure of the department?

Ms PULFORD (Minister for Regional Development) — That is an excellent conspiracy theory, but no, that is all incorrect.

The PRESIDENT — Order! Mr Dalidakis was keen to make a point of order. I was mulling over what I assumed his point of order would have been, which is that the supplementary question seemed to chart new territory to that of the substantive question. The minister was happy to answer it, so Mr Dalidakis's moment has passed.

Port of Melbourne

Mr DAVIS (Southern Metropolitan) — My question is to the Special Minister of State, Mr Jennings, in his role representing the Minister for Environment, Climate Change and Water, and I note the government's decision to enter into a 70-year exclusive arrangement for the port of Melbourne. I ask the minister: how many tonnes of seabed will have to be excavated from the Port Phillip Heads in order to permit access to the port of Melbourne for a supersized container ship of 12 000 TEUs — 20-foot equivalent units — or does the government propose that such large

container ships will be prevented from entering port in Victoria?

Mr JENNINGS (Special Minister of State) — Not for the first time, in my experience, Mr Davis has taken a concept and gone a very long way with it — quite an extraordinarily long way with it. I think he is well and truly ahead of what the real issues to be considered through it are — —

Mr Finn — What are the real issues? This will be good.

Mr JENNINGS — The real issues are not the ones embedded in Mr Davis's question. They were not embedded in the bizarre ads that were run during the last election campaign about Labor blowing up the heads, the hysterical ads that were run at the time. No-one in their lounge rooms could understand what the context was of the heads being blown up; they could not understand it. Surprisingly it was not very successful.

While that ad was spectacularly unsuccessful in electoral terms, the hysteria that Mr Davis is trying to generate today I would suggest will be equally as unsuccessful. The issue in the future should be: what are the needs of the port of Melbourne development and what are the real transportation requirements of shipping now and into the future? Mr Davis should make an assessment about that, make an assessment about the likelihood of the needs of the port over a protracted period of time and make a suggestion about what the access should be. I think on balance he will not be taking as a first order issue the issue that he has raised because in fact it will be dealt with as a sequence of considerations of the relevant matters at the appropriate time.

Supplementary question

Mr DAVIS (Southern Metropolitan) — I accept the concession by the member that the heads will in a sequence of time be blasted.

The PRESIDENT — Order! Mr Davis knows that is not what the minister said. Not only is the comment provocative, it is actually verballing the minister, and I do not want that to happen. That is not what the minister said at all. I ask Mr Davis to withdraw that comment.

Mr DAVIS — President, I withdraw that. In framing my supplementary question I note that the minister did refer to a sequence of time. Given that the government proposes a 70-year exclusive lease of the port of Melbourne with no clear option of another deep

water container port, will the minister guarantee that there will be a full environmental impact assessment completed prior to the heads being blasted or otherwise deepened?

The PRESIDENT — Order! Again at the end of his question Mr Davis made a jump, but I will allow the minister to deal with that. The supplementary question is in order because the minister's comment was about processes, and I took from what he said not that the heads would be blasted but that there would be environmental studies as part of the process of assessment of the project. In that sense the supplementary question has picked up on that aspect, and I think it is relevant.

Mr JENNINGS (Special Minister of State) — President, you have summed up the issues extremely well and the framing of how these matters should be dealt with. Mr Davis's original question and his supplementary question are miles beyond the appropriate consideration at this moment of what the tendering arrangements are for the leasing arrangements for the port of Melbourne proposed by the government — miles ahead.

Mr Davis is also aware that there is an undertaking by the incoming government that any evaluation of the container port needs of Melbourne into the future would be independently assessed by Infrastructure Victoria, which would include all the appropriate considerations of the economic, the social and the environmental consequences of development and the infrastructure needs of our state into the future. That would be a detailed piece of work that would evaluate all the issues, and we should not prejudge any of them.

Ordered that answers be considered next day on motion of Mr DAVIS (Southern Metropolitan).

Regional network development plan

Mr MORRIS (Western Victoria) — My question is directed to the Minister for Regional Development representing the Minister for Public Transport. I note the previous questions the minister has answered relating to the regional network development plan currently being undertaken by the government and the answers she has provided to both Mr Purcell and Mr O'Donohue. The minister would be aware of the community anger in Ballarat at both the new timetabling arrangements and the reduction in carriages on Ballarat trains. Many of our mutual constituents have contacted my office wanting to declare how disappointed they are with this new timetable and how it duds Ballarat commuters. I ask: why have the dates

and times not yet been set for the regional network development plan consultation sessions in Ballarat and the broader Grampians region?

Ms PULFORD (Minister for Regional Development) — I thank Mr Morris for his question. While I am aware of the work that my colleague Ms Allan, the Minister for Public Transport, is doing in relation to a broad-ranging consultation on improving public transport for regional Victoria, I do not have her schedule of dates for those consultations. I will take that question on notice and provide an answer to Mr Morris in accordance with the usual practice.

Supplementary question

Mr MORRIS (Western Victoria) — As a Ballarat-based minister, will the minister commit to attending the consultation session held in Ballarat?

Ms PULFORD (Minister for Regional Development) — As a regular user over many years of the service Mr Morris refers to, I have a keen interest in the quality and frequency of that service. I note that the coalition has always opposed investments in regional public transport. It was completely unsupportive of the fast rail project of the former Labor government and really did very little to improve regional public transport.

Mr Davis — On a point of order, President, it is very clear that the standing orders do not allow a minister in this approach to attack a previous government.

The PRESIDENT — Order! The point of order is right. I do not think what the previous government did or did not do has much relevance to the actual question that was proposed by Mr Morris today, which was about whether or not the minister would be trying to attend any of those sessions that may be held in Ballarat at some future time. I think there is a disconnect between the answer and the question. The minister, to complete the answer.

Ms PULFORD — Thank you for your guidance, President. I can understand the sensitivity. If my diary permits, I would be very interested in attending that discussion.

Public holidays

Mrs PEULICH (South Eastern Metropolitan) — My question is to the Leader of the Government in his capacity as representing the Premier and in turn in his capacity as acting Minister for Small Business, Innovation and Trade and therefore the minister

responsible for public holidays — and do not say that is a long bow. On 26 February, in a written response to a question without notice, Minister Somyurek indicated that the 2015 Easter Sunday and grand final eve public holidays were subject to a regulatory impact statement (RIS) to be concluded by mid-2015. I ask: why has this RIS process been significantly delayed?

Mr JENNINGS (Special Minister of State) — From the question that has just been asked and from the information that is available to me, I am not quite sure what leads the member to the conclusion that it has been delayed, because it is still the middle of the year. I do not know the answer to that question on the basis of what has been put to me and on the basis of the advice I have.

Supplementary question

Mrs PEULICH (South Eastern Metropolitan) — The supplementary may shed light on the question. Given that this policy will cost the Victorian economy each and every year and with the Victorian business community set to make significant and detailed submissions during the mandatory 28-day public consultation period still to take place, will the RIS process, evaluation and consideration be concluded and publicly reported on by grand final eve?

Mr JENNINGS (Special Minister of State) — I think the cumulative effect of the substantive and the supplementary questions enables me to actually provide perhaps a more fulsome answer than I could at the beginning. I would certainly anticipate that that would be the case. I have not been provided with any advice why that would not be the case. If I am furnished with any advice why that could not be achieved within that time frame, I will inform the house. I will inform the house, if in fact I am the relevant minister to answer this question, on the next sitting day.

Mrs Peulich — On a point of order, President, given that this chamber has been advised that the Premier is the acting Minister for Small Business, Innovation and Trade and given the fact that the Leader of the Government represents the Premier in this chamber, there should be no doubt as to whether he is qualified or not to answer the question. I suggest that in actual fact the question has not been answered adequately. Given the commitment that the RIS would be concluded by mid-2015 and the fact that it still requires a 28-day period of consultation, I ask that the Leader of the Government be required to provide an answer in writing.

The PRESIDENT — Order! One, we do not get supplementary supplementary questions, and two, points of order are not opportunities to have a debate. I will make a determination at the end of the proceedings.

Mr JENNINGS — Can I just say, President, that you are very welcome to make a determination — of course you are — but I have already volunteered. If there is any relevant information that says that time frame will not be complied with, I will voluntarily provide it on the next sitting day, which is the same scope of any direction you may give me.

Minister for Small Business, Innovation and Trade

Ms WOOLDRIDGE (Eastern Metropolitan) — My question is to Minister Somyurek. On the evening of Wednesday, 20 May, did the minister call or SMS Mr Xavier Smith, reported on the weekend as the minister's former ministerial staff member, to inform him that his services in the ministerial office were no longer required, effectively sacking Mr Smith?

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — I thank the member for her question. President, this goes to the heart of the inquiry again, so I am unable to comment.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) — My supplementary question to the minister is — and I hope he will be able to provide an answer as opposed to continuing to not comment in relation to these issues, given the questions in the house: has the minister dismissed any staff in his ministerial office since he was commissioned as a minister on 4 December 2014?

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — Again, these matters go to the heart of what is in my statement and what is in the complainant's statement. I cannot divulge what is in those statements and I cannot run a commentary on those statements. For me to do that would corrupt the process. I get it. The Parliament is sovereign. The Parliament is supreme over all decision-making bodies, including the executive and the judiciary, but this process is not about undermining, disrespecting or challenging the Parliament. It is about the Parliament perhaps accommodating this process so that we can get a clear result of what is happening.

Ms Wooldridge — On a point of order, President, in relation to the question, the minister has responded purely in relation to the incident at the end of May. The

question clearly covered a five-month period that was relevant to his entire period as a minister. I submit that he has not answered the question in the spirit in which it was asked.

Mr SOMYUREK — I will give an answer on that.

The PRESIDENT — Order! The minister has indicated that he is now prepared to provide an answer on that and I am quite happy to hear that answer.

Mr SOMYUREK — Again, I make it clear that this is not about the current situation. Prior to 20 May I had not dismissed anyone from my office.

Leadbeater's possum

Ms DUNN (Eastern Metropolitan) — My question is to the acting Minister for Environment, Climate Change and Water. The question relates to the immediate and urgent action needed to protect the habitat of Victoria's faunal emblem, the Leadbeater's possum. The signs are very disturbing that the establishment of the forest industry task force may act as a smokescreen to divert attention from the continued logging of native forest in the Central Highlands. I join with many concerned Victorians in asking whether the new task force will allow VicForests to keep the chainsaws going while it plunders the remaining habitat of the Leadbeater's possum in the native forests of the Central Highlands. My question to the acting minister is: will he consider imposing an immediate moratorium on logging in the uncontested home of the Leadbeater's possum, the native forests of the Central Highlands of Victoria?

Mr JENNINGS (Special Minister of State) — I thank Ms Dunn for her question. I start from the premise of appreciating those who want to provide appropriate protection to the state's faunal emblem and other native species in Victoria. It is a very important commitment that we make to try to ensure that we protect biodiversity in Victoria. It should be a feature of what our legislation is designed to do and what our environmental practices are designed to do. Our land use policies are designed to make sure that we protect native species in Victoria. We are obliged to do that. Whatever else happens in the discussion about these matters, the government and I totally accept an obligation to act in a way which protects native species and particularly threatened native species where populations may be vulnerable. We absolutely accept that that is incumbent upon us to do.

Whilst I recognise that, the member has already identified that there are processes in place designed in

the first instance to identify habitat and to provide protection for that habitat and protection for the Leadbeater's possum. Those measures have been put in place. Whether they are satisfactory is contested and is an issue that requires ongoing vigilance and determination to see whether that is being achieved. In fact it is incumbent upon the environment portfolio and other agencies of the Victorian government to ensure that there is maximum compliance and adherence to disciplines within that protection plan and any other improvements that could be adopted. Within that there is a framework for the discussion of these issues into the future. My colleague the Minister for Environment, Climate Change and Water is indeed embarking upon a process to examine those actively and engage in those actively, and that will take place.

To go to the conclusion that the member has asked me to do in my acting responsibilities — to actually perhaps pre-empt or interfere with or contaminate that process — I am reluctant to immediately say yes. In fact on reflection I will be reluctant to say yes, although I understand our obligations. I will be playing my role within government to support the adequate and appropriate resolution of these matters to allow for them to be considered on their merits, for habitat protection to occur and for the Leadbeater's possum to be protected.

Supplementary question

Ms DUNN (Eastern Metropolitan) — I thank the acting minister for his answer. My supplementary question is: does the acting minister support VicForests proposed amendments to the timber release plan, especially those amendments that schedule logging in identified Leadbeater's possum habitat in Toolangi State Forest, those areas having been identified by decades worth of research by Professor David Lindenmayer?

Mr JENNINGS (Special Minister of State) — I will have to seek advice rather than just offering a view, because I have not examined them in any great detail to see whether they are as the member describes. I am happy to take advice, and I am happy to respond to the question if I am still in the acting environment portfolio. I do not think I will be in the next sitting week, but one way or another I will be happy to take advice and form a view. However, I cannot share it with the member today.

VicForests

Ms DUNN (Eastern Metropolitan) — My question is to the Minister for Agriculture. The State Owned

Enterprises Act 1992 provides VicForests with an exemption from federal competition and consumer protection legislation. This exemption is due to expire on 1 July 2015, according to section 86A of that act. What process is being followed by the government in considering whether to maintain VicForests exempt status from normal corporate legal requirements?

Ms PULFORD (Minister for Agriculture) — I thank the member for her question. VicForests performs an important number of tasks for the Victorian community, and it is certainly my expectation that it will continue to do so. It has an important role, and I refer to Mr Jennings's answer to the member's previous question and the important role it plays in supporting recovery measures to deal with the threat to Leadbeater's possum. It has a very critical role in managing the state's forest resource. On the specific details of the member's question, I will take that on notice and provide an answer to her.

Supplementary question

Ms DUNN (Eastern Metropolitan) — I thank the minister for her response. My supplementary question is: can the minister provide details of what types of otherwise unlawful corporate conduct by VicForests requires a green light from the government, and will VicForests be seeking the same exemption into the future?

Ms Pulford — On a point of order, President, I ask if the member could clarify which unlawful acts she is referring to.

Ms DUNN — The exemption applies to the restrictive trade practices which every other corporation is bound by. VicForests is not bound by that due to the exemption provided to it in the State Owned Enterprises Act. Other corporations need to comply with the act, and my question is: what other exemptions does VicForests have that every other corporation has to abide by, and will it be seeking the same exemption into the future?

The PRESIDENT — Order! I will allow the minister to respond, but again, characterising a behaviour as unlawful would seem on the explanation to be an inaccurate characterisation given they are lawful exemptions. To that extent the question may well have been couched slightly differently notwithstanding the member has concerns about those exemptions.

Ms PULFORD (Minister for Agriculture) — It is my expectation that VicForests complies with the law in everything it does. It is also my expectation that the

forestry practices that VicForests is engaged in are at world's best practice standard.

Firearms

Mr YOUNG (Northern Victoria) — My question is for the Minister for Training and Skills in his capacity representing the Minister for Police. I refer to an article in today's *Herald Sun* about the new Adler shotgun. It says:

Victorian police minister Wade Noonan said they would argue the weapon should have the same restriction as a semiautomatic firearm.

The article then quotes the minister as saying:

I have spoken to the acting chief commissioner Tim Cartwright about this matter. He has raised his concerns that this weapon — and others like it — are no longer appropriate for a category A classification. I share his concerns ...

On what grounds does the minister believe that this particular firearm is no longer appropriate for category A classification?

Mr HERBERT (Minister for Training and Skills) — In response, I am advised by Victoria Police that the Adler A110 lever-action shotgun legally falls within the definition of a category A firearm under the Firearms Act 1996. I thank Mr Young for his question. He is well known for having strong views on these matters. As Mr Young points out, there is a concern that this firearm is essentially a higher capacity, rapid-fire weapon than current category A firearms. It is important to make sure that we regulate and enforce the use of these higher capacity firearms.

I am further advised that the national firearms and weapons policy working group, consisting of federal, state and territory police and justice agencies, is currently in the process of actively considering a number of issues, including the classification of firearms and other technical elements under the 1996 national firearms agreement. The classification of firearms such as the Adler weapon will form part of these discussions. This group will make recommendations to federal, state and territory police ministers — and it is a matter for the police — on the classification of firearms as part of the review of the national firearms agreement which occurred post the Martin Place siege joint commonwealth and New South Wales review. It is expected that the recommendations will be considered by ministers at the Law, Crime and Community Safety Council later this year.

While the government recognises that firearm technology and design is an evolving matter and that

there have been significant changes to weaponry since the national firearms agreement was first signed almost 20 years ago, it is of the view that it may now be appropriate for Australia's firearm classification system to move in step with technological advances in the firearm industry in order to maintain community safety.

Supplementary question

Mr YOUNG (Northern Victoria) — I thank the minister for his answer. Given that there was an inference to move this particular firearm to another category, what specific problem, if any, is being solved by this, and how?

Mr HERBERT (Minister for Training and Skills) — I thank the member for his supplementary question. As I said, there is not an inference, but certainly this weapon is part of the technological change in weaponry, and there is a process which is agreed through national and state bodies of police ministers in terms of looking at the national firearm classification system and taking into account technology.

Clearly this is a matter of community concern and community safety. There are different types of firearms, and I do not think anyone would dispute that there should be different classifications for them. There is a process in place which will advise the ministerial law council later about how those technological advances and the changes in weaponry impact on the national firearms classification. The intent of the classification system in terms of the danger that weapons present as opposed to sporting use or whatever, how that technology has changed and whether the classification system should change also will be addressed by ministers later in the year.

The PRESIDENT — Order! In respect of today's questions, with Mr Morris's substantive question on whether or not dates and times have been set for regional network open plan consultation sessions in Ballarat, the minister will obtain the dates for that. It is directed to a minister in the other house, so there is a rule applying to the time for that response.

In respect of Mrs Peulich's supplementary question to Mr Jennings, in his acting capacity, on the regulatory impact statement (RIS), I think it would be helpful if the house were to understand the timetable for the RIS. There have been a lot of questions back and forth on this issue, and understanding the RIS process would be helpful and would stop some of these other questions. I ask that that timetable be obtained. Given that the

Premier is the acting minister, the timetable for the other house will apply.

Regarding Ms Wooldridge's substantive question to Mr Somyurek, I understand Mr Somyurek's answer and I have some sympathy for him in terms of him trying to deal with this particular question. I ask that he consider providing a written answer to the substantive question. The supplementary was clearly dealt with. He might reflect on whether or not an answer could be furnished at the next day of meeting.

Mr Jennings has undertaken to obtain some further information with regard to Ms Dunn's supplementary question on habitat issues to the acting Minister for Environment, Climate Change and Water. It was quite a specific matter and it also involves a minister from the other house, so that timetable would apply.

Ms Pulford has undertaken to obtain some more information on the substantive question that Ms Dunn put to her. From the Chair's point of view I am not quite sure where the supplementary question was going. Answers to the supplementary question might well be incorporated in the response to the substantive question when it is published. My direction is only in respect of the substantive question.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) — I have the following answers to questions on notice: 573, 595–9.

CONSTITUENCY QUESTIONS

Western Metropolitan Region

Ms HARTLAND (Western Metropolitan) — My question is for the Special Minister of State regarding the western distributor, but he has just left the chamber. Upon detailed examination of the *Market-led Proposals Interim Guideline* and responses to my questioning of the Treasurer regarding this process it has become clear that, as with the east–west link proposal, the Victorian government will not release the business case for the western distributor until after the decision to proceed has been made.

No doubt in the coming months high-level, value-for-money figures will be released for the tunnel toll road, but as we saw with the east–west link tollway, the devil is in the detail. My question for the Special Minister of State is: if the government will not release the business plan for the western distributor before the

contract is signed, how can we be sure that the figures are not fanciful, as they were with the east–west link tollway?

Southern Metropolitan Region

Ms CROZIER (Southern Metropolitan) — My constituency question this afternoon is for the Minister for Ports, Luke Donnellan. My electorate of Southern Metropolitan Region takes in large parts of the many magnificent beaches of Port Phillip Bay, including those in the electorates of Albert Park, Brighton and Sandringham. A number of constituents have contacted me to speak about the proposed legislation on the long-term lease of the port of Melbourne and the subsequent implications of the government’s proposed legislation. Following from that there are concerns about the potential for Port Phillip Heads to be blasted, which would cause untold permanent environmental damage to many areas of Port Phillip Bay, including those bayside areas of Albert Park, Brighton and Sandringham.

My question is: will the minister guarantee that any future port lease that may be signed by the Andrews government will include a clause to protect Port Phillip Heads and that the heads will not be blasted?

Western Victoria Region

Mr RAMSAY (Western Victoria) — My constituency question is to the Minister for Roads and Road Safety and is in relation to a roundabout in Barwon Heads at the junction of Golf Links Road and Hitchcock Avenue. The Armstrong Creek development has put a lot of pressure on the Geelong–Barwon Heads road, which creates a bottleneck at this roundabout due to increased traffic movements from Geelong through Armstrong Creek to Ocean Grove.

The coalition recognised this problem prior to the election and made a commitment that there would be a traffic management review of that particular roundabout. The population of Barwon Heads increases on weekends and during the summer months. The traffic grinds to a halt at this roundabout due to the poor siting of the bridge by the Brumby government. I note that there is no allocation in the budget for improved traffic management at this roundabout. Can the minister indicate whether there are plans to improve the traffic flow and pedestrian safety at this roundabout?

Eastern Metropolitan Region

Ms DUNN (Eastern Metropolitan) — My constituency question is for the Minister for Roads and

Road Safety. I refer to the answer I received to my previous question to the minister dated 6 June on the truck curfew proposed for Rosanna Road. I thank the minister for moving forward with the proposal and for taking a consultative approach with the community. I have a follow-up question regarding the make-up of the VicRoads working group looking into this issue: will the terms of reference be made public, which organisations or individual stakeholders will be invited to the working group and will additional concerned residents be allowed to participate in the consultation?

South Eastern Metropolitan Region

Mrs PEULICH (South Eastern Metropolitan) — The political and industrial leadership in Victoria and its impact on south-eastern businesses was the subject of much discussion recently when the Leader of the Opposition in the Assembly, Mr Ondarchie and I met with a group of local businesses and manufacturers.

The question they asked me to take up in Parliament is: given the Premier’s prompt response to allegations of bullying involving Mr Somyurek, including his being stood aside as minister, the establishment of an investigation and a clear statement that he expects the observance of public service values, I ask the Minister for Industrial Relations, through the Special Minister of State, why the same standards will not be applied to the leadership of the Construction, Forestry, Mining and Energy Union (CFMEU), which is engaged in illegal industrial activity, as confirmed again on 3AW, and Mr Setka’s leadership, with many convictions —

Ms Mikakos — On a point of order, President, I draw your attention to the guidance that has been given to the house in relation to constituency questions. In fact it was earlier this week, I think, that you reiterated the need for constituency questions to relate directly to the member’s electorate. I fail to see how questions relating to Minister Somyurek or the Construction, Forestry, Mining and Energy Union have any relevance to Mrs Peulich’s electorate. She has certainly drawn no relevance in anything she has said so far in her question.

Mrs PEULICH — On the point of order, President, Mr Somyurek is a member for South Eastern Metropolitan Region, and small business, trade and innovation are critical to the region, which is probably the reason Mr Somyurek was given that portfolio in the first instance. This was the subject of much heated discussion and interest at the South East Melbourne Manufacturers Association (SEMMA) recently when the Leader of the Opposition in the Assembly, Mr Ondarchie and I visited them.

The PRESIDENT — Order! While a constituency question is certainly not an opportunity to drag in another member of Parliament in terms of a dialogue, did the member say at the start that she went to SEMMA?

Mrs PEULICH — Yes.

The PRESIDENT — That was at the outset — that the member went to SEMMA. On the basis that it is an organisation within that electorate, I will accept it, but I also had some concern about whether or not the matters being canvassed were outside the scope of a constituency question. Certainly talking about the CFMEU and the Minister for Small Business, Innovation and Trade is tenuous. Mrs Peulich has 5 seconds.

Mrs PEULICH — Will the Minister for Industrial Relations now call for the severing of the CFMEU's affiliation with the Labor Party in order to make sure that the same standards the Premier has applied in dealing with Mr Somyurek's case are applied to industrial relations, which has impacted on south-eastern businesses?

The PRESIDENT — Order! The member used more than her 5 seconds, but it did not get her anywhere because the constituency question is ruled out. It had absolutely nothing to do with her constituency at the end.

Northern Victoria Region

Ms LOVELL (Northern Victoria) — My constituency question is for the Minister for Police. Constituents in Murchison have raised their concern about the reduced level of policing in their town due to the government's new policy regarding single-officer police patrols. Due to this policy, Murchison no longer has a police presence overnight. This is concerning because backup patrols need to come from either 20 minutes away in Tatura or 30 minutes away in Shepparton. The local publican has stated that he always felt comfortable getting the local officer to do a walk-through of the pub, which eliminated any problems he thought might be developing. Residents are now feeling quite overwhelmed at the prospect of their town being left vulnerable and at risk.

In opposition Labor did not commit funding for any additional police, and once in government it committed funding for just a handful of additional police for the south of the state and none for the rest of Victoria. My question to the minister is: will he provide an assurance that he will reinstate an overnight police presence in

Murchison and ensure that police resources will not be reduced due to the government's failure to properly resource Victoria Police?

Ms Shing interjected.

Ms LOVELL — On a point of order, President, right throughout my question I could hear Ms Shing giggling over there. This is a matter of extreme importance to the people of Murchison, not something to be giggled at in the chamber of the Parliament.

The PRESIDENT — Order! On the point of order, Ms Lovell is assuming that that is what Ms Shing was giggling at. I would not want to characterise her actions as being in response to Ms Lovell's question. I did not actually hear the giggling — that is my fault because I was talking to another member — but I am sure Ms Shing was not being disparaging towards or diminishing the contribution that Ms Lovell was making.

Eastern Victoria Region

Mr O'DONOHUE (Eastern Victoria) — I raise a constituency question for the Minister for Ports, Luke Donnellan. My electorate of Eastern Victoria Region has a significant interest in the ports debate that is currently before the Victorian community, given the beaches of the region — from Mount Eliza to Portsea — and the fact that the tourism industry is critical to the economy of not just the Mornington Peninsula but Victoria more broadly. The decision by Labor to potentially preclude the development of the port in Hastings for decades to come is a matter of significant concern to the people of the south-east and the Mornington Peninsula in relation to jobs and investment.

My specific constituency question to the minister is around the future blasting of the Port Phillip Bay heads. My constituents are extremely concerned about this. Will the minister rule out any future port lease that may be signed by the Andrews government that does not include a clause to protect the Port Phillip Bay heads and ensure that they will not be blasted?

Western Metropolitan Region

Mr FINN (Western Metropolitan) — My constituency question is to the Minister for Local Government. I refer to the unmitigated mess the government has created in relation to the proposed establishment of a new Sunbury municipality. Given the total confusion in Sunbury over this matter, the mixed messages sent by the government and the total ineffectiveness of the member for Sunbury in the

Assembly in representing his electorate, will the minister use 1 July — the date appointed by the previous coalition government for the Sunbury council to begin — to give the people of Sunbury and Bulla a guarantee that the new council will commence operation within 12 months?

Sitting suspended 12.52 p.m. until 2.04 p.m.

APPROPRIATION (2015–2016) BILL 2015

Committee

Resumed; further discussion of clause 1.

Ms WOOLDRIDGE (Eastern Metropolitan) — My question is in relation to the issue of reprioritisations. Previously in budget papers reprioritisations have been presented as individual line items under each individual departmental area. So there is a total output summary, a line for reprioritisations and then a net result. The budget this year presents reprioritisations on a single page on page 58 of budget paper 2. I just wanted to ask the minister the reason why reprioritisations and their presentation have been changed from individual line items by department to one consolidated figure.

Mr JENNINGS (Special Minister of State) — Interestingly enough it may be in the name of transparency, but I do not think that is at the heart of the member's question. Presenting them in one location does provide for that opportunity in the way the member has outlined in her question — she knows where they are. The member and other members would be aware that there are a variety of ways in which output presentations have been identified in budget papers over a number of years. Whilst the member may be correct in relation to that, there have been a few budget papers that have been presented in the way she has described, but I would also suggest that at the beginning of the previous government's administration that was not the case. In fact the presentation of the budget papers gave quite a different attribution to the way in which either lapsing programs were dealt with or savings were identified. There is not necessarily a set format, and in this instance the government chose to present the reprioritisations in one location.

Ms WOOLDRIDGE (Eastern Metropolitan) — There is about \$490 million worth of budget reprioritisations in 2015–16, totalling nearly \$1.5 billion over the four-year forward estimates. In the interest of transparency, I wonder if the minister could outline a breakdown of reprioritisations by department, which would be equivalent to how they were presented last year, for example.

Mr JENNINGS (Special Minister of State) — I have not got that information before me today. I see that the table the member has referred to is a netting off of the initiatives and the reprioritisations within the one location, and that does provide a snapshot of the whole of government. For the benefit of the committee, I indicate that the funding for initiatives was in the order of \$2.2 billion and the funding for the reprioritisations that helped us support them was \$490 million. So there was a significant net positive impact on the budget adjustments referred to. That is not to say that there are other adjustments and savings identified in the budget table. In terms of pre-empting that question, they are clearly laid out on page 58 for any observer to see them.

In terms of the reprioritisations within output lines, as the member knows, the departments are responsible for identifying which programs and which mechanisms might be adopted within their output line to make those appropriate adjustments. Quite often those occur within the running of a financial year. Some of them may be instantly implemented, some may be smoothed over a period of time and some may be reprioritisations that may be redesigned in the way in which services could be configured in a certain year to achieve a spread of objectives for the program. Some of them relate to the day-to-day management of departments in their portfolio and their program responsibilities. By and large that is the reason for those reprioritisations, because a lot of that is actually implemented in the running of departmental budgets. I do not have the full spread of that information available to me. If the member expects that outcome today, I will not be able to deliver it.

Ms WOOLDRIDGE (Eastern Metropolitan) — The minister has outlined that there is \$2.2 billion in funding for initiatives, with reprioritisations of \$490 million in the year, which means that more than 20 per cent of the entire budget is represented by these reprioritisations. It is fair to say that departments know in advance their budgets for the year, and even if a reprioritisation is not directly allocated to a specific program or initiative, they will have a bottom-line figure of what reprioritisations are needed to be achieved. This \$490 million will have been allocated to the eight departments. If the minister does not have that information, which he says he does not and I assume the departmental staff in the box do not have it readily at hand, I ask: could the minister take that on notice and provide that information to the chamber?

Mr JENNINGS (Special Minister of State) — I will see what is available to me. I cannot pre-empt what the Treasurer's office may be able to provide me to furnish the house with. But if this is a substantive issue, and I

am not disputing that it is, the public accounts and estimates process is a mechanism where each department is assessed at great length over a number of hours on the budget settings, the programmatic outcomes in terms of initiatives and how they will be funded and the potential for what lapses in programs or reprioritisations may occur within a portfolio. Not to limit the nature of this committee, I would have thought that the Public Accounts and Estimates Committee would be the best place for that to be measured now and in the future.

Mr Davis interjected.

Mr JENNINGS — Mr Davis, I take up your interjection. You are an experienced member of Parliament who has lived on both sides of the debate in relation to the public accounts and estimates process, so why would you suggest that the Public Accounts and Estimates Committee is not an appropriate place?

Mr Davis interjected.

Mr JENNINGS — I am not disputing the right of the house. I have acknowledged the right of the house. I am saying the best place, in my view, for this information to be obtained is through the public accounts and estimates process, which is in fact the longer and more detailed process. The Public Accounts and Estimates Committee has the ability to get detailed information from departments about the implementation of the budget, either through the hearing process or through the template questions that are asked of departments, and I would have thought that there is ample recourse to obtain this information.

Ms WOOLDRIDGE (Eastern Metropolitan) — I ask for the ability once again to just engage further with the minister and seek clarification. I am not quite sure whether the minister has agreed to take that question on notice or not. Having engaged thoroughly in the public accounts and estimates process and having had exactly these questions asked in the public accounts and estimates process, it is fair to say I am here today asking this question because to date that process has not been satisfactory or rigorous. I congratulate the minister, because he often gives a more detailed response. I am not talking about questioning departmental officers, but rather it is about questioning the relevant ministers on these issues. I just reiterate that I would appreciate it if the minister could take that question on notice and provide the response to the house.

Mr JENNINGS (Special Minister of State) — I did not mean to necessarily avoid giving an undertaking. I

am not sure what the outer limits of my undertaking are, but I think a combination of what is at this point in time the information that Treasury may have available to it, what the public accounts and estimates process may have been able to obtain and the departmental responses to the Public Accounts and Estimates Committee would have been a very useful place to compile that information. I will give an undertaking to the house that I will see what information is available. I am happy to then make that available, but I do not want to set expectations in what might be interpreted as an open-ended commitment.

Ms CROZIER (Southern Metropolitan) — I am wanting to get some clarification or a confirmation from the minister, if possible, in relation to the Department of Health and Human Services social and community services (SACS) equal remuneration order. I note there was a media release put out at budget time in relation to a \$935 million boost for community service workers. Can the minister confirm whether that calculation for SACS is based on 80 per cent of the total salary component or 70 per cent?

Mr JENNINGS (Special Minister of State) — I know this was a somewhat contentious issue at the time because there were two issues that came together. One was in relation to the 80-20 or 70-30 split and the indexation that applies to programs within the sector. The application of both of those mechanisms may have simultaneously caused an expectation that there was a balance struck between what the figure was in relation to indexation and the ability for the non-government sector to pay on the basis of an 80-20 split from the government's perspective. The sector may have believed that that figure was 70-30. I know that was an issue of concern to both the minister and her department and to the agencies that were funded under these arrangements.

I am not certain whether there has in fact been a level of understanding about the apportionment of that cost structure and its intersection with the indexation item. I do not have any additional advice. I understand that that is subject to consideration between the department and the sector about the way in which that undertaking should be acquitted in the future and how it relates to the global application of both the wage adjustment and the indexation factor.

I understand that it is still being worked through in terms of finding an agreed way in which that applies. The government's hope, I believe, was that originally there may have been an expectation it was 80-20, but on the day the indication may have been that it

was 70-30. That is a matter that is still being worked through in terms of how it ultimately will apply.

Ms CROZIER (Southern Metropolitan) — This might be something that the minister will not know the answer to, because he has just indicated that the government is working its way through trying to assess whether it is the 80-20 or 70-30 split. Does the minister have an indication of when that will be finalised?

Mr JENNINGS (Special Minister of State) — In reality it has to be clarified during the course of this year so that people can be confident about what is embedded in the structure of their budget and their programs. I do not know the timetable, to be honest. I know that this is an important issue to be resolved so that there is greater confidence, and I volunteer that to the member, but I have not had a subsequent conversation with my colleague to know the time frame by which that clarity will be obtained, although I would hope it is soon.

Ms CROZIER (Southern Metropolitan) — As we are ending the financial year and starting a new one, I suspect that is right. Would the minister know what the estimates would be based on?

Mr JENNINGS (Special Minister of State) — As I indicated to the committee, I believed right up until budget day that the estimates were based on 80-20. That is my personal recollection of it, but in fact that is not what was announced on the day —

Ms Wooldridge interjected.

Mr JENNINGS — Whether it was announced or whether it was subject to budget briefings and conversations that took place from that day to this, that is the context in which it was announced. Obviously a discussion is taking place between the department and the stakeholders, who are trying to find a level of understanding about how they can deal with the service configuration and the indexation growth in their services, and their ability to pay the wage adjustment. I am not going to be able to do much better than identify those as an issue and acknowledge that it needs to be resolved.

Mr DAVIS (Southern Metropolitan) — I want to follow-up the questions from my colleague Ms Wooldridge with respect to reprioritisations, and these were questions I had marked down specifically for the Department of Environment, Land, Water and Planning and also the Department of Premier and Cabinet. I am interested to see if the minister can provide a table that consolidates the reprioritisations for those two departments. I will give the minister one

example of the sort of thing that I am interested in. If I look in the 2014–15 budget, I draw the minister's attention to page 56 of the previous budget. The rural council flying squad made allocation of — —

Mr Jennings — The previous budget?

Mr DAVIS — The previous budget — but I am giving the minister an example of money that is flowing through and I have reason to believe has been reprioritised into a different role in this current budget. I am giving the minister a very precise example of the sort of material.

Mr Jennings — It might be very precise, but you are relying on my knowledge of a previous budget.

Mr DAVIS — No, I am about to give the minister a page reference, page 56 of the relevant budget paper in 2014–15 — and I hand this to the minister. This is the rural council planning flying squad, which had \$2.3 million per year put out until 2017–18, so with respect to this year that we are discussing, \$2.4 million.

Mr Jennings — The member's approach is unorthodox, but we appreciate his assistance.

Mr DAVIS — Yes, the minister appreciates the assistance. I am not expecting the minister to have the precise detail of that with him now. I would not expect him to be able to do that in a different portfolio area, but the sector that I am dealing with — that is, with respect to those flying squads — is of the view that that money has been reprioritised. I am giving the minister that example of a program that appears to have been given a different characterisation or a different mechanism, and what I seek is a table or a consolidated document that provides information about those reprioritisations in both the Department of Environment, Land, Water and Planning and in the Department of Premier and Cabinet. I accept that the minister may not have such a table now, but it would surely be possible, in framing the budget, that that table has been produced.

Mr JENNINGS (Special Minister of State) — I ask Mr Davis for a clarification. Does Mr Davis believe that with respect of the item he has identified here — which is in the previous budget, the last budget of the government of which he was a part — \$2.3 million was allocated in the forward estimates to the rural council planning flying squad and that that program has been terminated?

Mr DAVIS (Southern Metropolitan) — Or reprioritised in some manner, even with a different form. That is the clarification that I am seeking. What I

am providing you with is an example of a program that has had some changes made or has been substantially altered. Presumably there are some financial steps that have occurred with that, which will be embedded in the arrangements for the relevant departments. I also note that there have been machinery of government changes, and I accept the complexity that is inherently involved there, but when the government has framed the budget, it has clearly aggregated these matters to come to its total figures.

The ACTING PRESIDENT (Mr Elasmr) — Order! Before I call the minister, for the information of members, we are still dealing with clauses. There will be time for questions regarding schedules and departments.

Mr JENNINGS (Special Minister of State) — I also remind the committee of what I said in my answer to the first question from the Leader of the Opposition, which was about the nature of reprioritisations and how they are embedded in budgets. Sometimes the simplest way is if a program concludes and funding is discontinued, then that is clear. That is easy. The real-world situation is often more complicated than that, and that is why it is implemented in the running.

As Mr Davis just indicated in his revision of his question to me, he knows that sometimes programs can be reconfigured. Elements of a program may continue but in a different form, which may change how much money is actually attributed to that specific line item. I think that in some instances that is one of the difficulties of trying to crystallise this issue. I acknowledge that now Mr Davis is saying he is unclear rather than being absolutely clear that some of the activity does not continue. I thank Mr Davis for appreciating the complexity of the issues we are talking about. Sometimes creating hard-edged lists of the discontinuation of programs as distinct from their continuation in another form may be a more complicated task to acquit than it would be if it were clear that the activity had stopped.

I am happy to provide information or seek information to be shared to the best of my endeavours, but I am not sure what form that is in. I reiterate that I would have thought perhaps the template expectations of the public accounts and estimates hearings and responses by departments — I am not removing myself from responsibility — would be a very good place for these things to occur.

Mr DAVIS (Southern Metropolitan) — I appreciate the minister's response, but am I to take from that that the minister will return to the chamber with his and the

Treasurer's best endeavours at providing a consolidated reprioritisation list for those two departments? I ask that noting that departments do keep accurate track of these programs, the money that is allocated to them and how it is reprioritised. I accept the point — indeed I volunteered it — that there are complexities here, but the people at Treasury like to keep a close tab on this, as they legitimately should, and I know that significant reprioritisations are reported into the central agencies.

Mr JENNINGS (Special Minister of State) — Whatever form the information I can extract is in and whether or not I can provide it, I will not do so by coming back to the chamber and reporting it. That will not be the case, because presumably the committee stage will conclude today and there is no form for me to come back.

Mr DAVIS (Southern Metropolitan) — Can I just challenge that? Over the years there has been a well-established practice whereby the minister who has had carriage of the appropriation bill at exactly this stage of the budget cycle and has not been able to provide detailed information has been prepared to come back to the relevant member — and indeed the chamber in some cases — with detailed information. So that is a mechanism that is available.

The ACTING PRESIDENT (Mr Elasmr) — My understanding is that the minister can come back to the relevant member but not to the chamber.

Clause agreed to; clause 2 agreed to.

Clause 3

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Clause 3 is the clause which actually appropriates the funds that the appropriation bill is all about. It provides that \$42.1 billion is being appropriated by this bill. Subclause (2) includes a standard provision that provides that if in the financial year 2015–16 there is a determination in respect of salaries and related costs that increases the cost of salaries to the public sector, sufficient funds will be appropriated for that purpose. In effect, subclause (2) provides a blank cheque. The Parliament is being asked to appropriate \$42 billion for the ordinary outputs of the state of Victoria, plus any other amount that arises from workplace determinations or such related matters. Members are being asked to provide through this bill a blank cheque to the government for whatever workplace outcomes it determines.

My question is: what is government wages policy currently? I have some follow-up questions on how that fits relative to what is shown in the forward estimates.

Mr JENNINGS (Special Minister of State) — On the second part of the equation, it is the intention of the government to be able to deliver wages outcomes within the structure of the budget that is being presented, rather than in the way that Mr Rich-Phillips has described in his question — that is, by this provision providing for an open cheque. It is our intention to manage within our means, so we start from that assumption.

In relation to wages policy, the government has been working through that in both the context of individual enterprise bargaining agreements (EBAs) that it has been negotiating or concluding since coming to government and what will be the frame that the government will apply to wages outcomes into the future. In answering Mr Rich-Phillips's question, I am aware that if I were to define more closely what has been in the public domain until now, I would be doing so ahead of government announcements clarifying wages policy in the way that he is crystallising it.

The wages policy as it is currently framed by the government as an internal means by which the government has determined that it will negotiate EBAs with its employees is on the basis of wages outcomes commensurate with the outcomes that were delivered under the previous administration. These outcomes have been internally determined on the basis of some guaranteed outcomes and then some additional increments that will be available to the workforce on the basis of a partnering relationship between the government as employer and employees in relation to workplace flexibilities, improvements in the workplace and productivity measures beyond them. That will be done within a setting that can be delivered within the forward estimates, and it will be comparable with the outcomes of previous governments in Victoria.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I point out, though, that my characterisation of this clause as providing a blank cheque were not my words but the description of such a clause by former Treasurer John Lenders.

Mr Jennings — That's why I did not rail against it but I took it on right here, on the chin.

Mr RICH-PHILLIPS — I do recall sitting there and getting a similar question.

The minister indicated that the structure of government wages policy is similar to that of the previous government: a base increment and then an increment on top with respect to productivity-related matters. The base increment for wages policy under the previous

government was 2.5 per cent per annum with productivity on top. Can the minister inform the committee of what the base increment is under current government policy?

Mr JENNINGS (Special Minister of State) — I am not going to be able to confirm that in a crystallised way for the committee today, but I go back to what Mr Rich-Phillips has just categorised — that is, 2.5 as the floor, plus productivity. In my previous answer I had outlined an intermediate element which dealt with workplace flexibility and improvements in terms of the working environment, the conditions and the performance of either government departments or enterprises where mutual benefit can be derived through work practices in the workplace.

I remind the committee that that is a feature of the consideration and the framing of the government that is slightly different to the settings previously, even though I would stick to my previous answer in relation to the quantum of expected outcomes being comparatively similar to previous governments but not necessarily structured in exactly the same way.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I took from the minister's substantive answer that those elements included productivity — a productivity increase. The minister has drawn a distinction between those elements which he described as a partnership, to paraphrase, with the relevant department and other productivity. Can the minister elaborate further on how that second element, that new element, he has referred to is proposed to work, as distinct from what we have known as productivity for the purposes of EBA negotiations?

Mr JENNINGS (Special Minister of State) — Primarily it relates to what contribution it makes to the savings element in terms of what was described previously as bankable savings, as distinct from enhancements in productivity or in service improvement. Sometimes they are the same thing, but they are not necessarily the same thing, and I am indicating to the committee that in fact the government's wages framing may allow for both of those to occur.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for that elaboration. Going back to his earlier comment with respect to the impact of upcoming EBAs on the forward estimates, if I understood the minister's answer correctly it was that this clause is not a blank cheque and those expected costs are reflected in the budget papers as we see them today. I will just clarify that

point. In that context I would refer to the ‘Strategy and outlook’ budget paper, page 84, which has a section headed ‘Sensitivity to enterprise agreements’, which states:

All government enterprise agreements are assumed to be unchanged over the projection period. An across-the-board increase in wages arising from an enterprise agreement, which exceeds the wages policy guideline rate, increases the general government sector’s employee-titled expenses.

I take it from that paragraph that the forward estimates have been prepared based on current EBAs and assuming no change to current EBAs. Can the minister confirm that that is the case and, given what he has said about the expectation of EBAs already being built into the forward estimates, that it is the government’s expectation that there will not be a change in those EBA terms and conditions?

Mr JENNINGS (Special Minister of State) — I think that last implication is a slight over-reading of what I understand that phrase to mean. I would take this entry to mean that the forward estimates have been based upon an understanding of the real costs of EBAs rather than, quite often, what is reported as their costs. It is on the basis of what are anticipated to be outcomes that are consistent with the real outcomes that are then embedded in the budget. On that basis what is effectively the growth factor that is incorporated within the budget settings to account for the real costs of the EBA outcomes is actually embedded in the structure of the budget. That does not mean there will not be increments. It is a growth trajectory.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Indeed. It does compound the growth factors of each of the EBAs, but it only compounds the current EBAs. If the EBAs were to change, then surely these forward projections would need to change.

Mr JENNINGS (Special Minister of State) — No. I will stick to my answer on the basis that the projections are predicated on the real costs in terms of what is the real attributed cost of the EBAs in terms of them being projected over the forward estimates in light of what the real costs are and what the real estimation of the outcomes may be. That allows for some swings and roundabouts within individual EBAs and what the individual outcomes may be. But on balance across the entire portfolio of the public sector there is an understanding of what should be embedded in the budget to account for those variations and the real cost of them.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I certainly accept what the minister is

saying, but surely if you negotiate a new agreement with new terms and conditions beyond the real cost of the current, that is going to have a subsequent impact.

Mr JENNINGS (Special Minister of State) — Yes, but again there is a crossover between this line of questioning and the previous line of questioning that we had about reprioritisations and how they would be enacted, or the question that relates to the cost structures in the community sector about the relative effect of service reconfiguration, program change, different work performance, productivity growth expectations within the programs that we are describing and those EBA outcomes.

I am not going to flip over the responsibilities in this committee stage. When the member was a minister I am sure he reflected on what he believed was the real cost of the police agreement his administration entered into compared with what might have been the published figure and the increments in terms of indexation and the CPI. Because a reclassification took place simultaneously with it, just like there is bracket creep in the taxation regime, there is in effect bracket creep that occurs in many situations within EBAs due to the changing profile of the workforce in relation to their articulation through the classification system.

That is the reason I emphasise the real cost of EBAs, as distinct from the headline number that is quite often published about the increment that occurs within each classification. If it takes account of the restructuring or reclassifications of the workforce as part of its professional development, you get a very different net cost outcome. Within that frame, our budget settings take account of what we think will be the anticipated outcomes. Just as the budget we inherited anticipated that, we anticipate that too. It will not necessarily be a direct or linear relationship between the annual increment in a wage outcome in an EBA that has to matter, it is actually the total cost of the workforce.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I do not wish to go around in circles on this. I understand fully what the minister is saying with respect to the real cost and total cost of these agreements, and I note that for the record and accept what the minister has said about the government having factored in its best estimates of what future real costs are going to be. I just make the point that that seems to be inconsistent with what this paragraph in strategy and outlook says about forward estimates being based on current EBAs rather than the government’s expectation of future EBAs.

Mr O'DONOHUE (Eastern Victoria) — I will take up the minister on his example of the police EBA and Mr Rich-Phillips's line of questioning. The police EBA expires during the coming financial year. The minister has given a description of how the government is approaching those negotiations across the public sector. One of the factors that will determine the future impact on the budget, taking the line of questioning that Mr Rich-Phillips pursued but did not ask about, is the outcome and timing of those EBAs and when agreement is struck. My question to the minister is: given that negotiations for the police EBA have commenced and that the current EBA expires in the new financial year that is the subject of this budget, when does he anticipate the negotiations for that EBA to be concluded?

Mr JENNINGS (Special Minister of State) — It is a good question, and I would like to know the answer to that question. It is a bit hard to crystal-ball gaze. I am sure the government hopes for it to be concluded in a timely fashion that is satisfactory from the perspective of the government and Victoria Police and its members.

As the member would appreciate, it is a little bit dangerous to predict with great certainty how long these things might take, but I volunteer that from my vantage point and the government's vantage point we would prefer to have harmonious working arrangements with the workforce and to conclude the negotiations in a timely way rather than in a protracted way. We will make our best endeavours to achieve that outcome. We are happy to be measured by the success of achieving that outcome. As the member would be aware, sometimes there may be some benefit in the structuring of one state budget to the next on the basis of having protracted negotiations or delaying them, but I do not think that should determine the way in which industrial relations practices occur. I certainly would not be supportive of that. We should do our best to conclude those negotiations as soon as possible.

Mr O'DONOHUE (Eastern Victoria) — I thank the minister for that answer and appreciate his reluctance to comment about specific EBAs, but to go to the broader point about inbuilt assumptions in the budget about EBA outcomes, and again Mr Rich-Phillips's line of questioning regarding increments and the minister's answers to him, in a more general sense with respect to the conclusion of EBAs being built into the budget and forward estimates, is there an assumption about the outcome of EBA negotiations to be resolved, for example, at the time of the expiration of the current EBA period? Is there some built-in assumption in the budget that deals with those issues?

Mr JENNINGS (Special Minister of State) — I believe there is an expectation that negotiations will be commenced and concluded in a timely way. As a principle in terms of the real costs of those negotiations, they would be embedded not only in terms of the outcomes but when those outcomes are scheduled to occur. That would be part of a regularised pattern of budget preparation. That is what I believe would underpin the forward estimates. As the member would be aware, there are many instances where there are protracted negotiations that take a lot longer than the scheduled conclusion of an agreement. Quite often when they are subject to protracted negotiations there is some degree of backdating of provisions or payments to compensate for the delayed introduction or rollover from one to the other. That is a feature of industrial relations practices not only in the public sector but in the private sector as well. That may be a feature, so you have to account for that.

I would assume that the structure of the forward estimates is based upon a realistic expectation of the implementation of the new arrangements taking effect, in some shape or form, from the conclusion of an outgoing EBA.

Clause agreed to; clause 4 agreed to.

Clause 5

Mr DRUM (Northern Victoria) — My issue is with the Department of Economic Development, Jobs, Transport and Resources under schedule 1. It relates to a program that was in last year's budget that went by the name of the Strategic Sporting Infrastructure program. That program was allocated \$35 million, and the entire funds were allocated. The program ran over two years. In the financial statement put out by the Labor Party two days before the 2014 election, the \$18 million set down for last year was reprioritised to other projects and the program was not continued in Labor's budget.

What I am wondering is how the projects within the Strategic Sporting Infrastructure program are going to be funded if that money has been taken away and not put back in, yet all of the projects have been allocated those funds. To sum up, the program was called the Strategic Sporting Infrastructure program. Funding of \$35 million was allocated for the program over two years — \$17 million for the last financial year and \$18 million for the coming financial year. The \$18 million for the second year of the program has been reprioritised, yet all of the projects within the program have been allocated those funds.

Mr JENNINGS (Special Minister of State) — I think Mr Drum said that anything that had actually received money in the first iteration continues to hold the funds that it was allocated prior to the change of government, so it is the new opportunities that were not necessarily precommitted that we are talking about.

Mr DRUM (Northern Victoria) — I can explain. My understanding is that of the \$35 million in that fund, approximately all but \$17.4 million was under contract, and \$17.4 million is the amount that was allocated to two Bendigo projects. Whilst contracts were not signed, the City of Greater Bendigo and the government have given their support for those programs that were to be funded under the Strategic Sporting Infrastructure program. The government is supporting those projects, but it has taken away the money that was allocated to those two projects — \$2.4 million for the Bendigo tennis centre and \$15 million for the Kangaroo Flat aquatic centre. The state government, through various ministers, has expressed its complete support for those two projects. However, the money has been taken away in *Labor's Financial Statement*, which was delivered on the Thursday before the 2014 election, and reprioritised into other programs for other projects. Those two projects need their money to proceed. I am wondering how those projects are going to proceed when the program has been scrapped.

Mr JENNINGS (Special Minister of State) — Mr Drum has very successfully outlined his concern. With the information that is available to me, I cannot answer his question. I am happy to take advice and provide him with an answer to that question. I doubt that I will be able to answer it now.

Mr DRUM (Northern Victoria) — Can the minister ask the staff in the advisers box?

Mr JENNINGS (Special Minister of State) — I would be very surprised if they knew the answer to that question. I can ask them. Let me do that. I feel as if I have failed, but I will do it. I will ask them.

I return to the table crestfallen. The reason I am crestfallen is that I have an answer that I was not able to provide Mr Drum. I should have asked this question. There was a machinery of government change that dealt with the nature of some programs which had previously been under that department but which have ended up under the Department of Health and Human Services. The program is now called the Community Sports Infrastructure Fund, a \$100 million fund which comes out of health. I was advised, very quickly as

Mr Drum could tell, that in fact that would be the source of support for those projects.

Mr DRUM (Northern Victoria) — If we are to assume from the minister's answer that the \$18 million that was on the table will now come out of the \$100 million, can we also assume that we have just completed spending for the third year of that four-year fund? If we take the \$10 million for female change facilities out of that fund, if we take \$10 million for cricket out of that fund, if we take \$23 million for 29 projects around the state out of that fund, if we take \$15 million for the Kangaroo Flat aquatic centre and \$2.4 million for the Bendigo tennis centre out of that fund, if we take \$2 million for the country football netball program out of that fund and if we take \$9.8 million for the shooting sports infrastructure fund out of that fund, we are now up to around \$78 million. There is about \$22 million left in that fund. Is that what the minister is saying?

Mr JENNINGS (Special Minister of State) — No, that is not what I am saying, but I am very impressed that Mr Drum said it. The reason I am very impressed that he said it is because that is a very long list. I was very impressed with Mr Drum's cumulative mathematics as he went through it. That was a very impressive piece of work.

I do not know all those specific projects. My response to Mr Drum was on the basis of what I was advised were two specific projects that he referred to that would be funded out of that new fund. For all the other projects that Mr Drum has just listed, I do not know their status and I do not know whether they have received a further commitment by the incoming government that had been a commitment by the previous government in terms of a rollover of projects. I do not know the answer to that question. But I was very impressed with the list that Mr Drum remembered of his prior commitments.

Mr DRUM (Northern Victoria) — I thank the minister, and I was equally impressed when he rattled off those figures. Now that the minister has broken the seal and realised that he becomes no less a man by taking the walk of shame over to the advisers, could he also check with them that — as we have seen via press release, though we have not heard of any official notification from government — the \$2 million for the country football and netball program will come out of the \$100 million? Could he also check whether or not the \$9.8 million from the shooting sports infrastructure fund will also come out of that money? That is what we have read via press release, but we have not heard from the government about any official status.

Mr JENNINGS (Special Minister of State) — I would have thought those two things sounded like one and the same. Let me do the walk.

I am in fact not advised of the nature of those additional projects, but I am happy to take some further advice.

Mr DRUM (Northern Victoria) — Before the Public Accounts and Estimates Committee (PAEC) the Minister for Sport went to great lengths when speaking about \$2 million for the country football and netball program to tell us that the government was going to continue to fund that program for one year as opposed to four years as per the coalition's pre-election statements. The minister very strongly said before PAEC that the \$2 million for the country football and netball program was in the budget. However, when questioned, he was unable to find where it was in the budget. Would Minister Jennings be able to do that work for him now and tell us where that money is in the budget?

Mr JENNINGS (Special Minister of State) — I can tell from the body language — I did not do the walk this time — and from the quizzical look of the advisers that I cannot answer that question now. There may be a very good chance that Mr Drum's linking of the dots is accurate, but I am not in a position to be able to confirm it at this minute. I am happy to provide some clarification about it.

Mr DRUM (Northern Victoria) — We will hopefully hear back then on the country football and netball program. The sporting shooters infrastructure fund was a \$10.8 million program whose first round of grants was rolled out late last year and which had two remaining rounds to go. There was \$3 million in the first round and there were to be two rounds of, I think, \$4.8 million and \$5 million to roll out this year and next year. The government has effectively said, again via press release, that the program is still going. Could the minister confirm to what amount that program will be ongoing? Will it be to the quantum of the full \$9.8 million, or will it be a lesser amount going forward?

Mr JENNINGS (Special Minister of State) — Mr Drum may be in fact able to assist me, because he seems to know what was in the press release, which I do not know. I know of the issue, because I remember that Mr Bourman asked me a question about this matter, which I was not able to answer at the time. He asked me in question time about it, and I know the Minister for Sport followed up and provided information that indicated that there was a new — I do

not know whether or not it is called this — steering committee or task force.

Mr Drum interjected.

Mr JENNINGS — That is right, a number of people.

Mr Drum interjected.

Mr JENNINGS — Yes, a committee that was about to be established now. I had thought that in the information provided to the house there might have been an amount identified in relation to the allocation of funds, but I am not in a position to be able to confirm what that figure is. With the suspense rising, Mr Drum may be able to tell us what was in the press release?

Mr DRUM (Northern Victoria) — I will quote a line here. The press release says:

Contrary to Mr Drum's false claims —

I had been saying the program had been cut —

the Andrews Labor government is funding the country football netball program and the Shooting Sports Facilities program. The programs are part of the Labor government's commitment to improving sports and recreation facilities for all Victorians.

The Labor government has appointed a Shooting Sports Facilities Program Advisory Committee, chaired by former Minister for Agriculture Joe Helper ...

And it mentions a range of other people already on the advisory committee. I note the government removed a former Liberal politician and put in place a former Labor politician, because that is somehow or other going to make the advisory committee work much better.

The press release goes on:

The committee will meet in the coming weeks to review existing applications and the guidelines for funding ...

Again, I note that the press release does not make any mention of amounts.

Mr JENNINGS (Special Minister of State) — I thank Mr Drum. Given the history of this matter, I can understand that Mr Drum feels as if he may have been slighted by that response, and that may be an additional reason he wants clarification. However, the community should have some degree of clarification, and I will encourage my ministerial colleague to provide that clarification.

Mr DRUM (Northern Victoria) — I ask for a bit more clarification around the country football and

netball program. Is the minister going to find out where that money is coming from?

Mr JENNINGS (Special Minister of State) — Yes.

Mr DRUM (Northern Victoria) — Is he also going to try to find out how much money there is for the shooting sport infrastructure fund and where it is going to come from?

Mr JENNINGS (Special Minister of State) — Yes.

Clause agreed to; clauses 6 to 10 agreed to.

Schedule 1

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I seek your guidance, Acting President, on whether you are happy to take questions across schedule 1 or whether you wish to go through by individual departments.

Mr JENNINGS (Special Minister of State) — I am happy to do it either way as long as we do not mix and match.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I have a series of questions on individual departments. I will go to the first one, which is in relation to the Department of Economic Development, Jobs, Transport and Resources. I refer to line item 2 for that department, which is the additions to the net asset base. That is effectively the capital appropriation for the department. Given what the government has said around its election commitments — grade separations et cetera — why is the capital allocation for the department reduced in this year's budget?

Mr JENNINGS (Special Minister of State) — I wanted to do better than just come back and say that the infrastructure program is covered in the contingencies — I actually wanted to answer the question — but that is a substantial part of the answer. In terms of the asset program in the future, there is a contingency within the budget that allows for investments to be rolled out over time as projects come onstream. That could be an answer to many of the questions that I may be asked during the course of this part of the committee.

Within the specific elements of the Department of Economic Development, Jobs, Transport and Resources there were a number of projects that were not proceeded with during the course of this financial year. The most significant of them was the east–west link, where there had been \$320 million allocated in the

forward estimates to be acquitted through the previous iteration of the department. That contributes in its own right more than the reduction that has been identified in the question and in the schedule.

There are a number of rephasings of projects. New projects that have been introduced by the government — which include bringing money forward for V/Locity trains, the Melbourne Metro project, trams and level crossing allocations — have been offset by reductions in the east–west link and some rephasing of other projects. We end up with a net reduction of the appropriation for this year, acknowledging that there are contingency provisions for projects as they are commenced or require investment that will accelerate through the future budgets in terms of growing the appropriation for that department.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I will move on now to a similar question with respect to the Department of Education and Training, again referring to the additions to the net asset base line. Noting that this government has said it is spending so much more on education than the previous government did, can the minister outline why the capital appropriation in this year's budget is zero?

Mr JENNINGS (Special Minister of State) — That is an even better question, but as in my previous answer, contingency may provide a safety net provision overall.

This is a fantastic question, and the reason I like it is that not only is it intellectually challenging but it created a bit of a dialogue and contest of ideas between me and the advisers in the box. In the last year of the previous government there was a qualification in the books in relation to the department of education assets, which was quite a fraught issue for the government of the day, and the incoming government had to come to terms with that. The resolution of that matter to the Auditor-General's satisfaction and to the incoming government's satisfaction was that the physical assets of the department of education increased in their book value. Once their book value had increased significantly, that meant that the depreciation item attributed to them within the output funding line subsequently increased. The asset program will be managed through the depreciation line item in this year's output line for education, which has had an uplift as a consequence.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased we have had the discussion about the depreciation funding of assets. We have covered that ground in previous years. I now want

to turn to the Department of Premier and Cabinet. The minister said earlier, when we started on clause 1 around the priorities of the government, that a focus was increasing output funding in areas of priority. But I draw to the attention of the minister that across the individual provision of output lines for each of the departments the department which received the biggest increase in funding — an 8.7 per cent increase — was the Department of Premier and Cabinet. Can the minister explain why it is that the Department of Premier and Cabinet received the greatest increase in output funding across the government?

An honourable member — It's your new portfolio.

Mr JENNINGS (Special Minister of State) — I appreciate any assistance the committee may give me in terms of resources to support my work across government, but that is not the reason in this instance. A number of areas have been incorporated within the portfolio. They include a responsibility in relation to a variety of things, including a whole-of-government effort to deal with the prevention of family violence, community capacity programs and other initiatives that have come with a realignment of responsibilities. For instance, yes, IBAC and the Freedom of Information Commissioner are my responsibility; they have come into the portfolio. Whilst I support their budgets, I do not spend them. In a sense those machinery of government changes have led to an increase in the structure of the Department of Premier and Cabinet's budget.

An equality portfolio has been created. Notwithstanding a member's comment in the chamber a few days ago about funding for the portfolio being business as usual, there were some additional costs to government in creating that portfolio responsibility. In years to come I think what we will find, unless there are further machinery of government changes, is that the proportional lift in the Department of Premier and Cabinet will not be replicated and funding in the department will return to normal growth rather than what has been a structural change to the department on the basis of machinery of government matters.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I draw the minister's attention to the explanatory memorandum for the bill, which indicates that the comparative figures are net of machinery of government (MOG) changes. The figure for 2014–15 has been backcast by Treasury to net out MOG changes, and the MOG changes show the Department of Premier and Cabinet going from some \$600 million down to that adjusted \$294 million. I take on good faith

the minister's answer, but I point out that according to the Treasury documents those figures are net of MOG.

Mr JENNINGS (Special Minister of State) — I would not like to set myself apart from Treasury in squaring the ledger here, so let me dig in. Some of the matters I referred to may require some further shaking out of the system in relation to that qualification and that undertaking in the Treasury papers, but let us just leave that aside as my error — if there is any error.

I also indicate to the committee that there is an output measure that applies to the creation of Services Victoria, which is one of my responsibilities. Its purpose is to drive opportunity across whole of government, which I outlined at length in the Public Accounts and Estimates Committee hearings, so it is not something I have hidden. It is something I have actually been quite happy to be associated with — trying to improve the business systems of governments and the interface with our citizens through an online presence and customer service enhancements that will over time rationalise the 534 websites and the 480 call centres across government and actually provide for a more user-friendly interface for our citizens using online services and engaging with government.

This actually applies — —

Ms Crozier interjected.

Mr JENNINGS — I will sort them out.

Whilst it is actually within the portfolio of the Department of Premier and Cabinet, it is a whole-of-government effort. This is the first investment in creating Services Victoria, which will pull agencies together. Already we have commenced work across some of those major agencies. VicRoads, for instance, has a major service interface with the community, and a lot of the traffic that comes through and is generated in relation to business transactions of the state go through that agency. We are working with that agency and others to try to achieve a more unified interface with our community and to develop greater service configurations. That initiative in its own right comprises about two-thirds of what has been the increase in the output funding.

Ms WOOLDRIDGE (Eastern Metropolitan) — Just on this issue, in terms of the machinery of government changes and the minister's acknowledgement of some of the costs of those machinery of government changes, can the minister outline the estimate — presumably having been built into either the 2014–15 budget or the upcoming 2015–16 financial year budget — of the additional

cost purely of the machinery of government changes themselves, as opposed to the movement between the various departments?

Mr JENNINGS (Special Minister of State) — I know this is a contested issue between us, and it is probably going to lead to a lot of consideration by the committee. My assertion is that those costs are negligible, so whilst I outlined the consequence of the movement of programs in terms of what it means for the output line of departmental budgets — that is what I was talking about, as distinct from what the incurred costs might be of shifting those programs — I believe that the costs incurred for those machinery of government changes are comparatively minor.

It may be difficult to assess what the costs might be of the physical relocation of some departmental offices. I understand that that may incur some costs. There may be some costs that are incurred in relation to stationery and other aspects of the branding or presentation of a department. I am not underestimating those, but quite often those costs are pretty much embedded in terms of renewing stationery, renewing branding and altering or relocating staff to get different service configurations. This occurs virtually on a continuous basis across an enterprise as broad as the public sector. It has always, and I do not think the machinery of government changes actually add much to those costs. However, that is a matter that is going to be tested over time. I do not have an attributed value of that to provide to the house today, although I know this is of concern to the opposition and it may be pursuing it through other means at greater length later.

Ms WOOLDRIDGE (Eastern Metropolitan) — I have just one further follow-up question about the absence of mention in the minister's answer of a staff cost, be that either a potential redundancy cost or a cost in terms of recruitment. For example, some of the departments have substantially changed organisational structures as a result of the machinery of government changes, which may lead to either staff redundancies or the relocation of staff to other locations — for example, where there have been two existing regional offices that now may be one. There was an absence of mention of it by the minister in talking about the costs of machinery of government changes. Is it the minister's view that there are no costs attributable to the machinery of government changes that relate to staff?

Mr JENNINGS (Special Minister of State) — Thank you for providing me with the opportunity to give a more fulsome answer. It would not have been by design that I had not included that. There have been no redundancies attributed to the machinery of government

changes, although by necessity there needed to be some changes of responsibilities. For instance, we merged nine departments into seven, which meant that we then only needed seven departmental secretaries. The two displaced secretaries were provided with important responsibilities and were maintained in employment.

From the government's perspective, we are very grateful to the two displaced secretaries. Howard Ronaldson has done important work for all of the Victorian community in relation to his work at Ambulance Victoria, and Dean Yates has worked with me on the creation of the Infrastructure Victoria legislation and establishing Infrastructure Victoria. Both of them have done particularly important work on our collective behalf. They have not left the employ of the Victorian government, and they were the most significant employees impacted by the machinery of government changes. We gave an undertaking as an incoming government to our employees that the machinery of government changes would not lead to redundancies. To my knowledge that has not occurred, and it is not the expectation that that will occur.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My final question is on the Department of Treasury and Finance appropriation. It relates to item 4, which is the Treasurer's advance. The Treasurer's advance is obviously the discretionary capacity that the Treasurer has available to meet urgent or emergency claims. My question is: noting that the Treasurer's advance is forecast to increase by 45 per cent to \$990 million, what is the reason for the Treasurer's advance being increased by such a large amount?

Mr JENNINGS (Special Minister of State) — The simple answer, which may not necessarily assuage any implied concern in the question but nonetheless is the simple answer, is that contingencies as a general rule have been preserved and identified within the financial statements. Page 35 of budget paper 5 outlines the level of contingencies in the forward estimates, and this happens to be one that was allocated in this instance to be provided for in a Treasurer's advance. In terms of the way in which the budget is presented, that has been the choice mechanism by which that allocation could occur. It is perhaps not quite as exciting as what might have otherwise been believed.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Could the minister confirm whether that has been the practice with respect to Treasurer's advances in the past?

Mr JENNINGS (Special Minister of State) — I will take some advice, but my initial response is that I think there is the facility and the ability for the budget papers to allow for the contingency to be allocated in certain ways. In some ways this immediately identifies that it is the responsibility of the Treasurer to make that available to us. I know from previous experience that sometimes a Treasurer's advance is required in emergency situations, such as bushfires and floods. There has been quite significant exposure to the budget settings that have been addressed through the Treasurer's advance. I do not think there is any major shock that has been anticipated. The advice I have been given indicates that there is quite a variation that may occur. This one, proportionately, seems to be quite a large one, but we do not think that it is out of the ordinary given the variations that happen from year to year.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I make the point that it is the intention that the Treasurer's advance be used for urgent purposes. That is specifically why that discretion is given to a Treasurer. It is not for subsequent decisions arising from contingency, which may not be urgent but which the government may not have been capable of making at the time of the budget, as distinct from something that is urgent, such as the examples the minister used — flood, bushfire relief et cetera.

Ms LOVELL (Northern Victoria) — I hope the minister has an answer for me, because I gave him a heads-up about my question about 6 hours ago, at 9.30 this morning. My question relates to the outputs for the Department of Health and Human Services. On page 39 of budget paper 4 there is \$1 million for a Goulburn Valley Health redevelopment; \$500 000 is to be allocated this year and \$500 000 in the forward estimates. I have been advised that this \$1 million is for redevelopments at two campuses — Shepparton and Rushworth. I would like to receive a breakdown of that \$1 million for each of those campuses.

Mr JENNINGS (Special Minister of State) — I want Ms Lovell to be reassured by one thing: she raised this question with me at around 9.30 a.m., and at 9.44 I transmitted a text message to the office of the Minister for Health to ask for clarification on this matter. I have a message trail from that time of three or four messages between myself and the minister's office, and the minister's office has not been able to delineate how that \$1 million will be apportioned between the two campuses. I can share the message trail with the member if she doubts the veracity of what I have just attempted to clarify.

Ms LOVELL (Northern Victoria) — Would the minister be willing to take the question on notice and provide me with an answer when the minister's office has had time to delineate those funding lines?

Mr JENNINGS (Special Minister of State) — Now that we have started the volley of communication, I am happy to do that. One of the difficulties may be in terms of the scoping work and how the work will be exercised. If it is undertaken within one process, it may ultimately be difficult to delineate how much of the expenditure was allocated to one campus or the other, but let us see what can be done.

Ms CROZIER (Southern Metropolitan) — I would like some confirmation about the output initiatives surrounding the allocation of funding in relation to family violence. How much of the \$57.9 million indicated on page 5 of budget paper 3 is reprioritised funding?

Mr JENNINGS (Special Minister of State) — I am going to take a walk to the advisers box. I am just trying to think of what the answer is. The reason I am wincing is that at one stage over the last few months I would have known the answer to that question but I do not know the answer today. I do not have that information available to me. Given the way in which these things can sometimes play out in the political domain, I am reluctant, off the top of my head, to give you a proportion of this allocation. I am sure the outgoing government knew that it had an allocation of about \$30 million.

Ms Crozier — It was 35.3.

Mr JENNINGS — Yes, it was somewhere in the order of that. Within that frame we are talking now about an allocation of \$57.9 million that has been identified, so the number falls somewhere within the limits of what the previous program was and what has been identified here. My colleagues in the box cannot assist me with the number. As Ms Crozier would appreciate, one of the difficulties of providing an answer on the spot is that some of these programs are in different portfolios and that is a bit of a trick for me — as I am sure it is for opposition members, who may have different concerns to me in relation to how that money is allocated.

Ms CROZIER (Southern Metropolitan) — Yes, that is the reason for my question. I am trying to understand the allocation of money. In relation to the \$57.9 million, the minister rightly notes that in the 2015–16 pre-election budget update there is \$35.3 million from the coalition government and

\$20 million from the royal commission. Combining those figures it appears there is only around \$2.6 million of new money that has been put into this area, and that is what I am trying to ascertain.

Mr JENNINGS (Special Minister of State) — At this point in time I am not able to confirm that. I am confident that there is a net increase, but I cannot volunteer what that net increase is. Was this a feature of a public accounts and estimates conversation?

Ms Crozier — Yes.

Mr JENNINGS — If that is the case, you might be able to outline to me in supplementary questions the trail of that inquiry, which may then prompt a better response from me.

Ms CROZIER (Southern Metropolitan) — It was in relation to trying to ascertain the breakdown of this money. As the minister said, it is tricky.

Mr JENNINGS — It is tricky but not mischievous.

Ms CROZIER — Nevertheless, in the Public Accounts and Estimates Committee we were trying to work out how much new money had been reprioritised. I am referring to the notes I have from the PAEC hearings, and there were a lot of figures that were thrown around by various ministers in relation to the responsibilities of their particular portfolio areas. I think Minister Richardson confirmed that she was responsible for around \$12.5 million, as well as the funds for the royal commission and the family violence fund, which equates to around \$16 million, and Minister Mikakos also rolled out a lot of figures. But I was unable to get a clear figure of how much money had been reprioritised, hence my questions to the minister this afternoon. If the minister would not mind providing that answer to me at a later stage, I would very much appreciate it.

Mr JENNINGS (Special Minister of State) — I will do my best to provide some clarity.

Ms WOOLDRIDGE (Eastern Metropolitan) — I refer to an earlier conversation, although my question is specific to the line item in health and human services, which is why I have held it over. In relation to the issue of EBAs I would like to ask in particular about the ambulance EBA. The minister said in his previous answer — if I can paraphrase it without verballing the minister — that essentially because of the swings and roundabouts and some of these outcomes a global number is built in and ministers are required to operate within that. The work value case for the paramedics is currently before Fair Work Australia, but the

commitment from the government and the union is that that determination will be reflected from 1 July 2015. I seek the minister's advice on what funding has been built into either the budget or contingencies, and which one it might be in, in relation to paying for the estimated outcome of where that Fair Work Australia case may land.

Mr JENNINGS (Special Minister of State) — I know the answer to that, but I am going to confirm it. The people in the box and I are as one: it is in the contingency. One of the reasons for this, apart from prudent accounting, is that it would be able to square the ledger with the entry that Mr Rich-Phillips identified earlier in relation to the expected outcomes of enterprise bargaining agreements, because this is something in addition to the outcome of an EBA.

Ms WOOLDRIDGE (Eastern Metropolitan) — I ask then for the amount that is in the contingency. Presumably the contingency is the sum of a number of individual items so that the total amount reflects the amount that is anticipated will have to be paid out against it in relation to the work value case.

Mr JENNINGS (Special Minister of State) — The instant that I identify what number is in the contingency it will either be met or exceeded, so I will not.

Ms WOOLDRIDGE (Eastern Metropolitan) — I am interested — and this covers some of the departments in the schedule as well as being specifically in relation to the Department of Health and Human Services — in the cost of the 2015 Easter Sunday public holiday. The first column reflects the budget as opposed to the estimate, which would have been in last year's bill for 2014 and therefore must include an adjustment for the cost of the holiday that has already passed and for which we have been advised that funding has been provided to each department for each minister to administer. Could the minister tell us the cost of the 2015 Easter Sunday public holiday, which will be reflected somewhere in that \$41 million, and how that is then reflected — that is, which individual departments have incurred funding for it?

Mr JENNINGS (Special Minister of State) — Ultimately the answer that has been provided previously by a number of my colleagues, which I will be bound by today, is in fact a recognition of the nature of budgeting from one year to the next. It must account for a variety of circumstances when what was the total cost of workforce-related issues may vary from one year to the next, depending upon whether public holidays occur on weekends or weekdays and what might be the workforce needs in terms of flexing up or

flexing down in response to those public holidays. Clearly some of the workforce will be required to be maintained and some of the workforce may have the day off as a consequence of a public holiday. There are swings and roundabouts on the basis of the budgeting arrangements that are attributed to a workforce in any budget item, across any departments. There will be a whole range of variations to it.

Departments are required to manage their budget situations in relation to the outcome of the 2014–15 year. Within that budget arrangement the outgoing budget would have had sufficient funds within it to cover those costs, and the embedded adjustments over the next year were designed to take account of the variations that occur in response to those public holidays and the flow-through of workforce-related issues. Within that context, to disaggregate the individual costs in individual circumstances across workforces is not seen as an appropriate way to deal with this matter in accounting terms. It should be dealt with in the way that has occurred in the structure of the budgets and the management regime that relates to departmental workforces. That is how it has conceptually been dealt with, that is how my colleagues have accounted for it and that is how I will account for it.

Ms WOOLDRIDGE (Eastern Metropolitan) — There is a range of questions as a result of that answer, and I thank the minister. The first one is: was the minister effectively saying in his answer — and I understand the argument about future budgets, but the 2014–15 budget had already been allocated and an additional cost had been imposed on those agencies, which had their workforce respond to it — that no supplementation was provided to departments but that departments had to find the funds from within their existing budgets to pay for workforces that then had an additional penalty rate on the Sunday?

Mr JENNINGS (Special Minister of State) — I believe that is the case, but I will take advice. I will stick to my answer, which is that I do not believe there was a specific supplementation. I remind the committee that in some portfolios — for instance, in hospital budgets — under normal circumstances there are supplementations that occur during the course of a year. That is a feature of how that portfolio and certainly how the cost structures of hospitals have been dealt with in many instances over many years. On the basis of addressing the demand or cash flow elements of a portfolio such as health, there are regular supplementations that occur during the course of any given year. I do not want my answer to be read down to me that there has been no supplementation of budgets

that has occurred across departments, but in relation to whether any supplementation was specifically provided for this purpose, I think it would have occurred in order to guarantee that the service availability under demand pressures was provided.

Ms WOOLDRIDGE (Eastern Metropolitan) — My understanding is that most of the supplementation in the health department is in relation to the department out to the hospitals, as opposed to the Treasury to the department, given that the departments are largely required to operate within the budget that has been provided and there is usually little joy from the Treasurer in getting additional funds to manage those ebbs and flows. Departments are meant to do that within the global budget that has been provided.

In the output summary for health, acute health services has increased its budget by a net of \$29 million, which is probably quite close to what has been estimated to be the cost of the Easter Sunday public holiday to the health services. My specific question in relation to health is: is part of the difference between the budget and the revised budget a supplementation for the Easter Sunday public holiday?

While once again it is convenient to marry a range of costs, what is clear is that individual payments have been made to each hospital specifically for the Easter Sunday public holiday. There is clearly a simple answer to the question of what has been the cost to our public health services and hospitals that is not buried in or built into the base conversations et cetera. That may be the case in the future.

There are a couple of questions in there. One is: can the minister identify the cost to the health budget of the Easter Sunday public holiday, given that very specific payments have been made to account for that cost to each hospital in the state?

Mr JENNINGS (Special Minister of State) — I cannot do so because I do not necessarily accept the second part of that question as being fact. I understand that in many ways it would be simpler for me — and for Ms Wooldridge in relation to potential criticism or concern that may arise about the government's policy about public holidays — to do so, but in fact that is not how these matters are treated in the budget. That is not how Treasury, the department and hospitals have dealt with this matter. It has been seen as a matter of global workforce management issues.

On the health system, I just make the point that in any case, in comparative terms, fewer surgeries would be undertaken on an Easter Sunday public holiday than on

other working days of the year. If we are talking about the level of activity, whilst emergency surgery may take place, the impression that in the life of a hospital Easter Sunday is a normal work day —

Ms Wooldridge interjected.

Mr JENNINGS — I am not saying Ms Wooldridge did say that. For the committee and anybody in the public domain who may be taking notice, I point out that there are some aspects of the work where clearly the whole workforce is engaged and some where a minority of the workforce may be engaged. In the life of a hospital the work on Easter Sunday would be at the lower end of that rather than the higher end. I just volunteer that to Ms Wooldridge. However, if a holiday occurs on —

Ms Wooldridge — Grand final eve, for example.

Mr JENNINGS — Or any of the pre-existing holidays. If any of the pre-existing holidays occur on a weekday, a day of high activity, then in fact either its cost or its reduction in service delivery may be more significant that it would be on Easter Sunday. That is what I am drawing the committee's attention to.

In respect of managing the workforce and the budgets, I know it is quite compelling to ask what is the single attribution to Easter Sunday. That is not the way this budget has been constructed by Treasury, the health department or the hospitals. They do have to account for it, but it is embedded accounting rather than being identified as a crystallised item. I know that is not a satisfactory answer for Ms Wooldridge, but that is the best I have.

Ms WOOLDRIDGE (Eastern Metropolitan) — I think I have conceded that going forward that is the case. We disagree for the 2014–15 year, given that that budget is already determined and the supplementation specifically for this issue has been provided to each hospital. There has clearly been a calculation by the department of health, presumably on advice from and with Treasury, of the exact cost, which is not being articulated and instead is being covered up.

One of the things that the government has taken pains to do in this budget is reconcile the commitments in the budget with *Labor's Financial Statement 2014*. The government's delivery of commitments against the 2014 statement and those costs very consistently match up with the commitments made prior to the election. I draw the minister's attention to the fact that making grand final eve and Easter Sunday public holidays are individual line items which when in opposition the government was prepared to cost in detail and articulate

on a year-on-year basis and separately between the two public holidays. Now the government is not prepared to acquit its promise against the cost delivery, so I ask: why is the government prepared to acquit 98 per cent of its promises against the costs in *Labor's Financial Statement* but not prepared to acquit the costs of these two public holidays?

Mr JENNINGS (Special Minister of State) — I think the simplest way for me to understand and accept what is a criticism is that it is suggested to me that *Labor's Financial Statement* was not as complete as it might have been. If that is the criticism, I might accept it.

Ms WOOLDRIDGE (Eastern Metropolitan) — I thank the minister for that concession. I appreciate that. Maybe I can clarify: my comment is that the government has acquitted its commitments against the costs pre-budget and in the budget against most of the rest of them but the public holidays are an item that the government is now not prepared to acquit against the commitment it made. Why is the government not prepared to be accountable, I suppose, for the delivery of the commitment it made in terms of the financial cost?

Mr JENNINGS (Special Minister of State) — I conceded one point and now Ms Wooldridge is wanting me to concede another point. They are connected. With my colleagues I will reflect on if and how we should account for the question Ms Wooldridge has asked. I take it that this is a matter for the government's consideration and for it to give a response on — that is, whether in future budget presentations this item is to be identified. Today I have given the committee the explanation for why it is not in the form that has been structured in budget settings until now. I am not retreating from what I have identified to the committee, because I consider what I have identified to the committee is reasonable in terms of workforce management and accounting for the output lines of budgets. I am not conceding that the budget form is inappropriate, but I recognise Ms Wooldridge's critique that the line items that were costed in *Labor's Financial Statement* in 2014 are different from their treatment in the current budget. I am acknowledging that discrepancy.

Ms WOOLDRIDGE (Eastern Metropolitan) — I refer to another matter in relation to contingencies which we have also talked about previously. I refer to the general government output contingencies not allocated to departments, which appear on page 35 of budget paper 5. I raise an issue about the footnote — so we are getting to some detail — which states,

‘provisions not yet allocated to meet additional price and demand growth for health’.

Coming back to my previous question, I assume some of that is the contingency related to the work value case that we have discussed previously. Is the minister able to shine any further light on other anticipated costs in the area of health that would be included in that contingency?

Mr JENNINGS (Special Minister of State) — It relates to an answer I gave a few minutes ago, which at some level was deemed to be an unsatisfactory answer. I acknowledged that from time to time there are pressures in the health system such as unexpected high activity in the hospital system that may require supplementation of hospital budgets. That has been a feature of a number of budgets in the past and I would envisage could be in the future. Whilst the work value case for the ambulance service and the paramedics is one of those items — and I acknowledge that members might appreciate the fact that we do not necessarily want to pre-load what the financial outcome of that might be — we have to take account of what we think it might be. But there is also some flexibility in relation to the demand pressures — for instance, whether there are instances of infectious diseases or other activity that may lead to high demand and may need to be accounted for. Those things exist.

We also understand that the system needs to have the capacity to be able to flex up. Members would also be aware that in some of the programs that relate to transitional arrangements there might be variations in the level of national agreements and national partnership arrangements and there might be some need from time to time for Victoria to assume some responsibility for the continuity of some services that may not be available to us. That may straddle those areas of health, disability and education that may require some budget supplementation over time.

Ms WOOLDRIDGE (Eastern Metropolitan) — I thank the minister for his answers. My last question is on the contingency and the use of the contingency or otherwise. To give an example, under the Department of Health and Human Services budget Casey Hospital had a \$106 million cost, with \$2.4 million allocated in the budget and the rest held in contingency, versus the Victorian Heart Hospital with a \$150 million commitment from the government — \$15 million funded and the other \$135 million not funded. On what basis does the government choose when to allocate something in contingency versus not allocating something in contingency, which leaves a gap between the commitment and what has actually been funded?

Mr JENNINGS (Special Minister of State) — The examples that the member has given help me demonstrate the point. In relation to Casey Hospital there is a well-developed proposal that is close to being able to be implemented immediately in terms of its design and the rollout of its construction timetable, and it is relatively clear, so spending can be apportioned with some degree of instant confidence about the cash flow of that project. In relation to the Victorian Heart Hospital situation, whilst government is very committed to achieving that outcome, the business case, the design, is actually at an earlier stage in the preparation of delivery, so its flow of cash will be a slower process. That is the reason the majority of funding for the heart hospital is in contingency, whereas in relation to Casey Hospital the majority of it has been in allocated capital.

Ms WOOLDRIDGE (Eastern Metropolitan) — In the budget papers it actually says that Casey Hospital is in contingency — \$2.4 million is allocated and the rest is in contingency — versus the heart hospital where there is nothing in contingency; only \$15 million has been funded. It is a step on for both of them. Casey Hospital is where the minister thought the heart hospital was but the heart hospital actually does not have the funding.

Mr JENNINGS (Special Minister of State) — Sorry, that was an error. Obviously in my state of exhaustion I took a shortcut rather than looking at the budget paper. I thought my logic was fairly compelling. I wish it was reflected in the budget paper. I cannot answer the question because I thought they were at different stages.

Ms Wooldridge — Is there any difference in the level of confidence in relation to funding?

Mr JENNINGS — No. That is the reason I am back on my feet. The reason is that the government is confident in both of these projects and determined to commit to both of them. It is a sequencing or phasing issue, and the phasing issue is slightly different from my memory of it and not reflected in the budget. That does not mean that the government is ultimately not going to be measured by its commitment to roll out both projects during the term of the government.

Ms LOVELL (Northern Victoria) — I take the minister back to the line item for Goulburn Valley Health. I appreciate that the minister has taken that on notice and cannot give me an answer about the breakdown today, but the one thing he can give me a firm answer on from his correspondence with the office of the Minister for Health is to confirm that that

\$1 million is across the two campuses of Goulburn Valley Health and not just for the Shepparton campus.

Mr JENNINGS (Special Minister of State) — Yes, I can. The confirmation occurred in the very first response that I got to the text message I sent this morning.

Ms Lovell — The answer is that it is across the two campuses?

Mr JENNINGS — It is across two, yes.

Mr O'DONOHUE (Eastern Victoria) — I refer the minister to the Department of Justice and Regulation in schedule 1 of the bill on page 11. In a similar vein to some questions from Mr Rich-Phillips, I ask the minister to explain item 2, the additions to the net asset base, the capital component. The figure for 2015–16 is less than half that for 2014–15. Can the minister give an explanation for the reduction?

Mr JENNINGS (Special Minister of State) — The reason there is a reduction is the net effect of two things. One is the increase, the new programs. The increases are Country Fire Authority trucks, the women's prison expansion strategy, expanding community correctional services to meet demand, custody officers, the Melbourne correctional centre annexe and the rephasing of various projects. They cumulatively take the budget up. In the netting off to lead to a reduction, the most significant item was because there had been a major injection the year before into the asset funding relating to Ararat prison, which took it over its normal base rate. It was quite a significant investment, and when you net that off it means that there is a reduction.

Mr O'DONOHUE (Eastern Victoria) — Could the minister give some detail about the rephasing component he referred to?

Mr Jennings — The Ararat one?

Mr O'DONOHUE — No, just in total global terms at this stage.

Mr JENNINGS (Special Minister of State) — Rephasing: I believe that number is of the order of \$100 million.

Mr O'DONOHUE (Eastern Victoria) — Just to conclude this line of questioning on this issue, can the minister give some details as to what makes up that \$100 million?

Mr JENNINGS (Special Minister of State) — I do not have that level of detail before me. That is what I have, but I will see whether I can do better. We will have to outline the areas where that rephasing is taking effect subsequently.

Mr O'Donohue — Will the minister take that on notice?

Mr JENNINGS — Yes.

Mr O'DONOHUE (Eastern Victoria) — In relation to item 4, can the minister provide some detail as to the reduction in relation to the Victorian Law Reform Commission from \$721 000 in 2014–15 to \$707 000 in 2015–16?

Mr JENNINGS (Special Minister of State) — The information I have is not going to satisfy Mr O'Donohue because it says 'immaterial variance'. I am going to have to do better than that, so I will have to come back to the member on that.

Mr O'DONOHUE (Eastern Victoria) — I now turn to page 83 of budget paper 3, which has some of the Department of Justice and Regulation outputs, and I have some questions about some particular issues. The minister said in answer to a previous question, which I think was from Mr Rich-Phillips, that the government has a commitment to no forced redundancies. In the context of the Victorian Responsible Gambling Foundation (VRGF), which has an appropriation of \$148 million over the next four years, I ask: does that apply to statutory agencies?

As I am sure the minister would recall, the Victorian Responsible Gambling Foundation was established in the 2011–12 budget, with an allocation of \$150 million. As with any new start-up organisation, less money was spent early in that four-year funding profile and more money will be spent towards the back of that funding profile. I am concerned about two things in relation to the reduction of funding to the Victorian Responsible Gambling Foundation. The first is the impact on the delivery of services, principally treatment services, education campaigns and responsible gambling activities. The second is whether there will be any forced redundancies following the reduction in funding made available to the VRGF.

Mr JENNINGS (Special Minister of State) — I have no advice that there is any intended redundancy. I have witnessed the member's previous line of questioning in the chamber about this matter. From memory, there has been a realignment of a comparatively small part of that budget allocation, but

nonetheless it is an allocation that has some capacity to make a difference.

I have just been passed a note to indicate that there has been a balancing item of the amount of money that is spent on the Victorian Responsible Gambling Foundation and the introduction of a precommitment information program, which has led to some concern from Mr O'Donohue in the chamber previously when asking my colleagues for an explanation of it. I know there is some residual concern, but I would be better to take advice. I do not think there would be any redundancy effected by that variation. In fact I do not think it is the intention for that to occur, although it would be silly for me to absolutely attest to that without checking it.

Mr O'DONOHUE (Eastern Victoria) — I thank the minister for taking that question on notice. I now refer to the 'Police digital radio upgrade' item, which has \$35.3 million allocated to it over the next four years. By way of background, I am sure the minister is aware that this was a \$10 million commitment made prior to the election by the then opposition. That commitment was reconfirmed by a press release dated 21 January from Minister Noonan as a \$10 million cost, but the cost in the budget is \$35.3 million. I seek some comfort from you and the government that, given that the cost identified on 21 January as \$10 million is now identified in the budget as \$35 million, the government is confident the project will be delivered within that funding envelope.

Mr JENNINGS (Special Minister of State) — I would hope to be able to provide that. I certainly think that is the intention, but there is a netting item in relation to the downgrading or removal of the analogue system. This is the best estimation of what that net effect will be. I note that that is implied but not necessarily specified in the footnote that is attached to that output initiative table.

Mr O'DONOHUE (Eastern Victoria) — If I could take the minister now to the item directly above 'Police digital radio upgrade', the custody officers initiative, noting that of the \$138.6 million allocated for that project the balance of the funds is in the out years — \$18.4 million in the coming year, followed by \$34.4 million, \$43.1 million and \$42.7 million respectively in subsequent financial years. Again this may be a level of detail that is not in the minister's portfolio, but I would appreciate some advice from him either now or subsequently about when the government anticipates the first custody officers will be trained and deployed, and what the deployment profile will be over the four-year period.

Mr JENNINGS (Special Minister of State) — On the basis of the maths I can make an estimation, but it would be much better for me to get the minister to confirm what that might be.

Mr O'DONOHUE (Eastern Victoria) — I have another question in relation to the capital allocation. Labor made a commitment for a new police station in Mernda, as did the then government. The minister has identified that as a budget allocation. Given the need for additional police infrastructure, particularly across the growth corridors and in particular areas identified by the Police Association where potentially new or improved police stations or infrastructure are required, and noting that some of the growth corridors such as Casey and Melton have seen increases in crime in the most recent statistics, is there embedded in these figures another component that is yet to be revealed for new police infrastructure, particularly new police stations, or is the commitment made prior to the election for the new station in Mernda the only one that is funded in this budget?

Mr JENNINGS (Special Minister of State) — It is the only one that has been identified in this budget. I imagine that there are pre-existing police stations that were in the asset program which would continue to completion, and I am certain that my colleague, on the basis of commitments or on the basis of newly identified need, will identify others. But in the asset initiative outlined in the budget this year the Mernda police station will be concluded in the time frame 2017–18, so presumably some time during that year — in fact probably early that year, looking at the cash flow that is in the budget paper. That is the only singly identified police station that has been added to the asset initiative. But that is not to say there will not be others in further years.

Mr O'DONOHUE (Eastern Victoria) — I appreciate that in subsequent years there may be new allocations made for new police stations or rebuilds of police stations that need rebuilding. I can think of a number that would fit that category now, such as Colac or Cowes at Phillip Island. But for the purposes of this budget paper and the coming financial year, is Mernda the only new station that has been identified that will be procured?

Mr JENNINGS (Special Minister of State) — To answer your question I go back to my answer, which was the complete answer. There are projects that presumably are being completed. I am certain there will be new projects that are identified during the life of the government. If we have made any further commitments, they will be maintained. Beyond that,

Mernda, singularly, in this particular budget and as an asset initiative was the one project identified.

Mr O'DONOHUE (Eastern Victoria) — I take the minister to some of the grant programs that were run by the community crime prevention unit within the former Department of Justice, which supported some organisations with what I describe as corporate costs, so not necessarily funds to run particular programs per se but to help the organisations to run themselves or to run particular programs. Some organisations that come to mind are Step Back.Think., a community organisation that seeks to bring the consequences of one punch to the notice of the public; driver education campaigns; and organisations that are well known by the community such as Neighbourhood Watch and Crime Stoppers. They all received some corporate support to help run their organisations. I cannot identify any funding source that could continue to support organisations such as that.

The government has extended for a further year the Community Safety Fund grants program and the Public Safety Infrastructure Fund grants program. Neither of those funding streams would be suitable for the organisations that I just mentioned, because the funding they are seeking would not normally fit within the funding guidelines. I am wondering whether there is any component in the appropriation for the Department of Justice and Regulation that can help partner with those organisations that have a grassroots focus on preventing crime in our community.

Mr JENNINGS (Special Minister of State) — Whilst the member is quite within his rights to ask me this question and have an expectation that I will have an answer for him, the level of detail that the member is expecting of me is extraordinary. Nonetheless I suggest that the output initiative 'Infringements and Enhancing Community Safety', for which \$268 million has been allocated in this year's budget, would be a starting place. I do not know what ability there might be for grants funding within that line item, or how much is contested space for grants and other activities, but it is a place to start.

I also suggest that in terms of the context of some of the programs about community safety, particularly for community organisations that may be working in multicultural affairs, there are a number of programs that may be appropriate within that portfolio that would add to the availability of sources of funding to do community engagement work developing safer and more harmonious relationships between members of our community. I think they would be the places to start.

Having a look through the other aspects of the justice portfolio, I note that the personal identity and individual rights aspects of the output may have some capacity for the work that is outlined, but given my level of knowledge about the individual elements of those budget components, I would need to have supplementary advice. If Mr O'Donohue wants to pursue these matters at this level of detail, he could get a briefing through the minister from the department that would outline what those grant opportunities may be. I am happy to facilitate that, if that is an outcome he seeks to obtain.

Mr O'DONOHUE (Eastern Victoria) — I appreciate that answer and that offer. The budget is fundamentally silent on the protective services officer (PSO) program. From that and from the allocations made in the second half of last year by the former government to enable additional PSOs to be funded in the coming financial year, I take it that the deployment model and those arrangements of the former government remain current and that there has been no change in the PSO deployment schedule or current operating model?

Mr JENNINGS (Special Minister of State) — Without necessarily confirming all of those elements, I have some information in front of me which indicates that the rollout of the PSO program will continue, as annotated, in accordance with the previous government's initiative. If that provides some degree of comfort, I note that that will continue.

Mr O'DONOHUE (Eastern Victoria) — I turn to my final question. By way of preamble, I note that I have had some correspondence with Mr Noonan, the Minister for Police, about this, but I do not believe I have absolute clarity on the matter. The former government had a \$7.2 million grants program known as Reducing Violence against Women and their Children, administered by the community crime prevention unit of the justice department. These grants were designed to drive behavioural change in workplaces and in the community across Victoria. The grants were provided in a three-year program. In response to an adjournment matter, Minister Noonan has advised me that the program will continue until the end of this year. Based on that response, I am seeking clarification from the minister at the table that those projects will continue until the end of this calendar year — that in effect they will cease at that time?

Mr JENNINGS (Special Minister of State) — My instant recollection of the question Mr O'Donohue just asked me is that this was a \$7.2 million program. The information I have in front of me is that the allocation

in this year's budget would be in excess of \$7.2 million. In terms of its longevity — how long the program lasts — I do not know the answer, but I know that within the budget settings that have been described to me there certainly has not been a reduction from \$7.2 million in the upcoming financial year. To me that would indicate that the project should run through at least the course of the financial year unless the way the program is administered has been fundamentally changed. If it is administered in a similar way, it looks to me as if there is at least a year's funding there. I do not know the answer beyond the next financial year.

Mr O'DONOHUE (Eastern Victoria) — I appreciate that the government has some new initiatives in this space. Through different portfolios there are different initiatives to tackle the issue of family violence; I am not disputing that. I suppose I was just seeking clarity about this particular funding stream. With any new program there is always a period of time during which it is developed, and I think there has been some degree of achievement associated with this program. I am seeking clarity about whether it is going to continue beyond 31 December or whether it will lapse. Again I note the other programs the government has, but I am just asking about this specific program.

Mr JENNINGS (Special Minister of State) — I was not trying to avoid the member's answer; I was trying to give him some confidence based on the information I have. The member will understand the level of detail I have about the budget at this point of time as I sit here; I cannot comprehensively acquit the answer. From the information available to me, however, in relation to what had been programs the previous government had introduced — the PSOs being one of them and this program being another — it is outlined that it is a continuation. It may be a variation of that program, but it is a continuation of it. The budget allocation in the output line is not less than \$7.2 million.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I rise to acknowledge that this has been a very arduous process for the minister at the table and to thank him for his answers this afternoon.

Schedule 1 agreed to; schedules 2 and 3 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

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

That the bill be now read a third time.

I thank members for their contributions, and in the generosity of spirit that was offered to me in terms of my conduct in the committee I congratulate committee members on the nature of their contributions today as well.

Motion agreed to.

Read third time.

BUDGET PAPERS 2015–16

The PRESIDENT — Order! The question is:

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

Question agreed to.

COURT SERVICES VICTORIA AND OTHER ACTS AMENDMENT BILL 2015

Second reading

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

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to rise this afternoon to make some brief remarks on the Court Services Victoria and Other Acts Amendment Bill 2015. The introduction of Court Services Victoria is one of the great reforms of the justice system in Victoria. It is a credit to the former Attorney-General, Robert Clark, the member for Box Hill in the Assembly. He worked very closely with the judiciary — with the heads of the four jurisdictions, including the Victorian Civil and Administrative Tribunal — to put in place a structure that recognised the difference between the judicial functions of our court system and the administrative activities that it is required to undertake, such as operating buildings and staffing. It took considerable work by Mr Clark and the then Department of Justice to bring that about.

I know from my interactions with the judiciary as a former minister, and indeed as a member of the Public Accounts and Estimates Committee, that the courts guard their independence from executive government very jealously. Putting in place a reform like Court Services Victoria was a very significant achievement. There have been times in the past of frequent debate,

certainly in the context of the Public Accounts and Estimates Committee, about the capacity of the Auditor-General to undertake performance audits of the courts. There has been strong resistance at times from the judiciary to acknowledging the right of the Auditor-General to look at the performance of the administrative functions of the courts, as distinct from their judicial functions, which no-one in this place would believe was in the scope of an audit or review. The creation of Court Services Victoria to undertake those administrative functions for the courts, obviously overseen by the heads of the jurisdictions, has been a very significant development in the way our courts are administered.

This legislation makes two important amendments to the current court services regime. Firstly, clause 4 relates to the appointment of the chief executive of the Judicial College of Victoria. This amendment clarifies that the chief executive of Court Services Victoria must employ a person who is nominated by the board of the judicial college to be the CEO of the Judicial College of Victoria. It recognises and gives effect to the role of the board in appointing the college's CEO. Although that formal appointment will be made by the chief executive of Court Services Victoria, the support of the board of the judicial college is required.

Secondly, operative clauses 6 and 7 give effect to the definition of Court Services Victoria as a department for the purposes of section 28 of the Financial Management Act 1994. The Financial Management Act is obviously the framework for budgeting in Victoria — the appropriation framework, which we have spent a considerable period of time discussing today. It is also the financial accountability framework for the state of Victoria, in terms of auditing and accounting requirements and reporting requirements in particular.

A frustration for many members of Parliament in the past — again acknowledging the necessary judicial independence of our courts — was the way in which the administrative functions of the courts were reported. It was often the case that the individual court jurisdictions would provide annual reports to Parliament almost a year late. It would be almost 12 months after the end of the financial year before an annual report from, for instance, the Supreme Court was tabled in Parliament. Moreover, in no way did the reporting requirements reflect those imposed on other government departments. The Minister for Finance lays out a framework as to what is required to be in an annual report. Part of that process involves the minister and the Department of Treasury and Finance issuing a model report each year — a template report if you like — to demonstrate what a department is required to

include. The level of reporting from the courts was nowhere near the standard required of other government departments.

It is important to keep in mind that the administrative functions of the courts include the handling of funds that are at times very substantial. Funds under the administration of the various courts can run into hundreds of millions of dollars — sometimes even more. There are some significant financial obligations around the administration of the courts, and in the past that reporting framework has been lacking compared to what this Parliament and the people of Victoria have expected of other government departments and agencies.

The advent of Court Services Victoria is a positive development. It recognises the independence of the judiciary with respect to judicial decisions, but it also recognises that it is appropriate that there be a proper structure and proper governance around the administrative functions of our four independent court jurisdictions. It was a very welcome and significant reform made by the former Attorney-General, the member for Box Hill in the Assembly. The bill makes important steps in ensuring that that framework continues appropriately. The coalition parties do not oppose the bill.

Ms PENNICUIK (Southern Metropolitan) — The Greens will be supporting the Court Services Victoria and Other Acts Amendment Bill 2015. The amendments in the bill are in response to issues identified during the initial operation of Court Services Victoria (CSV), which came into effect on 1 July 2014. The establishment of Court Services Victoria meant that the administration of the courts became independent of the executive of the government and Victoria's courts and tribunals became accountable directly to Parliament.

Just yesterday I made a statement in this house regarding the annual report of the Supreme Court of Victoria. Court Services Victoria attracted some remarks from Chief Justice Marilyn Warren, who described the passage of the act establishing Court Services Victoria as 'an important milestone' in the history of the state. The original advisory council, which she led, established Court Services Victoria and the way it operates now to administer the courts, the Victorian Civil and Administrative Tribunal and also the Judicial College of Victoria. The courts and the Victorian Civil and Administrative Tribunal remain separate entities and maintain responsibility for directing their individual functions. Each jurisdiction has its own chief executive officer, while the CEO of

Court Services Victoria has the responsibility for managing CSV's day-to-day operation and staffing. The governing body of CSV is the Courts Council, chaired by the chief justice and comprising the heads of each jurisdiction, along with up to two appointed non-traditional members.

In essence the bill amends the Financial Management Act 1994 to provide Court Services Victoria with the same budget flexibility and management mechanisms available to other Victorian public sector bodies which receive a direct parliamentary appropriation. These mechanisms include better managed expenditure across financial years and better managed cash flow in financial years, and they will enable CSV to take advantage of opportunities that arise in a current financial year to acquire benefits that will accrue or continue to accrue in the following financial year.

The bill amends the Independent Broad-based Anti-corruption Commission Act 2011 to codify the authority of the CEO of Court Services Victoria in relation to complaints and investigations under the IBAC act concerning CSV or its staff. This will mean that IBAC will be empowered to disclose any information it has acquired from exercising its powers or performing its duties or functions under the IBAC act or any other act to the chief executive officer of Court Services Victoria if IBAC considers that the information is relevant to the performance of the duties and functions or the exercise of powers of the CEO of Court Services Victoria. Similarly the CEO of Court Services Victoria will be permitted to notify IBAC of any matter that the CEO believes on reasonable grounds constitutes corrupt conduct, despite any duty of secrecy or other restriction on disclosure.

The bill also amends the Court Services Victoria Act 2014 to provide that the CEO of Court Services Victoria must employ a person nominated by the board of the Judicial College of Victoria to be the CEO of the college on terms and conditions fixed by the board. The bill is largely technical in nature, making administrative-type amendments to improve the operation of Court Services Victoria, and particularly its financial operation. As I said, the Greens will be supporting the bill.

Ms SYMES (Northern Victoria) — I rise today to make a brief contribution to the Court Services Victoria and Other Acts Amendment Bill 2015. Speaking as a former student of the law and a passionate advocate of its principles and effective workings, the amendments proposed in the bill before us today are about strengthening and building upon work already done in the establishment of Court Services Victoria (CSV).

Section 8 of the Court Services Victoria Act 2014 states that CSV's primary function is to provide or arrange for the provision of the administrative services and facilities necessary or desirable to support the performance of the judicial, quasi-judicial and administrative functions of the Supreme Court, County Court, Magistrates Court, Children's Court, Coroners Court and the Victorian Civil and Administrative Tribunal.

The bill addresses those areas of Court Services Victoria that have in its first six months of operation been highlighted as requiring changes to improve its effectiveness, and this will benefit everyone. The bill amends the Financial Management Act 1994 to provide Court Services Victoria with the same budget flexibility and management mechanisms as generally apply to other Victorian public sector bodies that, like CSV, receive a direct parliamentary appropriation. This is significant in that it further establishes the independence of the judiciary from the government of the day by empowering it with flexibility over its budgeting process and procedures, which will fundamentally improve its operations. One just needs to look at the increased growth in family violence cases, for example, now being handled by the court system as the veil has been torn from this insidious community crisis, to appreciate the need for our court system to have some autonomy over its funding and resources to respond to such events.

The bill also amends the Independent Broad-based Anti-corruption Commission Act 2011 to clarify the authority of the chief executive officer of CSV in relation to complaints and investigations under the IBAC act concerning CSV and CSV staff. Strengthening and improving IBAC remains a longstanding commitment of the Andrews government, and this amendment goes some way to delivering on this.

The bill also amends the Judicial College of Victoria Act 2001 to clarify the role of the board of the Judicial College of Victoria (JCV) in appointing, setting the terms and conditions for and if necessary terminating the employment of a CEO. The amendments also formally record the duty of the CEO of JCV to act at the direction of the JCV board. These are changes which can only strengthen the governance, accountability and hence productivity of the JCV, and I applaud their introduction and look forward to seeing the deliverance of better outcomes as a result.

Finally, the bill amends the CSV act to repeal a redundant definition of the former State Services Authority, hence eliminating an unnecessary reference

to an organisation which no longer exists, it having been replaced by the Victorian Public Sector Commission.

These are legislative amendments of the common-sense variety. They are uncontroversial and motivated by improving effectiveness and driven by delivering efficiency. I commend the bill to the house.

Mr HERBERT (Minister for Training and Skills) — In my brief summing up on this bill, firstly, I thank all speakers from the coalition, Labor and Greens for their contributions and support of the bill. As has been said, much of the bill covers machinery amendments to clarify existing provisions. It changes elements of the Financial Management Act 1994 to provide Court Services Victoria (CSV) with the same budget flexibility and management mechanisms that generally apply to other Victorian public sector bodies that, like CSV, receive direct parliamentary appropriations. It amends the Independent Broad-based Anti-corruption Commission Act 2011 to clarify the role of the CEO of CSV, consistent with the role of other agency CEOs in relation to Independent Broad-based Anti-corruption Commission complaints or investigations.

The bill amends the Judicial College of Victoria Act 2001 to provide the Judicial College of Victoria board with ultimate authority over decisions relating to the employment of the CEO.

Lastly, the bill amends the Court Services Victoria Act 2014 to repeal redundant definitions of the former State Services Authority. It is a fairly simple, straightforward bill. It tidies up many of the mechanisms that are in place and leads to better governance within our court services. I commend the bill to the house.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

APPROPRIATION (PARLIAMENT 2015–2016) BILL 2015

Second reading

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

Mr ONDARCHIE (Northern Metropolitan) — What a pleasure it is to speak while Acting President Morris is presiding. I rise to speak on the Appropriation (Parliament 2015–2016) Bill 2015, and what an interesting document this is. Although I suspect members would like me to speak for a long time, I will cut right to the chase.

If we look at the budget allocation in 2015–16 for the Legislative Council, we see it is a reduction of 3 per cent on this current year. We are expecting the Legislative Council to do more with less. The Legislative Assembly has had a reduction of 0.7 per cent. Again, those in the lower house and their support services are expected to do more with less. The parliamentary investigative committees have taken a budgetary hit of 0.7 per cent in the next financial year.

Here is a government that has delivered an appropriation to the Parliament and asked the Parliament to do more, but has given it less money. We contrast that with the Department of Premier and Cabinet celebrating an increase of 8.7 per cent in its budget for the next operating year. The Premier and all his mates at 1 Treasury Place have taken an 8.7 per cent winning lottery for their own pockets and those of their department, while at the same time skimming the money off the Parliament and expecting it to do its job.

I know there has been an increased focus by the Department of Parliamentary Services (DPS) on things such as security around the Parliament to keep members, staff and visitors even safer. Whilst I have spelt out the facts of the deficiency of the appropriation bill for the Parliament and the increased money to the Department of Premier and Cabinet, this is also an opportunity to thank those who work so hard for us particularly in supporting members of Parliament.

Through the Presiding Officers I pass on our thanks to all those who provide support services to the various members of Parliament. To Peter Lochert and his staff at DPS, we wish them well for the next financial year, given they been asked by Daniel Andrews to do more with less. We thank Andrew Young and the Legislative Council team for all the work they do; that is right through and including the attendants, the staff in the

table office and all the other people who support us so well in the Legislative Council.

Mr Elasmar is keen for me to elaborate even further on this bill this afternoon, but I will come to my conclusion. I thank the staff in my electorate office, who fall under the banner of the Department of Parliamentary Services. They do so well to provide for my constituents and the wider community in Melbourne's north. In particular I thank Chris Jermyn, Nadine Tulk, Jacky Douglas and Ange Pappas. Without them, I could not do my job effectively, and I thank them dearly. The coalition supports the bill.

Mr ELASMAR (Northern Metropolitan) — I rise with pleasure to make a brief contribution to the debate on the Appropriation (Parliament 2015–2016) Bill 2015. I can honestly say that the Department of Parliamentary Services provides an invaluable service to MPs and their staff. It has an immense year-long task of accommodating all our offices and looking after our staff and us to ensure the smooth running of the Parliament. Due to the recent state redistribution, its workload has been even more onerous than usual. We are well served by our parliamentary staff, both in the house and in our electorate offices in the suburbs and in country Victoria. I would like to thank my staff.

In addition to the bread-and-butter issues being managed every day, we also see very important events taking place in our beautiful Queen's Hall. Visiting dignitaries and community groups alike are treated to the same service and respect we have all come to expect.

One of the highlights for me is the Youth Parliament. It gives me personal pleasure to see our young boys and girls acting out the role of parliamentarians. Without the organised and skilled staff of the Parliament, this event would not happen. My thanks go to all the staff who brilliantly put together the agenda and provide a pseudo Parliament for young people to enjoy and understand.

We all know our beautiful Parliament House is undergoing a massive reconstruction, and this has placed additional stress on all of us, but especially the parliamentary staff, who work here every day when Parliament is not sitting. We know it is essential for our Parliament House to be properly and structurally maintained, and everyone is feeling the frustration of ongoing building works. However, the Parliament belongs to the people, and it is our responsibility to ensure that this magnificent building remains as far as possible in its original condition for posterity.

The department can say with pride that it took the last election in its stride — it had to organise the accommodation and induction training of 40 new members and 109 new electorate officers. This required a huge effort by all staff.

The new security arrangements for the precinct have added new duties and placed further stress on all of us. After the attack at the Canadian Parliament it was thought prudent to put tougher security measures in place to protect MPs, their staff and visitors to this beautiful place. I thank the department for that.

The opening of the 58th Parliament was a fantastic event, given the security restrictions, but the staff managed it superbly. Over 4000 people attended the 2015 Parliament House open day, and over 2300 people were provided with guided tours of the building last year as part of Open House Melbourne.

My thanks go to all the staff here in Parliament House, and the staff at 55 St Andrews Place, who provide IT support and other services. I cannot finish without mentioning the sterling service provided by the clerks in this chamber. What would we do without them? I thank them. In conclusion, I commend the bill to the house.

Ms PENNICUIK (Southern Metropolitan) — The Greens are happy to support the Appropriation (Parliament 2015–2016) Bill 2015. The bill appropriates funds necessary for the smooth running of the Parliament, including the electorate offices of all members of Parliament. Schedule 1 of the bill informs us that the appropriation, according to the wishes of the Presiding Officers, is divided into separate appropriations for the Legislative Council, the Legislative Assembly, the parliamentary joint investigatory committees, the Department of Parliamentary Services and the office of the Auditor-General.

I would like to take the opportunity to thank the staff of the library, the staff of IT services and the parliamentary officers all around the Parliament, including the attendants, the security and protective services officers, the clerks and their staff, the committees and their staff, the staff in the table office and the staff of Hansard, all of whom do a fantastic job. It is always great to have the opportunity to thank them for the hard work they do in a professional and courteous way. Sometimes I spend time speaking to them at committee hearings, during the day, in the course of our work and coming across them in the corridors et cetera. It is nice to have a word with them and share a joke with them. They are professional and

courteous in going about their job, and they have always been very helpful when I have asked them to assist me in my work as an MP.

One should not forget the parliamentary counsel, with whom I have a lot of dealings. I am forever asking the staff of that office to make amendments to bills for me. I thank them for their work in assisting me.

I thank all the people who help the Parliament to run so smoothly. I thank them for all the work they do, which is above and beyond the call of duty in many cases. I would also like to thank the electorate officers — not only my electorate officers but also the electorate officers who work for all MPs — for the hard work and support they give to us to do our work. It is a pleasure to be able to take the opportunity to thank them for the work they do.

I acknowledge the work of the Victorian Auditor-General's Office (VAGO). That office is included in this appropriation. I am a great consumer of reports of the Auditor-General and have been throughout my time in the Parliament. I have had a lot to do with the Auditor-General's office in being a member of the Public Accounts and Estimates Committee. I hold the work of VAGO in high esteem, and the reports VAGO has produced over the years are of much value to members of Parliament in going about their duties. That office analyses what goes on in the departments. It does a lot of work MPs can use in their work.

I echo remarks made earlier today by my colleague Mr Barber that we are looking forward to seeing some changes to the Audit Act 1994 during the life of this Parliament — hopefully as early as possible — to bring our Audit Act into alignment with those in other jurisdictions that have more modern powers to deal with a modern government. We need to do that.

Ms SYMES (Northern Victoria) — I am pleased to rise today to speak on the Appropriation (Parliament 2015–2016) Bill 2015, a piece of legislation that impacts every one of us in that it refers to our workplace and most importantly to the parliamentary staff, who daily set about making our lives easier and our jobs more manageable.

In my short period of time in this place I have become acutely aware of the dedicated staff who ensure that the chambers operate like clockwork and that the processes and procedures that have stood the test of time keep us all mostly in line and out of trouble. Perhaps that is not always the case for Ms Shing. She is not listening to me, so — —

Ms Shing — I am listening, and I am very unhappy with that misrepresentation of me. I have been disrespected!

Ms SYMES — I withdraw.

I acknowledge the attendants, clerks and Hansard employees, who endure the incessant goings on in the chamber; the committee and library staff, who are always ready and willing to assist with research and in providing information; the finance staff, who ensure that we adhere to our budgets and are always within our guidelines; and of course the security and grounds staff, who keep this magnificent piece of Victoria both safe and pristine. Without these hardworking people the operations of both the Parliament and the government would at best be stifled and at worst hamstrung, hence the absolute significance of this bill. It ensures that those who keep the wheels of our democracy moving are adequately funded to do so.

I also put on the record my huge appreciation of my electorate staff, Adam Olive and Clare Malcolm. We are a great team, and I am so lucky to have such wonderful staff and wonderful friends.

As well as providing for the people, the bill provides for the funds to continue the capital works that have been so unavoidable these past months as this significant and beautiful but very old piece of Victorian heritage is restored to its majestic glory and place of pride at the top of Melbourne's city. This building is so much more than its bricks and mortar; it is a place steeped in history and tradition, and, more importantly, it is a place that is open and receptive to visitors. Tourists and schoolchildren alike come along and view it through fresh eyes and in some small way embrace the place that democracy has in our community today, not just in the history that has passed. I am always thrilled to see school groups wandering through Queen's Hall, learning a little about what we do here and how it affects them, their families and their lives. As a place that belongs to the people, it is incumbent upon us, as its current custodians, to maintain and look after it for future generations.

Even more than the operations of this place, this bill is also about providing for the checks and balances that ensure accountability and oversight of the government and the Parliament, and as such it resources the Victorian Ombudsman and Victorian Auditor-General's Office. Those departments have, time and again, proven their worth in 'keeping the bastards honest', so to speak. I commend this bill to the house.

Mr HERBERT (Minister for Training and Skills) — It is a pleasure to speak on the Appropriation (Parliament 2015–2016) Bill 2015. Like other speakers, I add my thanks to the staff who assist us. They work really hard and are clearly underpaid, quite frankly, in terms of the job they do and the hours they work. They are dedicated and hardworking, and we are blessed to have such support in this chamber and in this Parliament.

It is worth commenting on the fact that there has been quite significant change to the Parliament this year. It is change we have not seen for a long time, particularly in terms of the capital works that are being done. It is not just about security at the front gate. I think anyone who comes in the back entrance would be impressed by the transformation of a pretty shabby, 18th-century looking entrance, which quite frankly made one feel a bit ashamed of our great Parliament, into a modern entrance that fits in well with the heritage decor of the building. It lifts the way we think about Parliament and our place here.

The changes to the front entrance are the same, and I hope the work we are doing, albeit much of it about security, augurs a new era of funding in terms of the upkeep of this magnificent building. It is not our building; it is a building that belongs to the people of Victoria. In the past this magnificent building has been restored with gold leaf and paint, but unfortunately governments cannot reach consensus on the need to provide funding for ongoing maintenance to keep this heritage building — this treasure of Victoria — in the state we expect. Despite the fact that tens of thousands of people visit the Parliament to have a look around, want to be part of it and know where democracy is centred in this state, for many years there has been totally inadequate maintenance in terms of the Parliament as a building, a cultural centre and the centre of democracy in Victoria.

We take democracy for granted, and people are often scathing of politicians, but you only have to go to other places around the world to see that they do not have the liberties and freedoms we do. They do not have the absolute guarantees of the democratic parliamentary system that we have in this state. People should respect and appreciate that Australia is one of the great democracies of the world — certainly Victoria is. We talk about America as being a great democracy, but if you have a look at their system, it is nowhere near as open and transparent. It is certainly nowhere near ours in terms of the electoral process. One vote, one value certainly is not the case in many states of America, and it certainly is not the case in terms of how their leaders are depicted.

The other great strength of our system in Australia is that you do not have to be rich to be a member of Parliament, which is the case in many parts of the world.

Ms Shing — I can personally attest to that.

Mr HERBERT — You do not have to be powerful to be a member of Parliament. If you are passionate and if you have beliefs, you can get elected here. Ms Shing can personally attest to that.

Ms Shing interjected.

Mr HERBERT — That is very good. I do not think being a pauper is necessarily a great qualification, but it does not stop you.

Mr Ondarchie — On a point of order, Acting President, the minister is reflecting on another member of this house, and I suggest that he withdraw.

Ms Shing — On the point of order, Acting President, it is not an adverse reflection but in fact reflects what I would consider to be the truth.

Mr HERBERT — It was a compliment to Ms Shing. I do not want to get myself into any further trouble, so I will say that this is a great institution and that it ought to be funded properly. The people here are great workers and give great support to the Parliament and to the democracy of this state, and that needs proper funding. I commend the bill to the house.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

**DELIVERING VICTORIAN
INFRASTRUCTURE (PORT OF
MELBOURNE LEASE TRANSACTION)
BILL 2015**

Introduction and first reading

Received from Assembly.

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

*Statement of compatibility***For Mr JENNINGS (Special Minister of State),
Ms Mikakos tabled following statement in
accordance with Charter of Human Rights and
Responsibilities Act 2006:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the charter), I make this statement of compatibility with respect to the Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Bill 2015 (bill).

In my opinion, the bill, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview

The primary purposes of the bill are to authorise and facilitate the leasing of land and disposal of other assets of the Port of Melbourne Corporation to a private sector entity and to amend existing legislation to provide for an appropriate regulatory regime for the port of Melbourne.

Specifically, the bill (clause 131) inserts a new part 5C (Regulation of activities in the port of Melbourne) which is comprised of sections 88X to 88ZO in the Port Management Act 1995, which provides:

a port operator directions regime authorising the port of Melbourne operator to issue directions that regulate or prohibit certain activities in the leased port of Melbourne land for the purpose of maintaining or improving safety and security at the port;

an information-gathering regime authorising the port of Melbourne operator to issue directions requiring specified persons to provide relevant information for allowable purposes.

For the purposes of this statement of compatibility, all references to 'port' are references to 'leased port of Melbourne land' as defined in the bill (see clause 78).

Human rights issues*Freedom of movement and right to liberty and security*

Freedom of movement under section 12 of the charter provides that every person has the right to move freely within Victoria. The right to liberty and security under section 21 of the charter provides that a person must not be deprived of their liberty except on grounds and in accordance with procedures established by law.

Section 12 (freedom of movement) and section 21 (right to liberty and security) of the charter may be engaged by the operation of the bill (section 88Y) which empowers the port of Melbourne operator to issue directions regulating or prohibiting activities such as the driving, stopping and parking of vehicles, the movement, handling or storage of goods and any activity that may pose a risk to safety or security on the port.

The port of Melbourne operator may enforce compliance with a port operator direction by removing from the port any person who is contravening the direction.

The power to remove a person from the port does not authorise the port of Melbourne operator to detain or hold individuals for any length of time. In addition, compliance with a port operator direction is not mandatory where compliance would result in the person contravening a requirement imposed by or under an act.

The underlying purpose of this power is to maintain or improve safety and security at the port. Any interference with people's freedom of movement or liberty and security is carefully balanced against the important purpose of minimising safety and security risks to persons on the port. Access by members of the public to the port is limited, therefore the degree to which these rights may be engaged will be minimal in any event.

To the extent that an individual person might be temporarily deprived of his or her liberty when being removed from the port, the bill provides that such enforcement action must be on reasonable grounds, and in accordance with procedures established under the bill.

For these reasons, I consider any interference with a person's freedom of movement and right to liberty and security to be reasonable in the circumstances.

Right to privacy and reputation

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

Clause 131 of bill (section 88ZD) provides the port of Melbourne operator and its authorised officers with powers of entry at the port at any time to ascertain whether a direction has been complied with or contravened or to do anything that the operator is authorised to do to enforce compliance with a port operator direction.

Entry powers exercised properly and with authorisation, will be crucial to the performance of the functions of the port of Melbourne operator and its authorised officers to ensure the safety and security of persons and activities at the port is maintained and improved.

In practice, the exercise of the power to enter will be limited to non-residential premises at the port, and the degree to which the premises, and the things kept there, can be said to raise an expectation of personal privacy or property is minimal, especially in the regulatory context.

In addition, the bill provides an accountability and transparency safeguard that any exercise of the entry power by the port of Melbourne operator is a matter which is reportable to the minister within three months after the end of each six-month period ending on 30 June or 31 December, beginning the year 2015 (section 88ZG). Publication of reportable matters must not include information that identifies a person (or is likely to lead to the identification of a person) who has contravened a port operator direction (section 88ZH).

Authorised officers must also carry and produce identity cards before exercising their powers or if asked to do so by a person (section 88ZO).

To the extent that the bill could enable a person's privacy or property to be interfered with, which is likely to be minimal, I consider this limitation to be reasonable in the circumstances as it is neither unlawful nor arbitrary.

Lastly, clause 131 of the bill (section 88ZI) authorises the port of Melbourne operator to issue information directions requiring specified port users to provide relevant information for allowable purposes which does not include or relate to personal information. Accordingly, the right to privacy is not engaged in this context.

Right to property

Section 20 of the charter provides that a person must not be deprived of their property otherwise than in accordance with the law.

Clause 131 of the bill (section 88ZA) engages the right to property in section 20 of the charter because the port of Melbourne operator is empowered to enforce compliance with a port operator direction by removing from or moving within the port any vehicle that is stopped or parked and any goods stored in contravention of the direction. The power includes the power to place the vehicle or goods in secure storage pending return of the vehicle or goods to their owner. The Port of Management Act 1995 also provides important safeguards regarding people's property, including that all reasonable enquiries must be made to establish the identity or location of the owner of vehicles or goods (including advertising) and the owner must be compensated if the vehicle or goods are disposed of.

Given access to the port by members of the public is limited, the degree to which vehicles or goods on the port can be said to raise an expectation of personal property is minimal, especially in the regulatory context.

To the extent that the bill could enable a person's property to be interfered with in this context, I consider that as the bill clearly prescribes the circumstances in which vehicles or goods can be removed and securely stored, any deprivation of property is not unlawful.

Right to be presumed innocent

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.

Clause 131 of the bill (section 88ZK) provides that it is an offence for a person, without reasonable excuse, to fail to comply with an information direction given to the person under division 3 of part 8 of the bill.

This provision enables a person who has a reasonable excuse to escape liability for what would otherwise be unlawful conduct and operates as a protection against the strict operation of the obligation to comply with an information direction. Consequently, the reasonable excuse exception provides a safeguard against an inappropriate application of the offence.

Where an accused wishes to rely on a reasonable excuse to avoid liability they will need to present or point to evidence that suggests a reasonable possibility of its existence. However, the provision does not transfer the legal burden of proof to the accused. Once an accused has pointed to such

evidence, the prosecution will be required to prove there was no reasonable excuse.

An evidential onus on a defendant to raise a defence does not usually limit the presumption of innocence. For these reasons, I consider that the placing of an evidentiary burden on a person is not likely to constitute a limit on the right in section 25(1) of the charter.

Further, even if this were found to limit the right, the limitation would likely be reasonable and justifiable under section 7(2) of the charter, because there are no less restrictive means available to the port of Melbourne operator to obtain information for the allowable purposes under the bill.

Right to protection against self-incrimination and right to fair trial

Section 25(2)(k) of the charter provides that a person who has been charged with a criminal offence has the right not to be compelled to testify against himself or herself or to confess guilt. This is also an aspect of the right to a fair trial protected by section 24 of the charter which provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

In my view, the right to a fair hearing is not engaged in relation to directions given by the port of Melbourne operator to a person under the bill. Nevertheless, this right is relevant to clauses of the bill relating to the subsequent use of information obtained under a direction to provide information.

The bill authorises the port of Melbourne operator to issue information directions requiring specified persons to provide relevant information that the port of Melbourne operator reasonably requires for allowable purposes, including monitoring compliance with port operator directions, determining liability for wharfage and channel fees, compiling statistics and coordinating communication at the port (relevant information). The specified persons are a limited number, and comprise masters of vessels berthing at the port, shipping agents, consignors or consignees for goods shipped to, from or within the port and operators of stevedoring or other facilities at the port.

As previously stated, it is an offence for a person, without reasonable excuse, to fail to comply with an information direction given to the person under division 3 of part 8 of the bill.

The information-gathering regime is an important feature of the bill, especially in the regulatory context, because it provides the port of Melbourne operator with appropriate powers to obtain relevant information it reasonably requires for the effective operation and management of the port. The requirement to provide relevant information is unlikely to be onerous for specified persons as they are likely to hold such information in conducting their commercial and/or business activities at the port.

Division 3 of part 8 of the bill does not expressly abrogate the common-law privilege against self-incrimination therefore not complying with an information direction on the basis that it may incriminate a person could be considered to be a reasonable excuse.

The extent to which compliance with an information direction may lead to self-incrimination is likely to be minimal because the type of information specified persons may be required to provide to the port of Melbourne operator will be business or commercial in nature. In this context, the bill provides that a duty of confidentiality is not a reasonable excuse for failure to comply with an information direction (section 88ZK(2)).

The restriction of the duty of confidentiality (which intended to be confined to its common-law meaning) is balanced by section 88ZK(4) which provides that the provision of information that would otherwise constitute a breach of a duty of confidentiality does not constitute such a breach if the information is provided in compliance with an information direction.

The port of Melbourne operator is authorised to use and disclose information provided to it in compliance with an information direction for any allowable purpose for which it is authorised to require the information (section 88ZJ). Accordingly, the bill ensures that the use of the information is confined to the regulatory context in which it is obtained.

As previously stated, information directions requiring specified persons to provide relevant information for allowable purposes does not include or relate to personal information. Therefore the right to privacy is not engaged in this context.

The measures outlined above limit any possible disadvantage to a specified person who may be required to provide relevant information to the port of Melbourne operator. The bill seeks to balance the need for the port of Melbourne operator to use and disclose relevant information in connection with the operation and management of the port and the need to protect the rights of individuals who provide relevant information. I consider that there is no less restrictive means available to ensure this balance.

To the extent that the bill could enable a person's right to protection against self-incrimination and right to fair trial to be limited in compliance with an information direction, which is likely to be minimal, I consider that this is reasonable and justified.

Conclusion

For the reasons set out above, I consider that the bill is compatible with the human rights set out in the charter.

Gavin Jennings, MLC
Special Minister of State

Second reading

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

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

That the bill be now read a second time.

Incorporated speech as follows:

Introduction

In opposition, Labor made clear our commitment to a plan to transform our public transport system, reduce road congestion and create thousands of jobs.

Central to this plan is removing our 50 worst level crossings, building Melbourne Metro and relieving pressure on the West Gate Bridge.

These projects will create thousands of jobs and get Victorians home safer and sooner.

We said we would support removing the 50 worst level crossings by leasing the Port of Melbourne's operations.

Now we're getting on with it.

The bill

The Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Bill 2015 delivers on Labor's election commitments.

The bill authorises and facilitates leasing land and disposing of other assets of the Port of Melbourne Corporation and transferring operation and regulation of services as a result.

The 50-year lease is for the port's commercial operations only.

The Victorian and commonwealth governments will retain responsibility for regulating the port's safety, security and environment functions.

The leaseholder is expected to deliver efficiencies, boost competitiveness and ensure future development of the port is not compromised — reinforcing Victoria's position as the freight and logistics capital of Australia.

It's about making the port even better.

President, the bill clearly articulates the most important objectives of this transaction:

regulating PoM to ensure it continues to operate competitively and efficiently to support Victoria's freight and logistics network;

requiring that the transaction delivers the optimal overall long-term economic benefit to Victorians and Victorian businesses;

treating employees fairly and equitably;

maximising the financial return to the state from the transaction within overall policy settings, while minimising the ongoing financial risks and liabilities to the state;

ensuring that appropriate activities, including marine, environmental and safety functions, remain with the state and are managed in an efficient manner;

completing the transaction efficiently with appropriate probity, transparency and accountability standards;

securing Victoria's role as the freight and logistics capital of Australia.

The Victorian Transport Fund (VTF)

President, this bill guarantees a direct benefit for Victoria's transport system through the 50-year lease transaction.

Lease proceeds will go to the Victorian Transport Fund.

This fund will be established to support projects like removing our 50 worst level crossings, building Melbourne Metro, the West Gate distributor and other important transport initiatives.

It will also support projects that help relieve traffic congestion and improve access to the port.

The Victorian government will work with the leaseholder to manage traffic around the port.

We are already working to take 5000 trucks off the West Gate Bridge every day, with \$40 million provided in the 2015–16 budget to widen Whitehall Street and strengthen Shepherd Bridge.

Most importantly, the lease proceeds being paid up-front means we can remove our 50 worst level crossings and protect our AAA credit rating.

Removing level crossings will relieve traffic congestion and create thousands of construction jobs.

It's a boost for jobs, industry, our transport system, and it protects our AAA credit rating.

At the same time, it's a great example of asset recycling — allowing us to unlock billions of dollars from the port lease to plan and build vital transport infrastructure.

Victoria will be eligible for the commonwealth government's asset recycling initiative, which provides financial incentives for jurisdictions to divest assets so the proceeds can bring forward the funding of new, productive infrastructure.

I am pleased to say this is one thing the federal Treasurer and I agree on.

The lease

The port of Melbourne is the biggest container and cargo port in the country, visited by more than 3000 ships each year. Victorians are rightly proud of it.

Under the lease terms, only the port's commercial operations are to be leased.

The Victorian and commonwealth governments retain responsibility for regulating the port's safety, security and environmental functions. Existing statutory planning standards will continue to apply.

The state will continue to be responsible for the harbourmaster, safe navigation in Port Phillip Bay, dangerous goods oversight, waterside emergency management, marine pollution response and towage regulation.

The lease is structured to make our port even better, increasing efficiencies, competitiveness and innovations.

The leaseholder will be obliged to maintain the port during the lease term so it is returned to public hands in good working order.

Public access to walkways and bike paths for locals, visitors and neighbours use will be maintained.

The iconic Station Pier will remain in public hands.

Victoria's independent economic regulator, the Essential Services Commission, will oversee a strengthened pricing structure for port users. Annual tariff increases will be capped at CPI for at least 15 years to protect Victorian producers, manufacturers, other exporters and importers, and consumers.

The lease will help maintain Victoria's position as the freight and logistics capital of Australia — good news for producers and manufacturers who export all over the world, and consumers who want affordable products.

I also welcome the Port of Melbourne Corporation's decision to enhance its export price competitiveness by freezing loaded international container export charges in 2015–16 and recommending a progressive 2.5 per cent price reduction for these export charges for the four years thereafter.

Government will give effect to the regulatory pricing framework, including the CPI price cap and the Port of Melbourne Corporation's recommended four-year loaded international container export charge reduction via the pricing order.

The people

The people who work at the Port of Melbourne Corporation are an integral part of its success.

As part of the lease process, Port of Melbourne employees will be treated fairly and equitably.

PoMC employees covered by the enterprise agreement who transfer to the leaseholder will do so on a voluntary basis.

This bill protects continuity of service and entitlements and provides an employment guarantee period of two years from the date of transfer for permanent staff transferring to the leaseholder.

Transferring staff will be offered no less favourable terms of employment.

The future

The lease for the port's operations will be welcomed by the market and give Victorians the best financial outcome to support removing our 50 worst level crossings and other transport projects.

A 50-year lease will allow the leaseholder to plan for the investment needed to maintain and improve the port. Importantly, these costs will be met by the leaseholder, not Victorian taxpayers.

It also gives the Victorian government the ability to plan for the future and consider options for a second major port.

Conclusion

When this house concludes its deliberations on the bill, it will pass to our colleagues in the Legislative Council. There, it too will be enthusiastically debated.

It should be debated — and it should be passed as soon as possible. This will allow the government to secure real value and assure the investment community of the preservation of the pre-election consensus on this matter. The Andrews Labor government was elected on a platform to lease the Port of Melbourne's operations, remove our 50 worst level crossings, fix our transport system and create thousands of jobs in the process.

We made this commitment a full year before the last election, a policy which the former government quickly copied.

This was a position supported by the previous government because it was a great policy then, and it's a great policy now.

We look forward to continued bipartisan support, and to persuading others that we simply can't afford to wait another minute to start transforming Victoria's transport system.

I commend the bill to the house.

Debate adjourned for Mr RICH-PHILLIPS (South Eastern Metropolitan) on motion of Mr Ondarchie.**Debate adjourned until Thursday, 2 July.****ADOPTION AMENDMENT BILL 2015***Introduction and first reading***Received from Assembly.****Read first time on motion of Ms MIKAKOS (Minister for Families and Children); by leave, ordered to be read second time forthwith.***Statement of compatibility***Ms MIKAKOS (Minister for Families and Children) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, (the 'charter'), I make this statement of compatibility with respect to the Adoption Amendment Bill 2015.

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

Overview

The purpose of the bill is to amend the Adoption Act 1984 to remove the provision for adult adopted persons to make contact statements about their wishes for contact with their natural parents, and remove the offence associated with a breach of a contact statement.

Human rights issues***Human rights protected by the charter that are relevant to the bill****Presumption of innocence*

Section 25 of the charter sets out rights in criminal proceedings, including the right of a person charged with a criminal offence to be presumed innocent until proved guilty according to law.

The offence for contact in contravention of a current contact statement set out in section 127A of the Adoption Act 1984 contains an exception which places an evidential burden on the accused person who wishes to rely on the exception, which engages the right to the presumption of innocence. The offence is being removed by the bill, and proceedings will not be able to be commenced on or after the day of commencement of the bill. Accordingly, the Adoption Act as amended by the bill will be more compatible with this right.

Freedom of expression

Every person has the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds, pursuant to section 15(2) of the charter.

This right is relevant as currently adult adopted persons are allowed to regulate contact by lodging a contact statement specifying the type of contact, if any, they wish to have with a natural parent. These wishes about contact must be disclosed to a natural parent before they are provided with identifying information about the adult adopted person, and it is an offence to breach a current contact statement where no contact is specified. This could impact on a natural parent's freedom to seek, receive and impart information from or to their adult adopted child. As the bill removes the contact statement provisions and offence, but retains the right of natural parents to receive identifying information about their adult adopted child, the Adoption Act will be more compatible with the right to freedom of expression.

Privacy

A person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with under section 13 of the charter.

The bill engages the right to privacy, by removing the ability of an adult adopted person to regulate contact with a natural parent by lodging a contact statement. Currently the contents of a contact statement must be disclosed to a natural parent before identifying information about the adult adopted person is provided to them, and it is an offence for a natural parent to breach a current 'no contact' contact statement.

However, adult adopted persons, like all persons affected by adoption, are able to have a statement of wishes about contact with, and release of information to, natural parents and other relatives recorded on the adoption information register established under section 103 of the Adoption Act 1984. In practice, the contents of the 'statement of wishes' of an adopted person recorded on the register are disclosed to a person who applies for information about that adopted person. It is unlikely that the removal of the offence will lead to more instances of unwanted contact, given there have been no proceedings for a breach of a contact statement commenced

to date. Thus the right to privacy of an adult adopted child is not unlawfully or arbitrarily interfered with by the bill.

Jenny Mikakos, MP
Minister for Families and Children

Second reading

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

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

That the bill be now read a second time.

Incorporated speech as follows:

This bill repeals the one-sided provisions of the Adoption Act 1984 in relation to ‘contact statements’ that entitle an adult adopted person to lodge a contact statement to specify the contact they wish to have with their natural parents in relation to their adoption.

The bill will also repeal the associated criminal offence, whereby a natural parent who knowingly contacts or attempts to contact the adopted person in contravention of a ‘no contact’ contact statement commits an offence, with a penalty of 60 units.

Contact statements were introduced in 2013, as part of a series of amendments to the Adoption Act following the Victorian parliamentary apology in 2012 for past adoption practices. Although those amendments enabled access, for the first time, for natural parents to identifying information about their adopted adult child without the adopted person’s consent, the amendments criminalised contact by a natural parent with their adult adopted child contrary to a ‘no contact’ contact statement.

Contact statements were justified on the basis that they were in line with recommendation 15 of the Senate Community Affairs References Committee’s ‘Commonwealth Contribution to Former Forced Adoption Policies and Practices’.

As is clear from the text of that recommendation, the 2013 amendments failed to strike the right balance: the Senate committee did not recommend the introduction of contact statements, but simply a scheme, available to all parties, for regulating contact.

It is also clear from the provisions of the Adoption Act that the 2013 amendments were unnecessary: Victoria already had a scheme for recording contact wishes between all parties to an adoption — the adoption information register, a longstanding, non-punitive, non-discriminatory and effective mechanism.

Under this bill, all adopted people will retain the right to lodge a statement of wishes on the adoption information register.

By singling out natural parents for unequal treatment before the law, the 2013 amendments lost an opportunity to end the

paternalistic and discriminatory approach to natural parents. As one affected natural parent stated in 2013, the amendments were ‘one-sided and completely against the spirit of the apology’.

This bill will ensure adult natural parents and adult adopted children are treated equally at law, thereby — finally — renewing and fulfilling 2013’s lost opportunity.

I commend the bill to the house.

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

Debate adjourned until Thursday, 2 July.

**ENERGY LEGISLATION AMENDMENT
(PUBLICATION OF RETAIL OFFERS)
BILL 2015**

Introduction and first reading

Received from Assembly.

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

Statement of compatibility

For Ms PULFORD (Minister for Agriculture), Ms Mikakos tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006.

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, (the charter), I make this statement of compatibility with respect to the Energy Legislation Amendment (Publication of Retail Offers) Bill 2015.

In my opinion, the Energy Legislation Amendment (Publication of Retail Offers) 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, MP
Minister for Agriculture
Minister for Regional Development

Second reading

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

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

That the bill be now read a second time.

Incorporated speech as follows:

The Energy Legislation Amendment (Publication of Retail Offers) Bill 2015 will amend the Electricity Industry Act 2000 and the Gas Industry Act 2001 to require energy retailers to provide details of their gas retail and solar feed-in tariff offers to an internet site nominated by the Minister for Energy and Resources. The bill expands on an existing obligation that requires retailers to provide details of electricity offers to an internet site nominated by the minister.

For competition in the energy retail market to be effective, product information needs to be available and accessible. If this doesn't occur, information asymmetry will exist and consumers will be disadvantaged. This is a market failure, and a barrier to accessing an essential service. Therefore, governments have a vital role in ensuring consumers can easily access information regarding product offerings in the energy retail market.

Labor governments in Victoria have always led the way in providing information to consumers about the energy market. We initiated the YourChoice website, which was Victoria's first government-driven energy comparator and information website. Through this website, Victorians were given access to a range of information regarding the energy retail market, including pricing offers, names and contact details of participating retailers.

Through this bill, we will again improve the information available to Victorians regarding the energy retail market. We will expand the current government energy price comparison website to include gas retail prices and feed-in tariff offers. At present, this website only allows consumers to compare retail electricity offers available to them.

To facilitate the expansion of this website, this bill amends the Gas Industry Act 2001 to require licensed gas retailers to provide details of published gas retail tariffs, terms and conditions to an internet site nominated by the Minister for Energy and Resources.

This bill also amends the Electricity Industry Act 2000 to require licensed electricity retailers to provide details of general renewable energy feed-in tariff terms and conditions to an internet site nominated by the Minister for Energy and Resources. General renewable energy feed-in tariff offers are available to persons who own small electricity-generating facilities using renewable energy sources such as solar, wind, hydro and biomass.

By requiring gas retail offers and feed-in tariff offers to be provided for publication on the government's energy price comparison website, we will ensure consumers are able to compare energy offers available to them through an independent, easily accessible price comparator service. This should drive competitive behaviour in these markets, and produce more positive outcomes for consumers.

In addition to these legislative measures, the Andrews Labor government will enhance the functionality and accessibility of the website. In particular, greater efforts will be made to ensure all segments of the Victorian community can utilise

the website effectively. These enhancements will help all energy consumers to make better, more informed choices regarding their energy bills.

I commend the bill to the house.

Debate adjourned for Mrs PEULICH (South Eastern Metropolitan) on motion of Mr Ondarchie.

Debate adjourned until Thursday, 2 July.

ROAD SAFETY AMENDMENT (PRIVATE CAR PARKS) BILL 2015

Introduction and first reading

Received from Assembly.

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

Statement of compatibility

For Mr JENNINGS (Special Minister of State), Ms Mikakos tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, (the 'charter'), I make this statement of compatibility with respect to the Road Safety Amendment (Private Car Parks) Bill 2015.

In my opinion, the Road Safety Amendment (Private Car Parks) 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

This bill amends the Road Safety Act 1986 to abrogate the entitlement of a person to obtain a preliminary discovery order against the Roads Corporation for the purpose of recovering private car park fees.

Human rights issues

Restricting discovery of documents for purpose of recovery of private car park fees

Clause 3 of the bill inserts new section 90R into the Road Safety Act 1986 to abrogate the entitlement of a person to obtain a preliminary discovery order for the purpose of the recovery of private car park fees. An order is considered to be for this purpose if the order is sought to assist the applicant to ascertain the identity or whereabouts of a person sufficiently in order to commence proceedings against them to recover private car parking fees. In practice, these orders are sought by private car park operators.

While this amendment will support the right to privacy in section 13 of the charter act for registered owners of vehicles, it is relevant to the fair hearing rights of private car park operators under section 24 of the charter act. While the

majority of private car park operators are incorporated and cannot claim protections under the charter act, there is potential that this amendment may affect the fair hearing rights of natural persons wishing to commence proceedings for recovery of car park fees.

Right to fair hearing (section 24)

Section 24 of the charter act provides that a party to a civil proceeding has the right to have the proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. The right to a fair hearing includes equal access to the justice system and ensures that no person is deprived, in procedural terms, of their right to claim justice, or is excluded from the court process. New section 90R has the effect of removing the ability of persons, including an operator of a private car park, to obtain information, by way of preliminary discovery, as to the identity of a possible wrongdoer (i.e. a customer who has allegedly breached the car park's terms and conditions) from a government authority that has no connection with the alleged wrongdoing. It is arguable that this amendment does not, in any event, affect the right to fair hearing, as the amendment does not directly restrict access to a court. Relevantly, the New South Wales Court of Appeal, when upholding the validity of similar amendments made to preliminary discovery laws in New South Wales, found that there was no fundamental common-law right to obtain information by way of preliminary discovery in such circumstances. At best, it can be viewed that the amendment has an indirect effect of restricting a person's access to court, by removing an avenue for an operator to obtain the required information necessary to initiate proceedings for recovery of damages, which may constitute a limit on the right to fair hearing.

However, it is my view that any resulting limit is reasonable and demonstrably justified. The right to access a court process, encompassed by the fair hearing right, is not unlimited and courts have generally recognised categories of exclusion from court processes where there is a legitimate interest in restricting the rights of access to a court.

The amendment addresses a significant consumer protection issue relating to industry practices of recovering car park fees. It is current practice for certain operators, if a customer breaches the terms and conditions of the car park, to issue that person with a notice which constitutes a claim for liquidated damages but is often mistaken by consumers for an infringement notice. If the penalty is not paid, the operator then seeks a preliminary discovery order to ascertain the identity of the owner of the registered vehicle subject to the breach, and issues a series of letters of demand requiring payment of the amount owed, plus an additional claim of liquidated damages. Recent decisions of the Supreme Court and the Victorian Civil and Administrative Tribunal have found:

consumers either do not understand the nature of the letter of demand, believing it to be an infringement notice that must be paid, or are misled by car park operators; and

that the liquidated damages of car park operators are unenforceable, as the damages are in excess of the loss suffered and have no link to the actual losses suffered by the car park operator.

While certain operators are lodging bulk requests for preliminary discovery, very few matters actually proceed to court. Further, liquidated damages are being claimed by some operators for alleged minor breaches of the car park's terms and conditions, such as parking incorrectly over a line or placing the ticket on the wrong part of the vehicle's dashboard. Accordingly, it is my view that there is a legitimate interest in restricting the ability of private car park operators to issue demands for excessive liquidated damages from customers which, if contested by the customer, are likely to be declared unenforceable by a court or tribunal.

The amendment will be limited in scope and will not affect the recovery of amounts payable under the terms and conditions of a contract that it is in writing and signed by the relevant parties. It will also not affect an operator's right to bring proceedings against a customer whose identity is known. As the claims for liquidated damages in this context are of questionable enforceability and rarely proceed to court, and the majority of operators affected by this limit will be corporations, it is my view that this amendment will constitute a minor limit on a person's right to fair hearing.

In light of the persistent consumer protection issue, I am satisfied there is no less restrictive means to protect the interests of consumers. Accordingly, I am satisfied that the amendment is compatible with the right to a fair hearing in section 24 of the charter act.

Hon. Gavin Jennings, MLC
Special Minister of State

Second reading

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

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

That the bill be now read a second time.

Incorporated speech as follows:

This bill will meet the government's commitment to protect Victorians from the unfair and misleading practices of some private car park operators. It will achieve this by amending the Road Safety Act 1986 to restrict the ability of private car park operators to obtain the names and addresses of vehicle owners from VicRoads to recover private car park fees.

A number of car park operators operate under a business model whereby customers are required to estimate the amount of time they will stay on entry to the car park, buy a ticket for the appropriate period, and then display it on their dashboard.

If a customer either fails to obtain a ticket, or parks for longer than the period they paid for, an inspector employed by the car park operator may place a notice on the vehicle's windscreen. The notice looks similar to an infringement notice, but is actually a claim for liquidated damages.

Where a customer does not pay the amount specified in the payment notice, the car park operator can obtain a preliminary discovery order in the Magistrates Court requiring VicRoads

to disclose the name and address of the registered owner of the vehicle in question. The car park operator will then write a series of letters of demand, demanding that the customer pays the amount owed, plus an additional late payment fee.

Alternatively, a customer may not receive a notice claiming liquidated damages, but instead first find out about a claim when they are sent a letter of demand from the car park operator demanding payment.

Additionally, it is common practice for the car park operators to onsell the debts to debt collection agencies. These agencies will proceed to write similarly threatening letters of demand to the car park customers.

These practices have given rise to a number of matters of significant public concern.

The actions of these car park operators amount to an abuse of court process. The rules of preliminary discovery, as set out in the relevant court rules, allow applicants to seek information to assist in identifying a person against whom they wish to commence proceedings. However, some car park operators are using the preliminary discovery process not as a genuine preliminary to a potential court proceeding, but instead to support a business model of posting mass demands to customers and relying on a proportion of them paying.

On average, car park operators are requesting the details of over 50 000 vehicles per year. In some instances, car park operators are using single applications to request the details of over 1000 vehicles. It is impossible for a court to properly assess whether a potential cause of action exists in relation to each of these applications. In practice, only an extremely small number of these disputes actually result in car park operators commencing civil proceedings in a court.

Additionally, there is a risk that the uncontrolled release of information under preliminary discovery could undermine the community's confidence in the ability of the government to protect their personal information. It also has the potential to affect the integrity and accuracy of data held by government agencies because customers may become reluctant to update their records knowing that it may be released to private companies.

Lastly, these practices raise significant consumer protection issues. Recent decisions of the Supreme Court and the Victorian Civil and Administrative Tribunal have found that the liquidated damages the car park operators are seeking are unenforceable. This is because the damages being sought do not reflect the actual losses suffered by the car park operator, and should more properly be categorised as a penalty. These decisions have also found that consumers either do not understand the nature of the letter of the demand, believing it to be an infringement notice that must be paid, or are otherwise being misled by car park operators.

In addition, there have been cases of incorrect vehicle registration information being provided to VicRoads. This has resulted in car park operators sending letters of demand to the owners of vehicles that were not involved in the alleged breach. There have also been cases of car park customers receiving payment notices for trivial breaches of a car park's terms and conditions, such as placing the ticket on the wrong side of the vehicle's dashboard, or customers not receiving letters of demand until nearly two years after the alleged breach.

In order to address these significant concerns, the bill will amend the Road Safety Act 1986 to restrict the ability of private car park operators from obtaining the names and addresses of vehicle owners from the VicRoads registration database. It will do this by abrogating the right of a person to obtain a preliminary discovery order from a court for the purposes of recovering private car park fees.

This amendment will inhibit the practice of car park operators abusing the process of preliminary discovery to support a dubious business model of posting mass demands to customers for liquidated damages that have been found to be unenforceable.

Preliminary discovery for the purposes of recovering private car park fees under a written contract signed by both parties would be exempt from this restriction. The purpose of this exemption is to enable private car park operators to commence legal proceedings in relation to breaches of long-term, commercial, parking agreements. Such proceedings may involve legitimate claims for significant sums of money.

This is a simple and worthwhile reform.

I commend the bill to the house.

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

Debate adjourned until Thursday, 2 July.

PLANNING AND ENVIRONMENT AMENDMENT (INFRASTRUCTURE CONTRIBUTIONS) BILL 2015

Introduction and first reading

Received from Assembly.

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

Statement of compatibility

For Mr JENNINGS (Special Minister of State), Ms Mikakos tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, (the 'charter'), I make this statement of compatibility with respect to the Planning and Environment Amendment (Infrastructure Contributions) Bill 2015.

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

Overview

The purpose of the Planning and Environment Amendment (Infrastructure Contributions) Bill 2015 is to amend the Planning and Environment Act 1987 to introduce a new system for levying contributions towards the provision of infrastructure in priority growth areas.

Human rights issues

Section 20 of the charter (property right) is relevant to the bill. Section 20 establishes a right not to be deprived of property other than in accordance with the law.

The new infrastructure contributions system enables an infrastructure levy to be imposed over land in exchange for the ability to develop the land in a manner that creates the need for the provision of new or improved infrastructure. The powers and requirements for imposing an infrastructure levy are clearly prescribed in clause 4 of the bill and do not provide for an arbitrary interference with property.

Clause 4 of the bill provides that an infrastructure levy may only be imposed through an infrastructure contributions plan applying to the land. The plan must form part of the planning scheme and, therefore, is subject to the publicly contestable planning scheme amendment process. The bill also provides for the minister to issue detailed directions about the preparation and content of a plan.

Clause 4 of the bill also sets out when the levy is payable, to whom it must be paid, how the levy may be spent, and the responsibilities of the persons collecting the levy and providing the infrastructure.

As an infrastructure levy may only be imposed in accordance with the legislative scheme set out in clause 4 of the bill, in my view the bill is compatible with section 20 of the charter.

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

Second reading

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

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

That the bill be now read a second time.

Incorporated speech as follows:

Development contributions play an important role in delivering essential infrastructure to local communities, like roads, parks and local sporting facilities. Development contributions help ensure that when new communities arrive, essential works, services and facilities are in place to meet their needs.

The existing development contributions system has been in place since 1995. In that time it has become uncertain, costly and a barrier to new development in Victoria. Stakeholders

are concerned about the rising costs associated with preparing development contributions plans, the rising levies imposed by those plans, and the lack of clear rules on infrastructure items that may be funded by levies.

There has been incremental creep in the scope and standard of infrastructure being funded under the existing system, and a shift in the extent of cost recovery expected from levies toward full cost recovery. This has contributed to increased levies over time.

The complexity and rising costs associated with preparing development contributions plans has also contributed to rising levies and put the existing system out of reach of many rural and regional councils.

In 2013 a Standard Development Contributions Advisory Committee completed a detailed review of the existing system. After extensive consultation with local councils, developers, peak industry groups and other stakeholders, the committee put forward a new system for setting and applying development levies and made various recommendations about how it should work.

It is clear that reform to the existing system is needed. Accordingly, this bill introduces a new system for levying development contributions under the Planning and Environment Act 1987.

The new system, which is to be called the infrastructure contributions system, is based on the principles that developers, local government, state agencies and other stakeholders share the responsibility for funding infrastructure and levies are a contribution towards infrastructure provision.

The new system has three key components: an infrastructure levy; a preset list of 'allowable' infrastructure items that may be funded through the levy; and an infrastructure contributions plan that details the levy payable and the infrastructure items being funded.

The infrastructure levy is made up of two parts: a standard levy and (where appropriate and justified) a supplementary levy.

The standard levies are preset levy rates that may be used to fund transport, community and recreation infrastructure and public land provision. The rates will be set so they provide an appropriate contribution for basic and essential infrastructure. There will be different standard levy rates for different types of development in metropolitan and non-metropolitan areas.

In particular circumstances, the infrastructure levy may also include a supplementary levy to fund infrastructure that cannot be adequately funded from the standard levy. The use of a supplementary levy, and the rate at which it is set, will need to be justified in each case. A ministerial direction will set out when supplementary levies may be used and the level of justification required.

Under the new system, the standard and supplementary levies may only be used to fund infrastructure items selected from a preset list of 'allowable items'. Allowable items will be defined for each development setting and will include transport, community and recreation works, services, facilities and land.

Central to the operation of the new system is an infrastructure contributions plan. This enables an infrastructure levy to be

imposed and provides the justification and basis for imposing the levy. Among other things, it sets out the levies payable, the types of development to which the levies apply and the infrastructure items being funded.

The new infrastructure contributions system will deliver a number of benefits.

Firstly, the time and cost involved in preparing a contributions plan will be significantly reduced. By presetting standard levies, councils will no longer need to cost and provide detailed justification in the plan for the levy amounts. A defined list of allowable infrastructure items provides certainty about what constitutes basic and essential infrastructure and also reduces the need for detailed justification about why particular infrastructure items are required.

Secondly, by providing more clarity upfront about the levy amounts and types of infrastructure that may be funded in a particular setting, there is less potential for infrastructure 'scope creep', developers will have greater certainty about project costs, and councils will be able to forward plan for infrastructure provision more effectively.

Thirdly, by making the process of preparing a contributions plan more efficient, this will reduce the cost to developers of holding land pending the completion of the plan.

Fourthly, by providing a simpler and less costly mechanism for levying contributions, the new system puts this important funding source within reach of rural and regional councils experiencing significant growth.

Finally, setting standard levies that provide a reasonable contribution to an acceptable standard of infrastructure will ensure that levies do not escalate faster than costs.

The important tests of need, nexus, equity and accountability will apply in the system and are reflected in various provisions of the bill relating to the imposition, collection and expenditure of levies under the new system.

That is a brief overview of the reforms. I will now discuss the key provisions of the bill for the new system, in the order in which they appear in the bill.

Part 2 of the bill introduces part 3AB into the Planning and Environment Act 1987 to establish the new infrastructure contributions system.

The bill enables the new system to be used anywhere in Victoria. However, initially the new system will be used in greenfield growth areas and strategic development areas, in both metropolitan and non-metropolitan areas, followed by Melbourne's CBD. Greenfield growth areas include areas on the periphery of urban areas that will accommodate urban growth. Strategic development areas are sites or precincts that provide development opportunities close to public transport and other infrastructure.

Proposed section 46GA inserts new definitions for key terms used in the bill.

Proposed section 46GB provides the power for levying contributions under the new system. Contributions may be levied by including an infrastructure contributions plan in the planning scheme, and those contributions may be used to fund works, services and facilities. They may also be used to

recover the reasonable costs that a planning authority has incurred in preparing an infrastructure contributions plan, up to a certain level.

Proposed section 46GC prevents the use of an infrastructure contributions plan to levy contributions for the provision of state infrastructure in growth areas where the growth areas infrastructure contribution scheme applies.

Proposed section 46GD provides that the infrastructure levy may consist of a standard levy, a supplementary levy or both.

As I have mentioned, the standard levy rates will be set so they provide an appropriate contribution for 'basic and essential' infrastructure. The rates will be set in a minister's direction made under proposed section 46GF.

Councils will be responsible for prioritising the infrastructure needs of their community, within the 'budget' set by the standard levy. Infrastructure items that may be funded by a standard levy are likely to include parks, roads, community facilities, public realm improvements and sporting facilities.

The information requirements for an infrastructure contributions plan are set out in proposed 46GE. Among other things, a plan must set out the area to which it applies, the infrastructure items to be funded through the plan, the types of development to which the levy applies, relate the need for the infrastructure to the development, and specify the levy amounts. To become operational, the plan must be incorporated into the relevant planning scheme.

Proposed section 46GF establishes a broad head of power for the minister to issue directions on the preparation and content of infrastructure contributions plans. This power will be used to define where the new system may be used, the types of development that may be levied, the kinds of infrastructure that may be funded, and how much of the infrastructure levy may be spent on certain classes of infrastructure items. Planning authorities must comply with these directions.

Proposed section 46GG sets out the requirements for collection of the infrastructure levy. The levy becomes payable when a person seeks to develop their land. In the case where a planning permit is required for the development, any permit issued must include a condition setting out when the levy must be paid.

Proposed section 46GH enables a collecting agency to secure payment of an infrastructure levy and to accept, with the agreement of the relevant development agency, 'works in kind' in part or full satisfaction of payment of the levy.

Proposed section 46GI sets out the responsibilities of councils that collect levies or receive funds under the new system. A council must keep proper accounts, ensure it forwards any levy to the relevant development agency (where it is acting as a collecting agency), and use any funds it receives as a development agency in accordance with the relevant infrastructure contributions plan. Provisions for reallocation or refund of unspent funds are also included.

Proposed sections 46GJ and 46GK set out similar responsibilities and requirements for other agencies that act as a collecting agency or a development agency.

Proposed section 46GL provides for a collecting agency to recover a levy as a debt due to that agency.

The reforms in this bill will provide a simpler, less costly and more effective system for levying contributions in Victoria.

I commend the bill to the house.

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

Debate adjourned until Thursday, 2 July.

ASSOCIATIONS INCORPORATION REFORM AMENDMENT (ELECTRONIC TRANSACTIONS) BILL 2015

Introduction and first reading

Received from Assembly.

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

Statement of compatibility

For Mr JENNINGS (Special Minister of State), Ms Mikakos tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, (the 'charter'), I make this statement of compatibility with respect to the Associations Incorporation Reform Amendment (Electronic Transactions) Bill 2015.

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

Overview

The bill will make a number of amendments to the Associations Incorporation Reform Act 2012 (AIRA) to enable the majority of transactions and notifications under that act to be conducted electronically. The bill will also simplify annual reporting requirements for small incorporated associations under the AIRA by removing the requirement that they lodge with the registrar of incorporated associations a copy of their annual financial statements when they lodge their annual statement form.

Human rights issues

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

There are no human rights protected by the charter that are relevant to the bill.

Are the relevant charter rights actually limited by the bill?

The bill does not limit any human rights protected by the charter.

Hon. Gavin Jennings, MLC
Special Minister of State

Second reading

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

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

That the bill be now read a second time.

Incorporated speech as follows:

This government is committed to supporting the many thousands of community groups that make up Victoria's 38 000 incorporated associations. In providing a modern regulatory system, it is important that we continue to reduce red tape and the compliance burden. The Associations Incorporation Reform Amendment (Electronic Transactions) Bill 2015 will achieve this outcome by enabling incorporated associations to conduct the majority of their business with Consumer Affairs Victoria online.

At present, incorporated associations must lodge their annual statements via a paper-based post-in system. This requirement is out of step with the way Victorians commonly conduct their business in the 21st century. Accordingly, the Victorian government is continuing to move our services forward through the provision of digital and online solutions.

As part of the government's digital strategy, Consumer Affairs Victoria has introduced 'myCAV', a streamlined online system for incorporated associations. This bill is an essential part of implementing the myCAV system. It will simplify reporting obligations and save time for incorporated associations across the state.

The bill will enable incorporated associations to pay their annual renewals online, using a faster and more secure method. For those organisations wishing to pay by other means such as by cheque, there will also be the ability to pay the fee for an online transaction at any Australia Post outlet.

Incorporated associations will also be able to change their rules and provide other notifications to the registrar of incorporated associations online, such as notification of the appointment of a new secretary.

Another useful feature of the new myCAV system is that through their myCAV account, secretaries will have ongoing access to their current registered rules of association and to an electronic copy of their certificate of incorporation. Previously, if mislaid, copies of these documents were only available upon application to the registrar and after payment of a prescribed fee.

The bill will also simplify the annual reporting requirements for in excess of 30 000 small, tier 1 incorporated associations,

by removing the requirement that they attach a paper copy of their financial statements when they lodge their pro forma annual statement with the registrar. I note however, that tier 1 associations will still be required to prepare annual financial statements, submit them to members at their annual general meeting and will continue to be required to retain copies of their financial statements for a period of seven years.

This reform will mean that reporting obligations for all tiers of Victorian incorporated associations will now be substantially consistent with the annual reporting requirements for charities registered with the Australian Charities and Not-for-profits Commission and for companies limited by guarantee registered by ASIC. It will eliminate the need for associations registered with both the commission and Consumer Affairs Victoria to produce multiple annual reports and will facilitate the exchange of information between state and commonwealth regulators.

The bill also includes a range of minor and technical amendments to facilitate the online transaction system.

Honourable members should also note that this initiative represents the first stage of an ongoing ICT transformation program at Consumer Affairs Victoria that will progressively move the wide range of business registration and licensing schemes administered by Consumer Affairs Victoria to the online environment. The myCAV account has been specifically designed to serve as a platform which will enable consumers and business stakeholders to conduct a wide range of transactions.

Consumer Affairs Victoria has developed a comprehensive communications plan for these reforms and will be implementing broad communication activities including direct email and letters to all incorporated associations, education resources including video tutorials, updated web content, regional presentations including tailored presentations to culturally and linguistically diverse community groups, general stakeholder communication and information sessions, electronic newsletters, stakeholder articles and social media.

This is an important initiative and I am proud to observe that Victoria is the first state or territory regulator of incorporated associations to reduce the compliance burden on not-for-profit associations by introducing a streamlined online transaction system.

I commend the bill to the house.

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

Debate adjourned until Thursday, 2 July.

ADJOURNMENT

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

That the house do now adjourn.

See Me vehicle reflectors

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I raise a matter for the attention of the Minister for Roads and Road Safety. It relates to representations I have received from Mr Arthur Rankin of Mount Eliza regarding a proposal he has for what he has termed the See Me reflector system for vehicles and bicycles as well as for roadsides. This is something that Mr Rankin has worked on with great diligence for a number of years. He is very passionate about the role this reflector technology can play in improving night-time road safety.

Mr Rankin has undertaken substantial work on his proposal over a long time, and this is something about which I received representations previously during my period as the minister responsible for the Transport Accident Commission (TAC). During that time Mr Rankin engaged with the TAC and had some quite productive discussions, as I understand, with the TAC, which were leading to discussions with VicRoads. It is on that contact with VicRoads that I seek the assistance of the Minister for Roads and Road Safety.

Mr Rankin contacted me earlier this month to indicate that following his discussions with the TAC and TAC's suggestion that there was a role for VicRoads to play in implementing the See Me technology as developed by Mr Rankin, he has attempted to contact the chief executive of VicRoads. He first approached VicRoads by telephone seeking contact with the chief executive and was told that that was not possible. He sought a meeting with the chief executive of VicRoads and was told that that was not possible. He sought email contact with the chief executive of VicRoads and was told that that was also not possible. Having subsequently been told to write a hard-copy letter to VicRoads, Mr Rankin did that either late last year or earlier this year. He has informed me that he still has not had a response from VicRoads with respect to his proposal.

Given that this is something that the TAC had discussed and considered with Mr Rankin and that the TAC proposed that he follow it up with VicRoads, I seek the assistance of the Minister for Roads and Road Safety to ensure that Mr Rankin does have that contact with the chief executive of VicRoads so that his proposal for the See Me reflector system can be evaluated and considered by VicRoads.

Jumps racing

Mr PURCELL (Western Victoria) — The matter I raise tonight is for the Minister for Racing. Jumps racing has had a chequered past, but it has now got its house in order, with excellent key performance indicators. The future looks great. I was pleased to see the Minister for Racing, Minister Pakula, along with the previous Minister for Racing, Denis Napthine, and many thousands of others attend the recent race meeting at Warrnambool approximately two weeks ago.

I refer to an opinion piece in the Warrnambool *Standard* of 15 June that reads:

Last year's change of state government left jumps racing supporters a little nervous. They were concerned the Hulls approach would be repeated under new racing minister Martin Pakula.

So there would have been a few sighs of relief yesterday at Warrnambool racecourse when Mr Pakula expressed his enthusiasm for the sport in what is arguably its Australian capital.

The racing minister mingled with punters and clapped enthusiastically during the Thackeray Steeplechase. He was even seen taking happy snaps of Winslow trainer Ciaron Maher, which he duly uploaded to social media.

I urge Minister Pakula to ignore the Greens and continue the strong support of jumps racing that has been shown by both the current Labor government and the previous coalition government.

The PRESIDENT — Order! I will allow the member's adjournment item to stand on this occasion, but normally seeking an action from a minister because he ignores someone is not really within the spirit of the adjournment debate. Bringing a matter to the attention of the minister or seeking an action is the appropriate way to go. Mr Purcell may think that ignoring the Greens is an action, and for the purposes of the adjournment debate I certainly do not think it is an action, but given my benevolence this evening I will let it stand.

VicForests

Ms DUNN (Eastern Metropolitan) — My adjournment matter is for the Treasurer, the sole shareholder of VicForests. It concerns the publication of misleading information on the VicForests website about the latest timber release plan. This plan will go down in the history of the environmental movement as the Labor plan that scheduled every last remaining logging coupe in Toolangi State Forest for industrial clear-fell logging. This is happening while the

government is implementing an election promise to convene a new timber industry task force to advise government and protect the Leadbeater's possum. As if this appalling state of affairs were not bad enough, the Orwellian double-speak continues to grow in volume. Under the deal that federal Labor has done with the coalition, the dirtiest power station in the country is now set to get a whole lot worse as Hazelwood now has a green light from Labor to burn native forest logs under the Victorian renewable energy target scheme. Is this how VicForests now plans to prop up its loss-making operations in East Gippsland?

The action I request of the Treasurer is to insist on the correction of the deceptive wording on the VicForests website that characterises 35 logging coupes as being ready for removal from the timber release plan in Alexandra, Powelltown and Toolangi, when in fact 33 of those coupes have already been logged.

Kindergarten funding

Mr LEANE (Eastern Metropolitan) — My adjournment matter is for the Minister for Families and Children, Ms Mikakos, an excellent minister. I know that you do not like set speeches, President, so I will just slot in one sentence —

An honourable member interjected.

Mr LEANE — I know. And that was a set speech. I just want to congratulate Ms Mikakos on the announcement of the substantial amount of money — \$83 million, is it?

An honourable member interjected.

Mr LEANE — Wow! It is \$83.4 million that can go towards kindergartens to improve the staff-to-children ratio. In congratulating the minister I ask that she supply me with more details so I can share them with the happy kindergartens in the electorate I represent.

The PRESIDENT — Order! If there is a copy of that document, Mr Leane, I might appreciate it.

Mooroopna Football Netball Club

Ms LOVELL (Northern Victoria) — My adjournment matter is for the Minister for Sport and it is in regard to the Mooroopna Football Netball Club and the City of Greater Shepparton's application for funding to upgrade lighting at the main oval at the Mooroopna Recreation Reserve. My request of the minister is that he provide the \$100 000 grant applied for by the council and the football club to upgrade the lighting to meet AFL requirements, which will provide

enormous benefits to the club and the broader community. I am advised that the application is for \$100 000 via the country football and netball grants program, and it is to go towards the \$305 000 in total to be spent on the replacement of existing, poor-quality lighting on the oval with standard 200 lux lighting.

The Mooroopna Recreation Reserve is home to the senior and junior Mooroopna football and netball clubs, with a combined player registration of approximately 1300 participants. This upgrade would mean that the ground's lighting would meet AFL regulations and allow the club to utilise its ground day and night, increasing safety during training and night games. It would also encourage other clubs from around the area to use the ground for possible day-night competitions, increasing inter-club affiliation and visitor numbers to Mooroopna and Greater Shepparton. Further, it is expected that the upgraded recreation reserve will also be a suitable venue for community festivals, events and activities such as Relay for Life.

The lighting upgrade is part of the ongoing plan to upgrade facilities at the reserve to provide club players and the community with facilities worthy of a modern and progressive club. It follows other recent improvements to the grounds, including the upgrade of facilities on two new netball courts with lighting and new change facilities, as well as shelters for spectators and players. There is strong community support for the lighting upgrade, including support from other local sporting clubs as well as from the AFL which recognises the importance of grassroots sporting clubs in both the local and wider sporting community.

The club has approached me to support its application, which I am more than happy to do. Members of the club come from all walks of life, and involvement in football and netball clubs allows a wide range of people to connect with their friends and community as well as allowing them to participate in local sporting competitions. Further, Greater Shepparton has the unfortunate distinction of leading the nation in obesity levels; therefore the more we are able to do to encourage active sporting participation in our community, the better.

My request of the minister is that he provide the \$100 000 grant applied for by the council and the football club to upgrade the lighting to meet AFL requirements, which will provide enormous benefit to the club and broader community.

Gippsland public transport

Ms SHING (Eastern Victoria) — My matter is for the attention of the Minister for Public Transport, Ms Allan. I ask that she provide further information in relation to the way the stakeholder and community consultations currently taking place throughout Gippsland as part of the regional network development plan will accommodate improved services and connectivity for Gippslanders as they move between various modes of public transport, how bus services will be considered and improved to make sure that residents in growth areas are able to access local services and amenities, and how public transport improvements and initiatives are being tailored towards the problems that exist in Gippsland as a consequence of longstanding neglect.

To that end I also ask that, in providing her response, the minister outline the way various views of individuals provided throughout the consultations are being worked into an overall plan for regional Victoria and how it is that Gippslanders will be able to have confidence that regional public transport priorities are being taken into account and given due respect and the consideration they deserve.

Western distributor

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Roads and Road Safety. I am sure the minister would be very aware of the enormous growth occurring in the western suburbs of Melbourne and beyond. This is causing considerable congestion on the roads and freeways, particularly the West Gate Freeway, the Tullamarine Freeway and the Calder Freeway. It is a growing problem that is growing worse every day.

We have had a proposal from the government — I think it is from the government. Maybe the government is thinking about it, maybe it is not thinking about a thing called the western distributor. My understanding of the western distributor — —

An honourable member interjected.

Mr FINN — Yes, I understand Transurban is very keen on this. Given the deal that it has offered, I am not surprised. From what I can see, this is a glorified T-intersection that would provide for the western side of Melbourne exactly the same sort of deal that Hoddle Street and the Eastern Freeway provide for the other side of Melbourne. For that we would be paying tolls for quite a considerable amount of extra time.

We have a problem here. The government has a problem, and the people of the western suburbs of Melbourne have a major problem. I am hoping the government will do something to fix that. We have a five-week winter parliamentary recess coming up, and I am very hopeful that the minister will be thoughtful — not ponderous, but thoughtful — on what we may be able to do to solve this problem, because it will get worse as the suburbs in the west of Melbourne continue to grow. It is going to get even worse as the suburbs continue to grow around Ballarat and Geelong, and it is well beyond a joke now.

I ask the minister in the time ahead to give very careful consideration to some solution to this problem that does not involve an extension of tolls or a glorified T-intersection that is going to create even greater traffic chaos in the western suburbs. It seems quite ludicrous that anyone would put forward a proposal that would make the situation worse, but apparently that is what the government is considering. I ask the minister to give a great deal of carefully considered thought during the winter recess to what exactly can be done to provide a solution to the traffic gridlock and mayhem the people of the west of Melbourne have been suffering for quite some time now.

Kew ambulance station

Mr DALIDAKIS (Southern Metropolitan) — My adjournment matter tonight is for the Minister for Ambulance Services. The action I request is that the minister prioritise the needs of the Kew ambulance station when deciding how to spend the \$20 million ambulance capital upgrade election commitment. Kew ambulance station is located in a very old house on the campus of the St George's Health Service in Kew. It lacks adequate facilities for training and workspaces for paramedics, and it also lacks adequate garage facilities for the ambulance vehicles. It is in urgent need of an upgrade, and I urge the minister to commit funds for this to occur.

Darebin City Council

Mr DAVIS (Southern Metropolitan) — My matter for the adjournment today is for the attention of the Special Minister of State, and it concerns Darebin City Council and the report tabled today. That report from the municipal monitor who has been put in place, Mr Peter Lewinsky, is entitled *Documents and the Provision of Advice in Relation to the Darebin City Council*.

I note that the Minister for Local Government has made statements today concerning Darebin City Council and

indicating that two special inspectors of municipal administration will be appointed to work with the council on a short-term basis. Their job will be to support councillors and council staff in developing agreed processes that will lead to a better governance culture.

The report is quite clear in many respects. Some of the observations that Mr Lewinsky has made are quite serious. One is:

Council has in place a sound framework of governance policies. However, there is still a high level of non-compliance with key policies.

He goes on to say:

Over my period as municipal monitor I have observed acrimonious exchanges between councillors including allegations of breaches of the councillor code of conduct. There have been a number of investigations of code breaches ...

And:

In my opinion, through observation, relationships between councillors have broken down and this constitutes a significant threat to ensuring good governance at the council. I have also observed a lack of trust between some councillors and the CEO.

I have also observed the CEO's failure to ensure councillors abide by council/staff interaction protocols with serious impacts on workloads of staff.

The municipal monitor makes a long series of points, but the chamber and the Special Minister of State will have some of the flavour of the concerns. This really is a Labor council that is eating its own. There is an ugly mess in Darebin, and the Special Minister of State must come clean and identify who these two mystery investigators will be.

There has been a delay in this report being tabled in the Parliament, and the action I am seeking from the Special Minister of State is that he move quickly, given the delay in acting by the Minister for Local Government, to ensure that the unnamed special inspectors are appointed. He needs to come clean on who they are and their suitability. It is no use appointing mates to those positions; we need independent people who can actually help clean up the mess.

The PRESIDENT — Order! I rule that one out, because the action sought was that the minister come clean.

Mr DAVIS — No, that he move to appoint them. I can read that again for you, President. It might have been unclear.

The PRESIDENT — Order! The member should go precisely to that point.

Mr DAVIS — The Special Minister of State needs to act. Given the delay in action, he needs to move quickly to appoint the inspectors.

The PRESIDENT — Order! All right.

Ms Mikakos — On a point of order, President, in relation to the matter, the member quoted extensively from a media release that the Minister for Local Government put out today about the issue, and yet he is calling on a different minister to take action. I think the adjournment matter should be directed to the Minister for Local Government.

Mr Davis — On the point of order, President, the Minister for Local Government has made a number of the appointments in the past, but the inspectorate is now in the purview of the Special Minister of State in the Department of Premier and Cabinet and not in the local government department. The Minister for Local Government's press release today announces that the inspectors will be appointed, but it is my understanding, and this comes from departmental briefings, that they will be appointed by the inspectorate under the purview of the Special Minister of State.

Ararat and Stawell police stations

Mr BOURMAN (Eastern Victoria) — My adjournment matter today is for the Minister for Police, but not for the reason that members might think. It has come to my attention that the police stations at Ararat and Stawell in the Western District currently have a police roster of 26 officers between the two communities and are basically operating two stations from one. Both places have B-class cells, which hold people for up to 8 hours. It is clear that some urgent action needs to be taken, and I call on the Minister for Police to look at the situation and deal with it as quickly as possible to get the numbers so we can have two police stations, one running in each of the two towns.

Community correction orders

Mr O'DONOHUE (Eastern Victoria) — I raise a matter for the attention of the Attorney-General. In government the coalition overhauled and reformed the sentencing system in Victoria. Labor's hotchpotch of community orders was simplified into a new flexible community correction order (CCO), with a focus on both community work, so that criminals repay society for their crimes, and rehabilitation, to address offending behaviour and turn offenders away from further offending. Home detention and suspended sentences

were abolished, and parole and bail were made much tougher. Under the coalition a conservative approach to community safety was adopted.

On 23 December 2014 a decision of the Court of Appeal in *Boulton v. The Queen* granted an application for a CCO that appears to be significantly outside what was intended or anticipated by this Parliament, and this may present a serious risk to community safety. At paragraph 131 of the judgement the court says:

... a CCO may be suitable even in cases of relatively serious offences which might previously have attracted a medium term of imprisonment (such as, for example, aggravated burglary, intentionally causing serious injury, some forms of sexual offences involving minors, some kinds of rape and some categories of homicide).

The suggestion apparently made in this paragraph that rapists, child abusers and those convicted of homicide or violent attacks may not serve a period of incarceration would, I think, surprise and deeply concern most members of the Victorian community. Since this decision there have been several examples of people convicted of very serious crimes, including sexual assault, who have received a CCO.

I am extremely worried that we may now have people who should be, and deserve to be, in jail who are out in the community and under supervision that was designed for far less serious offences. My concerns are based on the anecdotal information that is available to the opposition. The Attorney-General will have access to much more data and other information about what the Boulton case and its application by the lower courts may mean.

The action I seek from the Attorney-General is that he undertake an urgent review of the potential risk to community safety flowing from the Boulton decision so that, if necessary, legislation can be introduced, serious criminals who deserve to be in jail can be put in jail and the community can be properly protected.

The PRESIDENT — Order! There is nothing wrong with Mr O'Donohue's adjournment matter, but I make the point that if members of the opposition refer to the previous government and its policies, then they cannot expect me to stop a minister from doing the same thing and arguing that those policies were wrong.

Mr O'Donohue — On a point of order, President, I am very cognisant of the rules in relation to the adjournment. I gave the issue some consideration before I drafted my adjournment matter. I thought it was important to provide some context to and background on the matter to inform the action I am now seeking.

The PRESIDENT — Order! With respect, it did not provide context to what the member was seeking. It travelled back over the previous government's policies. Then the member brought up the matter that he wanted to pursue in the adjournment, which was a decision of a court. The decision of the court was the context, not the previous government's policies. It is on the record. The matter raised tonight is a valid adjournment matter as such. All I am saying is that if members in adjournments or questions or suchlike refer back to the previous government, then they cannot expect me to uphold points of order when ministers also reflect on the policies of the previous government — and probably not in glowing terms.

Mr Dalidakis — Is that a ruling, President?

The PRESIDENT — Order! It is guidance.

Mobile Black Spot program

Ms SYMES (Northern Victoria) — The adjournment matter that I raise tonight is for the attention of the Minister for Regional Development, and it is in relation to the announcement she made today about communication black spots. As a person who spends a lot of time in a car driving along country roads, often my only company is the GPS lady who tells me to do a legal U-turn when it is safe to do so. Other than that, I am often on the phone. I am sure that a lot of country members use their time in the car to make their calls, and I am sure that many of us in the regions are aware of the frustrations of the dropout zones. As frustrating as it is, it does not compare to those residents in country Victoria who happen to live or work in a black spot.

The announcement today is important. I understand that it is an \$86 million project in which the Victorian government is investing \$21 million. The good news for northern Victoria is that there are 38 sites that have been identified on which new and upgraded mobile towers will be constructed. This will see huge improvements in mobile coverage in the area. Not only will it make the daily lives of residents easier, but we will have opportunities for new businesses and the expansion of existing businesses.

The project was informed by Emergency Management Victoria, headed by commissioner Craig Lapsley. Priority has been given to improving access to emergency information in the event of natural disasters, in particular bushfires. The issue of black spots and dropout zones is raised with me in many places I visit, and it has often been on the agenda of the council meetings I have attended. I know councils are as keen

to see improvements in this area as I am, and I understand that the towers to be constructed will be subjected to planning applications. I am very keen for councils to be informed about the process that they can anticipate they will have to go through to ensure that there are no delays.

The specific request I make of the minister today is that she write to the Alpine Shire Council, Benalla Rural City Council, Indigo Shire Council, Yarra Ranges Shire Council, Mansfield Shire Council, Murrindindi Shire Council, Mitchell Shire Council, Mildura Rural City Council, Gannawarra Shire Council, Wangaratta Rural City Council, Swan Hill Rural City Council, Towong Shire Council and Nillumbik Shire Council to advise them of what they might expect the process will be to ensure that there is better mobile coverage for country Victorians.

Port Melbourne Primary School

Ms FITZHERBERT (Southern Metropolitan) — My adjournment matter is for the Minister for Education, and it is in relation to the issue of relocatable classrooms, in particular at Port Melbourne Primary School but also in relation to the allocation of some \$35 million in the state budget for this program, which is outlined on page 53 of budget paper 3. I know the minister is aware of my interest in Port Melbourne Primary School. It is a terrific school that faces a number of challenges regarding its site. It had 720 students enrolled this year and its enrolments have been growing by 50 students per year, so it has seen some massive changes. This would be helped by the allocation of some capital funding for a new primary school in South Melbourne, but unfortunately the government reneged on that election promise, so that is not happening anytime soon.

Port Melbourne Primary School does not have enough outdoor space for its students. It does not have room to expand, and it has asbestos in some of its portables, which I am pleased to say is being removed over the holidays. There is, however, another important issue that remains unaddressed, and that is the state of the single-storey portables. They are old and in poor condition. I have previously suggested that they be removed and replaced with new double-storey portables as a short-term answer to providing more space for students to learn and play.

I note that the minister stated on 24 June that the \$35 million will purchase 100 new relocatable buildings, including five double-storey units. These buildings will be allocated to schools in accordance with enrolment need and site size. Schools that have

these sorts of problems and need relocatable classrooms are often restricted by space and the practicalities of the school year in terms of when the work to put in a new portable can happen. In other words, it is a problem that desperately needs to be addressed, but the problem itself means it is hard to find time and space to do so.

For example, Port Melbourne Primary School can find space to accommodate students from one single-storey portable elsewhere in the school while the new relocatable building is being installed if this happens in term 4. But the work would not be feasible, even though it is desperately needed, if it occurred during the 2016 school year. Port Melbourne Primary School is not alone in experiencing this practical problem.

My request to the minister is: can the exact process and specific criteria be clarified for allocating the portables to Victorian schools, and can we also be advised on the timing of the process? I again ask the minister to ensure that Port Melbourne Primary School is able to replace its old single-storey portables with new double-storey portables, and I ask for this to happen during 2015 so that Port Melbourne Primary School is ready for the growth in student numbers that will happen again in 2016.

Country Fire Authority Fiskville facility

Mr RAMSAY (Western Victoria) — I raise a matter for the Minister for Agriculture, the Honourable Jaala Pulford. Yesterday I tabled in this chamber the interim report of the Environment, Natural Resources and Regional Development Committee inquiry into the Country Fire Authority training college at Fiskville. As I indicated yesterday, the interim report was a requirement of the Parliament, and it informed the Parliament of the current status of the activities and deliberations of the committee. This is a very important inquiry committed to the welfare of those who trained at Fiskville and to those who were exposed to dangerous toxins. The inquiry is also seeking testimony from those who live and work in close proximity to the facility. It is those people, in particular farmers, who might be impacted by recommendation 1(c) of the report, which states:

Due to market sensitivity regarding contamination of food the government considers the situation whereby local producers may not be able to sell their livestock or other produce.

Media speculation is already swirling around the Ballan community on how that section should be interpreted. Unfortunately in some cases the media made judgement calls that all animals or other produce from local producers is not fit for sale. The committee makes no such suggestions within its report. It requests that the

government prepare some options for those farmers who may be put in a position where they cannot sell their livestock regardless of whether contamination is a perception or a reality. It is for this reason that the action I seek from the minister is that she have her department prepare a response and a support package as a matter of urgency for those farmers caught in this situation.

Centre–Mackie roads, Bentleigh East

Ms CROZIER (Southern Metropolitan) — My adjournment matter is for the Minister for Roads and Road Safety. I would like to raise an issue that has been raised by several concerned residents of Bentleigh and the adjacent Assembly electorate of Oakleigh. The issue relates to an intersection that is on the border of Bentleigh and Oakleigh, and I think Mr Dalidakis might be aware of this concern as well.

The issue of pedestrian and public transport safety at the intersection of Centre and Mackie roads in Bentleigh East has been brought to my attention. The intersection is very close to the Ventura Bus Lines depot, and a large number of buses turn off Centre Road into Mackie Road to access the large bus stop on the corner. Trucks servicing the shopping centre on the opposite corner also often need to access a small lane behind the shops, which means they pull out in front of turning buses. In addition a new three-storey apartment block on the corner has completely restricted the view into Mackie Road from the intersection. A number of elderly pedestrians, schoolchildren and others cross the roads to get to the bus stop, and residents tell me it is only a matter of time before a major accident occurs at this intersection.

The action I therefore seek from the minister is that he have VicRoads assess the safety concerns that have been raised with me and provide advice as to how this dangerous intersection with bus and truck turning concerns may best be improved and how improved safety measures could be put in place.

Responses

Ms MIKAKOS (Minister for Families and Children) — Before I go through the adjournment matters, I indicate to the house that Ms Pulford will respond to Mr Ramsay's adjournment matter.

I have received a number of adjournment matters this evening, and I will refer those to the appropriate ministers for response. I have received an adjournment matter from Mr Rich-Phillips for the Minister for Roads and Road Safety.

I have one from Mr Purcell for the Minister for Racing — and I certainly agree with his sentiment about ignoring the Greens political party, which I seek to do on a regular basis.

I have received a matter from Ms Dunn for the Treasurer.

I will come to Mr Leane's matter in a moment.

I have received a matter from Ms Lovell for the Minister for Sport.

I have received one from Ms Shing for the Minister for Public Transport.

I have received a matter from Mr Finn for the Minister for Roads and Road Safety.

I have one from Mr Dalidakis for the Minister for Ambulance Services.

I have one from Mr Davis for the Special Minister of State.

I have received a matter from Mr Bourman for the Minister for Police.

I have one from Mr O'Donohue for the Attorney-General.

I have one from Ms Symes for the Minister for Regional Development.

I have received a matter from Ms Fitzherbert for the Minister for Education.

I have a matter from Ms Crozier for the Minister for Roads and Road Safety.

I propose to respond to the matter Mr Leane raised for me and therefore discharge it. In his adjournment matter Mr Leane referred to a very important announcement I made with the Premier earlier this week — that is, that the government will invest up to \$83.7 million in additional funding for kindergartens over four years to support the transition towards improved educator-to-child ratios. Mr Leane asked me about the information that would be provided to the kindergartens in his electorate. I can assure Mr Leane that the Department of Education and Training has written to all affected kindergartens to inform them of this important piece of news.

Ms Crozier interjected.

Ms MIKAKOS — In addition to that, we have had communication with the peak bodies, the Municipal

Association of Victoria and the Early Learning Association Australia, both of which have warmly welcomed the government's announcement.

Ms Crozier interjected.

Ms MIKAKOS — I say to Ms Crozier that this is an important matter. It is very disappointing that at every opportunity, rather than welcoming this important development in supporting children to get access to quality early childhood education, Ms Crozier is continually interjecting and indicating that she is not supportive of this announcement.

Ms Crozier interjected.

Ms MIKAKOS — It is important for Ms Crozier to understand that Labor introduced these reforms in 2010 when it was last in government and moved to legislate these reforms. Over the last four years there has been no progress in relation to this issue. Now we have sought to implement these reforms through putting the funding in that we have announced this week. This will be an important development, because we know that the one-on-one attention that children receive from early childhood educators leads to better outcomes for children, including improved communication, literacy and socialisation skills. That is why the sector is supportive of this.

We are providing a range of supports to sessional kindergartens to assist them to implement the new ratios from the start of next year. We are providing support through tailored advice from the Early Learning Association Australia regarding practical and efficient models that can be applied to accommodate the new ratio requirements. We are providing capital grants to support infrastructure expansion to accommodate larger group sizes. We are providing workforce incentives to provide services in regional and remote communities, with financial support to attract and retain qualified early childhood educators. We are providing scholarships to educators wishing to upgrade or attain approved early childhood qualifications.

We are also providing the option for kindergartens to join kindergarten clusters to benefit from the additional support and management expertise of the kindergarten cluster managers. It is possible, as it has been in the past, for kindergartens to apply for waivers from the department as the regulator, but I hope that kindergartens seeking to move to the new ratios will obtain the relevant advice both from my department and from the Early Learning Association Australia around the implementation issues and that they will implement these ratios from 1 January next year.

Rather than Ms Crozier being critical of this announcement she should be welcoming it, because it is a positive development for Victoria's early years services. The announcement has come at a time when we have seen leaked details from the federal government's green paper on federation that show it is looking to pull out of kindergarten funding altogether. This government is putting more and more money into our kindergartens, both in terms of infrastructure spending and in terms of implementing the new ratios, yet the Abbott federal government is looking at walking away from kindergarten funding all over again. We have the ongoing uncertainty in relation to the 15 hours of kindergarten a week after 2017.

Rather than coming in here and being critical Ms Crozier needs to be supportive of what is a significant development for our early years services in this state. I thank Mr Leane for raising this important matter. I assure him that we are going to work closely to support our kindergartens to implement these new ratios from 2016.

Ms PULFORD (Minister for Agriculture) — I thank Mr Ramsay for raising his important matter in the adjournment debate tonight. The Andrews Labor government welcomes the parliamentary committee's interim report on its inquiry into the Country Fire Authority (CFA) Fiskville training college and accepts all its recommendations in principle. These are serious recommendations arising from a significant inquiry into health and safety relating to the Fiskville site and surrounds. The members who have participated in that work to date and will continue to perform this important work on behalf of all of us are to be commended.

We are committed to delivering on these recommendations, which will provide people with easier access to their records and information relating to Fiskville and hopefully some peace of mind. We will be taking action to test the soil, water and livestock at properties surrounding Fiskville. If those test results are concerning, then of course we will consider how livestock and farmland are to be dealt with if farmers are unable to sell their produce. I will be working closely with the Minister for Health and the Minister for Emergency Services to ensure that the testing is completed as quickly as possible. As Mr Ramsay indicated in his adjournment matter, there is a high degree of anxiety in the local community in our shared electorate of Western Victoria Region.

It is worth noting — and I would like to take the opportunity to provide this information — that in 2013 the department worked with the then Department of

Health and the CFA to issue a contaminated stock notice under the Agricultural and Veterinary Chemicals (Control of Use) Act 1992 as a precautionary measure to prevent the movement of livestock from a property, pending further analysis by the then Department of Human Services (DHS). An interim assessment by the chief health officer on 27 September 2013 considered that the levels of contamination in the livestock did not pose a public health or food safety risk, based on data from four ewes tested by the CFA's toxicology consultant. Consequently, as the chief health officer ordered that the contamination did not pose a public health or food safety risk, the contaminated stock notice was revoked on 27 September 2013 and the owners were personally spoken with. Restrictions on the movement and sale of the stock were removed.

Further detailed testing of tissue and serum from 10 lambs, as well as the serum and milk from a further 30 ewes, was undertaken. The result reaffirmed the interim findings of the chief health officer that the stock did not pose a public health or food safety risk. The department's handling of this matter was independently reviewed by the department's chief scientist, Dr Graham Mitchell, and deemed appropriate based on the situation and evidence provided.

We will continue to do everything we can to ensure that people are confident that the knowledge they receive is reliable and that they are appropriately provided with the information they need so they can be certain about the impact of this recommendation on their farm businesses. I thank Mr Ramsay for raising this important matter.

Ms MIKAKOS (Minister for Families and Children) — I have written responses to adjournment matters raised by Mr Leane on 27 May and Ms Bath on 28 May.

RULINGS BY THE CHAIR

Questions on notice

The PRESIDENT — Order! I advise that I have received two items of correspondence. The first is from Ms Crozier and is in respect of questions on notice 580 and 581, which concern category 1 incidents in the health system. She sought a monthly figure for category 1 incidents. Ms Crozier brings to my attention the fact that the response of the minister — being Minister Mikakos on this occasion — indicates that category 1 incident data is published on the Department of Health and Human Services website. The minister therefore directs the member to that source for the information she seeks.

I am advised that that data has in fact not been updated since June 2014. The information sought by Ms Crozier was for the period from December 2014 through to, at this time, April 2015, but it is a pattern of monthly statistics that is sought. On the basis that the minister in her answer indicated that there is a preparedness to provide that information, although she believed it was already published on the website, I do not believe the question has been fully answered. If there is a difficulty in providing monthly updates, then I am sure the minister could address that in her further response to Ms Crozier in this matter. In terms of the current position, I reinstate both question 580 and question 581.

I face a similar situation with a letter from Mr Ed O'Donohue, who is seeking statistics for people who are in the prison system and held in police cells. Mr O'Donohue is seeking that information on a weekly basis. The minister has obliged Mr O'Donohue with monthly figures — end-of-month figures — which I would have thought did provide at least trend information that might have assisted Mr O'Donohue in his deliberations and scrutiny of portfolio issues. However, Mr O'Donohue believes that figures are collected on a weekly basis and would be available without great difficulty to the government.

At this stage I will reinstate these questions, but if the minister comes back with an explanation that outlines why he believes it is important to provide monthly rather than weekly statistics, then I could well be persuaded that that is a suitable response. Essentially in reinstating these questions I am asking the minister to reconsider whether he might make available weekly rather than monthly statistics, but I do thank the Honourable Wade Noonan as minister for providing the end-of-month statistics. The questions involved from Mr O'Donohue are 502–6, 548–52 and 558–62.

Ms Mikakos — On a point of order, President, in respect of your ruling, and particularly in relation to the matter Ms Crozier has written to you about seeking particular data, I draw to your attention that on 24 June 2014 I had lodged and received a similar response from the previous Minister for Community Services, Mary Wooldridge. This was question on notice 10 106, to which I received an identical response to the one that Ms Crozier has now received and is complaining about. I similarly was referred to the then Department of Human Services website for those statistics. Essentially Ms Crozier is now asking me to provide information that Mary Wooldridge was never prepared to provide to me. There is data on the Department of Health and Human Services website relating to category 1 incidents. These figures are published on the website because they are the verified figures.

As a broad point — and this relates to the matter on which you, President, have made a ruling in relation to Mr O'Donohue's point — departments and ministers, and departments in particular, may have information that they collect from time to time that may not necessarily be able to be verified, and that is why information is checked, verified and published either in annual reports or on departmental websites. There may well be issues around verification of data that may well make it impossible for figures to be published that will be accurate figures.

I make the point that I have referred the member to the website, and those figures are published there. In fact I have them in front of me, and I can give the member those figures now. For the period 2013–14 there were 39 client deaths relating to the deaths of 40 children; 560 assaults; 502 behaviour issues; and 1243 other incident types. That information is available on the department's website.

The PRESIDENT — Order! The problem is that the questions that were asked by Ms Crozier actually referred to dates subsequent to June 2014, which is the published date on the website. She was seeking them for more recent months, in fact this year. She was seeking figures from December of last year through to April of this year, so they are different figures. Those figures are not on the website.

Nonetheless, the minister has made some valid points, and on this occasion they may well be a consideration in responding to those two questions on notice. Ms Crozier sought information from a different period to what was published on the website. In terms of the publishing of that information by the previous minister, as far as I can recall, Ms Mikakos did not bring that matter to me as an issue at the time. I would have given consideration to the matter had it been raised by Ms Mikakos with me in terms of the adequacy of that response. For the moment both questions on notice 580 and 581 are reinstated, but I do understand the points made by the minister.

The house stands adjourned.

House adjourned 6.26 p.m. until Tuesday, 4 August.

WRITTEN RESPONSES TO QUESTIONS WITHOUT NOTICE

Responses have been incorporated in the form supplied to Hansard.

Victoria Police

Question asked by: Mr Bourman
Directed to: Special Minister of State
Asked on: 23 June 2015

RESPONSE:

I am responding to you on behalf of the Minister for Finance, Robin Scott MP, who has portfolio responsibility of WorkSafe matters.

Victoria Police members and unsworn employees provide an essential service to the Victorian community and face challenging work environments in their daily work keeping Victorians safe. Where a Victoria Police employee is injured in the course of their employment, they are entitled to lodge a WorkSafe claim with their employer. The Victorian workers compensation legislation has established statutory time frames for key decisions in the life of a claim, including the forwarding of a claim by an employer to an agent, and claim acceptance. In addition, authorised agents must follow the WorkSafe claims manual and established claims handling procedures which detail processes and maximum time frames for other entitlement decisions.

I am advised that WorkSafe is not aware of delays in relation to determining claim liability for Victoria Police claims. As Post-Traumatic-Stress-Disorder (PTSD) injuries can gradually occur over time, or be triggered years after a traumatic event, it may be difficult to diagnose these injuries or determine an injury date. However as soon as an injury is identified, statutory time frames apply in respect of an employer forwarding a claim to an agent and agent decision regarding liability.

WorkSafe has established a claims decision auditing program which reviews and tests the quality of decisions made by authorised agents. Agents must also meet key performance criteria, including timeliness of payments and decisions, as part of their agent contract.

WorkSafe has recently taken steps to improve decision making time frames by streamlining requests for the most frequently requested medical treatments. WorkSafe has also recently launched a smart phone app that provides essential information about the WorkSafe claims process.

The Victorian Government is committed to improving the WorkSafe system for all injured workers, and has commissioned research to identify opportunities to improve injured workers' experiences of the claims process.

Victoria Police

Question asked by: Ms Patten
Directed to: Minister for Training and Skills
Asked on: 23 June 2015

RESPONSE:

I can advise that the number of incidents where oleoresin capsicum spray was used by police officers and protective services officers for the period 1 January 2014 to 31 December 2014 was:

	Threatened/Displayed	Discharged	Threatened/Not Displayed	Total
Police	187	1,596	3	1,786
PSOs	148	127	1	276
Total*	333	1,719	1	2,053

***Please Note:** As police and PSOs may have attended the same event, the total does not reflect the sum of police and PSOs shown in the table.

SUPPLEMENTARY QUESTION :

I can advise that Victoria Police do not have a regular release schedule for this data. However, I can advise that pursuant to the Victoria Police Manual use of force data is generally available to members of the public through Freedom of Information and this data has been released by Victoria Police previously in response to FOI applications.

Parliamentarians may request this data directly from the Chief Commissioner and the media may also request for this data via the Victoria Police media unit.

Minister for Small Business, Innovation and Trade

Question asked by: Ms Wooldridge
Directed to: Minister for Small Business, Innovation and Trade
Asked on: 24 June 2015

RESPONSE:

I refer the member to statements by the Premier and my own statement of May 23 outlining my decision to stand down for an independent investigation to take place.

Allegations were made around workplace bullying. I have rejected these allegations and this is on the public record.

However, I understand that these allegations need to be taken seriously. I respect the independent investigation being undertaken. I respect the rights of the complainant and the integrity of the process which deserves to run its course without interference.

Kindergarten funding

Question asked by: Ms Crozier
Directed to: Minister for Families and Children
Asked on: 24 June 2015

RESPONSE:

The Andrews Labor Government is investing up to \$83.7 million over four years in additional funding to support kindergartens to transition to the improved educator-to-child ratios. The Municipal Association of Victoria and the Early Learning Association Australia have both welcomed this investment.

The new ratio requirements are part of the National Quality Framework, and will allow staff to give children more individual care and attention.

Based on data collected by the Department of Education it is estimated that in 2015 approximately 450 or 35 per cent of sessional kindergarten services are operating with a ratio of 1:11. This includes children in small rural services and services managed by non-government schools.

Additional support and assistance is also available to kindergartens ahead of implementation of the new ratios in 2016.