PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Thursday, 26 February 2015

(Extract from book 3)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

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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

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

Joint committees

Environment and Natural Resources Committee — (*Council*): Mr Ramsay and Ms Symes. (*Assembly*): Mr Battin, Ms Halfpenny, Mr McCurdy, Mr Richardson 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

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

[1] Resigned 25 February 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, 26 FEBRUARY 2015

Thursday, 26 February 2015

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

PAPERS

Laid on table by Acting Clerk:

Auditor-General's Reports on —

Effectiveness of Support for Local Government, February 2015 (Ordered to be published).

Local Government: Results of the 2013–14 Audits, February 2015 (Ordered to be published).

BUSINESS OF THE HOUSE

Adjournment

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

That the Council, at its rising, adjourn until 2.00 p.m. on Tuesday, 17 March 2015.

Motion agreed to.

PROCEDURE COMMITTEE

Membership

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

That standing order 23.08(3) be suspended so as to provide that —

(1) The following members are appointed to the Procedure Committee —

(a) the President;

(b) the Deputy President;

(c) Mr Jennings;

(d) Ms Pulford;

(e) Ms Wooldridge;

(f) Mr Davis;

(g) Ms Pennicuik;

(h) Dr Carling-Jenkins; and

(2) A quorum of the Procedure Committee is five members.

Motion agreed to.

MINISTERS STATEMENTS

Pipis

Ms PULFORD (Minister for Agriculture) — I would like to take this opportunity to respond in part to an adjournment matter raised by Mr O'Brien on his last day in this place earlier this week; it would be difficult to do otherwise now that he is no longer a member of this place. It relates to the question of pipis in Venus Bay.

My department has responded to a number of letters over the past several years from some members of the Venus Bay community who are concerned that recreational pipi fishing is unsustainable and believe it should be banned there. Neither of the two research projects funded by the recreational fishing trust has identified concerns about the sustainability of the recreational Venus Bay pipi fishery. Commercial pipi fishing has been authorised in Venus Bay for a number of years, but due to a lack of vehicle access to the beach and the low market value of pipis, there has been little fishing effort. One commercial licence-holder is currently lawfully fishing in Venus Bay. The government is working to develop longer term arrangements for managing commercial pipi fishing across Victoria.

In response to Mr O'Brien's concerns, the advice we have is that the fishery is sustainable. My advice to Mr O'Brien as he departs this place and seeks election as the member for Gippsland South in the Assembly in the by-election scheduled for 14 March is that he should tread warily as this campaign has some very unpleasant undertones.

Ms Wooldridge — On a point of order, President, I seek your guidance as we work out ministers statements and their content. The sessional orders say that the purpose of a ministers statement is 'to advise the house of new government initiatives, projects and achievements'. I do not believe this is an opportunity to respond to questions, unless of course there is perhaps some new element, and I do not believe the Minister for Agriculture's statement made any reference to any new initiatives.

Ms PULFORD — On the point of order, President, the member whose query I was responding to was seeking additional information, and I have provided new information about a couple of scientific reports on a matter that the former member was particularly interested in. Does Ms Wooldridge want responses or does she not?

The PRESIDENT — Order! Strictly speaking I think the point of order is correct; I am not sure the contribution matched the intention of ministers statements. However, I accept that this case was unusual in that the member who raised the issue in the adjournment debate has now left this place, and this was an opportunity to place on the record a response to that member's query. It is a little unusual, but I accept that it was made with good intention.

The one thing I have concerns about in terms of the Minister for Agriculture's statement is the reflection on Mr O'Brien perhaps using this matter as a campaign issue in an upcoming by-election. I do not think that ministers statements are a time to reflect on other members in that way, because it is clearly outside the government's initiatives, projects, programs and so forth. I have more concerns about that than with other parts of the statement, which I accept was provided in good faith and with good intention on this occasion, although strictly speaking I uphold the point of order on the basis that I am not sure that it met the overall criteria for a ministers statement.

MEMBERS STATEMENTS

Calabria Club

Mr ONDARCHIE (Northern Metropolitan) — Bongiorno! It was my delight last Saturday night to represent the Leader of the Opposition, the Honourable Matthew Guy, to celebrate 45 years of the Calabria Club in Melbourne. It was my delight to join the president of the club, Sam Sposato; the vice-president, Vince Daniele; Consul General of Italy, Dr Marco Maria Cerbo; and Reverend Father Rocco Benvenuto, who had come from Italy, as had Dr Assunta Orlando. What a great club it is, representing the Italian community living throughout Victoria and particularly the people from Calabria.

This is a great opportunity to thank our Italian community because when the first waves of Italian migrants settled in Victoria, many made Melbourne their home. They brought us wonderful things like pizza, pasta, espresso coffee, briscola, scopa, art, buildings, music and dance. I pay tribute to migrants from across the globe who have settled in Melbourne.

I particularly thank the many volunteers who have done a great job over many years — 45 years — working for the Calabria Club, which was founded in 1970 by a handful of emigrants from the Calabria region. Today it is one of the most respected clubs in Australia due to its social activities and its promotion of the Calabrese culture to students from many colleges and primary schools. I congratulate the many volunteers, the past presidents and committee members who have continued to promote and preserve Italian culture in Victoria for the benefit of our entire society.

Judy Goss

Ms SYMES (Northern Victoria) — I extend my congratulations to Hidden Valley resident Judy Goss who has decided to take on the challenge of the Weekend to End Women's Cancers on 28 February and 1 March. The Weekend to End Women's Cancers benefits the Peter MacCallum Cancer Centre and is a two-day, 60-kilometre walk through the neighbourhoods of Melbourne. It is not for the faint-hearted or those who are exercise averse. Judy has admitted it is going to be a challenge, but she is doing this in memory of her beautiful mum who lost her battle with breast cancer in 2002 after fighting that horrible disease for several years. Judy believes her mother's strength and determination will be what gets her over the finish line, and I am told she is out training on most days around the streets of Wallan, putting in the gruelling kilometres to ensure that she is ready for the day.

Judy has already exceeded her goal to raise $2000 for those who have been touched in some way by the tragedy of cancer. I know she is proud to be making a contribution that may well make a difference in finding better treatments or indeed a cure that will spare families like hers the grief of losing a loved one. The motto for the walk is 'One weekend can change the world'. With Peter Mac immediately assigning the funds raised to enable life-saving cancer research, it means Judy's contribution and that of her supporters will have an immediate impact in the fight against cancer. The funds will help Peter Mac's clinicians and researchers to improve cancer detection and to find gentler and more personalised treatments for women with cancer. Congratulations and good luck to Judy and her supportive family on doing their bit to make life better for others.

Buses

Ms DUNN (Eastern Metropolitan) — As the former chair of the Eastern Transport Coalition, I know how important buses are in the areas of Melbourne that are not serviced by trains and trams. I ask the government not to get distracted by projects like the Melbourne Metro rail project. Good on the government for having a vision, but it also needs to keep one eye on the transport that people use today. Let us face it, people who live in Doncaster and Rowville wish they could complain about overcrowding on trains. For many

people in Melbourne, buses are the only public transport option available in the areas where they live.

I support the Eastern Transport Coalition's recommendations for buses generally, because they are a sensible and cost-effective way to provide a transport service to people who need it right now. In the short term the transport coalition wants funding to upgrade existing bus routes to meet minimum service levels, improve coordination with trains, trams and SmartBuses and improve public transport coverage. That is not too much to ask. It wants bus stops that are safe, accessible and that offer a suitable level of comfort and shelter. It wants government funding allocations to implement the recommendations of the metropolitan bus service reviews. We do not need another review to tell us how important the bus services for Knox, Maroondah and Yarra Ranges are, and the upcoming budget will be telling as to whether the government is truly committed to transport for all Victorians.

Frankston Hospital

Ms WOOLDRIDGE (Eastern Metropolitan) — I am pleased to speak on the Frankston Hospital upgrade, the opening of which I had the pleasure of attending last week with the Minister for Health, former minister David Davis and other local members. This project was fully committed to, funded, planned and delivered under the coalition government. It cost $81 million, with a $5 million contribution from the commonwealth and the rest coming from the 2011–12 and 2012–13 state budgets. It will make a significant difference for people of the Mornington Peninsula.

The upgrade includes new surgical and medical beds, expanded critical care services, two new intensive care beds, two special cots, new medical imaging services to support the emergency department and a refurbished emergency department with specialist consulting areas. There was particular thought given to paediatric patients and people with mental illness. It is clear that a huge amount of planning has been done by the staff, the planning team and all who have been involved to make sure that the emergency department and bed areas meet the needs of the local community, no matter where in the life cycle they are or what their illness is. Savings of $8.1 million were achieved through the redevelopment process, and those savings will be redirected into additional infrastructure for Frankston Hospital. It is a great outcome from a process that has been exceptionally well managed. I congratulate Sue Williams, Nancy Hogan, the Department of Health and Human Services and all those who have been involved.

City of Whittlesea citizenship ceremony

Mr ELASMAR (Northern Metropolitan) — On Monday, 23 February, it was my pleasure to witness the citizenship ceremony for the newly naturalised citizens of Whittlesea. I have attended many citizenship ceremonies during my time as a member of this Parliament and as a councillor in the City of Darebin. I am always pleasantly surprised by the number of new Australians lining up to become citizens of our beautiful country. City of Whittlesea mayor Cr Ricky Kirkham, council CEO Mr David Turnbull and council officers officiated at the ceremony. I thank Whittlesea City Council for a well-organised evening, and as always I was happy to share my own migrant experiences with our new citizens after the event.

Ovarian Cancer Awareness Month

Mr ELASMAR — On Wednesday, 25 February, yesterday, I was delighted to participate in the morning tea held in our own Parliament House gardens. Many parliamentarians were there, including yourself, President. The event was coordinated and co-hosted by the Victorian Minister for Health, the Honourable Jill Hennessy, and Ovarian Cancer Australia. I congratulate the organisers on publicising this particular form of cancer, because ovarian cancer usually manifests itself when the disease is well advanced and strikes young and old.

Government members

Mr BARBER (Northern Metropolitan) — In relation to the new balance of power in the upper house, the Premier said late last year:

> I'm not underestimating the challenge … We'll work very hard and I think I am well known in Victoria as someone who can work with people and find the common ground, and again, be focused on the outcome, not focused on the politics of these things.

In just seven days of sittings government members have comprehensively trashed those high-minded sentiments. There has been the refusal to provide basic information about some multibillion-dollar projects that any ordinary citizen would want to see before they decided on them. A new level of ministerial accountability was dumped when a minister simply said 'Google it' in response to a parliamentary question. There has been irrelevant filibustering in response to simple motions. There is the barrage of noise and attacks, some of it quite low level and personal, and some of it in the form of interjections over the government's own ministers who are in the process of answering questions.

In short, government members have demonstrated every species of arrogance that the previous government showed — although the previous government had some foundation for arrogance by having 21 seats out of 40 in this house, rather than the 14 the government has today. I really want to know how it feels for members opposite to have spent so much of their time undermining their own leader.

Lunar New Year

Mrs PEULICH (South Eastern Metropolitan) — I extend my wishes for a very happy Lunar New Year to all members of the Victorian community who celebrate this event. No doubt members have been attending these celebrations in their neighbourhoods and across the state.

It is the year of the goat. Dare I say it, there are probably a few goats in this chamber. Goats are renowned for being sensitive and liking to work as members of a team. Unfortunately the dummy spit by government members in relation to ministers statements this morning demonstrated that they do not accept the rules of the team.

I would like to congratulate some organisations on the outstanding Lunar New Year celebrations they have put on and in which I, as shadow Minister for Multicultural Affairs, was able to participate. The Springvale Asian Business Association put on an amazing festival. It was organised by president, Daniel Cheng, and his big team of volunteers, including Tom Nguyen and Sonny Duong. The Vietnamese community put on its Tet festival at Sandown Park. I would like to congratulate Bon Nguyen and Viv Nguyen on an outstanding festival and in particular their dual identity program success. It was very impressive. The Australian Chinese Events Committee put on an amazing event at the Palladium. I congratulate the committee on a fantastic night.

The Chinese New Year festival launch in the CBD with the Lord Mayor of Melbourne was also an amazing spectacle. I wish all those who celebrate the Lunar New Year a happy year of the goat.

Maccabi AJAX Cricket Club

Mr DALIDAKIS (Southern Metropolitan) — I rise to celebrate the careers of a number of people in the Maccabi AJAX Cricket Club, the local senior cricket club of the Jewish community in my electorate of Southern Metropolitan Region. In particular I congratulate Daniel Onas and Simeon Goldenberg on their elevation to life membership of the cricket club. They have both served in executive committee positions for nearly 20 years. They have both been captains of the first 11, and both have committed greatly to the ongoing survival of the club.

I congratulate Barry Kave, who just celebrated his 50th year at the club. He remains an intergenerational figure and is full of joy as he trundles down with his little off-spinners. I also wish to mention former committee man and much-loved member of the cricket club, Paul Fink, who is returning from on ongoing battle with illness. He is very well supported by his wife, Lauren, and his family. I wish him well in his return. I make note that the club does a great deal of work within the community, and I honour its contribution.

Australian International Airshow and Aerospace and Defence Exposition

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I would like to congratulate Ian Honnery and his team on the outstanding success of the 2015 Australian International Airshow and Aerospace and Defence Exposition, which is currently running at Avalon. The Avalon International Airshow is not only a significant component of Victoria's major events strategy but also a great showcase of Australia's capabilities in aviation and aerospace, be that in engineering, manufacturing, training, services or support, both civil and defence.

This year's event is the 12th international airshow to be hosted at Avalon, and the event grows in stature each time. The 2015 show, themed 'Heroes of the Sky', not only showcases Australia's 21st century capabilities but also commemorates aviation of the First World War era, in this the centenary of Anzac.

The coalition government was proud to secure this major international aviation event for Victoria to 2025, and I look forward to its continued success. The Australian International Airshow now stands alongside Farnborough, Paris, Singapore and Dubai as one of the world's great aviation events and is a credit to the Australian aviation and defence industry.

Stonnington Gift

Ms CROZIER (Southern Metropolitan) — On Friday evening I attended the Stonnington Gift at Toorak Park in Armadale. Five years ago the gift was re-established and it is fast becoming a permanent fixture on the national athletics calendar, with an array of well-known athletes, as well as some budding future athletes, competing.

The event gets significant community support, which has made it the great event it is. I would like to acknowledge some of those community supporters — the East Malvern Community Bank branch of Bendigo Bank, the City of Stonnington, Bowens the Builders' Choice, Active Feet, the Prahran Market, the Cricketers Arms and the Leader community newspaper — which provide significant support to this really good event. I would also like to acknowledge the many volunteers and participants from the Prahran Cricket Club.

I would also like to take note of the committee members, who have shown a lot of dedication in relation to this event over many years. Without the work of these individuals, this event may have never run again. I acknowledge Peter Norman, the chairman; Phil Williamson, the past Prahran Cricket Club president and committee secretary; John Zarb, the Prahran Cricket Club general manager; Andrew Muhlhan, athletics director; Tony Oulton, the City of Stonnington representative; Dean Teniswood, design and marketing; and Richard Sykes, treasurer.

Warrnambool cancer care centre

Mr PURCELL (Western Victoria) — I am pleased to make a members statement in regard to the new cancer care centre in Warrnambool. Work on the centre started yesterday, and I would like to congratulate Vicki Jellie, who has been working on this project for a number of years. I first met Vicki about four years ago, and when she said she had the intention of raising $5 million from her community I told her that would be a very difficult task. I would like to join with other members in congratulating Vicki on her work and on the commencement of the construction of the centre.

BACK TO WORK BILL 2014

Committed.

Committee

Clause 1

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I ask the minister about some of the principles surrounding the proposed Back to Work scheme and the context in which the government sees that working. In his second-reading speech the minister has referred to a number of programs, of which I assume the Back to Work scheme is a subset. The second-reading speech also refers to the *Back to Work* plan, which I take as being distinct from the Back to Work scheme. It also refers to the Premier's Jobs and Investment Panel and the Future Industries Fund, and suggests consultation with business leaders with respect to these elements. Can the minister explain how these different elements hang together? Presumably they are subsets of the *Back to Work* plan, but it would be good if we could first understand how they fit together.

Mr JENNINGS (Special Minister of State) — I thank Mr Rich-Phillips for providing me with the opportunity to outline how the conceptual framework allows the government to bring a number of its policy settings and programs together with the aim of lifting economic activity in Victoria and assisting employment growth now and into the future. As the member has already identified, the second-reading speech clearly refers to a number of those elements. With respect to the election commitments and the policy intentions of government, the bill brings together a number of programs, including infrastructure and industry support programs that are currently being refined through consultation with the community. The bill puts into practice an interlocking and cogent set of initiatives. The accumulation of those programs, initiatives and consultations will be consolidated into a *Back to Work* plan.

What the government has undertaken until now is totally consistent with the election commitment it made that Back to Work legislation would be the first piece of legislation introduced by the Andrews government — and it was. We also committed to establishing the Premier's Jobs and Investment Panel and industry programs designed to allow scope for industry to provide assistance, in particular for new and emerging industries, which create industrial opportunities that Victoria may need into the future. My colleagues the Premier, the Treasurer, the Minister for Industry, the Minister for Employment and other relevant ministers within the Department of Economic Development, Jobs, Transport and Resources have already embarked on consultations with the community about the best ways in which those programs can be implemented to address the emerging needs of the Victorian economy.

Up until now many of the difficulties and challenges confronted by the Victorian economy, which we inherited from the outgoing government, have related to businesses either in transition, in decline or under great threat. One of the difficult policy-balancing challenges the Victorian government has inherited is to determine how much of our efforts — in terms of the degree of support to try to maintain existing employment levels as distinct from growing employment into the future — should be designed to prop up industries or businesses that were in decline under the previous administration.

Mr Rich-Phillips would appreciate from his period in government — which perhaps was not as successful as he, and certainly the Victorian community, might have wanted it to be — that it is a challenge both to maintain appropriate levels of government support in an economy that is doing it tough, as the Victorian economy has been, with unemployment continuing to rise, and to reverse that direction. These are the policy settings that the government has inherited. We have confidence that our programs will have an effect, and we have confidence that the industry funds will be seen as attractive instruments to provide for economic growth and employment generation in Victoria.

However, Mr Rich-Phillips would appreciate that for a government to be able to tangibly demonstrate within the time frame of its first three months that it has reversed a trend that has been underway for quite some time, where industries and many companies are on the edge of viability or may be in the process of retrenching workers, is a difficult balancing act to undertake. We are determined to address these issues. I believe the opposition has every expectation that we will resolve these issues in a matter of weeks, but these programs, which include those provided for in the Back to Work Bill 2014 and other measures to try to support employment growth into the future, which we see as something the Victorian economy urgently needs, will take some time to have an effect.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — In his response the minister referred to the government being determined to address the employment trend in Victoria and talked about the opposition expecting the government to do that in a couple of weeks. I ask the minister: when does the government expect that the trend he referred to will have been reversed or addressed?

Mr JENNINGS (Special Minister of State) — The government is mindful of economic projections, just as any member of the Victorian and Australian community would be mindful of the prognosis regarding the economic settings the government inherited from the previous administration. It is also mindful of the economic settings that the federal government has demonstrated a degree of difficulty in controlling for a number of years. In the political dynamic of this nation, as the member would understand, quite often the federal government takes credit for upturns in the good times and distances itself from downturns.

The Victorian government does not feel it has the luxury of distancing itself from its responsibility, but it knows there are limits to state intervention within both national and international economic settings. It would be naive for us to pretend that, notwithstanding our intention to create 100 000 jobs during our term — and we are confident that we can do so — underlying unemployment will turn around in the immediate term. However, we are determined to play our role in establishing an equilibrium and a positive trajectory for these key indicators in the Victorian economy.

I can imagine that the opposition — or some members of it — may take the opportunity to give the government lectures on this subject, but — —

Mrs Peulich — You've been giving us lectures.

Mr JENNINGS — The people have made a judgement. Members of this chamber may not be totally mindful of this, but the people did make some decisions.

Mrs Peulich — A very slender margin in a handful of seats.

Mr JENNINGS — No matter how desperate members of the opposition may be, all of us in Victoria would be wise to understand that the sooner we get on with this piece of legislation, the sooner we get on with the program and the sooner we get on with engagement with Victorian industry, the better it will be for the Victorian community.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to hear the minister does not feel he has the luxury of distancing the state government from its responsibilities with respect to employment. I will leave that comment on the record. With respect to the Premier's Jobs and Investment Panel, which is called out in the second-reading speech, can the minister confirm whether the committee has been established, and if so, whether it was consulted with respect to this legislation and program?

Mr JENNINGS (Special Minister of State) — I am not sure if I understood the last aspect of the member's question, but the panel has not been established. It will be established shortly, and the Premier and other ministers who will be engaged with the panel will take responsibility for making the announcement.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Given that the panel does not exist, was there consultation with business leaders, as referred to in the second-reading speech, in respect of the development of this program?

Mr JENNINGS (Special Minister of State) — In relation to this program, extensive conversations took

place with major stakeholders in the Victorian economy and industry during 2013 and 2014, which led to the establishment of this policy, the announcement of the policy and the commitment to it in the lead-up to the 2014 election. Prior to our coming to government there were extensive conversations with Victorian industry about the value of this program, and since being elected to government the Andrews government has continued to engage with Victorian industry on the design and implementation of this program.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Can the minister outline who has been consulted on this legislation since the Labor Party formed government?

Mr JENNINGS (Special Minister of State) — My colleague Mr Mulino has already value-added to the committee stage of the bill by reminding me of the important and ongoing conversations that have been had with the Victorian Employers Chamber of Commerce and Industry and the Australian Industry Group in relation to this matter, as two major stakeholders in terms of industry and economic activity in Victoria. They are very fulsome in their support, publicly and privately, for this scheme to be implemented.

There have also been conversations with CPA Australia, the Council of Taxpayers Australia, the Institute of Chartered Accountants, the Law Institute of Victoria, the Institute of Public Accountants and the Tax Institute. They have provided comments on the potential structure and administration of the Back to Work scheme through the State Taxes Consultative Council. There have been extensive conversations on both sides of the ledger — with both industry players and taxation players — in relation to the structure, support, design and implementation of this scheme, such as the financing arrangements and payroll and taxation matters.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Later in the bill there is a standing appropriation for the funds necessary for the scheme. The budget update reflects an allocation — or an intention to allocate — $100 million over two years to this scheme. Can the minister advise whether that $100 million is intended to be entirely funds that are distributed under this scheme or whether it includes the administrative costs incurred by the State Revenue Office (SRO) in administering this scheme as well as payments to businesses?

Mr JENNINGS (Special Minister of State) — It has been confirmed that the $100 million will be acquitted through the relief designed in the program and the administrative costs will be absorbed by the SRO.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Does the government have advice from the SRO that it has the capacity to absorb that expense? I recall during the time of the previous government having substantial discussions with respect to SRO funding and its capacity to do certain things. I would be surprised if the SRO was a willing party in absorbing the administrative costs of this scheme given its level of funding.

Mr JENNINGS (Special Minister of State) — It is not for me to make a judgement call as to the wisdom of a former minister volunteering that information to us. I will say that the public administrators in the state of Victoria, including the SRO, are willing participants in delivering the government's program.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My question is more about capability. Does the government have an estimate of the administrative cost of this scheme in addition to the $100 million which is intended to be appropriated for relief under it?

Mr JENNINGS (Special Minister of State) — I believe the Treasurer and the State Revenue Office have had extensive conversations about this and that during one iteration there was some consideration as to whether the costs would be folded into the running of the scheme. In terms of the confidence level around whether the State Revenue Office is able to absorb these costs, this is increasing rather than decreasing over time. Indeed the government is very confident — as is the SRO — that these costs will be adequately covered within the SRO's operating expenditure.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — The government's policy document with respect to the Back to Work scheme indicates a $100 million allocation, which has been reflected over two years in the budget update. The document also indicates that, commencing on 1 July 2015, 50 000 payments will be made available per year for two years. With respect to the scheme, does it remain the government's position that payments averaging $1000 will be paid to 50 000 recipients over each of two years?

Mr JENNINGS (Special Minister of State) — That is the objective established by the government, one which it is maintaining. In terms of some of the economic modelling that underpins the development of this program, one of the reasons the government is

internally refining some of the guidelines that relate to the structure of how the program will run and the take-up rate by industry and unemployed or retrenched workers is that it is trying to ensure that by design the maximum effectiveness of the scheme is established in terms of the breadth of the eligibility criteria and the matching expectation of industry supply and demand issues to achieve that outcome. We are confident that by the time the guidelines are published they will be predicated on the maximum take-up rate of the scheme during that period of time.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am conscious that in its consideration of this bill the house is largely operating in a vacuum insofar as the criteria of the scheme have not been specified by government. The operative clause of the bill says the Treasurer will specify criteria as to how this scheme works. It would help the committee and the committee's consideration of the bill if the minister would outline element by element what the government intends those criteria to be, who the eligible employers and employees will be and the levels of relief that will be provided under the scheme. It would help the committee's deliberations if the minister were to give that outline now so the house has an understanding of how the scheme is intended to work.

Mr JENNINGS (Special Minister of State) — I am about to outline a response to a very broad question from Mr Rich-Phillips. While I will outline this material, I am not in a position to table documents on these matters, but I am happy to be quite fulsome in my description of them.

First, I will work my way through the eligible employer criteria. The guidelines that will be implemented by the government have a greater level of detail than what I am about to outline, but in effect they rule out government and local government entities, and they rule in private sector employers as the industry space where the scheme will apply. They will place restrictions upon any employer that has a bad WorkSafe or employment history involving adverse outcomes for employees or where an employer either has been found to have breached occupational health and safety laws or has had other findings of guilt relating to workplace safety. The guidelines will rule out a number of public sector entities, including local government. The guidelines will rule in private companies and private employers but will rule out private employers that have a bad workplace safety track record.

In terms of employee eligibility, as much as possible the scheme is designed to rope in young unemployed people, long-term unemployed people and retrenched workers. It will define the commencement date for the application of employment arrangements between a new employee and an employer from a specific point in time to be set within the guidelines and within two years of the implementation of the program. A young unemployed person will be between 15 and 25 years old, and it is expected that a young person will have been unemployed and actively looking for work for at least three months. A long-term unemployed person is someone who will have been unemployed for a continuous period of at least 52 weeks and who has been actively looking for employment.

A retrenched worker will be an employee who lost their last job because their position was made redundant or their employer became insolvent or bankrupt. The other circumstance in which that could apply is where a retrenched worker was under a retraining scheme that described the nature of that worker's engagement with the employer and then, as a consequence of a training scheme commencement or that worker leaving that training, their employment was no longer continued.

In relation to what is an eligible job that falls within the scope of the bill, it will be reinforced by the guidelines. The critical issue is that this is a Victorian job — it is a job that is actually created within Victoria, the work is undertaken within Victoria — and that will be attached to existing legislation. A Victorian job is already defined in the Workplace Injury Rehabilitation and Compensation Act 2013, and that will be the definition that is relied upon to determine the scope of the Victorian job provision.

It is the expectation that the job will be a full-time or part-time ongoing job and not a casual job, because our interest is to generate long-term engagement in employment opportunities. By design we would not be seeking to create a great churn within Victorian workplaces, so there will be some expectation that we not have a revolving door of engagements that come within the scope of the bill.

Mrs Peulich — On a point of order, Deputy President, I ask that speakers perhaps raise their voices a little; I am struggling to hear. There is a bit of background noise with some sort of air conditioning system, and I have probably only heard about 40 per cent of what the minister has said.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for that elaboration, which obviously provides considerably more information than has been available to date. I would like to run through a number of questions about the criteria, and I will do those individually.

The first is with respect to the definition of eligible employer. I would like to focus on the restriction the minister referred to with respect to a bad workplace safety record. The minister referred to breaches of the Occupational Health and Safety Act 2004 and referred to findings of guilt. Are the only private sector employers to be excluded those who have had findings of guilt in respect of the Occupational Health and Safety Act, or are there other criteria around what is a safe workplace employer?

Mr JENNINGS (Special Minister of State) — I thank the member for his question. Clearly if they have been found guilty, they will not be eligible. However, if they have been prosecuted within a period, and that period is likely to have been within the last five years, as distinct from having had a conviction, then they are unlikely to be an eligible employer.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — On what basis does the government consider a prosecution where there is no finding of guilt as a reason to exclude an employer?

Mr JENNINGS (Special Minister of State) — As the member would detect, a hierarchy of sanctions apply under the act and a number of actions may be taken within the scheme. Some are pursued with the full veracity of the legal process and may end up with a conviction and finding of guilt, which might be going beyond the scope of the WorkSafe legislation. Others may be prosecutions that take place under the Crimes Act 1958. For this purpose — and this is the only purpose for which it applies — they will form two categories where instant eligibility of employers will not be provided.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I seek further clarification from the minister in respect of that answer. He referred to WorkSafe legislation. Initially he referred to occupational health and safety legislation, and there is an Occupational Health and Safety Act. He then referred to the Crimes Act and made a generic reference to WorkSafe legislation. If the criteria is guilt or prosecution with respect to certain acts, can the minister provide the committee with a list of the acts that will fall within the criteria as a basis for exclusion under the scheme?

Mr JENNINGS (Special Minister of State) — In consultation with my colleague we have determined that for this provision, for clarity's sake, the answer will be the relevant act where a prosecution and finding of guilt has occurred in relation to matters that relate to WorkSafe that occur under the Crimes Act 1958. Whilst these are interlocking pieces of legislation in terms of the offence and the matters may lead to our being concerned about the WorkSafe record of employers, we believe the relevant issue is whether there is a related offence prosecuted by WorkSafe under the Crimes Act 1958 within five years prior to the date the eligible employee commenced, or if the conviction or finding of guilt related to a workplace fatality, within seven years prior to the date the eligible employee commenced employment.

The member asked me a question about the interlocking nature of legislation to which he and I have already referred. This provision will relate to a finding of guilt for WorkSafe-related matters under the Crimes Act 1958.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Can I take from that that a straight prosecution under the Occupational Health and Safety Act 2004 or a straight prosecution for a workplace safety offence, as opposed to an administrative offence under the work act, would not be picked up? Would it only be picked up where there was a Crimes Act prosecution that had a workplace safety element to it?

Mr JENNINGS (Special Minister of State) — Yes.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — In the same vein, there is no consideration given to a workplace safety record insofar as it is measured by standard WorkCover criteria which feed through high claims leading to high WorkCover premiums. That is not a factor that is considered when regarding whether a workplace is safe or not with respect to the scheme, is it?

Mr JENNINGS (Special Minister of State) — Not in this context, no.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — With respect to the jobs which are eligible under this scheme, the second-reading speech says, 'The criteria will impose a maximum income limit in relation to new jobs'. Can the minister outline what that limit is?

Mr JENNINGS (Special Minister of State) — The salary limit for a full-time job will be 1.5 times average weekly earnings. Average weekly earnings is the Australian average weekly ordinary time earnings for a full-time adult, reported by the Australian Bureau of Statistics, as at the date of commencement of the employment of the eligible employee. The salary limit for a part-time job is to be calculated as follows. The number of hours worked as a part-time job becomes 'N' in this formula on average per week, and N divided

by 35 times the salary limit for a full-time job is the answer to the question.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — A pro rata full-time salary.

Mr JENNINGS (Special Minister of State) — Very eloquently put! It is where N is the number of working hours.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — With respect to the employee criteria, the minister referred to a young unemployed person, within an age bracket, as a person having been unemployed for three months and a long-term unemployed person as a person who has been unemployed for 52 weeks et cetera. For the purposes of this legislation or these criteria, what does it mean to be unemployed? Is it someone who is registered for an unemployment benefit for that period of time?

Mr JENNINGS (Special Minister of State) — Within what I have already volunteered to the committee there is a requirement that a person has been actively looking for work, so they would have been registered to be able to demonstrate that they have been actively looking for work.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Would that be meeting the commonwealth unemployment benefit criteria and be part of that system?

Mr JENNINGS (Special Minister of State) — The answer is yes but, as the member will know, they are the policy settings at this point in time and they will continue under this scheme regardless of social security or income security reforms that may come from another jurisdiction. The answer to the member's question at this point in time is yes.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Are there any other ways in which a person who was unemployed for the time frame specified is able to demonstrate or meet the criterion that they have been unemployed for the requisite period, besides being registered for a commonwealth employment benefit or service?

Mr JENNINGS (Special Minister of State) — There will be a capacity for a statutory declaration to form part of the application, but I think that may be subject to validation and scrutiny in terms of the application of the scheme. It is the intention as much as possible to harmonise with pre-existing clear definitions of who an unemployed person is and to stay consistently within the commonwealth scheme of social security measures.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — With respect to retrenched workers or workers who have lost their job through the bankruptcy or insolvency of the business they were previously employed in, do they also require a statutory declaration to demonstrate that for the purposes of this scheme?

Mr JENNINGS (Special Minister of State) — Yes.

Mr ONDARCHIE (Northern Metropolitan) — Following on from Mr Rich-Phillips's last question, given the minister's indication on eligibility criteria and satisfying the qualification requirements, would a woman who is looking to return to work after the birth of a child and who has been unemployed for a period of time be eligible for this?

Mr JENNINGS (Special Minister of State) — The answer is: if the person has been actively working for a period of three months prior to the commencement of the engagement. In that regard that person has to demonstrate — just as any other unemployed person does — either by a statutory declaration or by being engaged through the unemployment benefit scheme, that they have been seeking work for three months.

Mr ONDARCHIE (Northern Metropolitan) — Picking up on the minister's answer by way of this example, if a prospective return-to-work mother has been trying to get work for three months and can demonstrate by way of statutory declaration that she has been seeking employment for three months, will she be eligible for this scheme?

Mr JENNINGS (Special Minister of State) — Again this falls within the rubric of young unemployed persons, so if the mother we are talking about in this instance is between 15 and 25 years.

Mr ONDARCHIE (Northern Metropolitan) — Can the minister confirm that is a yes?

Mr JENNINGS (Special Minister of State) — Yes, I did, and yes, I will.

Mrs PEULICH (South Eastern Metropolitan) — Can I infer from the minister's answer that mothers aged from 25 years through to the end of their child-bearing age will not be eligible under the scheme?

Mr JENNINGS (Special Minister of State) — If women in those circumstances have been long-term

unemployed and are over the age of 25 years, then they will comply.

Mr BARBER (Northern Metropolitan) — At the heart of the functioning of the scheme of legislation there are the guidelines. I ask the minister why the government has been unwilling or unable to release the draft guidelines to members of this house despite some requests to do so?

Mr JENNINGS (Special Minister of State) — As you will have noticed, Deputy President, I have been very happy to share with the committee details of the government's intentions as they are currently constructed. They have not been hidden; they have been shared this morning. I also volunteered part of the reason for their being a work in progress in my answer to a question asked earlier by Mr Rich-Phillips about what the government believes are the economic modelling and the predictions that would acquit our expectation of how many positions will be available in terms of the supply and demand factors. We are trying to make sure that, firstly, there is capacity in Victorian industry to take up this opportunity; secondly, that it will be taken up; and, thirdly, that the breadth of definitions of eligible employees will be scoped in a way that guarantees that number will be met. That is something that involves significant work, and the government has been embarking on that work.

Mr BARBER (Northern Metropolitan) — There are really only two possibilities. One is that the guidelines are substantially completed such that the government could release something perhaps titled 'Draft', or that they are still a 'work in progress', which are the words the minister used. If it is the first, then in my opinion they should be released so that the non-government members of the chamber can decide whether to vote for the legislation based on information that I think they would want to receive before voting for it. If in fact they are a work in progress, as the minister just suggested, then many of the questions that I might put this morning are unknown. There clearly has to be some aspect that is still unknown. That being the case there is really very little further for me to question the minister about. We could keep having a stab at different things that might be in the guidelines, but we cannot guess. There could be any sort of surprise in there that has not been flagged by the government in its evolving release of information.

Mr JENNINGS (Special Minister of State) — I think that was more a statement than a question, but in response to the statement I have outlined quite comprehensively in the committee stage this morning the nature of the guidelines that have been prepared so far and their status. It is not the intention of the government for there to be any surprises. In fact there is no issue of substance outside what I have outlined to the committee this morning that is embedded in those guidelines, and those guidelines have been shared on the public record. If Mr Barber was either not listening or wants me to go through those matters — if he wants to tease them out with me again — I will do that.

Mrs PEULICH (South Eastern Metropolitan) — On the issue of the guidelines and the degree of progress that has been made, when does the minister anticipate they will be completed for public release?

Mr JENNINGS (Special Minister of State) — It would be the intention of the government for the guidelines to be published shortly but I would anticipate within a matter of weeks so that the implementation of the scheme can commence, I would think, within a month of the bill passing the house.

Mrs PEULICH (South Eastern Metropolitan) — Given the minister has indicated that the criteria guidelines are to be finalised within a matter of weeks — perhaps four — following the passing of the bill, why is it that the minister yesterday inferred on several occasions in the Assembly that the reason for the delay of the implementation of the Back to Work Bill is the upper house stalling it?

Mr JENNINGS (Special Minister of State) — I do not know what comments the Treasurer made. My interests in this regard this morning is to acquit my responsibilities to the committee, to be fulsome and appropriate in my answers and to encourage the Legislative Council to support the bill. That is what I am doing.

Mr ONDARCHIE (Northern Metropolitan) — Given this is policy on the run by the government and we are yet to see the eligibility criteria that the minister is asking the house to make a decision on — in other words, 'Start the process, and we will decide the rules as we go along' — would it be appropriate today for the minister to table the eligibility criteria so we can see what we are dealing with?

Mr JENNINGS (Special Minister of State) — Mr Ondarchie has just made a very nice rhetorical flourish and a very nice political point, but when I got to my feet, probably half an hour ago, and outlined what I was going to run through in response to Mr Rich-Phillips's series of questions, I volunteered that I would not be tabling a document but that I would be quite fulsome in my responsiveness and description of what the government's guidelines include. I have

outlined those to the chamber. That is my brief this morning, it is something I expressed clearly when I rose to my feet to answer Mr Rich-Phillips's question and that is what I am in the position of maintaining.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Can the minister outline whether the guidelines provide any capacity for the responsible minister, the Treasurer, to direct the commissioner of state revenue in any respect of the administration of the scheme?

Mr JENNINGS (Special Minister of State) — Not within the bill, but as the member would understand, a minister has ministerial responsibilities. While there may not be a formal direction, the State Revenue Office or any other government agency or any other organ of government may from time to time seek clarification from their minister or seek some guidance about what is the best way to comply with the programs or the responsibilities, and in that context that could occur. But there is not a specific head of power in this bill beyond what are normal administrative arrangements and an ability for ministers to direct the people who work for them or to respond to the issues that they raise. There is nothing specifically within this bill.

Mrs PEULICH (South Eastern Metropolitan) — The minister has outlined the eligibility criteria for employers. Am I right to deduce that an employer who may have a conviction for fraud or perhaps tax-related matters would still be eligible for the scheme if all the other boxes are ticked?

Mr JENNINGS (Special Minister of State) — That is possible under the guidelines as they are currently drafted. It is the expectation that in the administration of the scheme the State Revenue Office will limit the exposure of the state to people who do not comply with the laws of the state or who are acting in a way which jeopardises the viability and stability of the program. There will also be mechanisms designed to prevent abuses of the scheme by others. Beyond the scope of what I have outlined in my response to Mr Rich-Phillips in terms of WorkSafe-related matters, I am advised that if there are any convictions under the Crimes Act 1958, then an employer would not be eligible for participation within the scheme.

Mr ONDARCHIE (Northern Metropolitan) — Given the minister is asking this chamber to drive down the road with a blindfold on in relation to this bill, can the minister advise the house if he is aware of and has read all the eligibility criteria and the guidelines contained in this bill?

Mr JENNINGS (Special Minister of State) — I take Mr Ondarchie back to first principles. What the committee stage of the bill does and what goes on the public record are there, from hereon in, including the idle concepts that I raise on behalf of the government and any whim and fancy that I respond to in opposition questions. In what I say I have an obligation as a minister to outline to the chamber what will be the administrative, financial or interpretational aspects of the rollout of the scheme from the government's perspective and to do that in a way which the government, from then on, is accountable for.

In many circumstances the committee stage contributions from ministers at the table are matters that are tested in the Victorian courts and beyond, and they have a standing. Mr Ondarchie's proposition to all of us suggests that in fact we have made no public utterances or not put on the public record those guidelines and the intentions of the government. I stand by what I have put to the committee. I would expect Mr Ondarchie in good faith to assume that I and other government members and the agencies that work for us will be held to account for what is put on the public record. I am not asking members blindly to take on faith anything that I am saying. Once they are on the public record, we are held to account for these matters.

In the past practice of the immediately preceding government I often thought that ministers who appeared at the table had no idea of what their obligation was to the Parliament. They had no idea at all and were completely dismissive of their obligations to the committee and the Parliament, but I am not one of those ministers.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I ask the minister to go back to the issue of the capacity of the responsible minister with respect to the operation of the scheme. The minister would be familiar with the investment support fund and familiar with the way in which the government from time to time facilitates private sector investment and job creation in Victoria. I am interested to know whether there is any capacity within the scheme, through the guidelines or otherwise, for the government to determine or the minister to determine that certain specific employers with respect to employees should be the recipients of relief under this program where there is the capacity for the government to direct the use of the scheme towards particular investment facilitation, for example, rather than being determined purely by the commissioner under the guidelines.

Mr JENNINGS (Special Minister of State) — On a couple of occasions the member has indicated his

background knowledge of some of the challenges of public administration in terms of trying to account for costs and effectiveness of programs, so I know exactly where he is coming from in trying to ensure that policy outcomes and programmatic outcomes can be achieved through a multiplicity of avenues. As always, the challenge within government is working out who pays for them. Within that spirit, I understand where the member is coming from.

For clarity's sake, let us assume that the scheme in this bill is meant to be managed within the integrity of the scope of this program. It would be administered in a clean way that is consistent with what I described in the outline and is contained in the bill, and the State Revenue Office would demonstrate its discretion in its responsibilities for acquitting the scheme it has been charged with.

The member also asked about other investment strategies and industry support. It may well be possible for other government programs and funding arrangements to align with eligibility through this scheme in their own right, and in that way they could effectively be leveraging outcomes by aligning other aspects of industry support with this scheme, but you would not contaminate the two by design. They may come into alignment by way of certain decisions and access to some programs, but not by administrative design.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for his answer, and I appreciate where he is headed with it. It raises the question of certainty of outcomes in an investment context and, aligned to that, the capping of the scheme. The budget update reflects $50 million a year allocated over two years. What discretion is available to the commissioner with respect to paying grants under the scheme? Is it capped at $50 million on a first-come, first-served basis? Is there discretion between different employers with respect to the eligibility criteria? How will it be determined?

Mr JENNINGS (Special Minister of State) — For simplicity, the scheme is intended to be run on the basis of what would be colloquially known as first come, first served. There is a ceiling for eligibility, and that cap would be reached within the financial year in which a particular allocation was to be provided.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — The element the minister has not touched upon is the level of grants within the $50 million, notionally 50 000 grants for the 12-month period. Are there different levels of grants per eligible employee?

Mr JENNINGS (Special Minister of State) — I congratulate Mr Rich-Phillips for showing a command of the committee system in opposition that I cannot remember many of his former colleagues appreciating from this side of the chamber. I congratulate him on his thoroughness of mind and for knowing which aspect we have not covered. I think he should be congratulated for keeping a very good record of the issues we have dealt with.

The payment amounts in relation to this scheme, as we have already indicated, are $100 million in two tranches. The financial assistance we are offering under the scheme for a long-term unemployed person is $2000. For a long-term unemployed person in a part-time job it is $1500, for a young unemployed person or retrenched worker in a full-time job it is $1000 and for a young unemployed person or retrenched worker in a part-time job it is $750.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for that answer, and indeed I think there is something fairly unique about the way Treasury bills unfold in committee. Can the minister indicate whether there is any cap with respect to eligible employers? Will there be any ceiling on the number of eligible employees for which an individual employer can receive a payment?

Mr JENNINGS (Special Minister of State) — No.

Clause agreed to; clause 2 agreed to.

Clause 3

The DEPUTY PRESIDENT — Order! Mr Barber's amendments 1 to 6 deal with definitions and are consequential on his amendment 7 to clause 5 relating to eligibility criteria for payments under the Back to Work scheme. I therefore consider his amendment 1 to be a test for his amendments 2 to 7, and I will allow Mr Barber and others to speak broadly to his amendments 1 to 7 during the committee's consideration of clause 3.

Mr BARBER (Northern Metropolitan) — I move:

1. Clause 3, line 2, omit "In" and insert "(1) In".

I will speak to my amendments quite briefly because I covered some of these issues during the second-reading debate. Having listened quite carefully to and participated in the discussion this morning, I see that we again have a problem. This is government by guideline. There are other bills before this Parliament like this: there is a bill in relation to education funding that could

have been framed in the same way by simply providing a provision for the minister to, by guideline, give any amount of money to any school they choose. We could have a health bill that fitted the same format. We could have a roads bill or an environment bill in that format. We could end up having a complete government by guideline. The debate this morning has only further pointed out some of the difficulties associated with that.

As I said in the second-reading debate, the Greens have some concerns as to whether this scheme is likely to catalyse the creation of new jobs, which is the government's promise. I could be convinced that a scheme like this could assist with creating employment opportunities for those who are already employment disadvantaged by providing some incentive for employers to take on people who have had more difficult work histories or who, for some reason, are less attractive as employees.

One group of people to whom this might apply is those with disabilities. There has been recent public discussion about the difficulties people with various disabilities have in obtaining employment. Nothing I have heard suggests that somebody who has been on a disability pension, for no matter how long, would be eligible for this incentive under the scheme. However, in some ways it is quite difficult for me to frame an amendment that would pick that up without yet knowing what is in the guidelines.

Another group the Greens have raised discussion of in the debate is that of asylum seekers and refugees. Often people have had very good work qualifications in the countries from which they have fled. They have experienced extraordinary difficulties on their journey to Australia, and they might have spent quite a bit of time in immigration detention. Yet when they walk out of it, they will not be eligible for the work incentives under this bill until they have tried to seek employment for some period and have failed to do so. It is for that broad reason and also for the specific case that we have moved the amendment to this clause.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I will speak to Mr Barber's amendments 1 through 7. The coalition has considerable sympathy for Mr Barber's argument with respect to the content of this bill and the fact that the key criteria of this scheme are not codified in the legislation. I commented on that in the second-reading debate. It is an extraordinary proposition. I do not recall seeing a bill of this nature in my 15 years in this place. The bill provides for a special appropriation against a scheme that is undefined — a scheme that will be defined not even by regulations but by guidelines that are not subject to disallowance. This bill provides for a special appropriation to a set of guidelines that the Treasurer may change at his will through gazettal. It is an absolutely extraordinary piece of legislation in that respect.

With his amendment Mr Barber seeks to codify some aspects of eligibility criteria that the Greens regard as appropriate. It is the coalition's view, however, that the argument is not advanced very far by codifying parts of the eligibility criteria. Mr Barber's amendment would provide codification of an element of the criteria, but the balance of the criteria — in fact the majority of the criteria — would remain subject to guidelines created by the Treasurer. For that reason the coalition will not support Mr Barber's first seven amendments. We do not think it is particularly helpful to codify a small element of the criteria and leave the rest subject to the minister's guidelines.

Mr JENNINGS (Special Minister of State) — I will first deal with Mr Rich-Phillips's proposition that in 15 years he has never seen a bill such as this. I invite him to go back and have a look at a number of pieces of legislation under governments of different persuasions that facilitate things such as regional development funds. I invite him to consider whether they are as pristine as he may be advocating today. I suggest that perhaps they are not. That is a simple example that comes immediately to mind.

Over the years we have seen a number of circumstances in which appropriations have been made without details necessarily being fulsome. I may be philosophically well disposed to Mr Rich-Phillips's argument in terms of the completeness of these matters, but I think his memory is a bit selective. This instrument has been adopted on many occasions. For example, when bills were passed in the Tasmanian jurisdiction in relation to schemes such as this, this is exactly the model that was introduced. In this jurisdiction and in others there have been a number of instances where taxation bills have been introduced and the implementation of the policy intention of the Parliament has been enacted through guidelines that are in the domain of the Treasurer or other ministers responsible for the policy area. While it may be arguable whether this is optimum, there is a lot of case law that would indicate it has occurred before.

In relation to Mr Barber's concern about eligibility and his proposition that some specific aspects of the eligibility criteria be included in the bill, there are a couple of elements to mention. In this instance I agree with the logic that Mr Rich-Phillips has outlined, which is that it is a bit of a narrowcasting of what eligibility criteria may be. In my view, and in the government's view, the amendments Mr Barber has proposed — particularly amendments 1 to 7, which comprise two pages of additional definitions — are not required. They are quite superfluous because they narrowcast the

issues that Mr Barber has raised in justifying making amendments to the bill.

Mr Barber's lead argument related to his concern for people with disabilities, and yet his amendments do not address that in any shape or form. Are people with disabilities eligible to have payments made on their behalf under this scheme? Yes, of course they are. The eligibility criteria are concerned with the question of whether the person has sought work. Whether they are a retrenched person of any age or whether they are a young person aged between 15 and 25, the eligibility criteria will be the same.

The extraordinary thing in Mr Barber's amendments is that they consist of two pages of definitions leading up to a new clause that says an asylum seeker is eligible to be a participant in the scheme. In the bill as it stands, asylum seekers are eligible to be participants in the scheme. Mr Barber's amendment 7 requires that the time frame for asylum seekers to be eligible for the scheme be the same as it is for everybody else. If you are a retrenched worker, that already occurs. The amendments are not required. They do not add any additional scope or application to the bill.

The amendments may have a policy intention. Mr Barber may be seeking reassurance that the government, through this program and others, will be mindful of the special needs of disadvantaged groups in our community in terms of their employment status and their standing in the community, whether they be people with disabilities, people who are asylum seekers or people at any stage of life and wellbeing. If there is disadvantage that warrants further attention, direction or the support of government, then let us tease out what that may be, but these amendments do not add to the scope of the bill.

The Greens, with these amendments, are narrowcasting these issues rather than guaranteeing universal access, and these amendments do not provide a residual message to the government, the statutes, the people of Victoria or employers of whom we should be most mindful in trying to provide employment opportunities. These two pages of amendments narrowcast these issues and do not change the nature of the bill. For those reasons, the government will not support the amendments.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Just to respond to Mr Jennings's opening comments on those amendments, I draw the attention of the house to a difference between this bill and other legislation. I refer to the extent to which this bill is a special appropriation and in itself contains absolutely no criteria relating to the scheme it will establish. Mr Jennings referred to the Regional Development Fund, and I certainly accept and recognise the need for there to be capacity for ministers to create guidelines around schemes and to vary those guidelines from time to time as operational experience unfolds. The extent to which this legislation is devoid of any criteria or any structure as to how the scheme it proposes to set up will actually operate is unique, even if Mr Jennings was to compare it to other schemes such as the Regional Development Fund.

Mr BARBER (Northern Metropolitan) — I do not want to prolong the debate. I understand three of the eight parties in this chamber have stated how they are going to vote on my amendment. I just want to make it clear that the government's argument is based on a reassurance it has given that we have not yet accepted, but the minister did raise one particular other example, that of the Regional Development Fund. That was one of the pieces of legislation I examined in preparation for talking about this bill, and in fact there is a fundamental difference. The difference is that the Regional Development Fund was created by legislation and did not have any money in it until it was appropriated by the Parliament. That is to say it was the budget vote that put the money and the quantum of that money into the Regional Development Fund.

This bill is fundamentally different. It simply says that all Back to Work scheme payments are to be paid from the Consolidated Fund, which is appropriated by this bill to the necessary extent. I do think the way this legislation has been structured is without precedent in the examples I went searching for when I looked at the Victorian statute book.

Committee divided on amendment:

Ayes, 5

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

Noes, 32

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

Amendment negatived.

Clause agreed to; clause 4 agreed to.

Clause 5

Mr ONDARCHIE (Northern Metropolitan) — My question is for the Special Minister of State. Subclause (2) says the minister is required:

> … to cause notice of the eligibility criteria to be published in the Government Gazette.

Is the minister confirming that a regulatory impact statement is therefore not required?

Mr JENNINGS (Special Minister of State) — Yes.

Clause agreed to.

Clause 6

Mr ONDARCHIE (Northern Metropolitan) — My question is about claiming Back to Work payments. Is the minister able to outline whether, if an employee has a break in service post three months and then comes back at another stage, there is an eligibility for more than one payment?

Mr JENNINGS (Special Minister of State) — Could the member define for me what is at the heart of his question — what does he actually mean to say has occurred in those circumstances?

Mr ONDARCHIE (Northern Metropolitan) — By way of example, if an employee is there for three months and one day, they are, apposite to the minister's comments, eligible for this claim. If there is then a gap for a period of time and they come back for another three months and one day, are they again eligible?

Mr JENNINGS (Special Minister of State) — Again I do not understand: what is the gap? What is the member referring to as the gap?

Mr ONDARCHIE (Northern Metropolitan) — It is a break in employment service. They are employed for three months and one day; that therefore attracts the eligibility for the appropriate claim. If they are then no longer employed and come back at a further time to be re-employed for three months and one day, are they eligible again?

Mr JENNINGS (Special Minister of State) — The answer to the member's question is no. I am not clear whether the member is asking me a question about the eligibility criteria about being unemployed for three months or being engaged for three months. The member has not made that clear in the three iterations of the question.

Mr ONDARCHIE (Northern Metropolitan) — I will spell this out simply for the minister.

Mr Jennings — Patronise me.

Mr ONDARCHIE — You hit it across the net; I will hit it back.

Mr Jennings — Just patronise me, rather than clarify — that is right.

Mr ONDARCHIE — It is unfortunate that the minister does not understand the bill he is defending here today. A long-term unemployed person is employed, and that person is employed for three months and one day, thereby making them eligible for the criteria the minister has outlined to us today. After that period they are then unemployed from that job — they left for a period of time.

Mr Leane — What period?

Mr ONDARCHIE — I am the one asking the questions here. Mr Leane can come and sit over here if he wishes.

Then that person is re-employed for another period of three months and, let us say, one day. Are they eligible for two claims?

Mr JENNINGS (Special Minister of State) — I think the member's best intentions are to provide some degree of entrapment in his question.

Mr Ondarchie — It is a simple question.

Mr JENNINGS — No, it is not a simple question, because the member has not been able to ask it properly four times. Regarding the hypothetical circumstances the member is raising with me, we have to go back to first principles. The first principles are about the way in which an employee demonstrates that they have been unemployed or retrenched or the circumstances that make them eligible for the scheme to apply to them in the first instance, and then we have to look at the term of engagement by the employer in terms of the continuity of that engagement. On that basis, if both of those criteria are satisfied simultaneously, then in certain circumstances this may occur. But in fact the onus is on Mr Ondarchie, if he wants to create an entrapment, to describe the entrapment that he is trying to create.

Mr BARBER (Northern Metropolitan) — If I could be of assistance, I know we cannot ask hypotheticals, but as a demonstrative example, let us say I am travelling around Australia and picking fruit. I come to

Victoria and sign a statutory declaration that says I have been unemployed for the requisite period. I get my job, pick for the few months of the season and do a few other odd jobs around the orchard, so the employer becomes eligible to claim this money for me. Then I leave at the end of the season, head up to Bowen and pick tomatoes for a while, maybe cut some bananas or go to Wandin to pick cherries, and then come around again to that first employer in Mooroopna and say, 'Here I am again', sign another piece of paper saying I have been unemployed, and then the employer gets that same bonus for me again. Would that be possible under the way this scheme has been created?

Mr JENNINGS (Special Minister of State) — No. While you are off eating cherries, it is pretty clear that this form of engagement would fall foul of the casual criteria of the nature of the engagement as distinct from the long-term engagement which is designed in the scheme. In the member's highly elaborate hypothetical construction, it would fall foul of the scheme.

Mr ONDARCHIE (Northern Metropolitan) — By way of another example, somebody who has demonstrated that they are long-term unemployed and can satisfy the criteria by way of statutory declaration or otherwise gets gainful employment and is there for a period that meets the eligibility criteria, and then, because of some economic circumstances associated with the business — say, unscheduled public holidays or something like that — the employer has to lay people off for a while, but then there is an opportunity to re-employ them at some point down the track. Would that then, under those two circumstances, attract the eligibility criteria?

Mr JENNINGS (Special Minister of State) — The member has provided insufficient information to make that assessment, and he is trying to make a cheap political point. If he wants to continue to do that, he is welcome to, but the useful answers that I will be able to give him will depend on how descriptive and detailed he can be in the circumstances that he outlines.

Mr ONDARCHIE (Northern Metropolitan) — Is the real answer that you do not know? Could the minister outline what the evidentiary requirements are for making a claim?

Mr JENNINGS (Special Minister of State) — I have already outlined, in the committee stage earlier today, the evidence that is required of an employee. In terms of an employer, the scheme will be operated by the State Revenue Office on the basis of information that is provided to it by a person or business who employs one or more eligible employees in Victoria — not including employers with a poor workforce safety record, which I have already explained — state and federal government departments or agencies. An eligible employee will be a young unemployed person, a long-term unemployed person or a retrenched worker.

The scheme will be administered by the SRO, and payments under the scheme will be payable if the commissioner is satisfied that the employer meets the eligibility criteria. Eligible employers or authorised representatives will be required to lodge a claim with the State Revenue Office in the approved form and within a certain period of time following commencement of the employment. This time frame will be specified in the eligibility criteria. The member is aware of what those time frames are because of the information I have provided to him this morning.

Mr ONDARCHIE (Northern Metropolitan) — Will making a claim be relevant to people employed in Victoria, irrespective of whether they are working for Victoria or for somewhere else?

Mr JENNINGS (Special Minister of State) — I have already answered that question.

Mr ONDARCHIE (Northern Metropolitan) — If they are employed by, let us say, a multinational company in Victoria, but they are ostensibly working on a project that is for somewhere outside the Victorian jurisdiction, will they be eligible?

Mr JENNINGS (Special Minister of State) — I have already answered that question.

Mr ONDARCHIE (Northern Metropolitan) — Clause 6 talks about the commissioner being the commissioner of the State Revenue Office. Is the minister able to advise the committee if as a result of this bill more public servants will be employed at the SRO in, for example administration, investigatory or compliance roles?

Mr JENNINGS (Special Minister of State) — I have pretty much answered that question. The answer is no.

Mr ONDARCHIE (Northern Metropolitan) — I refer the minister to other schemes that are available through the commonwealth, such as disability support opportunities or job service provision. Employers that employ people on the disability support pension or through a Job Services Australia scheme are eligible for wage, training, uniform and travel subsidies. Is it possible that through the scheme some of those employers could double dip on the commonwealth scheme and the state scheme?

Mr JENNINGS (Special Minister of State) — They would not be double dipping.

Mr ONDARCHIE (Northern Metropolitan) — I am not sure that the minister understood what I was asking him.

Mr JENNINGS (Special Minister of State) — I do not know if the member understands the question he asked either.

Mr ONDARCHIE (Northern Metropolitan) — This is clearly policy on the run.

Mr JENNINGS (Special Minister of State) — If the member wants me to explain, I can explain it to him. He asked me whether an employee would double dip. The answer is no.

Mr ONDARCHIE (Northern Metropolitan) — I asked about an employer.

Mr JENNINGS (Special Minister of State) — No, you did not.

Mr ONDARCHIE (Northern Metropolitan) — I will give the minister more thinking time. An employer employing somebody who is long-term unemployed, either through the disability support pension or some other job service provider, is eligible to attract wage subsidies through the federal scheme, as well as training, uniform and travel subsidies, which are all funded by the Australian taxpayer. Is it possible that an employer could again claim through the minister's scheme and therefore double dip?

Mr JENNINGS (Special Minister of State) — At least on this occasion the member has got the question right. On the previous occasion he asked whether an employee could double dip, and the answer was clearly no. Employees are not double dipping because in this scheme the employee is the beneficiary of the employment arrangement, and in fact it is a payment that is made to the employer. The reason why this scheme has been designed is to add an incentive to what is available to employers to create more jobs — that is, to help create opportunities where current programs and supports have not sufficiently incentivised employers to create such opportunities.

Mr ONDARCHIE (Northern Metropolitan) — We are going to do this all day unless the minister decides to answer the question.

Mr Dalidakis — Maybe it's the quality of the question, Mr Ondarchie.

Mr ONDARCHIE — I am sure that if Mr Dalidakis wanted to ask a question, he could get the opportunity.

Using my previous example, if an employer takes the opportunity through the federal scheme to get those subsidies, could that same employer also get the Victorian taxpayer subsidy?

Mr JENNINGS (Special Minister of State) — The reason why this is taking a long time is that Mr Ondarchie is changing the nature of his questions, and he is not listening to the answers. I already indicated to him in my last answer that the intention of this scheme is to add additional financial incentives to employers beyond the scope of schemes that already exist, and to enable that to occur beyond employers' current business plan programs. Of course the answer is yes. However, Mr Ondarchie describes it as double dipping because he is not interested in actually creating employment; rather he is interested in trying to make cheap political points this morning.

Clause agreed to; clause 7 agreed to.

Clause 8

Mr ONDARCHIE (Northern Metropolitan) — Subclause 1 of clause 8 refers to how payment can be made by electronic funds transfer or any other way the commissioner thinks appropriate for employers. When the claim is lodged, how many days will it take for the employee to be paid?

Mr JENNINGS (Special Minister of State) — Payments will generally be made within 14 days.

Mrs PEULICH (South Eastern Metropolitan) — In the light of the minister's earlier answer that this is intended to create incentives for employers, I note that under clause 8(3) a Back to Work payment can be applied to a range of liabilities, including tax law liabilities. I assume that this can be applied to tax debt that may have been accumulated with the Australian Taxation Office (ATO). Is it therefore likely that this scheme will provide an incentive to those employers who have considerable outstanding debts to the ATO to generate additional Back to Work payments by employing those eligible?

Mr JENNINGS (Special Minister of State) — It is important to understand that the liability relates to payments to the SRO and not the ATO, but it is certainly the intention of the program to enable that to occur.

Mrs PEULICH (South Eastern Metropolitan) — Just on a point of clarification, clause 8(3) states:

> If the claimant requests, the Commissioner may apply the amount of a Back to Work payment, or part of the amount, towards any liability of the claimant under a taxation law or another law under the general administration of the Commissioner.

So that is not the ATO?

Mr JENNINGS (Special Minister of State) — The way in which that would occur is if in fact the employer was to receive a cash payment that it then could use for the purposes with the ATO.

Mrs PEULICH (South Eastern Metropolitan) — Is it the case that the statement 'any liability of the claimant under a taxation law' should be read separately to the second part of the sentence 'or another law under the general administration of the Commissioner'? Are they separate parts?

Mr JENNINGS (Special Minister of State) — In fact this is a pretty good question because it provides the opportunity to tease this out. Let me be very clear. If it is taxation law or administration under the responsibility of the SRO, it can be handled internally within the scheme. So it can be offset without a transaction occurring apart from the liability being reduced. An interpretation that may be read down from that is that it may apply to other taxation law beyond that scope. If the employer is eligible and seeks a cash payment as distinct from an offset of their payroll tax, then that cash payment could be used for that purpose.

Clause agreed to; clauses 9 to 17 agreed to.

Clause 18

Mr ONDARCHIE (Northern Metropolitan) — Clause 19(1) provides for the Victorian Civil and Administrative Tribunal (VCAT) to review matters pertaining to this bill. Is the minister able to confirm if there will be any more public servants employed at VCAT as a result of this legislation?

Mr JENNINGS (Special Minister of State) — It is not the intention of the government to increase the work profile of VCAT. The work will be assigned to an existing division within it.

Clause agreed to; clause 19 agreed to.

Clause 20

Mr ONDARCHIE (Northern Metropolitan) — Clause 20 relates to record keeping by a claimant. Is the minister able to advise the house as to how long it would take for a small business to fill out the paperwork?

Mr JENNINGS (Special Minister of State) — It is the desire and intention for the compliance stage of this obligation to, if possible, be completed online and quickly by employers. It is not anticipated that it would be a huge regulatory burden, in terms of compliance, or be difficult for the employer. We would anticipate this being designed in a way that it would be able to be undertaken very quickly. This is because by and large most of the verification documents are pre-existing. It would be consistent with a verification of the existing tax information and the connection between the business and the SRO.

Mr ONDARCHIE (Northern Metropolitan) — Has the minister consulted with the small business community about what the cost is likely to be to small businesses to comply with his regulatory requirements?

Mr JENNINGS (Special Minister of State) — As I indicated earlier in the committee stage, the Victorian Employers Chamber of Commerce and Industry has been an enthusiastic supporter of this scheme both publicly and privately. On behalf of small business I would expect that it has ensured that its enthusiasm was backed up by consultation within that organisation to enable it to occur. The government has consulted with those peak bodies and with other employers on a bilateral basis to make sure that there is a degree of enthusiasm within small businesses in Victoria. Our indications are that they welcome the opportunity to participate in the scheme. If small businesses choose not to participate in the scheme, it is their choice. This is not a compulsory scheme. This is not a regulatory burden. This is an opportunity being provided to Victorian businesses, and if they want to take it up, then good and well. We hope to do it in a way in which it is administratively easy for them to do so.

Mr ONDARCHIE (Northern Metropolitan) — Given that we are talking about small business, is the minister able to confirm if the Minister for Small Business, Innovation and Trade has consulted with small business about the likely impact of this?

Mr JENNINGS (Special Minister of State) — I have not personally discussed this with the Minister for Small Business, Innovation and Trade. However, I am certain that he is discussing this matter within the relationships he is forming both inside and outside government while acquitting his responsibilities as minister, which includes working with the Treasurer, who is the proponent of this legislation, working with his department and working with the employers with

whom he comes into contact. Given my answer to the member's last question, I am certain the enthusiasm that small businesses have demonstrated towards this program indicates they see it as an opportunity rather than a threat and that they welcome it.

Clause agreed to; clauses 21 to 30 agreed to.

Clause 31

Mr ONDARCHIE (Northern Metropolitan) — Subject to the minister's earlier answer, this clause talks about authorised officers. Is the minister able to confirm if any additional authorised officers will be employed in Victoria?

Mr JENNINGS (Special Minister of State) — No.

Mr ONDARCHIE (Northern Metropolitan) — Just to clarify: is the minister unable to confirm that or is he saying that there will not be?

Mr JENNINGS (Special Minister of State) — Good, well done to the member — live by the sword, die by the sword. No, there will be no additional officers.

Clause agreed to; clauses 32 to 36 agreed to.

Clause 37

Mr ONDARCHIE (Northern Metropolitan) — Subclauses (2) and (3) provide that if a claimant's dishonesty leads to an amount being paid, then they have to make a repayment. What happens if it was just a mistake? Will they get time to repay, and will they be eligible to enter into a repayment scheme?

Mr JENNINGS (Special Minister of State) — I have confidence that the commissioner will be able to acquit their responsibility to distinguish between inappropriate and inadvertent behaviour in the proper administration of this scheme. It is the government's expectation that the commissioner will be able to make that judgement, exercise good administrative practice and be able to provide appropriate remedies and recourse to those employers who may have inadvertently made errors, as distinct from those who intend to abuse the scheme or opportunity. The government has a clear expectation that the commissioner would administer the scheme in that way.

Clause agreed to.

Clause 38

Mr ONDARCHIE (Northern Metropolitan) — Subclause (5) expressly talks about the commissioner's capacity to write off the whole or part of an outstanding liability if recovery is either impractical or unwarranted. Can the minister advise the house if there is a budget allocation for the write-offs?

Mr JENNINGS (Special Minister of State) — The only appropriation that has been made is the appropriation for the scheme to be used in the way we have been discussing so far. By design, you would expect that $100 million will be allocated under the scheme. This provision is there as a remedy that may be available to the commissioner in circumstances where the payment is perhaps abused by an employer. There is this saving provision, but there is also a recognition that in pursuing it you may incur additional costs and, at some point in time, the commissioner may make a decision about what is in the interests of the fund and to protect the fund and not have it frittered away by pursuing costs. While some small proportion of the fund may end up not leading to the desired policy outcomes or employment opportunities for Victorians under the scheme, by design we would want $100 million to be acquitted on generating and supporting employment, rather than on pursuing lost revenue.

Mr ONDARCHIE (Northern Metropolitan) — Further to that, out of the $100 million that the minister has allocated, what provision has he set aside for bad debt?

Mr JENNINGS (Special Minister of State) — There would not be a provision for bad debt within the scheme by design, but in terms of administering it, I am sure the commissioner will advise the Treasurer on the way in which the funds have been acquitted. We will be working through the process by which that may be accounted for.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT — Order! In respect of question time, I have received a number of answers and the people who posed the questions have received answers from ministers in respect of some of the matters canvassed yesterday in question time. I indicate that on my reading of those answers there is one question that I believe still has not been answered satisfactorily. That

question was to Mr Somyurek. It was directed by Mr Dalla-Riva, and it was in respect of the supplementary question which asked:

> … has the minister's department received advice similar to that provided by the Australian Hotels Association …

It was quite specific in terms of asking if the department had received advice. I regard the answer to the question as not satisfying that question, so I order that that question be revisited.

Mr Rich-Phillips — On a point of order, President, on a point of clarification, are you able to indicate to the house the standing of the documents that are received back from ministers in respect of whether they are documents incorporated into the official record of the Legislative Council or whether they are documents that will be incorporated into *Hansard* so they are available to all members?

The PRESIDENT — Order! They are not official documents of the house. They are provided as answers to the members who posed the question, and they are being provided to me as a matter of some courtesy and to assist me in the formation of views on whether or not those answers do satisfy the request that I make for further written confirmation. The answers are incorporated in *Hansard*, but they are not documents of the house.

Murray Basin rail project

Mr DRUM (Northern Victoria) — My question is to the Minister for Regional Development, and I ask: on the morning of 18 February the minister's departmental website said that stage 1 of the Murray Basin rail project was underway and involved a $40 million investment that should be completed by now. On the afternoon of the same day, the same web page from the same department stated that construction of stage 1 will begin in 2015. As these two statements from the same web page on the same day are in direct conflict with each other, can the minister inform the house which one is correct?

Ms PULFORD (Minister for Regional Development) — I thank the member for his question. The delivery of the Murray Basin rail upgrade, which will be done by a Labor government and not by a coalition government, is a matter for the Minister for Public Transport. I am happy to refer the member's question to my colleague Ms Allan for response.

Mr Drum — On a point of order, President, the minister has already taken questions and answered questions on the Murray Basin rail project. She cannot all of a sudden decide it is not her responsibility because she does not know the answer to the question.

The PRESIDENT — Order! I do not have recall of when the minister did answer a question on this and the substance of that answer as to whether or not it referred directly to the transport matter that has been raised or whether or not it was in a more general context supporting regional development as her portfolio, so I am afraid I am not really in a position to rule on the point of order as such, and I apologise for that. On this occasion I invite Mr Drum to proceed with his supplementary question.

Mr Drum — On a point of order, President, on a point of clarification with your ruling, on the very first day of Parliament in late December the minister referred to the business case surrounding this project. The minister stated that the Treasurer would have to see the business case before we proceeded with this project. The minister was in Mildura on 17 February this year announcing this project. For the minister now to say this is not her project — —

The PRESIDENT — Order! I am in a very interesting dilemma, because Mr Drum suggests that the minister made this comment and canvassed this issue in December. As I recall, the minister was not here in December. I rule the point of order out.

Supplementary question

Mr DRUM (Northern Victoria) — You are right, President, so it must have been the first sitting in February.

The PRESIDENT — Order! Mr Drum, proceed with your supplementary question.

Mr DRUM — Will the minister then refer this question on to whichever minister is responsible and also, in relation to this project, inform the house as to the status of the business case that she has referred to previously, whether or not it has been completed, whether or not the government has the business case and if it does have the business case, to make it public to the public?

Ms PULFORD (Minister for Regional Development) — I understand that The Nationals are particularly sensitive that it is going to be a Labor government that delivers this project after the coalition's privatisation of the Rural Finance Corporation. I was with the Premier and Minister for Public Transport on the day that the government announced its intention to deliver on this project. I have an interest in this project, as I am sure all Victorians do,

as do many of the agricultural producers in that part of the state. As the member requested, I will refer the detailed question on the delivery of the project to my colleague for response.

Mr Drum — On a further point of order on clarification, President, is the minister now saying that she has no responsibility for the Murray Basin rail project, as the Minister for Regional Development and the Minister for Agriculture?

The PRESIDENT — Order! The minister has indicated that she will refer the question to the Minister for Public Transport, who has responsibility for the delivery of that project.

Public holidays

Mr DAVIS (Southern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade. I refer to my question yesterday about Easter Sunday trading and the response received at 11.45 a.m. today that said:

> Any additional funding required to bring forward this election commitment will be dealt with as part of the budget process.

In effect this is an admission that funding will not be provided this year, as the 2015–16 state budget is in May and Easter is and has been in the first week of April. I therefore ask: what is the cost to government agencies of the Easter holiday in 2014–15 and of the additional holidays in 2015–16?

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — Easter Sunday for 2014–15 will be dealt with according to the normal budget processes.

Honourable members interjecting.

Mr SOMYUREK — I have answered the question. I stand by the letter I wrote, and I have just answered the question again. In terms of 2015–16 going forward, it is in Labor's financial statement.

Supplementary question

Mr DAVIS (Southern Metropolitan) — I thank the minister for his response, which reiterates the point made in his letter today that 'any additional funding required to bring forward this election commitment will be dealt with as part of the budget process'. I note again that the budget is after the Easter holiday. In that context, does the government expect agencies to cut services to fund these additional wage costs? By way of background, I make the point that in 2010 Labor failed to fund the Christmas holidays and the cost to the health budget at that time was $55.2 million. That was supplemented by the incoming government. Will there be supplementation, or does the government expect agencies to suck it up and cut services?

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — Again I say, as I said yesterday, I stick by my answer. These are matters for the Treasurer, and these matters should be addressed to the Treasurer of Victoria, Mr Tim Pallas.

Mr Davis — On a point of order, President, the minister was not directly responsive in the way he ought to have been, and for that reason I seek further information about the costs that I have sought which the minister has not provided in this question time.

Mr Dalidakis — On the point of order, President, the minister could not have been clearer and more direct with his answer in providing the argument that it is part of the Treasurer's portfolio. He was directly responsive, and the point of order from the member opposite is completely irrelevant.

Ms Wooldridge — On the point of order, President, what we have here is a question on funding responded to by the minister on exactly this topic. Mr Davis has asked a subsequent question on funding, further to the minister's response, that has been very explicit. I would put that, having responded to the question, the minister has now been asked a question directly relating to it, and he needs to provide an answer to that question in written form to you, President, by the next sitting day.

Mr Jennings — On the point of order, President, the answer that the minister has given has been responsive. It may not actually be the answer the opposition wants, but it is very clear that this matter will be reported on and resolved in the budget process. As members of this chamber know, there is not only a requirement to acquit these financial matters for the outgoing year 2014–15, which will be reported on within the budget, but all ministers — the Minister for Small Business, Innovation and Trade, the Treasurer and me — will also be subjected to Public Accounts and Estimates Committee hearings which will be able to rigorously test the way these matters are accounted for. If people want to bring forward that issue, they can pursue it, but as a matter of decision-making of the chamber and an expectation of the chamber the minister has satisfied that there is an obligation to outline how this issue will be reported on.

The PRESIDENT — Order! This is a matter where the question is not available to me in writing for my perusal. Therefore, given the way this process goes, I

need to see the form of that question to accurately determine the position, so I will have to wait on *Hansard* to see exactly what the question was. I would suggest that the gist of some of that question is outside the minister's responsibility. In other words, part of that question as I heard it was, 'Will agencies have to cut services?'. Clearly the minister is not responsible for the range of agencies and the decisions that might be made to make a provision on this public holiday. He simply does not have responsibility for those ministries and is not obliged, therefore, to speak on those matters. At least some of this question is outside the scope of the minister's responsibility and therefore I will not be requesting the minister to provide further information in that respect. I will look at the question later this afternoon and make a determination, and I will advise the minister and the questioner accordingly.

Public holidays

Ms WOOLDRIDGE (Eastern Metropolitan) — My question is to the Minister for Families and Children in her capacity of representing the Minister for Health, and I ask: what is the specific cost to Victoria's public hospitals in 2014–15 and the forward estimates of declaring Easter Sunday a public holiday?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question. In fact this is the first question she has directed to me in my capacity of representing the Minister for Health. As the Minister for Small Business, Innovation and Trade has stated on a number of occasions in recent days the Andrews Labor government made an election commitment to declare two public holidays — on the day before the grand final and on Easter Sunday. They were election commitments we made very early on during the last term of the Parliament, and we are committed to delivering on our election commitments including the new public holidays. The sustained questioning by the opposition around this issue demonstrates just how out of touch it is, because families have embraced these new public holidays — —

Ms Wooldridge — On a point of order, President, I think you can anticipate that I will ask you to bring the minister back to answering the question and not using her answer as an opportunity to attack the opposition.

The PRESIDENT — Order! It would be preferable if the minister were to maintain the substance of the question in her answer.

Ms MIKAKOS — Thank you for your guidance, President. The Victorian community has embraced these public holidays. The indication we are getting from the opposition is that it is antiworker and anti penalty rates. We know it does not support Victorian workers — including in our emergency services areas and others, including those workers who work in our health system such as nurses who may be required to work during a public holiday — being properly remunerated if they cannot spend time with their families. If they cannot spend time with their families, then they should be adequately remunerated and supported.

In relation to the issue of the specific costs, I will refer the matter to the Minister for Health.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) — Given we found out today from the Minister for Small Business, Innovation and Trade that the 2015 Easter Sunday public holiday is unfunded and is actually a budget black hole, can the minister advise who will have to fund the tens of millions of dollars in additional costs on Victorian public hospitals?

Ms MIKAKOS (Minister for Families and Children) — As Minister Somyurek has already indicated to the house, these matters are subject to budgetary processes, but I will refer the specific matter that the member has raised to the Minister for Health.

The PRESIDENT — Order! I indicate that as with the previous question that Ms Pulford spoke about in respect of the Minister for Public Transport, the question and the supplementary are both going to the Minister for Public Transport for a response, I indicate with regard to the question to Ms Mikakos that she has undertaken to refer both the question and the supplementary question to the Minister for Health for a response, and I expect answers in writing in that respect.

I come back to Mr Drum's point of order, because whilst Ms Pulford was not here in December, she was here on the day of meeting on 10 February and, as Mr Drum said, he posed a question on the Murray Basin rail project on that occasion. I note that Ms Pulford did not entertain an answer on behalf of her department or her association with that project as being within her responsibility. In fact on that occasion she referred the question and the supplementary question to the Treasurer and did not suggest she had any responsibility. On that occasion I suggest that she did

not take a question specifically under her responsibilities for the project.

Mr Dalidakis interjected.

The PRESIDENT — Order! I say to Mr Dalidakis that there is an old saying, 'Silence is golden'. I ask that he take that to heart.

Mr Drum — On a point of order, President, just by way of clarification. While I acknowledge that the minister's answer was predominantly around the Treasurer, she did take time out to question our business case, stating that she thought it was written on the back of an envelope. When I looked at it I thought the minister's answer was enough to take responsibility for this project.

The PRESIDENT — Order! I do not agree with Mr Drum's assertion that the minister said enough in her answer to suggest that she had ministerial responsibility for the matter. My reading of what she said about the business case was that she did not think there was one.

Public holidays

Mrs PEULICH (South Eastern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade. Restaurant and Catering Australia chief executive John Hart said that in New South Wales the introduction of a public holiday on Easter Sunday in 2011 increased the number of restaurants and cafes closing over the Easter long weekend by about 15 per cent. I ask whether the minister has received advice or heard concerns in relation to a similar decline being anticipated in Victoria?

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — Again, I say that this was an election commitment, and we stick to our election commitments, unlike those opposite, who do not stick to their election commitments. The fact that we are not getting Dorothy Dixers in this place two weeks out — —

The PRESIDENT — Order! The minister was asked a specific question, which was to the effect of whether or not he has received advice. It has nothing to do with what the coalition government might have promised or delivered, and it has nothing to do with the new process of the Parliament in terms of Dorothy Dixers and so forth. It has simply to do with whether or not the minister received advice. If we are going to be serious about transparency, and if we are going to be serious about having ministers accountable in this place and avoid this situation of backwards and forwards on written responses the next day — which means we are actually getting answers from bureaucrats and not from ministers — then I ask the minister to keep to the spirit of what has been suggested and answer the question without debating it.

Mr SOMYUREK — Unfortunately I was here for the last four years when Mr Guy, now the Leader of the Opposition in the Assembly, made a career out of attacking the opposition — —

The PRESIDENT — Order! Is Mr Somyurek defying the Chair?

Mr SOMYUREK — I am stating a fact.

The PRESIDENT — Order! Mr Somyurek is very close to getting thrown out because I am on my feet, but I did ask the question. I could not care less what happened in the past 160 years of this Parliament. This government has made a commitment. This government has put in place a process, and I expect the minister to participate in this place in accordance with that process and with what I have been charged to do by this house through both the standing orders and the sessional orders. I ask the minister to answer the question without debating it.

Mr Jennings — On a point of order, President, in supporting your intention to make question time run smoothly and to make sure that the government acquits its obligations, I stand on behalf of the government and recognise that expectation and that direction. I take the opportunity in my point of order to say that now that we have established the Procedure Committee today, all of us who are participants in the Procedure Committee should look at the ways we can give true meaning, intent and integrity to the sessional orders that have been adopted.

I see it as a first-order issue for all of us, from all parts of the chamber, to work through these issues, because we have a great deal of difficulty in defining appropriate questions, we have difficulty defining appropriate answers and there is an obligation on the President at this point in time to be the pivot point on those things. We appreciate as part of the government the great pressure that all of us are under, including you, President, in making determinations about how we refine the practices of the new Parliament.

On behalf of the government, I reiterate that we are keen to work through those issues productively, to take the heat and the provocation out of what we are currently witnessing in question time, which, on behalf

of ministers, I suggest is a very combative and difficult environment to work in, regardless of our intentions.

Mrs Peulich — On the point of order, President, that was not a point of order; it was debating the question. We have sessional orders in place and they should be applied. Any future change that occurs as a result of Procedure Committee deliberations is a matter for the house.

The PRESIDENT — Order! There is no need for a ruling. I have requested Mr Somyurek comply with the sessional orders and not debate the question but in fact answer and be responsive to the question.

Mr SOMYUREK — I have been responsive to this question for the last couple of days and the last few weeks. I have talked previously about how grand final Friday has benefits and has costs — —

Ms Wooldridge interjected.

Mr SOMYUREK — I have talked about Easter Sunday and how Easter Sunday also has some costs but also benefits, in particular social benefits and benefits to those frontline services, in particular benefits — —

Ms Crozier interjected.

Mr SOMYUREK — That is the difference between your party and our party. We believe that costs are one part of modern-day decision-making. The opposition believes it is all about costs. That is the mentality that lost us our automotive industry. It is precisely that mentality — —

Mrs Peulich — On a point of order, President, clearly the minister is debating the question. It was a simple question about whether he has received advice that a similar decline will be experienced in Victoria as a result of the introduction of the public holiday as was the case in New South Wales.

Mr Dalidakis — On the point of order, President, the member's question was extraordinarily broad. The member failed to provide any association name associated with where that advice came from or what that advice entailed. It allows the minister a great deal of latitude in his response.

The PRESIDENT — Order! Mr Dalidakis! The question was in order. The question was properly referenced. Mr Dalidakis can shake his head, but — —

Mr Dalidakis interjected.

The PRESIDENT — Order! We are not in a conversation. The question was properly referenced and the question to the minister was: has he had advice to the extent that the experience in Victoria of this public holiday and the implications of this public holiday — the cost impacts of this public holiday — will be similar to what has been experienced in another jurisdiction. That is a question that is perfectly in order and a question that is properly referenced. I rule out Mr Dalidakis's point of order. I come back to the minister; that is the question to be responded to.

Mr SOMYUREK — If I had been allowed to continue, we probably would have been finished by now and I probably would have given a relevant answer, a responsive answer, but — —

Honourable members interjecting.

Mr SOMYUREK — No, I have 2½ minutes to go so I am going to talk. As I was saying, the difference between the opposition and my party is that all the opposition does is concentrate on the cost of government decision-making. We believe cost is one factor in driving modern government decisions — —

The PRESIDENT — Order! As I understand it, the sessional order says that answers need to be responsive, succinct and factual. At the moment the minister is debating again. The question is very simple, and the minister should give an answer to the question in accordance with the sessional orders.

Mr SOMYUREK — I am tempted to go on for another 1 minute and 56 seconds but — not that I recall.

Supplementary question

Mrs PEULICH (South Eastern Metropolitan) — If 15 per cent more restaurants and cafes close over the Easter long weekend, as is likely drawing on the New South Wales experience, can the minister advise the house how many Victorians would not be working over Easter as a result of his new public holiday?

The PRESIDENT — Order! That question is hypothetical and I cannot expect the minister to answer a question that is so hypothetical. I will give the member a chance to reword her question, as I did in the last Parliament, as members will recall. I will give the member a chance to reword the question, but I will not entertain a question that is hypothetical.

Mrs PEULICH — In view of the minister's last answer that he does not recall receiving any advice, and I assume that he means from his department as well as from other stakeholders, is the minister able to inform the house whether any modelling has been undertaken

by his department to indicate what impact the new public holiday will have on employment in that particular sector?

Mr Somyurek interjected.

The PRESIDENT — Order! That supplementary question was close enough for me.

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — The first one was a speculative question about New South Wales and 15 per cent, and now the member has gone on to modelling. As I said, I have been briefed on this matter and, to my recollection, I do not remember any methodology or any specific modelling. The problem with this is that members opposite were in government a couple of months ago. If they have anything they want to put into the public domain, I am happy to discuss it. If they have anything from the department from two months or three months ago, I ask them to put it out there and let us have a discussion around that.

Mrs Peulich — On a point of order, President, clearly that answer was not responsive.

The PRESIDENT — Order! In terms of whether I will request the minister to provide a further written answer to that question, because the supplementary question was reworded and was therefore not in writing, I will consider *Hansard* in this matter.

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

Public holidays

Mr MORRIS (Western Victoria) — My question is to the Minister for Small Business, Innovation and Trade. Yesterday the minister said that the regulatory impact statement (RIS) process started on 4 February. Given the Victorian Competition and Efficiency Commission has no publicly available documents on the regulatory impact statement and the minister's own department, could the minister now provide details as to when these will be made publicly available? I also ask the minister what his definition is of the RIS process being 'started'.

The PRESIDENT — Order! Members only get one bite of the cherry. I ask Mr Morris which question he wants to ask.

Mr MORRIS — Sorry, President. My question is, in relation to the RIS, what is the minister's definition of 'when it was started'?

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — I said this yesterday. The process commenced on 4 February.

Supplementary question

Mr MORRIS (Western Victoria) — Will the RIS be released to the public before the Easter Sunday public holiday or after the holiday?

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — I have given a written response on this matter, so I am tempted to say that I have given a written response on this and sit down rather than go through the reason — though I am happy to do that too.

Honourable members interjecting.

The PRESIDENT — Order! The minister has provided a response to the question in terms of when it is available, and it is to be by mid-2015.

Ms Wooldridge — On a point of order, President, the written response says the RIS process will be concluded by mid-2015, but the question from Mr Morris was when the RIS will be released to the public, which is a different question and has not been answered by the response.

The PRESIDENT — Order! I ask the minister to comment on when the regulatory impact statement will be released to the public.

Mr SOMYUREK — Obviously after it has been completed.

Honourable members interjecting.

Ms Wooldridge — On a point of order, President, the minister has said a number of times that part of the RIS process is the public consultation. It is therefore impossible to complete a RIS before it is released to the public. I ask, given his answer was not responsive and was inconsistent, that he provides a written response to the question of when it will be released to the public.

The PRESIDENT — Order! The minister's response was in order and did satisfy the supplementary question. The minister said the RIS would be released to the public after it is completed. We already know that it is mid-2015 because of Ms Wooldridge's earlier point of order and my earlier advice to the house based on the minister's answer to another member's question from yesterday. The minister's answer is quite clear.

Public holidays

Mr ONDARCHIE (Northern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade. Yesterday in question time, in relation to Easter Sunday penalty rates, the minister said:

> Think about those frontline workers, such as emergency services workers, policemen and nurses, who have to work on Easter Sunday … those opposite are asking these people to work on Easter Sunday and not be fairly compensated.

Does the minister stand by this statement?

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — Yes.

Supplementary question

Mr ONDARCHIE (Northern Metropolitan) — Official department advice states that the Victoria Police agreement does not entitle police officers to additional entitlements for specific public holidays as the expectation of working public holidays is built into the standard remuneration. I ask the minister whether he misled the house yesterday or does he not read the departmental advice?

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — I am surprised. It is actually quite comical that those opposite try to compel our emergency services workers, they try to compel our nurses, they try to compel our police men and women to work on Easter Sunday, one of the holiest days of the Christian calendar. To get up here — —

Mr Ondarchie — On a point of order, President, as hard as the minister tries to run, he has not answered the question, which is quite specific. I asked if he misled the house yesterday or does he not read the departmental advice. It was very specific.

The PRESIDENT — Order! I regard this supplementary question as being a very provocative question that invited the minister to debate. Therefore I will allow the minister to debate.

Mr SOMYUREK — It is tempting, but I am not going to debate. I thank the President for the invitation. It is in the enterprise bargaining agreement. I think those opposite have some cheek to come in here — —

Honourable members interjecting.

The PRESIDENT — Order! I do not need people reflecting on other members of the house.

Vocational education and training

Ms PENNICUIK (Southern Metropolitan) — My question is to the Minister for Training and Skills, and it relates to his ministers statement and media release of yesterday where he reported on training rorts by certain employers and a registered training organisation. This issue has been escalating ever since market contestability was introduced. I raised it several times in Parliament, but it fell on the deaf ears of the last government. This particular issue involved automotive apprentices who were all enrolled with a common training provider. The minister mentioned cancellation of training contracts and support for those apprentices who wished to continue training. Can the minister advise whether that particular training provider has been suspended or deregistered?

Mr HERBERT (Minister for Training and Skills) — That is a good question. I am just testing my memory on that. I believe they have surrendered their training contract, but I will come back and confirm whether they were deregistered or exactly what is the case.

Supplementary question

Ms PENNICUIK (Southern Metropolitan) — With regard to the apprentices whose training has been disrupted by this episode, what supports have been put in place for apprentices who wish to continue their apprenticeships, including ensuring that they do not incur additional costs, and what has been done to assist those apprentices for whom, as the minister described in his statement, the damage has already been done?

Mr HERBERT (Minister for Training and Skills) — I thank the member for her question. It is an excellent question. With this particular case, as I understand it, a number of those automotive apprentices never actually worked or were employed in the automotive area. Some of them are not interested in continuing or redoing their training. They have all been contacted and advised that their training guarantee entitlements have been renewed.

Those who want to continue doing an automotive apprenticeship are being given every support to take it back up. If they have learnt anything and can obtain recognition of prior learning, I am sure they will. Otherwise we will assist them in getting another training provider. It is always difficult getting a good employer. Sometimes the group training companies help. However, I am advised that the department is working through those issues with those students who want to continue with their apprenticeships.

Vocational education and training

Ms PENNICUIK (Southern Metropolitan) — My question is to the Minister for Training and Skills. In his media statement dated yesterday relating to his ministers statement the minister said that this year the Victorian Registration and Qualifications Authority (VRQA) will conduct regulatory campaigns targeting specific qualifications and occupations and will be on the lookout for inadequate supervision, work duties that do not match the qualification that an apprentice is enrolled in and employers who do not release apprentices to attend training. Which qualifications and occupations will be targeted by the VRQA?

Mr HERBERT (Minister for Training and Skills) — I thank the member for her question. As members know, not all training companies are registered through the VRQA; in fact the VRQA registers a small percentage. Many are registered through the Australian Skills Quality Authority, which does the registration auditing. with regard to automotive qualifications, however, the VRQA has responsibility for apprenticeships and the maintenance of apprenticeships and how they are serviced.

With regard to what is being targeted, there is regular auditing and now there is targeted auditing in areas where the VRQA receives a large number of complaints and wants to check. I am not sure which specific qualifications the VRQA will audit this year. If it has some planned in its auditing forward estimates — it has advised me that it is doing that — I will get that information to the member.

Supplementary question

Ms PENNICUIK (Southern Metropolitan) — I look forward to knowing what those specific qualifications and occupations are because, as I have mentioned before, I have been concerned that the VRQA has not been well enough resourced to fulfil its functions in ensuring that registered training organisations and employers are meeting their obligations under the act and just generally. I want to know whether this is a step up in activity by the VRQA and by the government and whether extra resources have been put forward to undertake the specific qualification and occupation target that the minister mentioned.

Mr HERBERT (Minister for Training and Skills) — I thank the member for her supplementary question. I was asked a question yesterday during my statement about when it started. The automotive ones started in about April last year and concluded in about December. It was obviously a small attempt by the government to address what had been a systemic failure of quality control and a light touch that had been taken by the department and the VRQA. That is the way governments make these decisions. I note that the commonwealth government is now asking for a heavier touch in terms of Australian Skills Quality Authority's regulation. In the case of automotive qualifications, it was a good review, but it was a bit like acting too little too late or shutting the gate when the horse has bolted.

A range of issues relate to the member's question. Firstly, we have a policy of handing over the VRQA — —

The PRESIDENT — Order! The minister's time has expired. Given that Mr Herbert was not able to complete the answer as he wished, I request that he provide written responses to Ms Pennicuik in respect of both the substantive questions she has asked today, which he has undertaken to do, and also to provide a response to the supplementary question, because he ran out of time in his response to that question.

Mr HERBERT — I am happy to do that, and if Ms Pennicuik would like to request a departmental briefing, I am happy to provide that too.

Hird Swamp game reserve

Mr YOUNG (Northern Victoria) — My question is to the Minister for Small Business, Innovation and Trade as the minister representing the Minister for Environment, Climate Change and Water. Situated between Kerang and Cohuna and amongst the Ramsar-listed Kerang wetlands there is a state game reserve that covers over 300 hectares called Hird Swamp. This wetland was due to receive environmental water as part of an environmental water plan or seasonal watering statement, which was signed off on by the Victorian Environmental Water Holder. The mismanagement of environmental water on wetlands can have devastating effects to not only waterbirds but also other wildlife and can lead to the radical growth of plants such as cumbungi. The North Central Catchment Management Authority has overturned the allocation of this water without proper consultation with stakeholders, including its local environmental water advisory groups and members of the local Gannawarra Shire Council. This has left nothing but dry land where the wetland should have been at this time of the year. My question is: did the Victorian Environmental Water Holder have knowledge of and did it sign off on the changes to the environmental water plan?

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — I thank the member for his

question, and I will forward it on to the minister for an answer.

Supplementary question

Mr YOUNG (Northern Victoria) — As this action has rendered the current environmental water plan null and void, will the minister ensure that there is proper consultation with stakeholders by the Victorian Environmental Water Holder and the North Central Catchment Management Authority when a new environmental water plan is drafted, approved and, more importantly, implemented correctly?

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — I am very impressed with the quality of the questions coming from the crossbenchers, and I have got to say that I am stumped. It is a mea culpa. In asking 40 questions the coalition has not stumped me yet, but in one question the member has stumped me. I will forward that question on to the relevant minister in the lower house.

The PRESIDENT — Order! To recap on today's question time, Ms Pulford will provide responses in respect of a question she suggested was better answered by the Minister for Public Transport. Both the question and supplementary question will be subject to that response from the Minister for Public Transport through Ms Pulford.

Ms Mikakos has also undertaken to provide written responses from the Minister for Health via Minister Mikakos, and that will be both the supplementary and the original question.

Mr Herbert will provide a written response to Ms Pennicuik's first question, the substantive question, but not the supplementary, which was answered. In respect of Ms Pennicuik's second substantive question and supplementary, Mr Herbert will be providing a written response to both of those.

In respect of Mr Young's question, Mr Somyurek will provide a response to both the substantive question and the supplementary question.

In respect of both Mr Davis's and Mrs Peulich's supplementary questions, both addressed to Mr Somyurek, I will consider *Hansard* before making a determination on those.

Mr Rich-Phillips — On a point of order, President, just to follow up on the issue raised at the start of question time with respect to written answers received in response to questions taken on notice, during question time Mr Somyurek in answering a question referred to a written response he had provided in relation to a question yesterday. You indicated earlier that those responses would be incorporated into *Hansard*, but of course because they were received the day after the question was asked, those questions are not yet in *Hansard* and have not yet been circulated to members. What I am asking is: would it be possible for those answers, when they are received by you or by the Clerk, to be either circulated to all members, given that will be ahead of them being incorporated into *Hansard*, or at least be made available on the table to all members?

Mr Jennings — On a point of order, President, while you are considering the matter raised by Mr Rich-Phillips, which you may want to be very definitive about at this moment, I raise an issue from the government's perspective that is even more urgent than the matter raised by the member. There is an onerous responsibility on the government in having to respond to questions coming from the left, right and centre and from all over the place and that are quite often changed in the running. It is difficult for the government to proceed to answer those questions with certainty if we do not have a copy of those questions available to us in order to prepare an answer. We on this side of the house are very keen to make sure, as a first-order issue in relation to the availability of the documentation, that we can act in accordance with what has been outlined in the question, which we are required to comply with. Yesterday, within a matter of minutes of Mr Davis raising his question, he had circulated that to the media who then pursued the government in a different time frame from the time frame the sessional orders require. But the government did not have at hand the nature of the questions it was required to answer, both by the house and by the media in the intervening period.

Mr Davis — On the point of order, President, I know the government is very sensitive about these matters, but I make the point that I did not circulate the question; I circulated the related documents, which are actually available publicly on the internet. They were government documents. One was the minister's own news release and the second one was Labor's financial statement, which is also available very widely on the internet.

Mrs Peulich — On the point of order, President, in view of the issues that have emerged with the new sessional orders, the requirement for responses to questions, members of the opposition needing adequate time to peruse the answers and members of the government needing access to the questions, could you perhaps consider as part of this issue the reinstatement of the *Daily Hansard*?

Mr Rich-Phillips — On the point of order, President, can I say that the opposition is not unsympathetic to the point that was raised by Mr Jennings, but I make the point that not all oral questions asked in this place are in fact written first. Some of them, particularly supplementary questions, are asked in response to answers given to primary questions. While we are sympathetic to what Mr Jennings has raised, it may not be possible to provide questions ahead of Hansard preparing its drafts.

The PRESIDENT — Order! I will deal with Mr Jennings's point of order first. I have some sympathy for the situation he described. Yesterday Mr Somyurek had a number of questions he was required to provide responses to, and clearly there is a very tight time frame that has been established under the sessional orders for that response. I know he was sweating on receiving the actual question that had been asked in the house so that those responses could be prepared and so that he could meet the requirements of the house.

We are certainly talking to Hansard about a change in practice, which I would need to authorise, but I also need to be satisfied that in authorising such a change of practice we would not have problems in terms of the accuracy of the *Hansard* record, or problems in relation to the satisfaction of members that the question they posed was accurately recorded. We have some issues in making sure that major problems do not emerge, but certainly I am addressing the *Hansard* side of it.

It would, as a courtesy to ministers, be helpful if members who posed questions were able to provide a written copy to the minister immediately following question time. By that time the question has been aired, and I do not see that there is any great intellectual property disadvantage to the opposition or crossbenchers in providing a copy of their written question, excepting, as Mr Rich-Phillips said, in some instances a supplementary question, or indeed a substantive question that was prepared in writing, may well have been changed because of an earlier response during question time, and therefore there is some amendment to what a member had originally intended to ask.

It is not a precise science, as we know, and as I have indicated, this is an evolving process. But to the extent that members can afford a courtesy to government ministers, that would be much appreciated, and I am certainly trying to address the issue with *Hansard* to try to speed up the process whereby ministers could have an earlier advice of what the record suggests.

In terms of the point about the availability of answers to questions, there is no great secret in terms of those answers. They are going to appear in *Hansard* the next day. I have some issues that have been raised with me, including where one of the written answers that was provided has left a member concerned about how that written answer has been framed and whether or not that ought to be the final record of or the final act with regard to that particular question. So there are some issues there for me to consider.

I have to share with the house that this is a difficult process for the clerks and myself to deal with. Essentially the answers have been lodged at 11.45 a.m., which I understand and which is the sessional order requirement, so the clerks and, more importantly, I have to deal with them in the course of 15 minutes — not that I am of greater importance than the clerks, but I am the one who is making the final decision as to whether or not to allow a particular question or to determine that an answer is responsive. In that sense, on today's effort I could have had to consider the responsiveness of up to 15 questions in 15 minutes. In fact I have less than 15 minutes, because they are received at 11.45 a.m., and the clerks have to go through a process with them, so I basically have 10 minutes to make a decision on whether or not they are responsive. To then have to provide copies and so forth makes it a more difficult process.

We will see what we can do, but apart from anything else, I assume members of the opposition have a questions committee, so there is an understanding of what answers might be coming, and perhaps the opposition needs to make sure that members who receive the document also touch base with other members who might be asking questions of a similar nature on the day. That would help as well. I will see if I can have some copies on the table to support that, but releasing those papers on the table is also going to depend on decisions I have made. We are going to be cutting it fine, I can assure the house. My apologies for not being able to do more.

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

CONSTITUENCY QUESTIONS

Western Victoria Region

Mr RAMSAY (Western Victoria) — My constituency question this afternoon concerns a group of farmers from Ballan who came to see me, extremely concerned about the cost of a local government rating to their business. As I said in another place at another time, the local government rating system is flawed. It is inequitable and unfair, particularly to the rural

constituency of Western Victoria Region, which I represent. In fact I produced a document for the Productivity Commission in July 2007, which indicated that the local government rating methodology is unfair to farming communities.

My request to the Minister for Local Government is that she establish a ministerial advisory group with the farmer constituency to discuss the inequitable local rating methodology and to look at the capital-improved value system.

Northern Victoria Region

Ms SYMES (Northern Victoria) — I rise to ask an important question of the Minister for Roads and Road Safety, Mr Donnellan, in relation to the Kilmore-Wallan bypass. As the minister would know, this has been an ongoing saga created by the Liberal-Nationals government's indecision. Having met with concerned residents and local government officials, I understand their frustration and anger with this mismanagement and lack of a decision.

The Liberal-Nationals government managed to sign contracts for a big expensive road in inner Melbourne that it had not promised and that Victorians did not want, whilst utterly failing to deliver a road it did promise and that the people of Kilmore and Wallan, as well as truck drivers and freight companies, actually want and need. Some of my constituents have developed health problems from the stress of not knowing if their house will have to be acquired or if their house will have a view of a road.

I ask that the Minister for Roads and Road Safety work with the Minister for Planning and release the Kilmore-Wallan bypass environment effects statement and advisory committee report, meet with the community and announce a decision on a route so that this community can move forward with certainty.

South Eastern Metropolitan Region

Ms SPRINGLE (South Eastern Metropolitan) — My constituency question is to the Minister for Public Transport, Jacinta Allan. The Dandenong South National Employment Cluster employs 55 000 people. It is substantially larger than the Parkville Employment Cluster, which employs 32 700 people. Most people who work in the Dandenong South cluster commute from the city of Casey. However, direct public transport access from suburbs such as Hampton Park, Narre Warren and Cranbourne does not exist. Bus services only run north–south, resulting in lengthy public transport journeys from these suburbs, and currently these services are vastly inadequate. People end up driving instead of taking public transport or, in the case of the many workers who only use public transport, are completely exempt from employment opportunities in the cluster.

My question to the minister is: if the Parkville employment cluster has a SmartBus every couple of minutes, why does the Dandenong South cluster miss out?

South Eastern Metropolitan Region

Mrs PEULICH (South Eastern Metropolitan) — The former coalition government made a commitment of $10.6 million towards the facilitation of the Mornington Peninsula Freeway extension, which was subsequently renamed the Mordialloc bypass. I gather that a lack of public support for this initiative may place it in jeopardy. What I am seeking from the Minister for Roads and Road Safety, Mr Donnellan, is a clarification of the status of this project, given that currently the Frankston Freeway ends at a T-intersection at Springvale.

The Frankston Freeway and the Dingley bypass, which the coalition fully funded, need to have a connection, which is the Mornington Peninsula Freeway extension, alternatively known as the Mordialloc bypass. This is a key piece of infrastructure which is demanded by the local community.

Eastern Victoria Region

Ms SHING (Eastern Victoria) — My question is for the Minister for Training and Skills. I ask the minister to provide an update on how the government has fast-tracked an available Treasurer's advance of $20 million to regional TAFE communities and TAFE users. This will benefit people in and around the Morwell electorate. It follows a $2.5 million grant to Federation Training in Yallourn as well as the development of the Student Advisory Support Team, which will assist in reducing the 25 per cent non-completion rate for attendees. This will also ensure that people are given pastoral and other support to complete their education and training so they might find jobs suitable to their needs and which also contribute directly to their communities.

Northern Victoria Region

Ms LOVELL (Northern Victoria) — My question is for the Minister for Regional Development. In March 2014 the coalition government announced an initial $5 million to develop the Goulburn Valley Industry and

Infrastructure Fund and the Goulburn Valley Industry and Employment Plan. The aim was to attract new investment and create jobs in the Goulburn Valley and enable business growth and diversification. The fund and the plan were huge successes, leveraging approximately $9 investment from the private sector for every $1 invested by government, and creating more than 200 jobs. During the election campaign the coalition promised an additional $5 million for the fund, which is now fully expended. I ask: will the Andrews government match or better the coalition's election commitment to provide $5 million in additional funding for the continuation of the Goulburn Valley Industry and Infrastructure Fund?

Western Metropolitan Region

Mr MELHEM (Western Metropolitan) — My constituency question is for the Minister for Small Business, Innovation and Trade, Mr Somyurek. The minister made reference in his ministers statement on Tuesday to the Andrews Labor government having recently launched a second small business bus in Bendigo. The minister noted that this will provide mentoring support to small businesses and access to government services. My question is: can the minister confirm the times and locations the small business bus will visit my electorate in the western suburbs of Melbourne? I look forward to receiving the minister's response in the coming weeks.

Western Victoria Region

Mr MORRIS (Western Victoria) — My constituency question is for the Minister for Health. I recently met with representatives of Ballarat Hospice Care in Ballarat. Ballarat Hospice Care is a not-for-profit organisation that provides specialist palliative care services to Ballarat and the surrounding region. It has a catchment area with a population in excess of 400 000 people. Ballarat Hospice Care has outgrown its current site — the site no longer meets the service's purpose. There are no private meeting areas for large groups of people, which members could imagine are very important for Ballarat Hospice Care. The coalition government made an election commitment of $2.5 million for Ballarat Hospice Care to be able to move to a more appropriate site. It is important to acknowledge that 34 per cent of people are choosing to die at home and this is expected to rise to 42 per cent — —

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

Eastern Metropolitan Region

Mr LEANE (Eastern Metropolitan) — My constituency question is directed to the Minister for Roads and Road Safety, Luke Donnellan. It concerns the duplication of High Street Road between Stud Road and Burwood Highway in Wantirna South. I was lucky enough to go onsite and speak to some of the road workers last week. I have to say: what a difference a change in government can make. This road has been spoken about for a long time. The construction of the duplication started in January. The dual footpath will be available for use in a matter of weeks. The amount of work that has been done in a short period of time is absolutely amazing.

Eastern Victoria Region

Mr O'DONOHUE (Eastern Victoria) — I raise a matter today for the Minister for Roads and Road Safety, Mr Donnellan. Acting President, as you would be aware, the Mornington Peninsula is growing all the time, with tourism offerings including choice restaurants, wineries and the Peninsula Hot Springs. Just this week we saw the first cruise ship berth at Mornington, which was great for Mornington businesses. I understand the cafes and shops on Main Street, Mornington, were chock-a-block with visitors earlier this week. It is absolutely fantastic for the region, fantastic for jobs and fantastic for investment.

The challenge, however, is the pressure this growth places on the arterial road network. There is no doubt that the opening of Peninsula Link several years ago has been very good for the arterial road network on the Mornington Peninsula. But what it has also done is create traffic bottlenecks further south at the end of the Mornington Peninsula Freeway. As a result of an election commitment the member for Nepean in the Assembly secured in 2010, work has been done to ensure the future of that road network. I ask that the minister expedite that future investment.

BACK TO WORK BILL 2014

Committee

Debate resumed.

Clause 38 agreed to; clauses 39 to 52 agreed to.

Clause 53

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Clause 53 is the special appropriation clause, which simply states that the Consolidated Fund is appropriated to the extent necessary to deliver this

scheme. I have a couple of questions for the minister. Firstly, given this scheme starts on 1 July this year, which will be after the passage of the appropriation bills, why is the government funding this scheme via a special appropriation and not through the budget?

Mr JENNINGS (Special Minister of State) — Consistent with its election commitment and to demonstrate to the Victorian community that the program will be fully funded, the government is fulfilling its commitment prior to the budget. It will be clear in the statute that that money will be guaranteed prior to the budget being announced in May. Mr Rich-Phillips's question is a reasonable one, because in a technical sense the appropriation will not be made prior to that. In fact the fund will operate on the basis of an appropriate and safe just-in-time mechanism to allow a drawdown from the Consolidated Fund into this fund to make sure that it can acquit its obligations at any point in time.

This should be seen to be preliminary work that guarantees that funding will be available up to and including the budget and beyond. It enables certainty around the administrative arrangements and the way in which those funds will be drawn down to be worked through in a technical manner between the State Revenue Office and Treasury. It demonstrates a degree of urgency that the government has established in what otherwise could have been a budget announcement that ran in parallel with the bill, but the government chose to identify this facility within this piece of legislation.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — The minister referred to funding up to and beyond the budget. Just to be clear, can the minister confirm that no funds will be drawn in respect of this scheme before 1 July, which is the start of the new financial year, when the budget will take effect?

Mr JENNINGS (Special Minister of State) — I do not believe I said any appropriation would be made prior to the budget, but in a chamber that is leading us to great precision in language — precision far beyond that which I have ever before experienced in this chamber — I thank the member for the opportunity to clarify. The funds will not be appropriated until they are required, and, if the scheme is in operation from 1 July, that will be the time at which the appropriations occur.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — The government's announcement has indicated this scheme will be funded to a total of $100 million. Why is that not reflected in the special appropriation? Why is it an open-ended, uncapped appropriation?

Mr JENNINGS (Special Minister of State) — I can understand that that may be a preprepared question and the member feels obliged for me to spell it out in a subsequent answer. The provision should be that at any one time it will not have $100 million in it, but it will draw down $100 million as required from the Consolidated Fund during that two-year period.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I understand that is the intent, but given that the Treasurer will have complete discretion on the guidelines for this to be drawn down to $300 million or $400 million over whatever period of time, there is nothing in the clause that limits this appropriation to the two-year period the government has outlined. Given the government is not proceeding through a normal funding mechanism in the appropriation bill, I am curious as to why the government has constrained neither the amount nor the time frame in which funds can be drawn for this scheme given that it is using a special appropriation.

Mr JENNINGS (Special Minister of State) — The situation is not quite as the member has described, because the government has made a number of clear commitments in relation to the $100 million limit both in terms of its clear election commitments and the government press release on the day this legislation was introduced to the Parliament that reiterates the $100 million. I believe the second-reading speech also identifies the $100 million. It is clear in a variety of instances what the limit of the government's commitment to this program is, and clearly, taken in completeness, the legislation and second-reading speech make it clear that $100 million is the figure.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — In the interests of brevity I will not pursue the matter further, other than to reflect that the documents the minister refers to, which include the government's election policy and the Premier's press release, do not have any force of law in terms of constraining the government's expenditure under this clause to the criteria outlined by the minister.

Clause agreed to.

New clause

Mr BARBER (Northern Metropolitan) — I move:

8. Insert the following new clause to follow clause 53 —

"**A Back to Work Scheme reports**

(1) At least once every 3 months the Commissioner must publish on the Commissioner's website a

report of the operation of the Back to Work Scheme.

(2) The report must contain the following information in relation to the period covered by it —

(a) the total amount paid under the Scheme;

(b) the total number of Back to Work payments made;

(c) the number of Back to Work payments made in each municipal district;

(d) if Back to Work payments were made according to different eligibility criteria, the number of Back to Work payments made according to each of those criteria;

(e) the name of any person to whom Back to Work payments in respect of more than 100 eligible employees were made.

(3) For the purpose of subsection (2)(c), a Back to Work payment is made in the municipal district in which the person entitled to the payment has their usual place of business or, in the case of a body corporate, their registered office.

(4) In this section —

municipal district has the same meaning as in the **Local Government Act 1989**.".

I will start by saying that I have appreciated the Treasurer's role over the last few weeks in offering briefings and providing some letters and more information as we have gone along in response to our requests. Just on Friday he sent us another four pages covering off on some issues that occurred in the lower house debate in which, unfortunately, the Greens could not participate due to their not having given their first speeches. The Treasurer did at least continue updating us on some issues we raised during the debate and various discussions. The Treasurer has also pointed to some reporting on the State Revenue Office website in relation to the first home bonus. He has indicated it is his view that similar information should be made available in relation to this scheme.

My amendment seeks to codify in law the reporting that we would expect from this scheme. I have examined the information on the SRO website in relation to the first home owners bonus. It records the top 10 postcodes in which first home owner bonuses are paid. What I am seeking in relation to this scheme is something considerably more detailed.

I think the house and the wider public deserve more information because this is a much more complex scheme than what the Treasurer referred to by analogy as the first home owners scheme. Here we have questions — they have been raised this morning — about eligibility and the documentation of eligibility. I learnt this morning that several subclasses of unemployed person might attract different rates of bonus. Since the whole aim of the initiative is about solving the question of unemployment, and since unemployment is very much a geographically uneven phenomenon, as the program rolls out I think we would all be very interested to learn which regions get the most benefit from this scheme because, as the government has made clear, this is the centrepiece of the government's unemployment strategy.

For that reason the Greens have proposed a new clause that would require quarterly reporting on the operation of the Back to Work scheme, including not just the amount and number of payments made but also the region of Victoria applicants come from, where different eligibility criteria are to be found in these guidelines, which we have not seen, and where the reporting against each class of eligibility would occur. Based on the information the Treasurer has sent me, it should not be too hard to do this, and it is well within the State Revenue Office's capacity to provide this information, so there should be no harm done in putting it into the legislation in the form of an amendment. I hope all members and parties in this house will support my amendment.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am firstly interested to hear the minister's views on the proposed new clause, if I may.

Mr JENNINGS (Special Minister of State) — I thank the committee for the opportunity to respond to the proposal Mr Barber has raised in his amendment 8. I have been getting some technical advice at the table in terms of the mechanism by which the government may seek to amend the new clause Mr Barber has proposed, because government members believe that the provisions in it would probably create an unintended consequence in relation to the administration of various tax acts. They would also place an obligation on the State Revenue Office in terms of a reporting regime that may contaminate the appropriate administrative arrangements by identifying under subclause (2)(e) of the new clause companies that may be in receipt of these payments. This may relate to some of the issues Mrs Peulich raised earlier in this committee stage about the relationship the SRO has with a variety of businesses in Victoria in terms of their tax matters being beyond the scope of this bill but possibly becoming entwined because of the practical implementation of this scheme.

The government is concerned about that matter. That is the primary reason we are concerned about the scope of this amendment in terms of the reporting regime. We accept that it is a reasonable expectation of the people of Victoria to have a sense of the take-up and effectiveness of this scheme, and we will not baulk from any requirements. The government is happy to volunteer requirements as part of the guidelines, as part of the administrative arrangements or as part of the undertakings it makes about the way the scheme will account for many of the items this amendment is seeking. It would be our preference not to have these items in legislation, but if they are to proceed into legislation, we would be concerned about the issue that I have identified, which comes under the scope of subclause (2)(e) in the new clause.

We also have some concerns about the reliability of information that may be gathered on a municipal basis. There is already some complexity in relation to the workplaces in question and which municipality they may be in and the municipality of those employees who generate the payments. Ultimately it may be a dataset that is not terribly reliable for any purpose in the public domain but may be very onerous in terms of gathering it, maintaining it and validating it.

From the government's perspective, we understand that it is a reasonable expectation to have a look at this, particularly if we are dealing with pockets of regional disadvantage in Victoria where the scheme may apply and where it may have some effect. A mandated obligation to be clear about the municipal impacts of this measure may be very difficult to deliver on. The government would want any structural or reporting relationship to be reasonable in the way that it is constructed and reasonable about the limits to which that administrative requirement could be complied with.

I have indicated that it would be the preference of the government for these commitments and undertakings, and those matters I have not referred to but which the government accepts as items that should be reported on, to be reported on in the administration of the scheme and not necessarily within the act. However, if they are in the act, then I will be moving some amendments to delete subclause (2)(e) in the new clause proposed by Mr Barber and replace it with a clause that provides for the relevant information to be provided where it is reasonably practical to do so.

I thank the committee for allowing us to clarify the government's position so that committee members are clear. It is the government's preference for the scope of the issues that have been identified in Mr Barber's amendment to be incorporated in the guidelines in the administrative arrangements of the scheme, and the government commits to reporting on those elements with the exception of what is currently covered by subclause (2)(e), with an additional rider regarding the ability to implement these undertakings in a reasonable, practical fashion. That is the government's preferred position. Before I formally move what might be a consequential amendment to Mr Barber's amendment, I would, through the Deputy President, invite the response of other members of the committee.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I can indicate the opposition is sympathetic to the proposed amendment moved by Mr Barber. We regard the collection of this data as appropriate and not overtly onerous for the State Revenue Office. Having listened to the Leader of the Government, I must say we are not persuaded that there is a particularly compelling reason that this reporting requirement should not be in legislation. We are quite happy on that basis to support the thrust of Mr Barber's proposed amendment.

The Leader of the Government indicated he would like to delete proposed subclause (2)(e) with respect to large employers who receive Back to Work payments and indicated some complexity for the SRO in providing that information. With respect to that I would again indicate the opposition is sympathetic to Mr Barber's intent. I note that clause 6 of the bill, which we did not consider in detail in the committee stage, provides that applications for this scheme must be made on the form designed by the commissioner. I would expect that the design of that form would provide the commissioner with sufficient scope to collect the specific information on the scheme that is required by Mr Barber's amendment and likewise would provide the commissioner with the opportunity to seek as part of that form the agreement of the applicant for that information to be disclosed, if they fall into this category. We do not believe there is a compelling reason to omit Mr Barber's proposed subclause (2)(e).

With respect to the comments from the Leader of the Government regarding complexity around the collection of information based on municipal district, I would float with the Leader of the Government that if the government chose to seek an amendment which focused on postal code collection rather than requiring the SRO to determine municipal districts, that would be acceptable to the opposition.

Mr BARBER (Northern Metropolitan) — We have no objection to subclauses 3 and 4 being altered in some way to represent postcodes. I notice that the State Revenue Office currently reports some data by

postcode, so there would be no dispute with that if the government were to bring an amendment forward. It is just that we have not had that dialogue with the government until just this minute.

Mr JENNINGS (Special Minister of State) — As a courtesy to the house in relation to how we will try to proceed with this matter, it is my intention for the committee to report progress and then seek leave to meet again shortly. This will enable a conversation to take place between committee members to see if we can find a way to deal technically with what is before us.

Progress reported.

EDUCATION AND TRAINING REFORM AMENDMENT (FUNDING OF NON-GOVERNMENT SCHOOLS) BILL 2014

Second reading

Debate resumed from 12 February; motion of Mr HERBERT (Minister for Training and Skills).

Mrs PEULICH (South Eastern Metropolitan) — I am glad I was in the chamber a little early. I have always said that the upper house is far more interesting because it is dynamic and interactive. Of course that also has its negatives, but I am glad I was here to take the call to allow the house to be responsive to the minister who has spent some time in committee on another bill.

I rise to speak on the Education and Training Reform Amendment (Funding of Non-Government Schools) Bill 2014, and I do so with great pride in being an educator. That is my professional background. I taught in the government school system for 15 years as a teacher of English and psychology and as a faculty head. I am a firm believer in a mixed economy of education and in particular in the right of parents to choose where their children are educated so that it accords with their aspirations, their views and their values. As full participants in a Western democracy I believe parents have a right to send their children where they believe their needs and aspirations will be best catered for.

Another reason why I have always been a strong supporter of governments helping to fund some component of education in the non-government school sector is that we could not accommodate all students in the private school sector. The funding needed would be astronomical, and the amount of money we would be able to expend on a per student basis would be significantly lower. We would need to build many more schools than we have currently.

I see nothing wrong with parents who can afford it, or sometimes parents who cannot but who see a private school education, perhaps a low-cost, independent school or perhaps a Catholic school, as their right and their aspiration. Many of them see providing that education for their children as one of the priorities in their lives. They will skimp and save to provide for their children, and they do so at the expense of other things. As taxpayers those parents who choose to send their children to non-government schools have a right to a level of support from the government of the day. In terms of our democratic aspirations parents should have the right to choose where their children are educated. From an economic point of view supporting a mixed economy of education makes complete sense. From every angle this legislation is something that both parties have committed to, and I strongly support it, as do the shadow Minister for Education and the party.

The bill amends the Education and Training Reform Act 2006 to provide a guarantee that total state funding to non-government schools will be at least 25 per cent of the recurrent funding available to government school students on a per student basis, and there is a formula for that on page 4 of the bill. It sets out that:

> The total amount of funding provided under this Part for a calendar year must not be less than the amount calculated in accordance with the formula …

Basically it is the total recurrent funding over the total number of students multiplied by one-fourth, being the 25 per cent commitment, which is then multiplied by the number of students enrolled in non-government schools. Any attempt to change the formula will be required to be done legislatively.

The guarantee that total state funding to non-government schools is at least 25 per cent of the recurrent funding available to government schools is laid out in the bill. That has been well received by Independent Schools Victoria and the Catholic Education Office and my very good friend and former colleague Stephen Elder, its chief education officer, as well as a number of other key stakeholders that the shadow minister has consulted with, including the Victorian Principals Association, the Victorian Association of State Secondary School Principals and the Australian Education Union.

Many moons ago in a former iteration as the Victorian Secondary Teachers Association, I was a branch president of the union, until I realised that it was giving

unauthorised funding to a party that I did not philosophically support, and therefore I resigned forthwith. The bill is also supported by the Independent Education Union, the Catholic Education Commission of Victoria, Haileybury College, Melbourne Grammar, Scotch College, Xavier College, Carey Grammar, Caulfield Grammar, Geelong Grammar, Wesley College, St Kevin's, Yeshivah college and a range of other stakeholders. As I said, the calculation of state funding is determined on the teaching, learning and welfare of students attending government schools. It does not include non-classroom costs such as head office and regional administrative costs.

I will digress briefly. Since the government has changed, I have heard criticism about how Victoria has the lowest school funding per student of any state. That has been the case for as long as I have been a member of Parliament — most of the time under a Labor government. Basically it is because Victoria is a fairly compact state and the costs of administering the school system are invariably lower than in many other states, which have the tyranny of distance to contend with. I wish people would inform themselves. As I said, the funding does not include non-classroom costs. It also excludes costs associated with childhood development, which is funded through other sources; higher education; capital works; commonwealth grants; and specialist schools — and that makes appropriate sense.

A number of people have had concerns about some of the reasonable conditions alluded to in the bill that are not spelled out. No doubt a lot of members of Parliament have received many emails in a short space of time from people expressing concern, saying that they do not want any surprises and they want it spelled out. I will come back to that later, but I understand that in the committee of the whole the minister plans to outline what those reasonable conditions are and provide certain assurances which would enable this bill to pass without amendments being moved.

I reserve our right. We believe in the principle and support it in practice and as a policy, but we do not want any sneaky tricks. Far be it from me to suggest the Labor Party may be up to sneaky tricks but, having been involved in the review of the Equal Opportunity Act 2010 and knowing the agenda the Labor Party holds strongly in its DNA, some of these concerns are real. Many of the stakeholders and email correspondents were involved in that process. They know Labor well, and that is why there is the level of distrust. That is why I look forward to the minister spelling out with great clarity some of the 'reasonable conditions' that may be contingent upon schools receiving that funding or any part thereof.

I understand the funding can be provided directly to schools or to organisations such as the Catholic Education Commission or Independent Schools Victoria (ISV) which will have machinery for dissemination of those payments. I hope the government would not use the flexibility of payment as a means for punishing anyone who does not toe the line on the government's agenda. Excuse me for my level of cynicism but, having been born under a communist regime, I have an inherent distrust of left-wing governments or authoritarian governments of the left-wing or the right-wing variety.

Mr Dalidakis — Were you born under Gough?

Mrs PEULICH — That is a good one — I will pay that one.

Ms Shing interjected.

Mrs PEULICH — No. However, Joan Kirner did inspire me to join the Liberal Party.

Mr Dalidakis — We are appreciative of that.

Mrs PEULICH — My constituents are very appreciative, particularly for the attention South Eastern Metropolitan Region has been able to secure since we won government in 2010. We fought those issues in 2014 and no doubt we will revisit them in 2018. My constituents are very happy about the attention they are getting.

Ms Shing interjected.

Mrs PEULICH — Exactly, a rare occurrence, but nonetheless. As I said, I hope that the minister and his department will not use this flexibility in delivery of funding as a way of punishing certain schools for perhaps not toeing the line in a way that may be linked to the reasonable conditions.

The bill also establishes a new School Policy and Funding Advisory Council, and that makes sense. It is going to be chaired by the secretary of the department and will have representatives of the ISV and the Catholic Education Office, with the expectation that these nominees will come from those sectors themselves. The minister will have the ability to make other appropriate appointments and obviously there will be government sector representatives as well. I hope that the flexibility the minister has to make additional appointments does not mean he does so to skew the balance of the council, which has the potential to work if its members are appointed in good faith. The council will examine education and funding policy. The minister is obliged under the provisions of this bill to

take advice but obviously not necessarily follow that advice, but I would expect that they would be as one.

We are unwavering in our support for the principles of this bill. On 29 October 2014 the then Minister for Education, the member for Nepean in the other place, the Honourable Martin Dixon, wrote to the Catholic Education Office confirming that a re-elected coalition government would legislate to deliver a 25 per cent funding contribution to Catholic and non-government schools. Furthermore, the coalition opposition led the debate on the important principle of introducing a 25 per cent payment for non-government schools back in 2010. It was my great privilege to take part in that debate at the time.

The proposed legislation is consistent with the position announced by the coalition. There are concerns about the ambiguity surrounding the potential appointment of additional members of the School Policy and Funding Advisory Council as well as the reasonable conditions. The amendments foreshadowed by the Democratic Labour Party member go to the heart of some of those concerns, but rather than fumble through the paperwork perhaps I will read one of the pieces of correspondence that no doubt all of us have received, in order to put it on the record. There have been a number of pieces of correspondence sent to all members. This says:

> I have just been made aware of the Victorian government's proposed changes to funding arrangements for independent schools.
>
> The current proposal contains a loophole which could allow the education minister to withhold funding to independent schools for completely subjective reasons —

to digress, or perhaps to narrower political interests —

> This is creating doubt and uncertainty for the future of independent and Christian schools …

It goes on to urge support for the amendments to be proposed by the Democratic Labour Party member, Dr Rachel Carling-Jenkins, should the minister not give assurances and outline the nature of the reasonable conditions for the receipt of that funding.

The Greens also have an amendment to propose. The problem for the Greens members is that deep in their hearts they do not believe that non-government schools should be funded. The Greens have an aversion to the funding of non-government schools.

For the reasons that I outlined, I support the bill from every conceivable angle: from the point of view of the rights of parents and children to be educated in an institution or a sector that aligns with their values and their aspirations; for the reason that our government school system could not possibly accommodate everyone if we did not have the independent schools sector and we would have to have a massive investment in infrastructure, personnel, teachers and curriculum materials that we could ill afford, and certainly if we had to do that, the resources would be spread much more thinly; and lastly, there is a right of taxpayers, no matter what choices they make in their lives, to expect some level of support from the government of the day without discrimination on the basis of their values and beliefs.

At the same time, when it comes to the expenditure of public funds, there is a need for a level of accountability. The opposition is not convinced that the Greens amendments are the solution, because they are onerous. We are concerned, as are the sectors, that they would be too onerous. There is a reference in the bill to the minister's ability to seek information about how money is expended, and unless I see grounds for there to be a more onerous regime, I think this method is fair and it provides the minister with the opportunity to be satisfied that the funds are being used for the purposes for which they were intended. However, I am still very keen to hear the minister's response in the committee-of-the-whole stage and his attempts to flesh out in more detail the reasonable conditions that will go to the epicentre of this legislation. This bill is a bit like the Back to Work Bill 2014 in that the framework is there but the detail is not, and we are very keen to hear the detail.

The opposition in principle supports the legislation and the 25 per cent commitment to funding of non-government schools. We do not want some disagreement over a technical detail to be used as a basis for the government to jump up and down and scream that we are unduly delaying the bill — that is not our intention, we do not want to do that — but we want to know that the rights of schools to deliver an education based on their values and principles is honoured and that unreasonable conditions that would mitigate against that and cut across their legitimate democratic rights are not imposed. We will reserve our right on any amendments put forward, pending the information the minister has undertaken to provide.

Ms SYMES (Northern Victoria) — I am pleased to make a contribution to the debate on the Education and Training Reform Amendment (Funding of Non-Government Schools) Bill 2014. This is my first contribution to debate on a piece of legislation — you could say I am a long-term listener, first-time caller. I am proud that this bill relates to education.

As we know, the Andrews Labor government has identified education as a key priority and has set the goal of making Victoria the education state. I commend the Deputy Premier and Minister for Education for the speed with which he has brought this bill to the Parliament following the election. This bill recognises a commitment the Labor Party made in opposition and delivers on the government's objective to have a transparent approach to funding across the education system with the primary goal of meeting student needs. The bill preserves existing administrative arrangements between government and non-government schools with regard to funding, but it importantly ensures long-term recurrent funding certainty for non-government schools by guaranteeing that state funding to their schools will be at least 25 per cent of the recurrent funding available to government schools on a per student basis. This means that any growth in state funding for government schools will also flow through to funding for non-government schools.

There are more than 2200 registered schools in Victoria: two-thirds of those are government schools, more than 20 per cent are Catholic schools and nearly 1 in 10 is an independent school. I was educated at a Catholic primary school, St Joseph's Primary School in Benalla, and I know that school community and many others in my electorate are very interested in this legislation. This bill ensures a fair share of state government funds for all Victorian students by introducing general principles to determine particular recurrent funding lines. The broad principle is that funding directly supporting the teaching, learning and welfare of students attending government schools is included. The bill enables the minister to further expand on the categories of funding that may be included or excluded from recurrent funding by regulation or ministerial order. Furthermore, the bill provides for a needs-based allocation of funding whereby the minister can allocate funding based on the individual needs of students and schools. This is important, particularly for Victorians in low-fee paying Catholic and independent schools, because it provides funding security for the future.

Some scoff at the idea of government funding for the Catholic and independent schools systems. I think they are guided by a false perception that the parents of students at private schools are financially better off than those who choose to send their children to public schools. Having been educated in both a Catholic and a government school I know that there is a great variation in wealth across the families in the various systems. I also regularly visit the school my husband teaches at in the western suburbs. It is a fantastic Catholic school, but I have learnt that a tie and blazer do not equal means. This school has a significant number of students from broken homes, refugee families, non-English speaking families and low-income families. Some students are from war-torn countries, including Uganda, Sudan and Burma, and when you talk to these kids, hear their stories and learn their personal circumstances you are left without a doubt that these schools, which step up to the mark in looking out for these kids and doing their best to give them the best opportunities, deserve government funding support, as do their tax-paying parents or parent.

There are a number of schools with significant need for support, including many in rural and regional areas. This bill provides that those who need a bit of extra help are entitled to get that help by using a funding formula that takes need into account. That is a great thing for a government to do. In this vein the Andrews government will also deliver $120 million over four years for capital upgrades at low-fee Catholic and independent schools. Funding is going to focus on building and expanding schools in the outer suburbs and regional Victoria, where enrolment demand is high. This arrangement will be a dollar-for-dollar scheme whereby the government will match the sector's contribution. It is a great way to ensure fairness and sustainability, and it is appropriate to partner and work together with schools to ensure that every child gets a first-rate education in a first-rate classroom.

The government has consulted widely on this bill, and the bill's establishing of the School Policy and Funding Advisory Council means there will be an ongoing dialogue with the government. The bill establishes this council to advise the minister on regulatory, policy and funding issues for all school sectors. It allows the minister to make decisions based upon direct feedback. The council comprises representatives of the government and non-government school sectors with an option for the minister, from time to time, to appoint any other person. The cross-sector forum will ensure that the needs of all Victorian students are considered, no matter where they are from or which school they attend.

The Catholic Education Commission of Victoria and Independent Schools Victoria were consulted on a draft bill prior to the bill's introduction to Parliament. Both sectors raised questions about potential changes to the criteria for funding in the future. The bill addresses this issue through the explicit requirement for the minister to take advice from the School Policy and Funding Advisory Council on inclusions in and exclusions from recurrent funding. The bill empowers the minister to place any reasonable conditions on funding provided to non-government schools.

As an accountability measure the bill allows the minister to require a non-government school and/or its organising body to provide a report on the application of funding provided. Some of these issues will be fleshed out during the committee stage of the debate. For additional accountability the bill contains a review mechanism by which the proposed provisions relating to funding for non-government schools will be reviewed by the minister in 2018 in consultation with the advisory council.

Parents choose to send their child to a school for a variety of reasons, including reputation, access, location, facilities, teachers, religious choices and style choices — perhaps they like the uniform. Whatever the reason, parents are entitled to the assurance that whatever their choice their child has the opportunity for a great education in a great environment. My eldest child, Philippa, is due to start school in 2017, and my second child is due to start the year after. I am comforted by this legislation, knowing that whether we decide on a government or a non-government school, my children's school will be supported by a government that cares about their opportunities for education, regardless of the decisions we make.

In finishing my contribution to the debate and commending the bill to the house I reiterate that 38 per cent of Victorian kids go to a Catholic or independent school. Labor is committed to giving every child every chance. This legislation to provide recurrent funding certainty for non-government schools means no more cap-in-hand negotiations. This is a good bill; it is transparent and it is equitable. If enacted, it will provide clear objectives. There is no reason to oppose this bill. Everyone should be on board. I commend the bill to the house.

Ms PENNICUIK (Southern Metropolitan) — The Education and Training Reform Amendment (Funding of Non-Government Schools) Bill 2014 purports to establish a transparent mechanism for state funding of non-government schools. This is a fundamental premise of this bill with which the Greens disagree. The bill amends the Education and Training Reform Act 2006 by inserting new part 2.7 to expressly legislate that a minimum amount of 25 per cent of the total allocation of recurrent funding to government schools be allocated to recurrent funding for non-government schools using a particular formula set out in new section 2.7.4.

The bill sets out what is and is not to be included in the calculation. The argument for this is 'to ensure that growth in per-student state funding for government schools will also flow through to growth in state funding for non-government schools'. This occurs through administrative arrangements at present. The current administrative arrangement to tie state funding of non-government schools to 25 per cent of funding allocated to government schools was put in place by the previous government. Prior to that, students were funded according to the education resource index.

The financial assistance model, based on this 25 per cent formula, that has been in place has meant that around $700 million per year from the state has gone to non-government schools. The Greens have a principal concern, to say the least, with tying the funding to an arbitrary figure. We are also concerned about any increase in government funding for government schools automatically going to non-government schools. I will return to that later.

The bill also sets up an advisory body comprising representatives from the Department of Education and Training and the Catholic and independent school sectors to advise the minister about regulatory, policy and funding issues that affect government and non-government schools. It is a very small body comprising only four people and contains no government school representative external to the department.

The Greens have strong concerns about this bill. Firstly, Victoria is the lowest-spending state in Australia on public education. We say that the state government should prioritise funding for government schools in a transparent way. Increasing funding to government schools should be the priority. School funding should be based on equity and demonstrable need, not on an arbitrary percentage amount which appears to be based on no more than a demand by the non-government school sector. It does not appear to be based on equity and the actual needs of schools.

The state government should not be bringing in legislation to put in place a minimum funding allocation to non-government schools that is not based on evidence and that flies in the face of the national education reform agreement. School funding should be based on the Gonski principles — all schools should receive a base level of commonwealth and state funding, the schooling resource standard, with loadings applied to address disadvantage such as disability, socio-economic status and location. The Gonski review recognised that the bulk of this increased funding should go to government schools.

This bill flies in the face of the national education reform agreement, which Victoria signed up to as a heads of agreement 18 months ago. It flies in the face of genuine needs-based funding to address the widening

gap between the highest and lowest performing students across Australia that was clearly identified by the Gonski report, and it goes against the need to implement the national education reform agreement across Australia.

The bill purports to establish a transparent mechanism for funding of non-government schools, but it is not transparent. There is no mandatory requirement for reporting by individual schools or non-government school organisations on how taxpayer funds are acquitted by them. Beyond registration there are no mandatory conditions on schools for the receipt of government money, although the minister may impose conditions or enter into an agreement.

The Auditor-General's report tabled last sitting week, *Additional School Costs for Families*, found that the Department of Education and Training does not know the true cost of education, it does not know how much funding schools actually need and it does not know what an efficient, effective and economic school looks like. Given these findings, how can the government proceed with legislation that will make school funding even less transparent and increase the gap between disadvantaged and advantaged schools and students?

This bill is quite astounding. At the briefing on the bill a couple of weeks ago, I asked what the policy basis is for this bill and for the tie-in of funding for non-government schools to 25 per cent of total funding for government schools. We know that 80 per cent of people with socio-economic disadvantages or other disadvantages are educated in the government system and not in the non-government system. Any time there is an increase in government school funding to account for disadvantage there is an automatic 25 per cent increase in non-government school funding. That is arbitrary and not based on evidence of need or equity.

The Gonski *Review of Funding for Schooling* report clearly demonstrated to the whole of Australia that the funding of schools across the country is confused and inequitable and that there are growing gaps between disadvantaged and advantaged students, between areas of the country and between the independent and the government sectors. The report found that there was a smaller gap between the Catholic and government sectors, but there was still a wide gap between them. These problems were clearly identified. One of the flaws put in place by the national education reform agreement, which I will talk about in a little while, was that there would be no change to existing funding regimes in the non-government sector, so base funding would remain rather than the government starting again and funding all schools based on actual need and equity. Despite these flaws, there is the idea that this is the sort of direction we should be going in.

At the briefing I asked which other states use this 25 per cent formula. I was told that Queensland and Western Australia use a similar formula but it is not in their legislation. I was also told that the formula is in the New South Wales education act, but that is not the case. It is not in the New South Wales education act. However, it was in the New South Wales education act. It was put in that act 25 years ago, in 1990, but it was removed in 2013 in favour of putting in place the requirement that state government funding to non-government schools be based on the national education reform agreement. Despite it having some flaws, the formula is based on equity and need and the schooling resource standard, with base school resource standards for each student and loadings for disadvantaged students based on their socio-economic background, whether they have a disability, whether they come from a non-English-speaking or Indigenous background or whether they live in remote locations.

It is quite astounding that a Labor government would bring in such a bill in the face of all the work that has been done over the last five years to identify the growing gaps between disadvantaged and advantaged students in schools and to identify a way forward. The government is signed up to the funding model outlined in the national education reform agreement and it has made an agreement at a heads of government level, not a bilateral level. The bill establishes a model that was first put in place 25 years ago — a quarter of a century ago. The government is not looking to the future or at how it should be funding schools, whether they be government or non-government.

The Greens will be moving some amendments to the bill. Mrs Peulich mentioned them in her contribution. These include amendments relating to the technicalities of the bill. I ask that they be circulated.

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

Ms PENNICUIK — If agreed to, the amendments will mean that the bill will require that non-government schools or organisations in receipt of public funding must provide a report to the minister and the department annually on the application of that funding, and the minister may require further information.

Currently the bill has a provision that the minister may require such organisations to report back to the government, but I am saying and we know from the

evidence that on average Catholic schools — and obviously not every single Catholic school is the same — receive about 80 per cent of their funding from the commonwealth or state government. Non-government schools receive around 44 per cent or 45 per cent of their funding from the government. So it is still quite a slab.

With the large amount of government funding that these schools get, it is not good enough that this bill does not require them to report back to the government annually. That certainly does not fit with the purpose of the bill, which is to provide a transparent mechanism. We do not have full transparency if schools are not required to report annually. I do not think that reporting annually on the receipt of so much government funding, which is set to increase under this regime, is onerous, and I think the public expects it. My amendments would mean that the minister, on receipt of that annual acquittal, could require further information from the school if the minister was not satisfied that the reporting on the use of that recurrent funding was adequate.

Recent evidence uncovered by my Greens colleague in the New South Wales Parliament, Dr John Kaye, found that a great deal of the funding from the New South Wales state government that goes to non-government schools that is meant to be spent on operational aspects of the school is being spent on capital works when it is not meant to be. It is very important that schools are held to account, and I think an annual report is not an onerous requirement.

The second of my amendments that I wish to speak about would add to the School Policy and Funding Advisory Council a person to represent teachers and principals in government schools who is external to the department. During the briefing on this bill I was advised that the departmental representative on the advisory council would be representing teachers and principals in government schools. Given that the advisory council will be advising the minister on what is happening in government schools, I believe that person needs to be external to the department, because the department is under the direction of the minister and therefore would not be independent of the minister.

It is of great concern to me that so much power will be given to this advisory council and that the minister must consult the council but that there would be no representative on the council who is a teacher or principal in a government school. You probably would go to the Australian Education Union, which represents teachers and principals in government schools, for a representative. However, I cannot see the difference between going to Independent Schools Victoria or the Catholic Education Office for its representative and going to the Australian Education Union for its representative of government school teachers and principals. As this bill has been drafted there is no representative from government schools on that advisory council. That is a great oversight in the bill.

The third of my amendments I wish to speak about is that which ensures that the provisions of the bill are reviewed before 30 June 2018, not just at any time in 2018, which is what the bill indicates at the moment. I will be talking about the national education reform agreement in a moment, but if members look at that agreement they will see that a lot of the dates there are in 2017 or 2018, so it fits in that regard, but 2018 also happens to be an election year in Victoria. We do not want to have the report on how this funding arrangement is faring coming after the election. We want to have it a good deal before the election. I am proposing that a reasonable date is 30 June 2018. Those are the technical amendments to the bill that I am putting forward.

The more substantive amendments, which I circulated to the parties in the last day or so — because they were being finalised through parliamentary counsel — make fundamental changes to the bill. Amendment 2 would put in place new part 2.7.4. The current bill uses a 25 per cent mathematical formula for the calculation of funding of non-government schools. The amendment replaces that so that the determination of the amount of funding would be provided in accordance with the national education reform agreement or any subsequent replacement agreement.

This provision is similar to the provision recently incorporated into the New South Wales Education Act 1990 to replace the 25 per cent calculation it previously used, and it is in keeping with where the country is at the moment and should be going — that is, in the direction of needs-based and equitable funding for all schools, based on a schooling resource standard (SRS) and loadings for disadvantage that I mentioned before. This would still not be a perfect system. It is subject to the vagaries of the national education reform agreement as it currently stands.

As we know, and as I have already mentioned, the Victorian state government has signed up to the heads of agreement with the commonwealth, but it has not signed up to the bilateral agreement. Nevertheless, it has signed up to the heads of agreement, which talks about some very important principles. They include that the state and commonwealth governments should be basing funding for all schools on need, equity and

evidence thereof. Tying funding to an arbitrary figure goes against the trend and the principles of the national education reform agreement.

The national education reform agreement also talks about targets. One of the targets is that by 2025 — only 10 years from now — Australia should be in the top five achievers in equity across its school system. At the moment according to the Organisation for Economic Cooperation and Development's (OECD) most recent report, released just a couple of weeks ago, the Australian education system is the seventh lowest of the 34 OECD countries in terms of needs-based and equity-based funding, as well as disadvantage. The gap of disadvantage across the system, between the lowest performing students — those in lower socio-economic areas, those with disability, those who are Indigenous or those from non-English-speaking backgrounds — has been widening considerably since 2008. If we are to achieve the target of the national education reform agreement to get us into the top five in 10 years, we have a long way to go, because we are no. 27 out of 34 at the moment in terms of equity.

The other target is to put us in the top five countries internationally in reading, mathematics and science. The Programmme for International Student Assessment report from the OECD finds us falling — —

Mr Barber interjected.

Ms PENNICUIK — We are not necessarily at the bottom, Mr Barber, but we are certainly not doing as well as we could be, and we are not improving on an international basis.

On a national basis, the gap between disadvantaged areas and advantaged areas is growing, and that has been clearly identified by the Productivity Commission and the Gonski report. These are serious issues for Australia in terms of fairness and equity of outcomes for all students but also in terms of economics and the ability for our economy to prosper when we do not have an equitable education system where all students can access a quality education, which is currently the case in Australia.

Under the heads of agreement for funding of Victorian schools we know the federal government has, sadly, not committed to the final two years of the six-year Gonski funding agreement. However, it has agreed to the first four years, which takes us up to 2017. That bases funding on that SRS model I talked about earlier, which is a model that is based on equity and need.

That is why I am proposing that this is the calculation, or formula, that should be used in this bill. As I said, this is not necessarily the most perfect approach. The national education reform agreement, which was implemented based on the Gonski report and the Gonski principles, had as its basic flaw that it kept in place an assurance that no school would lose any funding even though for the previous 10 years funding had been based on the socio-economic standard of a school. This assurance meant that a number of very wealthy schools got huge increases in funding, which they did not need, at the expense of government schools and less wealthy non-government schools.

I will provide an overview of the increases in funding for private schools that have occurred over the last seven or eight years. New figures coming from the *Report on Government Services* show that funding for private schools has increased by four times that of public schools. Total government recurrent funding per student in private schools, adjusted for inflation, increased by 15.5 per cent between 2008–09 and 2012–13, compared with only 2 per cent for public schools.

Private schools in New South Wales and Victoria received massive increases while real funding for public schools fell. Funding for private schools in Victoria increased by 18.5 per cent per student, compared to a decline in public school funding of 2 per cent, while in New South Wales the increased funding for private schools was 12.5 per cent compared to a decline of nearly 1 per cent for public schools. There are massive disparities in New South Wales, Victoria and Western Australia. In New South Wales private schools received an increase of $970 per student while funding for public schools fell by $108 per student. In Victoria the disparity was even bigger — an increase of $1299 for private schools compared to a decrease of $234 for public schools.

This is the situation we are facing in Victoria. More and more funding has been going to non-government schools with a lack of transparency as to why, and we know that public schools are in dire need of recurrent funding. The Auditor-General's report entitled *Additional School Costs for Families* shows that parents of students in public schools provide around $600 million for what are in many cases things that should be provided by the government, such as fundamental basic facilities and equipment in schools.

The Greens education policy at the national level advocates for a new independent school resourcing body to determine eligibility for public funding based on the schooling resource standard per-student funding, with loadings for schools and students that need more support to educate students to a high level; to ensure the

allocation of funding by state and federal governments is based on evidence of need rather than political considerations; and to ensure that the contributions of state and federal governments in funding schools are made on a transparent basis which addresses the resourcing inequities between the public and non-government sectors, taking into account total resourcing and assets, not just government funding.

We believe the substantial growth in government funding to non-government schools has had an adverse impact on public education and that any funding to non-government schools should take into account the resources of individual schools, a direct measure of parental socio-economic status and the school's capacity to generate income from all sources, including fees and other contributions. Funding should also only be allocated to schools which fall under the given per-student SRS level funding. Schools which already possess sufficient resources to be above this level should not be provided with further funding.

The public of Victoria expects fairness and equity in education funding. I do not believe this bill provides that, but I also think this bill is catapulting us back 25 years instead of taking us into the future with the type of needs-based and equitable funding that was identified in the Gonski report. As I said, the Greens have concerns about some of the fundamental assumptions in that report. However, we have been very supportive of the commonwealth and each state moving towards the funding of schools based on demonstrable equity and need, so we lift the whole education system up.

As the Gonski report indicated, government schools do the heavy lifting in terms of dealing with students with disadvantage, which means that some need even more assistance and support to make sure all students, wherever they live and whatever background they come from, have access to a quality education. That clearly is not the situation at the moment, and this bill at best will do nothing to fix that and at worst will exacerbate that situation. That is why we have fundamental problems with this bill.

Ms PATTEN (Northern Metropolitan) — I would like to speak briefly on this bill, the Education and Training Reform Amendment (Funding of Non-Government Schools) Bill 2014. This bill provides a formula to ensure that non-government schools receive at least 25 per cent of recurrent education funding. It is at this point that I have a problem with this bill. If we are looking at an equitable and fair system for our education funding, I do not think that providing a blanket flat rate for any non-government school answers that.

I certainly believe in education and agree with the minister when he said in his second-reading speech that Victoria should be the education state of Australia. We know that education is the key to a productive and thriving economy. We know that education can be a fantastic enabler, not just in the basics of English, maths and the humanities but also in the teaching of respect and tolerance.

There are aspects of this bill that I agree with. They include the provision of a more transparent and secure funding mechanism for non-government schools and the ability of a minister to impose some conditions on that funding. I also agree that non-government schools should be accountable for the application of the funding. But I do not think this bill answers these issues. The minister also states in his second-reading speech that the bill aims to address disadvantages in schools across Victoria. I do not think the bill does that. I am also concerned that in some aspects Catholic Education Commission Victoria has complete autonomy as to how the funding goes to the many hundreds of Catholic schools across Victoria. The government has relinquished that responsibility and ability to ensure that funding is fair and that the most disadvantaged schools reap the most benefit from funding.

The other area I am really concerned about is that this bill enshrines public funding to schools that are allowed to — and which do — discriminate through their exemptions to the Equal Opportunity Act 2010. These exemptions undermine the work of the Victorian government in reducing homophobia. They also undermine a lot of the great programs that the government has instituted, such as the Fair Go sport campaign and the Safe Schools Coalition of Victoria. I commend the fact that over 165 independent schools have opted into the Safe Schools Coalition. That includes 29 independent schools and 3 Catholic schools in this state. It is fantastic that these schools are countering those exemptions to the Equal Opportunity Act. However, the fact that religious schools are allowed to discriminate counters our promise of an education system that teaches respect and promotes tolerance towards any group in Australia.

I want to quote some statistics regarding the effects of homophobia and discrimination. Same-sex attracted, intersex and gender diverse people have the highest suicide rates of any group in Australia. They have a 3.5 to 14 times higher rate of suicide attempts, and same-sex attracted young people attempt suicide six

times more than their heterosexual counterparts. Allowing schools to discriminate is at odds with our community expectations of education, which should reflect the diverse nature of Victorians. For this reason I have great problems with this bill. Schools are going to be awarded and promised funding at the same time as they are being allowed to discriminate against someone on the grounds of their sex, marital status, race, parenting skills, whether they have children or are in a de facto relationship, their sexuality, their physical features and their political beliefs. While these schools can continue to discriminate on the grounds of gender identity and even people's religious beliefs, we should not be awarding carte blanche on public funding — —

Mrs Peulich — Taxpayer funding.

Ms PATTEN — Taxpayer funding. We should not be providing funding to these schools when they are exempt from the Equal Opportunity Act. If the government were to amend the Equal Opportunity Act, as it has committed to doing, then I think this bill will provide a much fairer go.

Dr CARLING-JENKINS (Western Metropolitan) — Education is an area very close to my heart. I attended both state and independent schools. My son, who finished school last year, was homeschooled and attended many alternative schools during his schooling career.

For many members here today, this bill seems rather mundane with not much to consider, but for me it has been a minefield — more because of what it does not say than for what it does. When I first read the bill it seemed fairly routine, even benign. However, several points have bothered me so I went through a process of consultation. I engaged with Independent Schools Victoria, stakeholders across the non-government school sector, including those involved in Catholic education, and many constituents, many of whom are parents.

Through this process I came to the conclusion that this bill has a paradox or two. For example, the bill establishes a School Policy and Funding Advisory Council enabling a seat at the table for Catholic Education Commission Victoria and Independent Schools Victoria. Non-government schools will now have an avenue through which they can communicate with the minister. This is really good. However, the bill does not require the minister to seek their advice, accept the representative put forward by the sector or preserve their voice on this same council.

Another paradox is that this bill ensures a level of guaranteed funding for non-government schools, which is a great leap forward for Victoria in this sector. However, the bill implies the right of the government to impose ill-defined conditions to this funding. The government has ensured a level of funding for non-government schools, enabling them to breathe easy without the constant worry that their funding may be lost. This shows a level of commitment towards providing students and their parents with alternative schooling options, and I commend the government on its work in this space. For this reason I do not wish to oppose the bill; however, I do wish to raise matters to improve its clarity.

The make-up of the advisory council has been a concern, particularly around the role of the minister in relation to the council and its members. I have a number of questions for the government. Why should the government appoint members from the non-government sector to the council? Can the sector not be trusted to make its own appointments? The make-up of the council is flexible to accommodate the diverse range of considerations it will review through its course; however, why should the government be able to stack the council with government members?

Now to my main concern, which is the definition of 'reasonable conditions', or should I say a lack of definition. On face value it seems to be a fair point that funding should in fact be distributed under certain conditions and that these conditions should be fair and reasonable. However, this bill does not define what reasonable conditions are. I understand that this is an expression used in many other pieces of legislation, but in other pieces of legislation that I have looked at reasonable conditions are defined. To my mind, reasonable conditions in this context means conditions that are not in opposition to the fundamental principles, objectives and governing laws of a non-government school under consideration for funding or its parent organisation. I will quote some of my constituents. Members may have received similar comments on email over the past 24 hours.

Mr Finn — Just a couple.

Dr CARLING-JENKINS — Just a few? Excellent. They have mainly been about reasonable conditions. One email from a constituent states:

> We are concerned that the funding of non-government schools may be at risk from this bill's provision requiring that these schools meet reasonable conditions, but what does reasonable conditions mean? Being unspecified, it could be anything that a government-appointed council wanted to regard as reasonable, even where that was contrary to the

> culture of the school and even contrary to what you as a legislator had in mind. It is all about freedom of belief and freedom of conscience, something too precious to leave, protected only by the vague 'reasonable conditions'.

I thank the constituent for that contribution. Another constituent called the lack of definition a loophole which could allow the education minister to withhold funding to independent schools for completely subjective reasons. This constituent said that this is creating doubt and uncertainty for the future of independent and Christian schools. Another cited overseas case studies, and said:

> … in the UK recent regulations requiring schools to teach British values have led to the closure of some Christian schools when it was deemed they did not meet the imposed standards. We don't want that to happen here in Victoria, and exact guidelines have to be recommended.

I could not agree more. Others simply asked for amendments to ensure that the Victorian government upholds the ethos of non-government schools and upholds the right of Victorian parents to determine the moral education of their children. Again I thank these constituents for their comments.

By including a definition of reasonable conditions, we can ensure that funding cannot be contrary to the fundamental principles and objectives of the school in receipt of the funding. It is these often unique principles and objectives that motivate parents to choose alternative schools for their children. Clarity is needed in this bill.

I will go into some specifics around some amendments I have prepared. The amendments will increase the clarity of the bill and ensure that there is genuine consultation within the advisory council under proposed section 2.7.6, which is headed 'Minister may have regard to needs of schools and students'. The existing section does not commit the minister to take into account the needs of non-government schools or students attending these schools. It also does not commit the minister to seek advice from the council but only to take it into account if it is provided. I propose that the minister must have regard to the needs of schools and students, and that a minister must seek advice and take into account any advice provided. If a body is going to be established, then it should have a genuine role — that is, an active role with expectations on both sides.

Section 2.7.7 'Conditions of funding' mentions but does not define 'reasonable conditions'. As it stands it has an extremely broad interpretation and could mean schools have to introduce programs or curriculums unwillingly or face having their funding cut. For example, schools may be advised they must employ staff whose ideals are hostile to their principles or they may be advised that they have to implement programs such as the Safe Schools program that Ms Patten referred to. The government must make its intentions clear. By including a definition or commitment to reasonable conditions we can ensure that funding cannot be contrary to the fundamental principles, objectives and governing laws of the schools in receipt of this funding.

It is usually the fundamental principles, objectives and governing laws of schools that motivate parents to choose alternative schooling options for their children. Defining reasonable conditions increases the clarity of this bill and provides much-needed assurance to the parents who are committed to having a genuine alternative in the schooling they choose.

I will move on to the section on membership of the advisory council. I understand that advisory councils are often simply an informal group. We must ensure that this advisory council is collaborative and representative, so that when decisions are made the Catholic Education Commission (CEC) and Independent Schools Victoria (ISV) are genuinely represented on this council. I recommend that the members should be nominated by CEC and ISV and not just appointed by the minister. I recommend that they should have voting rights that should only go to the four advisory council representatives — that is, the secretary of the department, the CEC representative, the ISV representative and the government schools representative.

No member should have a casting vote on the advisory council, and when the minister appoints any other person to the advisory council, such as expert advisers, this member should be a participating member only without the right to vote. This would avoid the council being stacked by people who will vote for the government of the day's agenda, leaving the votes of CEC and ISV redundant. By adding stricter guidelines around the make-up of the advisory council, CEC and ISV will be truly represented. In addition, the amendments I will propose will ensure that the advisory council is run democratically. The minister will not be able to make alterations or otherwise interfere with the composition of the council.

Finally, I move to the last section around the minister's responsibility to consult with the advisory council. To operate as a genuinely consultative body, the advisory council should be referred to when any decision affecting its role is being made. The minister should be obliged to engage with the council and include it in any

decisions that affect or alter its role. At this time I foreshadow that I will withdraw my amendments if the government satisfies each point within its next contribution, and I look forward to that contribution. I do not like to finish on a negative point, so I reiterate that I commend the government for its legislation and its commitment to provide secure, long-term, recurrent funding for non-government schools.

Ms CROZIER (Southern Metropolitan) — I am pleased to rise this afternoon to make a brief contribution to this important bill, the Education and Training Reform Amendment (Funding of Non-Government Schools) Bill 2014. This afternoon I have been listening to the contributions of members to this important debate, and I thank them for those contributions.

As has been articulated and highlighted by a number of speakers, the bill proposes amendments to the Education and Training Reform Act 2006 to provide a transparent approach to funding across the education system, with the primary goal of meeting student needs. The bill secures recurrent funding for non-government schools.

It is particularly important for my constituents within Southern Metropolitan Region that this bill is being debated this afternoon. There are approximately 50 independent schools within my electorate. I note that Mr Dalidakis, who also represents the Southern Metropolitan Region, spoke of the Labor Party being the party of education. I would have to say that that was rather a grand statement from Mr Dalidakis in his — —

Mrs Peulich — Fanciful.

Ms CROZIER — A fanciful statement — quite right, Mrs Peulich. I make the point that the Liberal Party has a very proud and longstanding legacy of supporting non-government schools as well as state schools. As someone who grew up in far western Victoria, it is obvious to me that my family relied upon the state school system. When I went to primary school — and I am sure other members in the house probably had similar experiences — the school was attended by only a small number of students. I think my primary school had 24 students from prep to grade 6.

Mr Ramsay — And they were all related.

Ms CROZIER — Not quite, but nearly. The state provides a very good mechanism for providing an education system so that students can learn skills — the very necessary and basic skills of writing and arithmetic and all those things that we rely on in this modern age. We are very lucky to have a very good education system, and it needs to be supported. However, equally, we have a very good non-government education system that also provides a very good education system to those parents who want to have a choice in where their children are educated.

Mrs Peulich interjected.

Ms CROZIER — Yes, they are all taxpayers, Mrs Peulich, and they take the burden off the state system. Some parents take the burden off the state system by putting their children through Catholic and non-government schools and by paying school fees into an education system that provides the necessary skills that I have spoken of for children's wellbeing and so that children are able to participate in a meaningful way.

As I said, the Liberal Party has a strong and proud history of freedom of choice and freedom of education, and the right of parents to choose is certainly one of the principles we stand by. I turn again to Mr Dalidakis's fanciful statement that the Labor Party is a party of education. I know that those opposite made a big deal of that in the lead-up to the 2014 election, but I commend the previous government, and certainly the former Minister for Education, Martin Dixon, the member for Nepean in the Assembly, for being very committed to supporting the Catholic and non-government school sectors. Indeed this support was highlighted when the previous Labor government was in power, and it was a policy of the coalition to commit to the provision of 25 per cent of the cost of education for Catholic and non-government schools.

In a 2008 media release the now shadow Minister for Education, the member for Ferntree Gully in the Assembly, said:

> A Victorian Liberal-Nationals coalition government will increase state government grants to Catholic schools, using a needs-based formula, to around 25 per cent of the cost of educating a government school student.

That highlights the focus of what the coalition government was undertaking — that is, that this funding issue is really about the student. I am pleased that the government recognised the importance of this area as well and has brought in this bill to be debated. I am also pleased that the opposition's position has been highlighted by Mrs Peulich in her contribution, and I am sure that when Mr Finn gets to his feet he will also speak highly of what has been undertaken and about the importance of supporting the aims of this bill.

I do not intend to make a long contribution on this bill. Other members have spoken very clearly about the

need for these changes to occur. I listened to the contribution of Dr Carling-Jenkins, and I am sure that those further issues will be teased out during the committee stage. However, I very much support what is being done here. Having made those brief comments, I support the bill that is before the house.

Mr FINN (Western Metropolitan) — As keen as I am to hear the contribution of the Minster for Training and Skills, Mr Herbert, I feel it necessary to say a few words beforehand. I am the product of both state education and a Catholic education. I remember many moons ago being at St Brendan's in Coragulac. I attended that school for a few years, starting at the age of four-and-a-half. That was at a time when we were in the dark ages.

Mr Ramsay interjected.

Mr FINN — It was pretty much in the horse-and-cart days, it has to be said, but it certainly was for Catholic education at the time, because there was little, if any, government funding for Catholic education. I well remember the size of the classes at that school; they were in excess of 50 students, which for a young lad by himself — first time out in the world — was a bit daunting. Anybody who did not keep up with the pack was doomed to fall behind it. I have to say that I would not want to see us go back to the days when there were two classes of education: the class funded by the taxpayer and the class that is totally ignored by government and left to its own devices.

The Catholic education system has done a particularly good job over many years. I certainly have had some points of contention with it recently, but if I were to go into them now, we might still be here this time tomorrow — and that might not be a good idea.

I then went to Alvie Consolidated School, which was a state school. I had the greatest educational experience of my life at that school. When he left us last year I raised in this Parliament the name of a teacher I had, Ken Dunne. He was a brilliant teacher and was very much responsible for where I am now and just about everything I have done in my life. I know Mr Herbert has been looking for who is responsible. Mr Herbert may well say Mr Dunne is no longer here to defend himself and that is why I am saying it. But it is true: the education Ken Dunne gave me at Alvie is one that set me on the right path, and I will be forever grateful to a wonderful teacher.

It has to be said that I have always supported choice in education. To me it is about justice, because we hear from opponents of government funding of private schools — and thankfully they are very few these days — that the taxpayer should fund government schools and the parents can look after the private schoolkids. The reality is that parents who send their children to private schools also pay tax, and quite often they pay more tax than others, so they are well within their rights to have a degree of support from the taxpayer. It is extremely important.

I have to wonder what would happen if we had a situation where government funding was pulled and the independent, Catholic and Christian schools all closed tomorrow. What would happen to the state system? If all the children going to independent, Catholic and Christian schools came into the state system tomorrow, what would happen? The state system would not be able to cope. That is the reality. Members of the Labor Party are talking about big classes now, but imagine the influx if the closure of the independent schools were ever to happen. It is important to establish the point that we need to support independent schools financially via the taxpayer. I think it is a very important principle and one that is now established in Australia, despite the efforts of some.

Dr Carling-Jenkins made reference to a significant number of emails that I and a number of members have received regarding this bill and the concerns some people have about the possibility that the government may interfere with the funding of schools if the schools do not toe the line and do as the government dictates, and the possibility that the government may pull funding altogether. Given the history of the Labor Party over a very long time, that distrust is perfectly understandable.

It is fair to say that the Labor Party was the last party in this country to support state aid for non-government schools. If I could give the Democratic Labour Party a pat on the back, it was the DLP that led the way on this and worked with Sir Robert Menzies back in the late 1960s when I was a very young lad. Even then the ALP was fighting against state aid for non-government schools.

We have to remember that there are certain sections of the ALP that have a very long and undistinguished history of opposing state aid for non-government schools. We only have to go back to a factional colleague of the current Premier, the last Socialist Left Premier of this state. I am sure anybody who lived through Joan Kirner's reign will never forget it — and I will not anytime soon. Long before she became Premier, Joan Kirner was one of the founders of DOGS, the Australian Council for the Defence of Government Schools, which was vehemently against

funding non-government schools from government coffers.

We can see in a number of instances over the years that very prominent members of the Labor Party have been extremely strong opponents of funding non-government schools. I can fully understand why there would be some distrust from parents who send their children to independent schools. I can understand why they would distrust this government, particularly with a Premier who is a member of the Socialist Left. If we had a Labor Premier from Labor Unity or even the shoppies, I would be a lot more comfortable. If we had Premier Somyurek, for example, I would be a lot more comfortable about this legislation than I am. Dr Carling-Jenkins's amendments attracted my attention and may very well attract my support if they are moved. I would have considerable difficulty opposing those amendments if indeed they are put.

The bill is obviously necessary. It reinforces the view held by the overwhelming majority of Victorians that every child deserves a proper education that will set them up for a life journey that will provide a useful and productive life for them. Importantly, the bill also recognises the basic choice in education that every parent should have. As I said right at the beginning of my contribution I am a firm believer in that, and the bill reinforces it.

I support the bill, but I will be listening very closely to the Minister for Training and Skills summing up to hear if he allays the fears of those who have concerns about it. I will wait with interest to see whether Dr Carling-Jenkins feels it necessary to put her amendment, and I will almost certainly be supporting it if it is needed. I will sit down now, and I will let the minister deliver his prose in a way that only he can. I look forward to him clearing up the concerns that obviously many thousands of Victorians have about the legislation.

Mr HERBERT (Minister for Training and Skills) — I thank Mr Finn for his kind words and for cutting short his speech to enable others to have a say.

Mr Finn — I'm a generous soul.

Mr HERBERT — He is a generous soul. It is a pleasure to sum up the debate on behalf of the government before the house goes into the committee stage. The Education and Training Reform Amendment (Funding of Non-Government Schools) Bill 2014 provides certainty to non-government schools that a growth in state funding for government schools will also flow through to a growth in state funding for non-government schools, which is the very essence of the legislation. The bill provides transparency to the entire sector regarding the percentage and the method by which non-government schools are funded by the Victorian government. It introduces the parameters around government school funding to which non-government school funding is linked. It is crucial to note that this funding directly supports the teaching, learning and welfare of students. Other funding to government schools is excluded from the calculation.

I want to be perfectly clear about some of the matters raised by those opposite, including Dr Carling-Jenkins. Through the introduction of the bill it is not the government's intention to impose any conditions that would intentionally oppose any of the fundamental principles, objectives or governing laws of non-government schools under consideration for funding or their parent organisations. Importantly, the bill also legislates that funding for non-government schools will be allocated on the basis of student need. Students and families who require the most assistance will be provided with higher levels of funding.

The Catholic Education Commission of Victoria (CEC) and Independent Schools Victoria (ISV) were consulted throughout the drafting of the bill. The commission has publicly stated its support indicating that it provides longer term security for schools, students and parents. Thirty per cent of Victorian students are enrolled in non-government schools, and this legislation enables the government to provide a more equitable education system and ensure that funding and student needs are aligned for all Victorian students.

In regard to school policy and the funding advisory council, an issue that has been raised in here, the council will provide a mechanism for Catholic, independent and government schools to contribute significant advice to the minister regarding issues that impact on the whole sector. This cross-sectorial forum will ensure that the needs of all Victorian students are being considered no matter where they are or which school they attend. The government will work with those peak bodies on the terms of reference for the advisory council. It is our expectation that the membership will be nominated by those organisations. In regard to the appointment from time to time of any additional expertise, in the terms of reference the minister will make it clear that prescribed representation appointed to the council under the legislation will be recognised as the primary source of advice on funding, regulations and policy issues affecting the government and non-government school sectors.

The minister has also made it clear that the bill preserves existing administrative arrangements. It is not intended to give the minister an unfettered discretion to impose conditions on funding. The bill respects and preserves existing administrative arrangements between the government and non-government sectors regarding non-government school funding so that there will be no disruption or change for the sector in relation to its implementation.

Further, on the issue of the Minister for Education imposing any reasonable conditions on funding, the minister has said the government will consult with ISV and CEC before imposing any conditions on funding. This consultation will occur through the advisory council and will specifically raise the issue of reasonable conditions and confirm that the government's intention is not to impose any conditions that would intentionally oppose any of the fundamental principles, objectives or governing laws of the non-government schools under consideration for funding or their parent organisations. I say that again because it has been an issue of some concern.

I hope this clarifies to a degree some of the concerns of those opposite in terms of the government's intention. I commend the bill to the house and look forward to further debate in the committee stage.

House divided on motion:

Ayes, 32

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

Noes, 6

Barber, Mr	Patten, Ms (*Teller*)
Dunn, Ms (*Teller*)	Pennicuik, Ms
Hartland, Ms	Springle, Ms

Motion agreed to.

Read second time.

Ordered to be committed later this day.

RETIREMENT OF PARLIAMENTARY OFFICER

Yiannis Tremoulas

The PRESIDENT — Order! I make this announcement with some regret, but nonetheless, the person who is the subject of the announcement has absolutely no regrets about it. It is important for me on this occasion to recognise that Yiannis Tremoulas, who is seated in the gallery today, is retiring from the service of the Parliament.

Honourable members applauding.

The PRESIDENT — Yiannis, that applause is in recognition of your work. It is not a reflection on your decision to retire.

I do not do this for all staff members, but it is important to recognise Yiannis's work because he has been here for 48 years, which is longer than a number of members of the house have been on earth.

Yiannis came here originally when the old Public Works Department was responsible for the maintenance of the Parliament building, which is, as I often say, the most iconic and important building in Victoria. When the work was transferred to a team here at Parliament House, Yiannis remained with that team and for the past 48 years has given extraordinary service to the Parliament, ensuring that this building is not only maintained but also meets ever-changing standards in terms of its support of members, meeting technology challenges and so forth.

In the past Yiannis has had roles within the chambers, particularly in the Assembly chamber in relation to the recording of proceedings, and he has also supported many public events and so forth in the Parliament building. Our worry in losing Yiannis is that he is the only one who knows where some of those wires go. In the past couple of years we have done a lot of work behind the scenes, the extent of which is not necessarily appreciated by members. Yiannis and his team have chased down a lot of wires in the last few years to find redundant ones that probably date back to the very beginnings of this building in order to ensure that the building's electrical and support systems are up to scratch.

Yiannis, you have done a wonderful job. You have also mentored a number of new staff, some of whom are in the gallery today, and I know they will miss you as both a friend and a colleague. They will miss your cheerful disposition, and I am sure that many members have

been on the receiving end of your smile and greeting as they have come into this building. We thank you for that, and we hope there will be occasions when you will come back and visit us. We thank you for an absolutely extraordinary period of service to the Parliament. Thank you, Yiannis.

Honourable members applauding.

Mr Drum — Does Yiannis know what happened to the mace?

The PRESIDENT — Order! The mace is in his living room!

BACK TO WORK BILL 2014

Committee

Resumed from earlier this day; further discussion of Mr BARBER's new clause:

8. Insert the following New Clause to follow clause 53 —

"**A Back to Work Scheme reports**

(1) At least once every 3 months the Commissioner must publish on the Commissioner's website a report of the operation of the Back to Work Scheme.

(2) The report must contain the following information in relation to the period covered by it —

(a) the total amount paid under the Scheme;

(b) the total number of Back to Work payments made;

(c) the number of Back to Work payments made in each municipal district;

(d) if Back to Work payments were made according to different eligibility criteria, the number of Back to Work payments made according to each of those criteria;

(e) the name of any person to whom Back to Work payments in respect of more than 100 eligible employees were made.

(3) For the purpose of subsection (2)(c), a Back to Work payment is made in the municipal district in which the person entitled to the payment has their usual place of business or, in the case of a body corporate, their registered office.

(4) In this section —

municipal district has the same meaning as in the **Local Government Act 1989**.".

The DEPUTY PRESIDENT — Order! Members will recall that prior to the committee rising, a number of members sought to have further discussions. I call on the minister to report back on those discussions.

Mr JENNINGS (Special Minister of State) — When the committee reported progress, there had been discussions across the committee stage about what the government had foreshadowed as amendments to Mr Barber's amendment 8. Amendment 8 covers a number of reporting requirements that Mr Barber was hoping to include in the legislation. The government responded by saying that most of those reporting requirements were fair enough. It would have been the government's intention to report back in some shape or form under the administration of the program without necessarily including them in the bill in the first instance, but the government foreshadowed, subject to some minor variations to Mr Barber's amendments, that we could have proceeded with an agreed set of amendments to put before the committee stage.

We explored the possibility of there being a safety provision in terms of the administrative reliability of data sets and the availability of information by using a best-endeavours clause that indicated that wherever practical, or where information was held in accordance with the intent of the reporting provisions, there be some recognition that data may not always be available in the form sought but that the administration would use its best endeavours. That was one issue that the parties were not able to conclude.

We also had an issue that related to the naming of employers that provide employment to 100 employees within the scheme. There was an expectation by Mr Barber that those names be reported. The government's response has been that there are concerns about the interlocking nature of taxation arrangements with those employers and that such a change may have the potential to fall foul of the obligations of the State Revenue Office in terms of its reporting requirements under other acts. The government sought the insertion of a clause that agreed to this proposal with the consent of the employer, but the government's proposal in that regard was not acceptable to the mover of the amendment or to the Liberal Party, and therefore a set of words has not been found in a form that the government and the opposition agree on, notwithstanding the fact that the government has tried on those two attempts to find a form of words that mean we could have an agreed set of amendments before the committee.

On that basis the government will oppose Mr Barber's amendment because we have not been able to reach an agreement. Mr Barber and Mr Rich-Phillips have not been supportive of the amendments that were

foreshadowed by me in the committee and that were pursued by the Treasurer's office and those members in the interim period between when we reported progress and now. I am sorry to report to the committee that we do not have an agreed set of words. Despite the endeavours of the government to reach an agreement with those members, we have not found a set of words that is acceptable to them and the government. On that basis we are left with only the amendments moved in Mr Barber's name.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — What the opposition has taken away from the discussions does not accord entirely with the report from the Leader of the Government, though the matters he raised were certainly the matters of substance considered. With respect to the issue of providing flexibility where limited or incomplete data is held, the opposition indicated to the government that a form of words which related to the release of data held by the commissioner — where the commissioner holds the data, he is obliged to release it — would be acceptable.

With respect to the issue of naming employers who receive more than 100 grants under the scheme, as proposed by Mr Barber, I have indicated to the government that if the concern relates to a conflict with the Taxation Administration Act 1997, a clause or amendment which provides a carve-out from that Taxation Administration Act provision and which allows the commissioner to have comfort that he could release the data that is collected under this act and which Mr Barber's new clause seeks the release of would also be acceptable to the opposition.

Mr BARBER (Northern Metropolitan) — We will be proceeding with our amendment to insert this new clause, but I want to put on the record that we appreciate the time the Leader of the Government, the Treasurer and some public servants have put into having a discussion about this. I think we better understand each other's positions and the legal concerns that have been put forward by the department. We have not, however, been able to close the gap in terms of what we agree are the major policy considerations, so we are pursuing our new clause here. The major policy consideration for us is to create transparency around a scheme that has obviously already attracted quite a bit of interest in this chamber.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I will add to my earlier comments and reflect that we appreciate the good-faith approach taken by the Leader of the Government in seeking to achieve a resolution on this.

Mr JENNINGS (Special Minister of State) — I thank both members for the confidence they have expressed in me to that extent. It demonstrates some goodwill. I appreciate that and would like to reciprocate. I see Mr Gordon Rich-Phillips's contribution as augmenting and building on my report rather than being contradictory to it. By and large we have examined the scope of the issues between us. I reiterate that regardless of whether this new clause passes, it is the government's intention to acquit a reporting regime that is largely consistent with the scope of the provisions in the new clause, subject to the concerns I have raised on behalf of the government.

Committee divided on new clause:

Ayes, 21

Atkinson, Mr	O'Donohue, Mr
Barber, Mr	Ondarchie, Mr
Crozier, Ms	Patten, Ms
Dalla-Riva, Mr	Pennicuik, Ms
Davis, Mr	Peulich, Mrs
Drum, Mr	Purcell, Mr (*Teller*)
Dunn, Ms	Ramsay, Mr
Finn, Mr	Rich-Phillips, Mr
Hartland, Ms (*Teller*)	Springle, Ms
Lovell, Ms	Wooldridge, Ms
Morris, Mr	

Noes, 15

Bourman, Mr	Melhem, Mr
Carling-Jenkins, Dr	Mulino, Mr (*Teller*)
Dalidakis, Mr	Shing, Ms
Eideh, Mr	Somyurek, Mr
Elasmar, Mr	Symes, Ms
Herbert, Mr	Tierney, Ms
Jennings, Mr	Young, Mr (*Teller*)
Leane, Mr	

Pairs

Fitzherbert, Ms	Pulford, Ms
Nationals vacancy	Mikakos, Ms

New clause agreed to.

Clauses 54 to 57 agreed to.

Reported to house with 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 not only for their contributions to the debate but also for the spirit in which they conducted

themselves during the committee stage. I think it was the Council at its best for this sitting week.

Motion agreed to.

Read third time.

WRONGS AMENDMENT (ASBESTOS RELATED CLAIMS) BILL 2014

Second reading

Debate resumed from 12 February; motion of Mr JENNINGS (Special Minister of State).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I rise to speak very briefly on the Wrongs Amendment (Asbestos Related Claims) Bill 2014, and I indicate that the coalition parties will be supporting it. The bill is a response to an unintended consequence that arose last year following amendments that were made in 2003 to the Wrongs Act 1958.

Members will recall that in the early 2000s the collapse of HIH Insurance, along with a number of other significant events for the insurance sector, led to a situation where the availability of public indemnity insurance became very restricted in the Australian and Victorian markets. As a consequence of that very restricted insurance market — in many cases public indemnity insurance was not available for a large number of organisations, including community organisations, businesses, individuals et cetera — it was necessary for the government at that time to make amendments to the Wrongs Act to provide some restrictions on the circumstances in which actions could be brought under it, particularly actions related to non-economic loss.

As a consequence, in 2003 a number of changes were introduced to the Wrongs Act via the mechanism of the Wrongs and Limitation of Actions Acts (Insurance Reform) Bill 2003. It inserted provisions and thresholds with respect to bringing common-law actions for non-economic loss. For many actions this created the need to meet or undertake a significant injury assessment, which would act as a threshold before certain common-law actions could be brought. That mechanism has been repeated in other legislation. It has become a common element in many common-law actions. It exists in various forms within our statutory insurance schemes, including the WorkCover scheme and the Transport Accident Commission scheme, and provides that there is an injury threshold that must be achieved before common-law action can be brought. As I said, that was a consequence of the effective drying up of the insurance market in the early 2000s.

The amendment worked quite effectively in the Wrongs Act. However, last year the Supreme Court heard a case related to an asbestos claim, the Multari case, and for the first time the court held that given the 2003 amendments to the Wrongs Act a person bringing an asbestos-related claim needs to undergo a significant injury assessment. Prior to the decision of the court last year, it had always been the case that a significant injury assessment had not been required in order to proceed to common-law action on the basis that an asbestos-related claim or the impact of an asbestos-related claim was evident, and therefore there was no need to undertake that significant injury assessment. Last year the Supreme Court held otherwise, requiring that such significant injury assessments be undertaken. That had not been the practice to date.

It was the view of the government of the time that that was not the intention of the amending legislation introduced in 2003, and so to his credit the then Attorney-General, Robert Clark, the member for Box Hill in the other place, moved very quickly to address the situation. That was done in the first instance in late October with the introduction of the Wrongs (Part VBA) (Asbestos Related Claims) Regulations 2014, which put it beyond doubt that a significant injury assessment would not be required with respect to asbestos-related claims, which is what was always believed to have been the intent of the 2003 legislation.

The regulation changes introduced by the member for Box Hill had prospective effect from the date of 30 October last year. At the time those regulations were made the then Attorney-General indicated that it was the coalition government's intention at the first opportunity to introduce legislation that would have the appropriate retrospective effect to ensure that existing cases were not caught unintentionally by their significant injury assessment. The legislation before the Parliament today gives effect to the commitment made by Attorney-General Robert Clark in October last year. It completes the task, building on the regulations which were prospective in giving through legislation the appropriate retrospective effect for existing cases. It is an important piece of legislation that ensures that the Wrongs Act 1958 with respect to asbestos-related claims works as was intended in 2003. It is strongly supported by the opposition.

Ms PENNICUIK (Southern Metropolitan) — The Greens are very pleased to support this bill, and I am pleased to be speaking on it. I was concerned that we

might not get to the bill today. In my view this is the most important bill before us this week, because its purpose is to operate retrospectively to exempt sufferers of asbestos-related conditions from the requirement to demonstrate that they have suffered a significant injury under part VBA of the Wrongs Act 1958 in order to make a claim for damages for non-economic loss. This bill makes it clear and easier for claimants who suffer from asbestos-related conditions to seek compensation for their injuries.

Asbestos-related diseases are significant injuries because asbestos related-diseases — that is, asbestosis and mesothelioma — are fatal conditions. Being fatal conditions, they are clearly significant injuries. This reform is necessary given that the assessment process under part VBA of the act can take several months, during which time the claimants' health could deteriorate significantly. Plaintiffs with asbestos-related diseases, and particularly those diagnosed with mesothelioma, generally have less than a year to live post diagnosis.

Despite the severity of those asbestos-related conditions, the Supreme Court in the Multari case in June 2014 held that claimants with asbestos-related conditions were not exempt from the requirement to demonstrate they had a significant injury under that part of the act. In response the coalition government passed regulations that exempted any claimants from the operation of that part of the act to file a claim for compensation on or before 30 October 2014. However, the regulations did not assist those plaintiffs whose proceedings had commenced before 30 October 2014 and were still on foot. It is therefore very urgent that this bill be passed this week, because otherwise it would not be debated for another three weeks and we have a case on foot in the Supreme Court.

At the briefing with the government the Greens asked whether there were any people who would fall through the cracks with regard to the previous situation and the passing of this bill. We were advised that that would not be the case. We were very pleased to hear that no-one would fall through the cracks. This is a very important issue because asbestos-related disease is an epidemic in Australia. I have raised this issue many times in the Parliament, and I put on the record again that Australia has the highest reported incidents per capita of asbestos-related disease in Organisation for Economic Cooperation and Development countries. I would predict that asbestos-related disease is rising in developing countries that still use asbestos.

In the next 20 years an estimated 30 000 to 40 000 Australians will have been diagnosed with asbestos-related disease. These are not forecast to peak until 2020. This is because during the 20th century Australia was one of the highest per capita users of asbestos in the world. An estimated one-third of homes built between 1945 and the late 1980s may contain asbestos in areas such as ceilings, internal walls, roofs, eaves, external cladding, wet areas and vinyl floor tiles.

I have raised many times in the Parliament with various ministers who have had responsibility for consumer affairs that we have a very serious issue with asbestos in situ in public buildings. We know that it is a problem in government schools, in other public buildings and in people's homes. The big concern is that younger people who were not aware that asbestos was used in buildings in such a prolific manner up until the 1980s when the practice was banned do not realise that when they are doing renovations to older buildings they can come across asbestos. This issue requires constant awareness campaigns.

This is an issue I was very closely involved in during my time at the Australian Council of Trade Unions. The Australian Council of Trade Unions and many unions over the decades campaigned against asbestos. I see the Deputy President is in the house today. I know that her union, the Australian Manufacturing Workers Union, was at the forefront of that campaign, along with other unions whose workers were exposed to asbestos and the union movement in general, and that together they assisted in bringing about a total ban on the use, manufacture and import of asbestos in 2001. That was 100 years after it was declared a dangerous substance in the United Kingdom.

In the postwar period and the following decades in particular we saw the reprehensible behaviour of companies and organisations like James Hardie and the State Electricity Commission of Victoria that manufactured and used asbestos in Australia. They knew the dangers they were exposing their workers to and wilfully went on doing so. That is a dark part of Australian history. We still have asbestos in situ.

Many people will be coming before the courts, seeking compensation for their exposure to asbestos. I say to the government that it needs to do more to address the issue of asbestos in situ. Younger people and people who have never had any work-related exposure to asbestos are contracting asbestos-related diseases. This is a big public health issue, and also a social justice issue, and it needs to be addressed. I am pleased that we are able to pass this bill today so that it can come into effect as soon as possible.

Ms TIERNEY (Western Victoria) — I rise to speak on the Wrongs Amendment (Asbestos Related Claims) Bill 2014. I am pleased to have the opportunity to speak on this very important piece of legislation. As the previous speaker mentioned, this is a particularly important issue to me and has been for a very long time, including when I worked for the vehicle division of the Australian Manufacturing Workers Union and we fought the campaign to eradicate asbestos from brake pads in vehicles. Unfortunately I have also been, over a long time, familiar with many workers who have been affected by asbestos, and many of those people have now departed. I will speak about someone in particular a bit later in my contribution.

This bill gives effect to the Andrews government's pre-election commitment to move quickly to alleviate an impediment to justice for Victorians who have asbestos-related diseases and are terminally ill. I acknowledge the coalition's support for this bill. It is my understanding that the previous government intended passing this legislation, and I am happy to acknowledge the work that those opposite did in this area when they were in government.

As it stands, the Wrongs Act 1958 limits claims for damages for pain and suffering to claimants who can demonstrate through a several-step process that they have suffered a significant injury. The several-step process involves the claimant obtaining a certificate of assessment from an approved medical practitioner. The claimant must then serve the certificate on the defendant. If the defendant then disputes the level of injury, the defendant can refer the matter to Medical Panels Victoria to make its determination. Whilst this process is important in most cases to determine those who should be awarded damages for pain and suffering, clearly this is a very time-consuming and arduous process for those suffering from a terminal illness such as an asbestos-related condition.

The bill before us this afternoon amends the Wrongs Act 1958 to clarify that all asbestos-related claims, including those that pre-date the regulations, are exempt from the significant injury assessment process, except where a judgement has been delivered or a final settlement agreed to prior to the commencement of the bill. For people suffering from asbestos-related conditions such as asbestosis, asbestosis-induced carcinoma, asbestos-related pleural diseases and mesothelioma, it is self-evident that the conditions they are suffering from are significant. Therefore it is simply not appropriate for sufferers of these conditions, which in most cases are fatal, to be forced to go through a significant injury process. It is a long process and one that takes up valuable time that sufferers of these conditions, and their families, simply do not have.

This legislation will act retroactively so that any claims that were already on foot before the legislation commenced are also exempt from demonstrating significant injury, except in the case I mentioned earlier where a judgement has been delivered or a final settlement agreed to prior to the commencement of this bill.

Finally, I acknowledge those who are currently suffering from asbestos-related conditions and their families. In particular I pay tribute to Arthur Irving, who is struggling with his insidious disease at this time. He is a family friend in our local community, and he is supported by his wonderful wife, Lynne, in what is a real struggle that is quite gruelling at times. I pay tribute to all people who are living through this very difficult situation. Arthur and Lynne have given me a particular insight into what it is like to live through this disease and how it completely consumes your family life, your social life and everything about you and around you, 24/7. Today is Arthur's birthday, and we are really pleased that that is the case. Many of us will be joining him at the Ocean Grove Bowling Club this weekend. It will be a very special celebration.

I hope this legislation will assist claimants and their families to access as quickly as possible compensation that they are rightly entitled to. As I said, these people do not have the time, energy or emotional sustenance to battle a court procedure on top of what they are dealing with at home. This is a very important bill that we have before us this afternoon. I understand that there are no amendments and that it will be supported by all members. I definitely commend this bill to the house.

Ms SHING (Eastern Victoria) — I rise for the first time to support a bill in this place, and it is with great pride and humility that I make my contribution to the Wrongs Amendment (Asbestos Related Claims) Bill 2014. In the first instance I join my colleagues from all sides of the chamber who have given their unequivocal support to this bill. I note at the outset that the work that has gone into its carriage and drafting and the consultation process which has preceded its introduction has been swift, effective and motivated by entirely the right reasons — namely, to give effect to alleviating impediments to access to justice for terminally ill Victorians who are suffering from asbestos-related diseases.

I have had the great pleasure and privilege of learning from the inspirational views and advocacy undertaken by people such as Vicki Hamilton, people who have

spearheaded change and been enormously progressive in educating people from all over Victoria about the dangers associated with asbestos exposure, whether that be in the workplace, at home or incidentally. Her work ought to be recognised as contributing to the consultation that went into this bill, which delivers on a very clear commitment by the Andrews Labor government to build further on the work commenced by the previous government to create prospective legislation, which we are now pleased to extend to become retrospective — for example, the significant injury process will extend back to cover claims filed after 30 October 2014 and to cover the small number of claims that were still on foot and filed before that date, which would not otherwise have been extended the benefit of the changes to legislation and the regulations effected under the previous government.

This bill covers all asbestos-related claims, including those that were filed before the making of the regulations. To that end the benefit and intent of the policy that underpins it is absolutely clear for all to see.

In essence, the retrospective operation of this bill will give significant comfort to those who were directly affected by the 2014 decision in the Supreme Court in *Multari v. Amaca*, which held that claimants with asbestos-related conditions were not exempt from the requirement to demonstrate that they had suffered a significant injury. In this instance the importance of making sure that significant injury is accepted as an outcome in incidents of mesothelioma, asbestosis, asbestos-induced carcinoma and asbestos-related pleural disease cannot be underestimated.

As other speakers on this bill have indicated, asbestos exposure can lead to these illnesses, which are often fatal and very difficult for people to endure, and which create an enormous amount of grief, anguish, time and expense for the families of victims. They deserve to be able to spend quality time with their loved ones while they are battling these illnesses.

I am pleased to note that the discussions and consultation around the bill involved the necessary question of whether dust-related conditions ought to be included and that the definition of asbestos-related decision conditions may not be broad enough to cover the suffering that is also being endured by people under the grip of silicosis and other conditions. I very much look forward to the consideration of the implications of broader exposure and the way in which dust-related claims may be considered within the realm of part VBA.

I am, however, very pleased to note that the four types of conditions expressed in the bill as constituting asbestos-related claims will very clearly and unambiguously be retrospectively covered for the purpose of exempting claimants from needing to establish significant injury.

Asbestosis and asbestos-related claims are devastating; they are life-threatening. They not only affect — almost certainly fatally — people who are diagnosed, but they also have an enormous effect on the families of victims. I have seen this firsthand. I have heard accounts from people who have assisted in resourcing and providing care and support to people who are supporting their own family members going through the stages of these various diseases. These are conditions that you would not wish on anyone. They are difficult, they are extraordinarily exhausting, they deplete the resilience and stamina of families and victims and they cause nothing but trauma.

Therefore to remove one of the administrative imposts associated with making claims for asbestos-related conditions is an important step forward. It is part of a recognition that this material — despite its widespread use and ubiquity in domestic and commercial buildings — has caused, does cause and will continue to cause injury which ought to be covered properly within the law. It is important we have a legal system that acknowledges that time is of the essence; that for people who are suffering from these conditions there is no room to wait. It is all about, and must necessarily be all about, making victims as comfortable as possible and allowing them to realise the priorities of time spent with loved ones and to fulfil their life objectives in the time they have left.

I pay tribute to the people who have been so vocal in pressing for, in the first instance, the previous government's initiatives in retroactively creating the act that we are now amending, in addition to the people who have bravely shared their stories and continued with the community awareness and education that is an important part of making sure that people can minimise exposure going forward. It is with those words that I commend the bill to the house. I do so with great pride and with a sense of great hope that we have been able to unite over this very important legal reform.

Mr RAMSAY (Western Victoria) — I wish to make a small contribution. I do so because I had an opportunity to meet one person impacted by an asbestos-related disease. Sadly, it was one of the 737 people who has died from that disease. This person came to my office in another role I held many years ago, in which I was identifying some of the problems

associated with seeking compensation for an asbestos-related disease.

Many contributors have gone through the mechanics of the bill; I do not intend to do that. My colleague Gordon Rich-Phillips referred in some detail to the history in relation to why we are here today all supporting this important bill.

I take the opportunity to put on the record the discussion I referred to with a person who will remain unnamed. It happened about 15 years ago and culminated in my lobbying efforts to look at ways that we could improve legislation in relation to and him and his ilk seeking compensation for a disease that is not initially apparent; it takes many decades to see its symptoms. By that time it is too late for many people to seek some recourse in financial compensation for a disease that was contracted in the workplace. It is difficult to form an early diagnosis as some people do not develop symptoms of these asbestos-related conditions for many decades. Sadly, surgical intervention is difficult given the long delays in the symptoms becoming obvious.

The bill will amend the Wrongs Act 1958 and, if I can use the pun, today we are righting a wrong in relation to this act. I congratulate, as Mr Rich-Phillips did, the previous Attorney-General, who introduced regulations to remove the onerous restriction of those affected and impacted by the significant injury assessment. I noted in some of the background notes that that came off the back of a Supreme Court ruling last year in the case of *Multari v. Amaca*. It was great to see the then Attorney-General move very quickly to develop regulations to address the court rulings in the form of the Wrongs (Part VBA) (Asbestos Related Claims) Regulation 2014.

It is also commendable that at that time the coalition committed to introducing new legislation to allow a claimant to pursue a legal proceeding without the need to obtain a significant injury certificate assessment.

There have been three Premiers since Steve Bracks introduced the Wrongs and Limitation of Actions Acts (Insurance Reform) Bill 2003. That bill introduced section 28LE of the Wrongs Act 1958, which provides a threshold for recovery of damages for non-economic loss except in cases of significant injury. The trouble is asbestos-related sufferers have delayed symptoms, and when that section was applied to them, they were unable to access the appropriate compensation related to their illness.

I do not intend to go into detail. I just want to put on the record my thanks to those people involved in progressing this bill. Obviously there is some urgency, with many sufferers still awaiting the opportunity to access compensation without going through the rigorous significant injury assessment test. It is also great to see that the bill is retrospective. I commend the government for bringing this bill to the house today and commend the contributors who have made passionate contributions, particularly those who, like me, have personal experience of this. I also thank the former government for moving very quickly after the Supreme Court ruling in November to provide regulations, which in essence gave this government the opportunity to bring this bill to the house today.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

EDUCATION AND TRAINING REFORM AMENDMENT (FUNDING OF NON-GOVERNMENT SCHOOLS) BILL 2014

Committed.

Committee

Mr HERBERT (Minister for Training and Skills) — I ask Ms Symes to join me at the table.

Clauses 1 to 3 agreed to.

Clause 4

The DEPUTY PRESIDENT — Order! I call on Ms Pennicuik to move her amendment 1 to clause 4, which seeks to omit proposed section 2.7.2 relating to government school recurrent funding. I consider this to be a test for Ms Pennicuik's amendments 2 and 8.

Ms PENNICUIK (Southern Metropolitan) — I move:

1. Clause 4, page 3, lines 1 to 34 and page 4, lines 1 to 12, omit all words and expressions on these lines.

Amendment 2 is a substantial amendment that would replace the funding calculation contained in new section 2.7.4 'Minimum of amount of funding for

non-Government schools', which would insert a formula whereby non-government schools would automatically receive one-quarter of recurrent funding allocated to government schools and to which I referred in my contribution to the second-reading debate.

My amendment 2 also tests amendment 8, which proposes to omit clause 5 of the bill. Clause 5 inserts a schedule of schools into the principal act which would not be required if my amendment 2 were successful.

My amendment 2, which I am putting forward for the consideration of the committee and the Council, will replace phrasing and provisions similar to those that exist in the current New South Wales Education Act 1990 with regard to the funding of non-government schools such that it would be calculated according to the national education reform agreement or any subsequent replacement agreement. Briefly, for the benefit of the committee, the agreement holds states and territories to the adoption of needs-based funding arrangements. Provision 62 of the agreement states:

> States and territories that are party to this agreement will implement needs-based funding arrangements from 1 January 2014, as set out in schedule A, in line with the principles at provisions 57–58.

Provisions 57 and 58 state:

> 57. The parties agree that needs-based funding arrangements that take account of the specific circumstances of students, individual schools and systems are an important way to minimise disadvantage and to facilitate a high-quality education for every student in every school.
>
> 58. The parties will maximise educational outcomes by ensuring funding arrangements are aligned with the agreed needs-based arrangements for resourcing schooling, consistent with the following principles:
>
> a. provision to schools of a per student amount representing recurrent resources required to support a student with minimal educational disadvantage to achieve expected educational outcomes;
>
> b. for non-government schools, the per student amount articulated at 59.a. will recognise the extent of those schools' capacity to contribute;
>
> c. provision of 'loadings' providing additional funding to categories of educational need where that additional funding is required to support student achievement, including but not limited to:
>
> i. school location;
>
> ii. school size;
>
> iii. low socio-economic status students;
>
> iv. Aboriginal and Torres Strait Islander students;
>
> v. students with limited English language proficiency; and
>
> vi. students with disability;
>
> d. funding arrangements will take account of efficiencies that can be realised while achieving improved student outcomes; and
>
> e. publicly available and transparent funding formulae for calculating the level of funding each school receives.

The amendment seeks to ensure that funding for non-government schools in Victoria follows the principles of the national education reform agreement.

Mrs PEULICH (South Eastern Metropolitan) — State schools do receive funding based on need — for example, the 2014 budget of the former coalition government provided $42.5 million to replace the education maintenance allowance. Obviously that was intended to help those who are disadvantaged, with it being distributed directly to schools with the highest need and the greatest number of disadvantaged students. There is a whole range of others. It is done in accordance with a needs-based funding model and the student family occupation index, which was introduced by the former Labor government in 2005. It is based on research undertaken by the University of Melbourne and shows that student outcomes directly correlate with disadvantage, and that is why both governments have taken special initiatives to assist those who are in greatest need. That is already factored in.

The model that Ms Pennicuik is proposing is a top-down model rather than a bottom-up model, and we do not necessarily want state or national control of schools that have exercised and enjoyed a high degree of autonomy that allows them to build a curriculum, an ethos and a culture that is consistent with the attendance and principles. I believe the amendments that Ms Pennicuik is advocating would diminish that, and opposition members believe it is something to protect, so we will not be supporting that amendment.

Mr HERBERT (Minister for Training and Skills) — I refer to clause 4 and to Ms Pennicuik's amendments 1, 2 and 8, which really all go together. The government has made its position absolutely clear. The Minister for Education in the Assembly was clear when he said:

> The bill respects and preserves existing administrative arrangements between the government and non-government sector regarding non-government school funding, so that there will be no disruption or change for the sector in relation to its implementation.

Indeed in my contribution to the debate not that long ago I made this point quite strongly. The formula currently contained in new section 2.7.4 of the bill reflects existing policy and administrative arrangements in relation to funding of non-government schools in Victoria.

New section 2.7.2, which the Greens propose to remove by their amendment 1, contains definitions and other information relevant to that section. The government has provided the commitment to the non-government school sector that in legislating recurrent funding certainty nothing would change for that sector. The government consulted fully and carefully with the non-government school sector on the bill generally and the formula in particular prior to its introduction in the Parliament in December last year.

Accordingly it is the government's position that the amendments posed by the Greens in their amendments 1, 2 and 8 would not enable the government to meet its commitments. Accordingly we will oppose those amendments.

Dr CARLING-JENKINS (Western Metropolitan) — For the record, I thank the Minister for Training and Skills, Mr Herbert, for his earlier contribution. I am pleased that my position was taken into account, and I now support this bill and I support the formula.

I have a few questions on clause 4. New section 2.7.3 is headed 'Minister may provide funding to non-Government schools', and new section 2.7.6 provides:

> (1) The Minister may have regard to the needs of non-Government schools and students attending non-Government schools when providing funding under this Part.

I wonder why the word 'may' and not 'must' is used. I am thinking that this is a guaranteed level of funding for the first clause, and in the second I think that the minister must have regard to the needs of the students in non-government schools.

Mr HERBERT (Minister for Training and Skills) — I am not 100 per cent sure on that particular clause. The main point is that the status quo exists. I know that from time to time governments provide additional funding outside of the formula for specific items for non-government schools, and that is usually by request. Sometimes it is extra help with broadband in schools; sometimes it is ICT or a range of other factors. But it is clear that the status quo exists, and we have no intention of those commitments being given outside of the current formula or of changing that process. I think there is some security in that.

Mrs PEULICH (South Eastern Metropolitan) — Are there any circumstances under which deductions could be proposed by the state that would take the allocation to below the formula for, say, a program that the state may deem a priority but is not being delivered by a non-government school?

Mr HERBERT (Minister for Training and Skills) — I thank the member for her question. The whole point is to have this formula encoded in legislation. We have had funding of around 25 per cent — I think last year it was about 25.8 per cent — to non-government schools. I would have thought there are such circumstances, but you would probably have to change the legislation. That is the whole point of putting this formula in the legislation.

Ms PENNICUIK (Southern Metropolitan) — I would like to respond briefly to what was raised by Mrs Peulich and the minister with regard to my amendment. Mrs Peulich read out something with regard to funding that is provided to government schools for disadvantage. Nobody is saying that no funding is provided, but everybody knows not enough funding is provided. Anybody who does not know that or has not been following the evidence of the growing gap between disadvantaged and advantaged schools in this country is seriously not paying attention, because that gap has been widening over the last decade, particularly over the last five years and over the term of the previous government in the state of Victoria. Mrs Peulich is suggesting that I am putting forward some particular funding, but this is actually a Council of Australian Governments agreement on how school funding should be calculated into the future based on needs and equity.

The minister responded to my amendment by suggesting that this bill was all fine and dandy because it was putting in place an administrative arrangement — which was actually put in place by the previous Liberal government — for funding of non-government schools which is completely unfair and outdated. It is astonishing to take that unfair and outdated arrangement and enshrine it in the Education Act. That is why I am putting this amendment: the status quo is unfair, and to put it in the act is reprehensible.

Having said that, I will ask the minister a question about a particular part of the bill, which is new part 2.7.5, regarding the payment of funding. That part, for the benefit of the committee, says:

> Any funding under this Part may be paid directly to the non-Government school or to an organisation (such as the Catholic Education Commission or ISV) for the benefit of the non-Government school.

An equivalent provision in the New South Wales legislation, the Education Amendment (Not-for-profit Non-Government School Funding) Bill 2014, says:

> Any financial assistance in respect of non-government school children may be paid directly to the school that the children attend or to a system of non-government schools for the benefit of that school.

I sought legal advice as to whether these two provisions, which are very similar, are the same in effect. One person said they were, and one person said they were not. But this is the crux of the issue, because this clause looks as if it is saying if the money is going to the non-government school, it will go to the non-government school — that is, if it is paid to the Catholic Education Commission or Independent Schools Victoria, it then needs to be directed to that non-government school and not anywhere else. I really want to know from the minister whether that is what this clause means — that it cannot go to another school in that system or be used for anything except recurrent funding for that non-government school.

Mr HERBERT (Minister for Training and Skills) — As the member would be aware, in terms of her earlier comments, the funding the state government provides is based primarily on need. The formula we use has been used for some time now. Funding is distributed according to need, and there will be no change in that. With regard to how the funds are distributed, there is also no change in that. Currently there is a formula. The funds for the Catholic education system go to the Catholic Education Office, which distributes them according to need. The formula applies to funds for individual schools, and individual schools get the funding. The funding is clearly for those individual schools outside of the Catholic education sector. So, yes, it is intended that the funds go to that school.

Ms PENNICUIK (Southern Metropolitan) — For clarity, because I am not sure the clause is entirely clear, if an amount of funding — a pot of money, say $500 million — was given to the Catholic Education Commission, is it required to distribute that funding to the schools that the education department has said should get the money based on equity and need, or is it up to the Catholic Education Commission to distribute it how it wishes? If it is the latter, that is at odds with that part of the bill.

Mr HERBERT (Minister for Training and Skills) — It is my understanding that the Catholic Education Office distributes the funding to its schools based on a formula of need.

Ms PENNICUIK (Southern Metropolitan) — Who decides that? Is it the department? Is it the state government operating under its new part, or is it the Catholic Education Commission of Victoria? Clearly it is not distributing the funds equitably, because there is no equity in the system.

Mr HERBERT (Minister for Training and Skills) — I respect that we can all have points of view on that, but I reject the member's point. It is up to the Catholic Education Office. We have had many discussions, as I am sure any government has, in terms of the intent of the legislation being to distribute the money according to need. The Catholic Education Office has a fully grown system. We respect the system and the way it operates, and it distributes the funding according to its formula of need and according to its needs.

Ms PENNICUIK (Southern Metropolitan) — It is as clear as mud. There is nothing to ensure that the schools in the Catholic and independent schools sectors identified by the government as being in need will receive the money. It is not clear that anything in the bill is based on equity and need. The government has created a problem by bringing in this legislation and putting in place an arbitrary figure and not putting in place the flexibility of the national education reform agreement, which allows every school to receive what it needs based on equity and need.

Mr HERBERT (Minister for Training and Skills) — We can all play games with this, but clearly what I have said, and unlike what Ms Pennicuik has just referred to, is that the Catholic Education Office gets the funding and distributes it to its sector. For other schools a needs-based formula applies. It has been around for a long time; I am sure the member is familiar with it. That funding goes to the school.

Ms PENNICUIK (Southern Metropolitan) — What does the minister mean by 'other schools'? The minister said that the Catholic education system distributes the funding as it will, which is at odds with what he said proposed section 2.7.5 means. Then he said that other schools are distributed to by need.

Mr HERBERT (Minister for Training and Skills) — Other independent schools.

Ms PENNICUIK (Southern Metropolitan) — It is not clear that proposed section 2.7.5 will operate that

way. For state schools the money will be directed to particular schools. The government can direct the funding to particular schools.

Mr HERBERT (Minister for Training and Skills) — The government does direct funding to non-government schools based on a needs-based formula, except for Catholic schools as the Catholic Education Office distributes the funding to its schools according to the needs it determines.

Ms PENNICUIK (Southern Metropolitan) — I do not want to labour the point anymore; I think we have gone over it. I think we have a fundamental disagreement with the reading and the intent of the bill. I am glad the legislation is going to be reviewed.

Committee divided on amendment:

Ayes, 6

Barber, Mr	Patten, Ms (*Teller*)
Dunn, Ms	Pennicuik, Ms
Hartland, Ms	Springle, Ms (*Teller*)

Noes, 32

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

Amendment negatived.

The DEPUTY PRESIDENT — Order! As a result of the division Ms Pennicuik's amendments 2 and 8 lapse. We will proceed with Ms Pennicuik's amendment 3, which I consider to be a test for Ms Pennicuik's amendment 4.

Ms PENNICUIK (Southern Metropolitan) — I presume I have been asked to move my amendment. I could not hear what was said.

The DEPUTY PRESIDENT — Order! We now have the required level of silence for Ms Pennicuik.

Ms PENNICUIK — The Deputy President would realise that it is a bit different in committee, and we have to listen very carefully to what members are saying. If we cannot hear, we cannot follow the proceedings.

I move:

3. Clause 4, page 6, lines 27 to 31, omit all words and expressions on these lines and insert —

"(1) A non-Government school or an organisation referred to in section 2.7.5 to which funding has been provided under this Part must —

(a) report annually to the Minister and the Department as to the application of the funding; and

(b) give the Minister any further information that the Minister requires in relation to the funding.".

This amendment goes to accountability and reporting. The bill says the minister may require a non-government school or an organisation to which funding has been provided to give the minister a report as to the application of the funding.

As I outlined in my contribution during the second-reading debate, I do not think that is enough accountability. I feel if schools are receiving public funds, they should at least be required to report annually to the minister and the department as to the application of that funding. In addition to that, my amendment 3 adds another provision at paragraph (b) which requires the school to give the minister any further information that the minister requires in relation to the funding. It is a simple accountability measure, tightening up the provision that is currently in the bill, which I do not believe requires non-government schools to report every year on how they have acquitted the funding they have received from the taxpayer. That is simply what the amendment does.

Mrs PEULICH (South Eastern Metropolitan) — The opposition will not be supporting this amendment for similar reasons to those that were outlined for Ms Pennicuik's amendment 1, which she moved earlier. In order to maintain arrangements as they have been, the minister still has the opportunity to require a report for accountability. In determining whether to request a report the minister would take into account any advice provided to him by the School Policy and Funding Advisory Council. We do not want to see an unnecessary burden on schools leading to an increase in cost and regulations. Independent Schools Victoria has indicated that reasonableness should be provided in this provision.

Mr HERBERT (Minister for Training and Skills) — The Greens amendment basically proposes that non-government schools or organisations must

report annually to the minister on the application of the funding, must report annually to the department on the application of the funding and must give the minister any further information he requires in relation to the funding. Currently, with regard to accountability, the Department of Education and Training requires a non-government school, or where appropriate the governing body of a non-government organisation, to provide high-level financial reports to the department in the form of a financial acquittal certificate by which it certifies that all recurrent state grant funding received from the Victorian government for the relevant calendar year has been expended for the purpose for which it was provided; they currently do this. Further, as we have just heard, the minister has the capacity to require or request an organisation to provide more information relevant to the funding, should the minister require it.

There is clearly accountability in the existing arrangements, which we support, and the further amendments we are now considering would simply increase the amount of regulation and regulatory paperwork for little purpose.

Ms PENNICUIK (Southern Metropolitan) — I still feel the amendment is valid because it is not an onerous requirement to report annually on how the funds are acquitted. Mrs Peulich talked about the current state of affairs. The current state of affairs is that the public has for decades been unaware of how public funding has been acquitted in non-government schools. It is only lately that that has come to pass. If we are going to put a system of funding for non-government schools into the act, then that should also go in the act.

Committee divided on amendment:

Ayes, 6

Barber, Mr (*Teller*)	Patten, Ms
Dunn, Ms	Pennicuik, Ms
Hartland, Ms (*Teller*)	Springle, Ms

Noes, 28

Bourman, Mr	Mikakos, Ms
Carling-Jenkins, Dr	Mulino, Mr
Crozier, Ms	O'Donohue, Mr
Dalidakis, Mr	Ondarchie, Mr
Dalla-Riva, Mr (*Teller*)	Peulich, Mrs
Davis, Mr	Pulford, Ms
Drum, Mr	Purcell, Mr
Eideh, Mr	Ramsay, Mr
Elasmar, Mr	Rich-Phillips, Mr
Finn, Mr	Shing, Ms (*Teller*)
Herbert, Mr	Symes, Ms
Jennings, Mr	Tierney, Ms
Lovell, Ms	Wooldridge, Ms
Melhem, Mr	Young, Mr

Amendment negatived.

The DEPUTY PRESIDENT — Order! I ask Ms Pennicuik to move her amendment 5 to clause 4. Her amendment 6, which seeks to insert additional words into proposed section 2.7.11, is consequential on this amendment.

Ms PENNICUIK (Southern Metropolitan) — I move:

5. Clause 4, page 7, line 23, omit "Department." and insert "Department;".

Amendment 5 is consequential to amendment 6. Amendment 6 seeks to add another representative to the School Policy and Funding Advisory Council, which is quite a powerful body that the minister must consult with regard to funding for non-government and government schools. As is laid out in proposed section 2.7.11, the membership of that advisory council is the Secretary of the Department of Education and Training, a representative of the Catholic Education Commission, a representative of Independent Schools Victoria and a representative of government schools who is employed in the department. In my briefing on this bill I queried the term 'employed in the department', and I was told it could mean employed inside the Department of Education and Training — a bureaucrat — or a teacher or principal.

I will seek to add another paragraph to provide that a representative of teachers and principals in government schools who is external to the department should also be a member of this advisory council to ensure that we have a practising teacher or principal from a government school on this advisory council which is deliberating on matters about non-government and government schools — and it would probably be useful to have someone else from the department on that committee anyway. I want to make it clear that this person will be someone who is employed in a government school.

Dr CARLING-JENKINS (Western Metropolitan) — From Minister Herbert's earlier contribution I understand that the government has committed to developing terms of reference for the advisory council. I would like to confirm a few things. Will representatives on that council be nominated by the Catholic Education Commission of Victoria and Independent Schools Victoria?

Mr HERBERT (Minister for Training and Skills) — I will use the same words so that I am consistent in what I am saying in my contribution. We believe the composition we have put forward in this legislation is appropriate. It is high-level representation. When it comes to the advisory council and the

representatives of the Catholic Education Commission of Victoria and Independent Schools Victoria, those organisations will be fully consulted on the terms of reference. It is our expectation that the members from those organisations will be nominated by those organisations.

With regard to the broader issue of having a compulsory teacher or principal representative on the advisory council, we believe there are many people in the department who have the sorts of expertise that will enable them to put forward the government school sector's viewpoints just as the other organisations put forward their own viewpoints.

In saying that, the minister does have the capacity within the legislation to, from time to time, appoint additional expertise. It could be a principal, or it could be a teacher. In regard to the terms of reference that will be developed, the minister has made it clear that we would expect that the key representational groups that make up the core of the council, as provided for in this legislation, will be recognised as the primary source of advice on funding, regulations and policy issues affecting both government and non-government schools. We do not see the need for the additional position. We think the legislation covers the composition pretty well. We will not be supporting the Greens' amendment.

Mrs PEULICH (South Eastern Metropolitan) — The opposition will also not be supporting this amendment. I believe that once they are available the terms of reference should provide additional detail. At the moment we have the three sectors nominating a representative. The minister would be wise to seek a representative who is a practitioner and an expert in the relevant field.

Given the minister's ability to, from time to time, appoint any other person as a member of the council and make further provisions in relation to that council, I believe in relation to matters that are under consideration membership should be temporary rather than ongoing and permanent.

Ms PENNICUIK (Southern Metropolitan) — I wish to respond briefly to the minister. I hear what he says: he is able to appoint another member to the council from time to time. At the moment there is nothing in this bill that requires government schools to be represented by a practitioner in government schools. That is what my amendment seeks to achieve, because this council is going to be talking about funding non-government schools and government schools.

Committee divided on amendment:

Ayes, 6

Barber, Mr	Patten, Ms
Dunn, Ms (*Teller*)	Pennicuik, Ms
Hartland, Ms (*Teller*)	Springle, Ms

Noes, 29

Bourman, Mr	Morris, Mr
Carling-Jenkins, Dr	Mulino, Mr
Crozier, Ms	O'Donohue, Mr
Dalidakis, Mr	Ondarchie, Mr
Dalla-Riva, Mr	Peulich, Mrs
Davis, Mr	Pulford, Ms
Drum, Mr	Purcell, Mr
Eideh, Mr	Ramsay, Mr
Elasmar, Mr	Rich-Phillips, Mr (*Teller*)
Finn, Mr	Shing, Ms
Herbert, Mr	Symes, Ms
Jennings, Mr	Tierney, Ms
Lovell, Ms	Wooldridge, Ms
Melhem, Mr (*Teller*)	Young, Mr
Mikakos, Ms	

Amendment negatived.

Ms PENNICUIK (Southern Metropolitan) — I move:

7. Clause 4, page 8, line 5, omit "in" and insert "before 30 June".

This is a very small amendment. It seeks to inserts into proposed section 2.7.13 a provision that the minister must review the operation of this part which is being inserted into the Education and Training Reform Act 2006. At the moment proposed section 2.7.13 says 'in 2018', and I would like to amend that to the effect that the review must be conducted before 30 June 2018.

As I mentioned in my contribution, that would coincide with some of the time lines in the national education reform agreement, but it would also ensure that the review of the operation of this part that the bill inserts into the principal act would occur before 30 June 2018. That is an election year, and the review would enable members of the public to understand how well this part has been working or not and help them to make up their minds about it, because what we are inserting here is quite a change to the Education and Training Reform Act 2006. It is a big change and, as the committee would be aware, one I am fundamentally questioning as to its fairness. I think it is unfair, not only to government schools that are disadvantaged but also to non-government schools that are disadvantaged.

I do not think this bill will undo any of the disadvantage across our school system but will in fact exacerbate it. It will not allow this government, as we move forward in years, to keep pace with the rest of Australia in terms of

the funding of schools according to the national education reform agreement, which either in its current form or in a similar form is going to be the way forward for funding. The government is making a mistake putting this into the Education and Training Reform Act. Therefore the review should be timely — by 30 June 2018.

Mrs PEULICH (South Eastern Metropolitan) — The opposition will not be supporting this amendment. We feel that what is proposed is adequate.

Mr HERBERT (Minister for Training and Skills) — The government will not be supporting the amendment. Basically we believe that the review is likely to take place before 30 June 2018 anyway. This is not about commonwealth-state negotiations. It is not about election cycles. It is simply the time frame that goes in. It is likely to be done before 30 June anyway due to the financial year cycle, and who would know what the time frame is with the commonwealth-state negotiations dragging on? We think it is not necessary, and we will not be supporting the amendment.

Committee divided on amendment:

Ayes, 6

Barber, Mr (*Teller*)	Patten, Ms
Dunn, Ms	Pennicuik, Ms (*Teller*)
Hartland, Ms	Springle, Ms

Noes, 29

Bourman, Mr	Morris, Mr
Carling-Jenkins, Dr	Mulino, Mr
Crozier, Ms	O'Donohue, Mr
Dalidakis, Mr	Ondarchie, Mr
Dalla-Riva, Mr	Peulich, Mrs
Davis, Mr (*Teller*)	Pulford, Ms
Drum, Mr	Purcell, Mr
Eideh, Mr (*Teller*)	Ramsay, Mr
Elasmar, Mr	Rich-Phillips, Mr
Finn, Mr	Shing, Ms
Herbert, Mr	Symes, Ms
Jennings, Mr	Tierney, Ms
Lovell, Ms	Wooldridge, Ms
Melhem, Mr	Young, Mr
Mikakos, Ms	

Amendment negatived.

Clause agreed to; clauses 5 and 6 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

House divided on motion:

Ayes, 29

Bourman, Mr	Morris, Mr
Carling-Jenkins, Dr	Mulino, Mr
Crozier, Ms	O'Donohue, Mr
Dalidakis, Mr	Ondarchie, Mr
Dalla-Riva, Mr	Peulich, Mrs
Davis, Mr	Pulford, Ms (*Teller*)
Drum, Mr	Purcell, Mr
Eideh, Mr	Ramsay, Mr
Elasmar, Mr	Rich-Phillips, Mr
Finn, Mr	Shing, Ms
Herbert, Mr	Symes, Ms
Jennings, Mr	Tierney, Ms
Lovell, Ms (*Teller*)	Wooldridge, Ms
Melhem, Mr	Young, Mr
Mikakos, Ms	

Noes, 6

Barber, Mr	Patten, Ms
Dunn, Ms (*Teller*)	Pennicuik, Ms
Hartland, Ms (*Teller*)	Springle, Ms

Motion agreed to.

Read third time.

CEMETERIES AND CREMATORIA AMENDMENT (VETERANS REFORM) BILL 2015

Introduction and first reading

Received from Assembly.

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

Statement of compatibility

For Ms MIKAKOS (Minister for Families and Children), Mr Jennings tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

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

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

Overview

The bill amends the Cemeteries and Crematoria Act 2003 (the act) to provide cemetery trusts with new powers to manage

the cremated human remains of deceased veterans and their family members. Specifically, where a veteran's cremated remains are interred at a cemetery pursuant to a limited (25-year) tenure right of interment, the cemetery trust responsible for managing that cemetery will be empowered, upon the expiry of 25 years, to convert the right of interment to a perpetual right and either leave the veteran's cremated remains undisturbed in perpetuity or reinter the remains at a location suitable for perpetual interment. Where a veteran's cremated remains are interred together with or in the vicinity of members of their family, the cemetery trust may also reinter the remains of the veteran's family members at a location which is suitable for perpetual interment.

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

For the avoidance of doubt, the following rights are examined for their relevance to the bill.

The right to privacy

Section 13(a) of the charter act provides that a person has the right not to have his or her privacy unlawfully or arbitrarily interfered with. The clauses of the bill which allow for the removal and reinterment of cremated remains may be considered relevant to this right. For the reasons that follow, these clauses do not allow for any unlawful or arbitrary interference with privacy.

Cemetery trusts may only remove and reinter cremated remains in accordance with the act, an objective of which is to ensure that human remains are treated with dignity and respect. A cemetery trust will be required to take reasonable steps to notify the holder of a limited tenure right of interment that the right is due to expire before cremated remains can be removed and reinterred. In the case of notifying the holder of a perpetual right of interment, a cemetery trust will be required to take reasonable steps to give written notification to each holder of the right of interment affected and seek the consent of each holder to the removal of remains.

Cremated remains will only be removed and reinterred if it is appropriate in the circumstances to do so. The bill also allows for interred cremated remains to be left undisturbed in perpetuity.

Protection of families and children

Section 17(1) of the charter act provides that families are the fundamental group unit of society and are entitled to be protected by society and the state. The bill promotes and enhances this right by allowing for the cremated remains of deceased veterans to be reinterred with the remains of their deceased family members.

Jenny Mikakos, MP
Minister for Families and Children

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr JENNINGS (Special Minister of State).

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

That the bill be now read a second time.

Incorporated speech as follows:

This bill will amend the Cemeteries and Crematoria Act 2003 to ensure that due respect is accorded to the cremated remains of veterans who have served in Australia's armed forces and are interred in Victorian public cemeteries. It will address a current gap in the law by giving cemetery trusts a framework that enables them to appropriately manage the cremated remains of veterans that have limited tenure interment.

Under the Cemeteries and Crematoria Act 2003, people who wish to have cremated remains interred in a public cemetery can purchase either perpetual tenure or limited (25-year) tenure for these remains. If limited tenure is chosen, the act requires cemetery trusts to make reasonable efforts to notify the holder of the right of interment at least 12 months before its expiry date. The notice must advise that the holder of the right of interment can either purchase a further 25-year right of interment for the remains, or convert the tenure to perpetual tenure.

If a cemetery trust has given notice under the act, but no action has been taken by the holder of the right of interment within the time frame specified in the notice, the cemetery trust may then remove the cremated remains from their place of interment, together with their memorial, and dispose of the remains within the cemetery grounds.

Concern has been raised in the community about the risk that veterans' cremated remains might be scattered by cemetery trusts at the expiry of limited tenure interment if their families cannot be contacted, or are unable to provide direction.

This bill will ensure that veterans' service and sacrifice is acknowledged in the way veterans' cremated remains are managed in Victorian cemeteries. It is intended to ensure veterans' cremated remains that have been interred for a limited (25-year) period are not scattered by cemetery trusts upon the expiry of their interment tenure.

The bill will give cemetery trusts options to appropriately manage veterans' cremated remains where family members are not able to provide direction. For example, trusts will be able to convert the interment tenure for the remains from limited to permanent tenure, and leave the remains in place. Where appropriate, trusts will be able to relocate the remains, together with the remains of family members interred nearby, to another location for permanent interment and provide a memorial in accordance with the wishes of family members. The Department of Health and Human Services will provide guidance to cemetery trusts about how to implement the provisions of this bill.

This bill has particular resonance at this time.

On 25 April this year, Australia will commemorate the centenary of the Gallipoli landing: the start of a campaign that saw over 8700 Australians dead or missing and many more wounded. While Gallipoli has special significance as a formative event for a young nation, we must never forget that Australians have served — and given their lives — in conflicts from the 19th century through to the present day.

It is fitting, in this year of commemoration and reflection, to ensure that veterans' cremated remains are treated with due respect, in accordance with community expectations.

I commend the bill to the house.

Debate adjourned on motion of Ms WOOLDRIDGE (Eastern Metropolitan).

Debate adjourned until Thursday, 5 March.

INTERPRETATION OF LEGISLATION AMENDMENT BILL 2015

Introduction and first reading

Received from Assembly.

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

Statement of compatibility

For Mr HERBERT (Minister for Training and Skills), Mr Jennings tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

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

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

The bill amends the Interpretation of Legislation Act 1984 to permit the chief parliamentary counsel to authorise new stylistic changes to existing legislation and statutory rules; to insert new definitions in that act; and to insert three new interpretive provisions in that act for use in the construction of Victorian acts and subordinate instruments.

No charter rights are relevant to the technical amendments made by the bill and no charter rights are limited by the bill.

Steve Herbert, MLC
Minister for Training and Skills

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr JENNINGS (Special Minister of State).

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

That the bill be now read a second time.

Incorporated speech as follows:

The Interpretation of Legislation Act 1984 provides for the interpretation of Victorian legislation and subordinate instruments, and confers powers on the chief parliamentary counsel to authorise alterations to the text of acts and statutory rules to implement changes to drafting style.

The Interpretation of Legislation Amendment Bill 2015 will amend the Interpretation of Legislation Act to:

include additional powers for the chief parliamentary counsel to authorise limited stylistic changes to legislation and statutory rules;

insert two new definitions for use in Victorian legislation and subordinate instruments; and

include several new interpretive provisions.

These changes, although technical, are important to clarify particular aspects of legislative interpretation and promote consistency in definitions and drafting style across the Victorian statute book.

The bill will add several new stylistic changes to those that the chief parliamentary counsel may authorise under the Interpretation of Legislation Act. These are the formatting of part, schedule and court form headings in sentence case (rather than all capitals), the italicisation of citations of acts by title and the omission of lines at the end of legislative parts. Permitting these stylistic amendments will ensure that existing acts and statutory rules are kept up to date with recent changes to drafting style.

The bill will also insert definitions of 'police officer' and 'registered medical practitioner' into the Interpretation of Legislation Act, for use in all Victorian acts and subordinate instruments (unless the contrary intention appears). These definitions are already used widely in Victorian laws. Inclusion of these definitions in the Interpretation of Legislation Act will simplify the drafting of other acts and subordinate instruments, as the definitions will not need to be repeated in all acts and subordinate instruments that use them.

The bill will also include three new interpretive provisions in the Interpretation of Legislation Act. The first will clarify that if an act or provision related to an indemnity or immunity ceases operation, such cessation does not affect the indemnity or immunity, or any proceeding or remedy in respect of it. This will ensure that outdated provisions or acts may be repealed or expire or lapse without affecting rights and protections. The Interpretation of Legislation Act already deals with other types of provisions that cease operation; this amendment will clarify the position in respect of indemnities and immunities.

The second new interpretive provision in the bill provides that where an act is ordered by chapters and parts and the parts have decimal numbers (for example, where part 3 of chapter 2 is referred to as part 2.3 of the whole act), those parts may be referred to by their decimal numbers in that act and in other acts. At present, provisions that permit this must be included in each act that uses decimal part numbers.

The third new interpretive provision in the bill provides that a power to delegate in an act or subordinate instrument does not include a power to delegate the power of delegation (that is, a power of sub-delegation). At present, this constraint on powers to delegate is included in individual delegation provisions.

The Interpretation of Legislation Act provides that provisions in it apply to acts and subordinate instruments unless a contrary intention appears in the Interpretation of Legislation Act or in the relevant act or subordinate instrument. This means that it will still be possible for an act or subordinate instrument to override the interpretive provisions introduced by the bill if necessary.

The amendments made by the bill in relation to style, definitions and interpretation will simplify the drafting of legislation and subordinate instruments in Victoria and ensure consistency in the appearance of existing and new laws.

I commend the bill to the house.

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

Debate adjourned until Thursday, 5 March.

PARLIAMENTARY COMMITTEES AND INQUIRIES ACTS AMENDMENT BILL 2015

Introduction and first reading

Received from Assembly.

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

Statement of compatibility

Mr JENNINGS (Special Minister of State) 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 Parliamentary Committees and Inquiries Acts Amendment Bill 2015 (the bill).

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

Overview

The bill amends the Parliamentary Committees Act 2003 to reduce the number of joint investigatory committees from 12 to 9 by merging 6 existing committees into 3 new committees. The new committees are the Economic, Education, Jobs and Skills Committee; the Environment, Natural Resources and Regional Development Committee; and the Law Reform, Road and Community Safety Committee.

The bill amends the Inquiries Act 2014 to facilitate the continued operation of royal commissions, such as the McClellan Royal Commission into Institutional Responses to Child Sexual Abuse, and to make other technical amendments.

Human rights issues

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

No human rights protected by the charter are relevant to the bill.

Is any limit on relevant rights by the bill reasonable and justified under section 7(2)?

As no rights protected by the charter are relevant to the bill, it is not necessary to consider section 7(2) of the charter.

Conclusion

I consider that the bill is compatible with the charter.

The Hon. Gavin Jennings, MLC
Leader of the Government in the Legislative Council

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr JENNINGS (Special Minister of State).

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

That the bill be now read a second time.

Incorporated speech as follows:

The Parliamentary Committees and Inquiries Acts Amendment Bill 2015 will amend both the Parliamentary Committees Act 2003 and the Inquiries Act 2014.

With respect to the Parliamentary Committees Act, the bill merges six existing joint investigatory committees to form three new committees. The three new committees are:

the Economic, Education, Jobs and Skills Committee, which will undertake the functions of the current Economic Development, Infrastructure and Outer Suburban/Interface Services Committee and the Education and Training Committee;

the Environment, Natural Resources and Regional Development Committee, which will undertake the functions of the current Environment and Natural

Resources Committee and the Rural and Regional Committee; and

the Law Reform, Road and Community Safety Committee, which will undertake the functions of the current Law Reform, Drugs and Crime Prevention Committee and the Road Safety Committee.

Consolidating the functions of six joint investigatory committees into three will ensure that the committees operate more efficiently, and that workloads between different committees are better distributed. As the new committees will have the same functions of the committees they replace, there is no loss of coverage of the issues considered by committees. The new committees will continue any inquiries currently before the committees they replace. In addition, any members who have already been appointed to committees affected by the bill will continue as members of the relevant new committee.

With respect to the Inquiries Act, the bill clarifies that the government may amend the letters patent of royal commissions and instruments of appointment of boards of inquiry that were established before the Inquiries Act commenced.

The bill also clarifies that witnesses who are requested to give evidence to formal reviews are entitled to be reimbursed for expenses when the formal review's establishing instrument authorises this. Finally, the bill updates definitions and references to other legislation in the act.

I commend the bill to the house.

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

Debate adjourned until Thursday, 5 March.

SUMMARY OFFENCES AMENDMENT (MOVE-ON LAWS) BILL 2015

Introduction and first reading

Received from Assembly.

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

Statement of compatibility

For Mr HERBERT (Minister for Training and Skills), Mr Jennings tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

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

In my opinion, the Summary Offences Amendment (Move-on Laws) 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 Summary Offences Amendment (Move-on Laws) Bill 2015 (the bill) repeals the amendments to move-on powers made by the Summary Offences and Sentencing Amendment Act 2014. Specifically, the bill will repeal:

the amendments expanding move-on powers under section 6 of the Summary Offences Act 1966;

the specific arrest powers for contraventions of move-on directions under section 6A of the Summary Offences Act 1966;

the power under section 6B of the Summary Offences Act 1966 of police officers and PSOs to require a person to state their name and address where the officer intends to direct the person to move-on; and

Division 1B of part I of the Summary Offences Act 1966, which provides for the making of exclusion orders where a person has been repeatedly moved on from a particular place.

Human rights issues

The bill is compatible with the Charter of Human Rights and Responsibilities Act 2006 (the charter). The bill promotes the charter rights of freedom of movement (section 12), privacy (section 13), freedom of expression (section 15), peaceful assembly and freedom of association (section 16), and taking part in public life (section 18) by strengthening safeguards and easing some limitations. Those rights were limited by the changes to move-on powers made by the Summary Offences and Sentencing Amendment Act 2014.

The bill winds back the expansion of the grounds on which police and protective services officers (PSOs) may give move-on directions under section 6 of the Summary Offences Act 1966. Under the changes, the circumstances in which police officers and PSOs may direct a person to move on from a public place will be limited to where they suspect on reasonable grounds that:

the person is breaching, or likely to breach, the peace;

the person is endangering, or likely to endanger, the safety of any other person; or

the behaviour of the person is likely to cause injury to a person or damage to property or is otherwise a risk to public safety.

Restricting the use of move-on powers to these three circumstances will minimise the impact of move-on powers on the freedom of movement, the right to peaceful assembly and the freedom of association.

The bill also provides that, once again, move-on powers will not apply in relation to a person who is picketing a place of employment, demonstrating or protesting about a particular issue, or otherwise publicising their view about a particular issue. This amendment provides an appropriate safeguard to the freedom of expression, the right of peaceful assembly, the freedom of association and the right to take part in public life.

Privacy rights may also be strengthened by the repeal of section 6B of the Summary Offences Act 1966. That section gives police officers and PSOs the power to require a person to state their name and address where they intend to give the person a move-on direction.

Finally, the bill repeals division 1B of part I of the Summary Offences Act 1966 which provides for the making of exclusion orders where a person has been repeatedly moved on from a particular place. These exclusion orders limited the freedom of movement, the right to peaceful assembly and the freedom of association. Their repeal will, therefore, support those charter rights.

The amendments made by the bill provide a more appropriate balance between the use of move-on powers to maintain public order and safety, and the protection of the rights and freedoms of all Victorians recognised under the charter.

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

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr JENNINGS (Special Minister of State).

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

That the bill be now read a second time.

Incorporated speech as follows:

This bill delivers on the Labor government's commitment to repeal the amendments to move-on powers made by the coalition last year under the Summary Offences and Sentencing Amendment Act 2014.

The changes introduced by the coalition early in 2014 had the potential to restrict legitimate protests in the state of Victoria. The changes were draconian, antidemocratic and unnecessary.

The Labor Party rightly criticised those changes for expanding move-on powers by an absolutely unnecessary degree. The amendments had the effect of enabling police and PSOs to use move-on powers in relation to any protest. They did not apply solely to violent or unlawful protests. Under the expanded powers, a police officer or PSO could potentially break up any protest, move someone on or arrest someone merely because, for example, they have a reasonable suspicion that a person is causing an unreasonable obstruction, is likely to do so, or is impeding or attempting to impede someone.

The coalition's amendments to move-on powers also had the potential to disproportionately harm some of the most vulnerable groups in our society. Indeed, Geoff Bowyer, former president of the Law Institute of Victoria, stated at the time the laws could 'have a significant and devastating impact on the homeless who, by the nature of their situation, are forced to gather in public places, often returning to a familiar spot after being moved on'.

It was also an attack on the rights of Victorian workers to engage in lawful industrial action. The coalition made clear at the time that the expanded move-on powers could be used against legal picket lines at places of employment. Police were given the discretion to decide for themselves whether a picket was illegal and should be moved on. No-one needed to have gone to court. No orders need to have been sought or made against the picket. It was a heavily criticised, heavy-handed, and unwarranted interference with the rights of working people in this state.

The coalition's legislation was criticised not just by the Labor Party but by large swathes of the community. Indeed, the Labor Party received many letters from the community opposing the changes at the time, including letters from the St Kilda Legal Service, the Federation of Community Legal Centres Victoria, the Peninsula Community Legal Centre, Youthlaw, Western Suburbs Legal Service, the Independent Riders Group and the Law Institute of Victoria.

Fortunately, the Labor government will right the coalition's wrongs. The Summary Offences Amendment (Move-on Laws) Bill 2015 will repeal those amendments and create a more appropriate balance between the use of move-on powers to maintain public order and the protection of the fundamental right of all Victorians to move freely, express their views and associate with whomever they choose.

The bill makes four main amendments to return move-on powers to their original and appropriate form prior to the coalition's amendments last year. First, the bill winds back the expansion of the grounds on which police and protective services officers may give move-on directions under section 6 of the Summary Offences Act 1966. Under the changes, move-on powers will no longer be able to be used merely because, for example, a police officer suspects that a person is likely to cause an obstruction to another person.

Rather, the circumstances in which police officers and PSOs may direct a person to move on from a public place will be scaled back to their original terms and limited to where officers suspect on reasonable grounds that:

> the person is breaching, or is likely to breach, the peace;
>
> the person is endangering, or is likely to endanger, the safety of any other person; or
>
> the behaviour of the person is likely to cause injury to a person or damage to property or is otherwise a risk to public safety.

Second, the bill provides that, once again, move-on powers will not apply in relation to a person who is picketing a place of employment, demonstrating or protesting about a particular issue, or otherwise publicising their view about a particular issue. This important amendment recreates the safeguard against the potential misuse of move-on powers to stifle the public expression, debate and protest that was undermined by the coalition.

Third, the bill repeals sections 6A and 6B of the Summary Offences Act 1966. Those sections provide specific arrest powers, and powers to require a person to state their name and address in relation to move-on powers. These new powers are unnecessary. Police officers and PSOs already have broad arrest powers under section 458 of the Crimes Act 1958 that are perfectly sufficient, and the new power in section 6A merely distinguished the offence of contravening a

move-on direction from other summary offences. Under section 458 of the Crimes Act 1958, police officers and PSOs may arrest a person where they reasonably believe it is necessary:

> to ensure the attendance of the offender before a court of competent jurisdiction;
>
> to preserve public order;
>
> to prevent the continuation or repetition of the offence or the commission of a further offence; or
>
> for the safety or welfare of members of the public or of the offender.

Similarly, police officers and PSOs will need to rely on their general powers to require a person to state their name and address once this bill commences. For example, under section 456AA of the Crimes Act 1958 a police officer may request a person to state his or her name and address where they reasonably believe the person:

> has committed, or is about to commit, an offence; or
>
> may be able to assist in the investigation of an indictable offence.

Finally, the bill repeals division 1B of part I of the Summary Offences Act 1966. That division provides for the making of exclusion orders where a person has been repeatedly moved on from a particular place. These exclusion orders can prohibit a person from entering a public place for up to 12 months. The powers go too far given they can be made in circumstances where a person has committed no crimes at all. They impose limitations on the Victorian public's freedom of movement, the right to peaceful assembly and the freedom of association.

That previous balance between the competing objectives of personal liberties and the need for police and PSOs to protect the public and maintain order was destroyed by the coalition's changes to move-on powers last year. This bill will return that previous balance.

I commend the bill to the house.

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

Debate adjourned until Thursday, 5 March.

RULINGS BY THE CHAIR

Written responses

The DEPUTY PRESIDENT — Order! The President earlier today indicated that he would review two matters, one from Mr Davis pertaining to public holidays and the other from Mrs Peulich in relation to a question to the Minister for Small Business, Innovation and Trade. In both instances the President has determined that there is no requirement for the minister to answer in writing.

ADJOURNMENT

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

That the house do now adjourn.

Family violence

Ms SPRINGLE (South Eastern Metropolitan) — Following my question on Tuesday to the Minister for Children and Families, Ms Mikakos, regarding clause 4 of the Crimes Amendment (Protection of Children) Act 2014, I was informed by the minister that my question should in fact be directed to the Attorney-General. Consequently I refer my question, through this adjournment matter, to the Attorney-General, Martin Pakula.

In the previous Parliament the then Labor opposition, with the strong support of the Greens, took steps to delete clause 4 of the Crimes Amendment (Protection of Children) Bill 2014. This clause related to the failure-to-protect laws, which criminalise the failure to disclose a sexual offence committed against a child under the age of 16 — by anyone, not just people with authority within institutions. This could result in women in abusive relationships who fail to report the abuse of their child to police facing criminal charges.

At that time, Ms Mikakos stated that this clause failed to recognise the complexity of family violence situations and was not the best way to protect children from abuse. My question for the Attorney-General is: now that Labor is in government, will it legislate to delete the failure-to-protect laws from the Crimes Act 1958, and if so, when?

Austin Hospital paediatric surgical services

Ms WOOLDRIDGE (Eastern Metropolitan) — My adjournment matter this evening is for the Minister for Health. Last week I had the pleasure of meeting with Ms Jennifer Wheatley and Dr Rob Miller, medical staff at the Austin Hospital, and they raised with me their concerns about the impending closure of the Austin's paediatric surgical services. They told me they were informed prior to Christmas that the service would be closing and that there would be a request for these services to now be provided through Northern Health.

Every year at the Austin there are about 200 surgical inpatient and emergency admissions — or just over 200 — about 120 operations, many hundreds of phone calls and more than 400 outpatient attendances related to paediatric surgical services. Given this volume, and given the quality of the work that has been performed,

it was news to them that the service was to be concluded, and they were quite surprised.

Their concerns are at a number of levels. There will obviously be a loss of services for the local community and local families. Northern Hospital is at least 30 minutes drive from the Austin in good traffic, let alone in bad. They believe there is a risk to children in having to travel these distances to receive what can be critical surgery for time-critical surgical conditions, and they are concerned about the care of and outcomes for children in the local area. Some emergency surgeries they perform relate to appendicitis, torsion of the testes, abscesses and even swallowing foreign bodies. These are things those of us with children can relate to, and we can all understand the urgency involved in addressing them.

They also believe that many families will make the decision not to attend the Northern Hospital but to go to the Royal Children's Hospital instead, if they are unable to access these services at the Austin. There is also a concern that it will have flow-on ramifications for the Austin's workforce in that it will deskill medical staff — emergency department, surgical, paediatric and anaesthesia staff — and nursing staff providing paediatric support and treatment. There is a petition on change.org with approximately 1200 supporters, including over 150 GPs, who have signed the petition to keep the services at the Austin.

I call on the Minister for Health to meet with Ms Wheatley, Dr Miller and any other senior medical staff so that she can understand the reality of the decision that has been made and its impact on the local community, most importantly on children and families in the north and east of Melbourne. They can put forward persuasive arguments about the continuation of this service but also hear from her about what she is prepared to do to ensure that these services continue at the Austin.

Victoria University

Mr MELHEM (Western Metropolitan) — My adjournment matter is for the Minister for Training and Skills, the Honourable Steve Herbert, who is in the chamber tonight. It is in relation to Victoria University, which is a great university that mainly services Melbourne's northern and western suburbs.

Since the university was established it has provided excellent service to students young and old in the greater northern and western regions of Melbourne. Unfortunately, under the previous government the university lost around $29 million worth of funding, which put a lot of stress on its services. This has had a major impact on people's ability to access training courses in light of various company closures in the west. Young people are also having difficulty accessing the various options they would like to have access to for learning.

The action I seek from the minister is that he advise me on how the $320 million investment by the Andrews Labor government to rebuild the TAFE system in Victoria will help institutions like Victoria University in delivering improved services and training courses for students young and old in my electorate of Western Metropolitan Region. Perhaps the minister would like to come to a meeting with me at the university in relation to this matter.

Country Fire Authority Wodonga station

Ms LOVELL (Northern Victoria) — The matter I raise today is for the Minister for Emergency Services, and it concerns the need for a new integrated Country Fire Authority (CFA) station in Wodonga. The new station was prioritised by the coalition, and during the election campaign the coalition promised $6 million for the new station. Unfortunately for Wodonga the Labor Party failed to make a single election commitment to the lower house electorate of Benambra. The action I seek is that the minister match the coalition's commitment to provide funding for the planned $6 million integrated CFA station.

A new station is needed in Wodonga to replace a building that is more than 35 years old and to ensure that Wodonga's 20 career and 60 volunteer firefighters have access to the latest specialist equipment and resources to increase protection for our region and boost the firefighters' own personal safety. The Wodonga CFA responds to about 600 call-outs each year for all manner of emergencies — bushfires, structure fires, car accidents, chemical spills and so on. The new facility would have provided an important infrastructure asset to protect life and property now and into the future for the growing regional city of Wodonga.

During the 11 dark years of Labor under the Bracks and Brumby governments, CFA firefighters in Wodonga were given no certainty, apart from two false promises. In direct contrast, in one term the coalition government committed $6 million for the much-needed station development, the funding for which would have covered land acquisition and construction of the new station for the integrated brigade.

The Benambra electorate also benefited from increased frontline emergency services under the previous coalition government, with new trucks delivered for Baranduda, Bonegilla, Kiewa, Leneva, Old Tallangatta, Stanley, Sandy Creek, Tallangatta, Wodonga West and Wodonga. Further, the coalition also provided infrastructure upgrades for Beechworth, Berringama, Biggara, Bullioh, Burrowye, Cornishtown, Dartmouth, Eskdale, Gundowring, Kiewa, Leneva, Tallangatta and Nariel Valley.

The Baillieu and Napthine coalition governments provided more funding to the CFA than any previous government, and Victoria's emergency services were strengthened by more than 200 extra CFA career firefighters. The coalition commitment of $6 million for a new integrated CFA station for Wodonga was fully costed and submitted to Treasury prior to the election to lock it into the coalition's future budget estimates. The money is there and ready to be spent on the Wodonga CFA station. If Labor chooses not to deliver the station, then the Andrews Labor government will be taking funding from Wodonga to prioritise Labor electorates, once again demonstrating to the people of Wodonga that Labor does not care about their emergency services needs.

Mr Herbert — I am not quite sure what action the member requires.

Ms LOVELL — The action I seek is that the minister match the coalition's commitment and provide funding for the planned $6 million integrated CFA fire station.

Regional community leadership program

Mr MULINO (Eastern Victoria) — My matter is for the Minister for Agriculture, who is also the Minister for Regional Development. I ask the minister to advise how much of the $8 million commitment to the Victorian regional community leadership program will be spent in my electorate of Eastern Victoria Region.

The leadership program builds and develops capacity and leadership in key business and community sectors across rural and regional Victoria. It is a program that has demonstrated a capacity to help communities in a number of ways. I compliment the minister and the government on providing additional funding for this program and committing to funding it over the following four years. It is a program which builds capacity in individuals, which is obviously important, but more importantly seeks to build capacity in communities.

Recently and somewhat coincidentally — in fact yesterday — I was visited by representatives of the City of Casey Australia Day Study Tour. This is a different program, focused on younger people, but one which shows similar kinds of benefits for a community that also falls within the region. There are obviously benefits from community leadership programs at a range of levels. The regional community leadership programs are not for young people; they are for adults, but they successfully bring together people from the community, the not-for-profit sector and the business sector.

By building linkages between business, the not-for-profit sector and government we can build the community but also improve the ways in which government can achieve outcomes in areas like service delivery, which is so difficult to achieve in regional Victoria, and improving employment outcomes, which was the subject of so much of the debate today. A secretariat currently supports the leadership programs and has undertaken a number of tasks, including analysis, capacity building for different leadership programs and profile raising.

I commend Labor's commitment of $8 million for the program, which will run over the following four years. The program has had over 2500 graduates since its inception and will hopefully have many more. I look forward to working with the people who participate in the program in Eastern Victoria Region and to receiving advice from the minister as to which components of the funding will be devoted to my electorate.

Arthurs Seat chair lift

Ms PENNICUIK (Southern Metropolitan) — My adjournment matter is for the Minister for Environment, Climate Change and Water. I raise this issue on behalf of Save Our Seat, an association of local residents who object to the Arthurs Seat skylift proposal, an $18 million redevelopment of the former Arthurs Seat chairlift.

The association wishes to protect Arthurs Seat State Park and ensure that any development is respectful of the acknowledged heritage, cultural and landscape values of this special place. It is not opposed to appropriately scaled and environmentally sensitive commercial activities at Arthurs Seat. A planning application for the redevelopment has been approved by the Shire of Mornington Peninsula and confirmed by a Victorian Civil and Administrative Tribunal (VCAT) decision made on 10 December 2014.

The project relies on significant work — car parking, toilets and defendable space clearing — being carried out by Parks Victoria outside the skylift lease area, which will have adverse impacts on native vegetation and landscapes. VCAT decided that it did not have the jurisdiction to look at these works. The tribunal was therefore unable to carry out a full assessment of the actual impacts of this proposal.

Apart from one short meeting with Save Our Seat, Parks Victoria has not conducted any consultations, discussions, information sessions or similar to respond to concerns raised by the local community or the wider Victorian community. The Victorian Civil and Administrative Tribunal confirmed that no feasibility study, no market research and no benefit-cost analysis or return-on-investment analysis has been conducted by Parks Victoria.

There is a significant potential for a bushfire disaster to occur as a result of this development. It was not in dispute at VCAT that the location is fire prone and the gondolas themselves cannot be made safe. Rather, Skylift contended that it can ensure the safety of patrons through the preparation of a bushfire emergency plan; however, it is unclear from the VCAT decision whether the bushfire emergency plan will need to be signed off by the fire authorities before building commences or before use commences. This document is critical and should be finalised before any work begins.

Save Our Seat is seeking a smaller scale, more sympathetic design developed and more reasonable operating hours. On behalf of Save Our Seat, I ask the minister not to sign the lease for the project without further consideration of its merits and the extreme bushfire risks, including issues of potential liability for the government; that she meet with Save Our Seat representatives at her earliest convenience; that she consult with the Minister for Emergency Services, the Essential Services Commission and the Country Fire Authority about bushfire risks; and that she consult with the local community about the amenity impacts of the project and the risk to life from bushfire.

West Gate Bridge

Mr FINN (Western Metropolitan) — I raise a matter for the attention of the Minister for Roads and Road Safety. As most people would be aware, I have been very concerned for quite some time about congestion on the West Gate Freeway and the West Gate Bridge, so you can imagine my horror this afternoon when I was directed to the website of a newspaper that I do not usually read where a headline states 'Lack of rail link to port tipped to create truck "nightmare" on West Gate Bridge'. The article states:

> A major expansion of Melbourne's port due for completion late next year is tipped to funnel more than 6000 extra trucks a day onto the West Gate Freeway —

I almost had kittens at that point; more than 6000 —

> prompting a truck industry warning that congestion on the West Gate Bridge will become dramatically worse.

I do not know how it could possibly become dramatically worse, but that is what they are talking about. The article also states:

> The West Gate and Monash freeways will provide virtually the only link to and from Webb Dock, which is forecast to generate more than 10 000 daily trips within 10 years, putting further strain on a freeway that already struggles to move more than 170 000 vehicles a day.

An honourable member interjected.

Mr FINN — We are talking about the *Age*, so we cannot say it got its figures right.

> Peter Anderson, the chief executive of the Victorian Transport Association, warned that the lack of rail access to Webb Dock will force thousands of heavy vehicles a day onto the West Gate Bridge, many of them laden with heavy loads that will limit them to speeds of just 25 km/h as they ascend the bridge.
>
> 'We'll get the first truck out, but when we get a run [of trucks], it'll be a bottleneck, it'll fair dinkum be a nightmare', Mr Anderson said.

I think Mr Anderson is absolutely spot on the money. The government having decided that the east–west link is departed, deceased and no longer with us, is only going to make matters worse. We are told the West Gate distributor is going to take 5000 trucks off the West Gate Bridge. Here we have a situation where there are going to be another 6000 added — a net gain of over 1000 trucks a day. Is that not just fine and dandy for the people of the western suburbs!

The DEPUTY PRESIDENT — Order! There is no need to yell, Mr Finn.

Mr FINN — If we could get members opposite to quieten down a little, I will be very happy to be quiet. We already have a situation where people are stuck.

An honourable member interjected.

Mr FINN — If you get that boofhead to pull his head in, we will be in business. The people in the western suburbs and the people on the West Gate Bridge are sick of waiting. What they need, and what I

am asking the minister to find, is a solution to the congestion problem on the West Gate Bridge. Of course we need a second river crossing, and I am asking the minister to provide that for the people of the west.

Sandringham East Primary School

Mr DALIDAKIS (Southern Metropolitan) — I raise a matter for the attention of the Minister for Education. The action I seek is for the minister to make some time in his extraordinarily busy schedule to visit Sandringham East Primary School with me to discuss the school's infrastructure needs and future planning. I put on the record my thanks and appreciation to the Minister for Education, who made numerous school visits and commitments across Southern Metropolitan Region.

The minister continues to show great leadership in this area in his attempt to make Victoria the education state. The school council at Sandringham East Primary School has worked hard to develop the school's master plan, which aims to fix leaking roofs and rotting timber and replace portables that are being stretched well into their useful life. For some reason the school missed out on the attention of the previous government, possibly because it was in a safe Liberal-held seat and was taken for granted. As a new member of Parliament and one who holds education near and dear to his heart — as demonstrated in my inaugural speech — I will continue to advocate for all schools across the region, regardless of who represents them in the lower house.

I reiterate that as a Labor member of Parliament representing Southern Metropolitan Region I will work on behalf of any and every school and all communities to ensure that our children can have an education at a local state primary or secondary school and we can be comfortable and happy in the knowledge that the children will be safe when using the infrastructure and facilities. I look forward to working with the Minister for Education in ensuring that Sandringham East Primary School gets the attention it deserves.

Rural addresses and numbering system

Mr RAMSAY (Western Victoria) — My matter is for the Minister for Local Government, Natalie Hutchins. The matter I raise was raised in this chamber in 2005 by a former member for Western Victoria Region, David Koch, and by Damian Drum in 2010. Both raised the issue of non-compliance and inconsistencies with Victoria's rural addressing system. The aim of the rural addressing system is to accurately number all occupied properties in country Victoria with unique addresses to make it easier, especially for emergency services, to locate and identify individual properties. Land Victoria is responsible for implementing the system and works with local councils to name unnamed roads, allocate rural road numbers and number property entrances.

The Australian/New Zealand Standard provides guidance for authorities when assigning addresses, naming roads and localities, use of signage and recording and mapping information. The standard also requires that road numbers be of a certain size, be placed at the entrance of a property and be of high visibility. This includes specifics relating to the position of rural addressing numbers, the height and angle of placement and the colour of numerals. You would think those standards would be quite easy to achieve for those contracted to do the work. Although the national standard recommends a maximum five-digit number, for some strange reason Victoria adopted a policy of allowing only a four-digit number, which destroys consistency along roads longer than 99.99 kilometres, thereby making it very confusing to find rural addresses on most state highways and many other long roads.

The original initiative was well received and had wide support from all sections of the community. It was also seen as vitally important for emergency services, whether through the use of GPS or visible sighting, to improve emergency service response times in rural areas. But alas, the wheels fell off in the implementation stage, which had local councils contracted by Land Victoria to implement the rural addressing scheme to the Australian standard. Regrettably, contracts were varied, and this led to inconsistencies between roadways and between states, and, worst of all, the numbering of roads was not consistent with the direction of the name of the road. Other issues also emerged, including the lack of visibility of address numbers. Mr Leigh Heard, a farmer and constituent in my region, has for years been strongly campaigning for action in relation to the contracts that local government had from Land Victoria to meet the Australian standard.

The action I seek is for the minister to call an immediate investigation and audit into the rural addressing system — —

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! Mr Dalidakis and Mrs Peulich!

Mr RAMSAY — It is required to improve its credibility as a system, as it is a critical tool for those living in rural Victoria who need and deserve timely

and efficient response times in their hour of need. I urge the minister to undertake a review of the rural addressing system — —

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

Royal Commission into Family Violence

Ms CROZIER (Southern Metropolitan) — On numerous occasions when speaking about the Royal Commission into Family Violence the Premier has said the royal commission will examine our system and 'nothing will be off-limits'. Following the announcement of the royal commission's terms of reference on 19 January the Premier said:

> There are many people who have a story to tell, many people who have a very powerful contribution to make to us better understanding the challenge we face, and designing the solutions for a better and safer future, that do not want to appear in a court.
>
> That do not want to ever again have to go through what has been a most unsatisfactory, and often a very dangerous process for them.

On the same day the terms of reference were released, the Minister for the Prevention of Family Violence, Fiona Richardson, said:

> … they (the terms of reference) are broad enough to allow those that want to tell their stories, those that feel that would be the way in which to move policy forward, that they would be given an opportunity to do so, and Marcia in particular is very conscious of the need to listen to victims.

A number of media releases came out on the same day, including one from the Victorian Council of Social Service which states:

> With the Premier also stating that the royal commission would hear from survivors of family violence —

and it also talked about 'the importance of supporting these people'. I know from my experience of having chaired the inquiry into child abuse that the committee and the Parliament worked very closely with a number of agencies and organisations such as Victorian Centres Against Sexual Assault, as well as Victoria Police, to enable the many victims and secondary victims who wanted to tell their stories to that parliamentary inquiry to do so. Parliament also made provision for the many victims who wanted to give their evidence in private.

I have heard from many women who want to give evidence to the royal commission and who want to be able to tell their stories. I note there has been a notional sum of around $4 million provided for support for the many women and others who want to come before the royal commission. I also note that there is increasing concern from a range of agencies and services regarding an anticipated increase in demand for those services once those women come forward. The action I seek is that the Minister for the Prevention of Family Violence ensure that support mechanisms are in place to enable those victims who want to come forward to be heard, to tell their stories to the royal commission and to be supported during that process.

Mildura Base Hospital

Mr DAVIS (Southern Metropolitan) — I am very pleased to rise tonight with a matter for the attention of the Minister for Health. The matter concerns Mildura Base Hospital, a very important hospital that services not only Mildura but also the Sunraysia district, an area of population growth and significant medical and health activity. It is distant from Melbourne, and that means the services need to have a high level of not only sustainability but also self-sufficiency.

In the period between 2010 and 2014 the former government worked very hard to support Mildura hospital, not only providing a significant expansion of the service — $15 million worth of expansion, part of it in conjunction with the commonwealth government — but particularly an expansion of mental health services, emergency services and a number of other key services, not least cancer services, at Mildura hospital.

Tomorrow is the formal opening of Mildura hospital. I understand that this will be attended by councillors, staff and others, and I know the member for Mildura, who has been a very strong advocate for that hospital and for greater services at the hospital, will also be present. Tonight I wish Mildura hospital, and the services that are provided at Mildura hospital, well. I particularly note that the hospital follows an unusual model for this state. It is a public hospital service that is provided by a private group. As the former Minister for Health, I worked hard to bring that hospital back into public ownership so that there could be expansion of the hospital.

Over Labor's period in government between 1999 and 2010 there was no expansion of the hospital and there was no focus on dealing with the population growth. In that period between 2010 and 2014 we repurchased the hospital — $40 million worth of expenditure by the state government. The state government now owns the building, and we expanded it through our program to expand the emergency department, mental health services and other key services at Mildura hospital. I want to compliment the board headed by Vernon Knight and the Ramsay Group that runs the hospital.

Dane Huxley, the CEO, does a very good job of running the hospital and providing great services.

During our period of government we expanded hospital services. We provided additional funding, and I want to see an expansion of services under the new government and an increase in funding, unlike the previous period of Labor government which starved the hospital of funding.

Responses

Mr HERBERT (Minister for Training and Skills) — I will begin with the matter Mr Melhem raised with me as the Minister for Training and Skills. Mr Melhem asked me to advise him on how the $320 million TAFE Rescue Fund will help people in the west. I am happy to do that. He pointed out accurately that Victoria University's skills and training area has suffered from cuts to the funding of the sector by the previous government. That has placed an enormous strain on its capacity to provide skills and training to some of the most disadvantaged people in Melbourne. Victoria University has many thousands of students who left school early or are refugees or come from difficult family backgrounds and who desperately need some pretty basic skills in many cases to get back on the road to success and back on the road to a job.

While we have not divided up that money at this point, there is no doubt that Victoria University will benefit from the $320 million TAFE Rescue Fund, in particular the community service obligation funding that will be provided to TAFEs so they can do basic things such as helping with tutors for literacy and numeracy, and providing a whole range of extra support for students, those with a disability and those who need a little bit of extra help over and above any competitive funding model. I am happy to go out to Victoria University with Mr Melhem to talk to staff there about the university's needs and how they would see funding for the community service obligations supporting their activities.

Ms Lovell raised an action for the Minister for Emergency Services, which I will pass on. However, I will comment that in her contribution Ms Lovell said that Labor had made not one single election commitment in the Assembly electorate of Benambra. Clearly that is not correct, because I can assure her that Wodonga TAFE will benefit greatly from Labor's $320 million TAFE Rescue Fund. I will pass the issue of funding for the new $6 million integrated Country Fire Authority station on to the Minister for Emergency Services.

Ms Springle raised a matter for the Attorney-General. She asked him to take action in terms of developing legislation to remove the failure-to-protect laws from the Crimes Act 1958 and associated matters. I will refer those matters to the Attorney-General.

Ms Wooldridge asked the Minister for Health to meet with medical staff and others at the Austin Hospital to ensure that services at the Austin stay there, given its relationship with the Northern Hospital.

Mr Mulino raised an action for the Minister for Regional Development about funding for community leadership programs in his electorate from the Victorian Regional Community Leadership program funding.

Ms Pennicuik raised a matter for the Minister for Environment, Climate Change and Water regarding the Arthurs Seat redevelopment. She asked that the minister consult more and take into account the impact, particularly the bushfire risk, of the Arthurs Seat development. She asked that the minister go out and consult with the Save our Seat group and others about that development before signing a lease.

Mr Finn raised an action for the Minister for Roads and Road Safety about finding a solution to congestion problems on the West Gate Bridge. He is not happy with the West Gate distributor.

Mr Dalidakis raised a matter for the Deputy Premier and Minister for Education. He asked the minister to visit Sandringham East Primary School, a great local primary school. I will refer that request to the Minister for Education, and I am sure he would be delighted to visit that school.

Mr Ramsay raised an action for the Minister for Local Government asking for an immediate investigation or review of the rural road numbers system.

Ms Crozier raised a matter for the Minister for the Prevention of Family Violence and asked the minister to ensure that support mechanisms are put in place to enable victims to come forward and be supported in telling their stories as part of the family violence royal commission.

Mr Davis raised an action for the Minister for Health seeking an expansion of and extra funds for the Mildura hospital. I will refer those actions to the relevant ministers.

I have a written response to an adjournment debate matter raised by Mr O'Donohue on 11 February.

The DEPUTY PRESIDENT — Order! I am very pleased to say that the house now stands adjourned.

House adjourned 7.18 p.m. until Tuesday, 17 March.

WRITTEN RESPONSES TO QUESTIONS WITHOUT NOTICE

Responses have been incorporated in the form supplied to Hansard.

Public holidays

Question asked by: **Mr Dalla-Riva**
Directed to: **Minister for Small Business, Innovation and Trade**
Asked on: **25 February 2015**

RESPONSE:

We will continue to consult with all stakeholders as part of the Regulatory Impact Statement (RIS) process for the rollout of the Easter Sunday and Grand Final Friday public holidays, including with the Australian Hotels' Association.

The Andrews Labor Government is committed to delivering on its election promise to make Easter Sunday and Grand Final Friday public holidays.

These public holidays will provide a much deserved chance for hard working Victorians to spend time with their families during these significant religious and cultural celebrations.

Public holidays

Question asked by: **Mr D. Davis**
Directed to: **Minister for Small Business, Innovation and Trade**
Asked on: **25 February 2015**

RESPONSE:

I am informed that:

Any additional funding required to bring forward this election commitment will be dealt with as part of the Budget process.

Ministerial responsibility

Question asked by: **Mr Ondarchie**
Directed to: **Minister for Small Business, Innovation and Trade**
Asked on: **25 February 2015**

RESPONSE:

– The Andrews Government's plan to support the six industry sectors is being led by my colleague the Minister for Industry, Lily D'Ambrosio. All Ministers in the Economic Development portfolio are working together to achieve growth in the six sectors.

– Whilst we are focussing on driving job growth in the six priority sectors we are continuing to implement effective policy across the broader economy.

– Elements of the six industry sectors fall across all my portfolios; Small Business, Innovation and Trade.

– I have been meeting with a number of industry leaders over the past two months, to understand issues and opportunities for businesses in these sectors.

– The Victorian Government has and will continue to provide support for inbound and outbound trade missions, which will have benefits for all of the growth sectors.

– Small Businesses cover 96 per cent of all Victorian business, therefore our Small Business plan is an integral part of supporting the six key growth sectors.

– Through our Innovation Plan we are supporting the six key growth sectors.

– It is important to note that the Back to Work plan will establish a $200 million future industries fund which will provide grants of up to $1 million for Victorian firms specialising in the six growth industries.

Local government review

Question asked by: **Mr Purcell**
Directed to: **Minister for Small Business, Innovation and Trade (for Minister for Local Government)**
Asked on: **25 February 2015**

RESPONSE:

In response to the Honourable Member for Western Victoria Region James Purcell MP's question, I can advise the following;

The Andrews Labor Government is committed to reviewing the Local Government Act. It is an election commitment and the Government will deliver all of it's election commitments.

The greatest threat to jobs in the local government sector is Tony Abbott's $1 billion of cuts to Financial Assistance Grants. These cuts are a direct assault on the bottom line of council budgets.

It is necessary for all Members of this place to ask Tony Abbott to reinstate this funding.

Public holidays

Question asked by: **Ms Wooldridge**
Directed to: **Small Business, Innovation and Trade**
Asked on: **25 February 2015**

RESPONSE:

I am informed that:

The impact on the Victorian economy of the recently gazetted public holiday on Easter Sunday, 5 April 2015, is currently the subject of a Regulatory Impact Statement (RIS) as required under the Subordinate Legislation Act 1996. The RIS process is a rigorous analysis of the proposal, including an assessment of the costs and benefits on the Victorian economy, and includes a mandatory public consultation period.

The RIS will also include an analysis of the proposed Grand Final Friday public holiday as well as the Government's commitment to provide an ongoing Easter Sunday public holiday. I anticipate the RIS will provide insightful and meaningful analysis (both qualitative and quantitative) of the benefits of the public holidays on businesses and the broader Victorian community.

The RIS follows an explicit process set out in The Victorian Guide to Regulation. The draft RIS must be provided to the Victorian Competition and Efficiency Commission (VCEC) for assessment prior to being released for public submissions. The public consultation period will run for a minimum of 28 days.

The RIS process should be concluded by mid 2015.