PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Thursday, 3 September 2015

(Extract from book 12)

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By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AM

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

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

Legislative Council committees

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

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

Legislative Council standing committees

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

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

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

participating members

Legislative Council select committees

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

Joint committees

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

President: The Hon. B. N. ATKINSON

Deputy President: Ms G. TIERNEY

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

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Deputy Leader of the Government:
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Leader of the Opposition:
The Hon. M. WOOLDRIDGE

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

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

Leader of the Greens:
Mr G. BARBER

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

[1] Resigned 25 February 2015
[2] Appointed 15 April 2015

PARTY ABBREVIATIONS

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

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THURSDAY, 3 SEPTEMBER 2015

Thursday, 3 September 2015

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

PAPERS

Laid on table by Clerk:

Ombudsman — Investigation into a conflict of interest by an Executive Officer in the Department of Education and Training, September 2015 — Ordered to be published.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 94, 96 and 98.

Legislative Instrument and related documents under section 16B in respect of a Ministerial Order, 18 August 2015, under the Public Holidays Act 1993.

Terrorism (Community Protection) Act 2003 — Report pursuant to section 21M by Victoria Police for 2013–14.

NOTICES OF MOTION

Dr CARLING-JENKINS having given notice of motion:

The PRESIDENT — Order! I just make the point at this juncture that, as members would be aware, I usually apply a pretty strict word count to notices of motion and I scrutinise the parameters of those motions fairly carefully. But clearly the establishment of select committees requires an outline of the committees' responsibilities, terms of reference, membership and so forth, so related notices of motion are not a precedent for all notices of motion in terms of the length but are appropriate in respect of the establishment of committees. I just make that point now to distinguish between the two.

BUSINESS OF THE HOUSE

Adjournment

Ms PULFORD (Minister for Agriculture) — On behalf of Mr Jennings, I move:

That the Council, at its rising, adjourn until 2.00 p.m. on Tuesday, 15 September.

Motion agreed to.

MINISTERS STATEMENTS

Melbourne Market

Ms PULFORD (Minister for Agriculture) — I rise to update the house on actions the government has taken to improve Melbourne's wholesale fruit, vegetable and flower market. The relocation of the market from its site of several decades in West Melbourne to Epping to provide a modern, efficient centre for the sale and distribution of fresh produce was announced in 2004. The Epping site, chosen in consultation with the market community, is a safer, cleaner, more efficient market. It will be good for staff, good for the environment and good for business.

While the market site had all the necessary infrastructure and occupational health and safety standards in place to open as originally planned on 3 August, a number of market tenants were unable to complete their store fit-outs in time for the scheduled opening. I understand that about 80 per cent of market businesses were ready for the transition in line with the original schedule. The market community as a whole however, represented by the market advisory committees and Fresh State, requested an extension to the opening date, to which the Melbourne Market Authority and the government agreed.

Monday of this week saw a smooth opening for the new market at Epping. Tenants moved in over the course of last weekend and they have done a great job in preparing their stores and stands for this first week of trade. Reports from the chamber of commerce within the market, Fresh State, have indicated that trade volumes are consistent with expectations for this time of year. The new modern facility at Epping represents a significant investment by the Victorian government in Victoria's wholesale fresh produce industry over many years now. In combination with the Andrews Labor government's agenda to drive growth and create jobs in the food and fibre sector, the new Melbourne Market will support the industry in continuing to be globally competitive, highly productive and sustainable.

MEMBERS STATEMENTS

Towards Zero

Mr BARBER (Northern Metropolitan) — I would like to compliment the government on its adoption of the Towards Zero road safety campaign. I have just completed a tour of the US and a number of cities that have already become leaders in Vision Zero, notably New York and San Francisco, where all the works of government are being united in order to reduce the road

toll and send it towards zero. These include measures involving the three Es of Vision Zero, as it has been called: education, engineering and enforcement. I look forward to the plan the government is going to produce later in the year to implement this goal. Hopefully there will be opportunities for the community to participate in the development of that plan. In the meantime, of course, we have a lot of work to do. We need a strong, ongoing and consistent program of works involving engineering, education and enforcement. These measures need to be applied consistently over many years into the future in order to get us moving steadily towards that goal.

Western Victoria junior football and netball clubs

Mr PURCELL (Western Victoria) — It gives me great pleasure to rise today to acknowledge the hundreds of western Victorian families who have been involved with junior football and netball throughout the season. Each week, across the towns of western Victoria and the rest of Victoria, many families load up their cars and travel many kilometres — hundreds of kilometres in some cases — with young footballers and netballers who brave wintry conditions to play for their clubs.

Many of these leagues currently are in the middle of their finals, and 2015 has been a very busy season. In an era where we are fighting rising obesity rates and reduced physical activity, it is very rewarding to see such a large number of junior members of western Victorian and Victorian communities involved in weekend sport. I also acknowledge the parents who drive up to 200 kilometres on away games so that their children can participate.

ADC Gandel Oration

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — On Tuesday, 25 August, I had the pleasure of attending the 2015 ADC Gandel Oration. It was delivered by Rabbi Abraham Cooper, who is the associate dean of the Simon Wiesenthal Centre in Los Angeles.

Firstly, I congratulate Dr Dvir Abramovich, who is the executive director of the B'nai B'rith Anti-Defamation Commission. I thank John Gandel, AO, for his ongoing support and philanthropy in general but in particular for his support of the ADC Gandel Oration.

Finally, and emphatically, I put on the record my eternal gratitude to Abe Cooper for the work he has undertaken throughout his life in a career devoted to fighting anti-Semitism across the globe. Dr Cooper gave an amazing speech on the night, and two things I would like to point out are that this is the 70th anniversary of the end of World War II and the Jewish community now faces both new and old threats of anti-Semitism.

To that end on the night he said in his message:

> We live in a time when a European establishment is all too happy to bow their heads for a moment of silence for dead Jews slaughtered by the Nazis and local collaborators but have precious little time for live Jews beset by a resurgent anti-Semitism.

I thank him for his work and I acknowledge the bipartisan support for the Jewish community across all political persuasions in Australia.

Haven; Home, Safe

Ms LOVELL (Northern Victoria) — I would like to congratulate Haven; Home, Safe on winning the inaugural Community Sector Banking Housing Impact Award 2015. Haven was awarded this prestigious honour for an Australian-first program that addresses homelessness with a combined approach to help residents move towards permanent housing and improve their life paths. The Sidney Myer Haven project tackles the issue both directly, with a major 23-unit medium-term residential housing development, and indirectly, with intensive life skills education.

This $6 million-plus program was majority funded by the former Liberal government during my term as housing minister. The government contribution was $4 million, with the Yulgilbar Foundation and Sidney Myer Fund contributing $1.4 million. Bendigo for Homeless Youth raised $100 000 towards the program, and the Community Foundation for Bendigo and Central Victoria and Horizon House contributed $100 000 and $50 000, respectively.

It has been a joint community effort, and I am exceedingly proud of the work that so many groups within the community have put into it, beginning of course with the innovative thinking needed to tackle homelessness in the novel way that this program does. One of the unique components of this program is that, following the initial $4 million contribution from the former Liberal government, no recurrent expenditure is required from government. Rather, rent from the accommodation will be returned into the investment to provide the necessary support programs. As one of the award judges said, the program is 'deeply impressive', and I am very pleased that Haven; Home, Safe is being recognised for its work.

Keith Wilson

Ms TIERNEY (Western Victoria) — It is with great sadness that I rise to speak of a remarkable and inspirational man, Keith Wilson — 'Willo' — who passed away in Portland on 6 August at the age of 81. Willo was born in Portland, Victoria, a township and community that he put his heart and soul into throughout his entire life. At 15, Willo commenced work as an apprentice carpenter working for local businesses. However, in 1959 he was encouraged to apply for a woodwork teaching position at Portland High School, which is a job he held until his retirement in 1993. Willo's strong and untiring desire to help those who needed help and to get involved in the community made him the significant person he was, and always will be, in Portland.

To list the lengthy rollcall of significant achievements and positions Willo held over his life would be impossible in the short time I have this morning. However, the fact that more than 14 clubs and associations, including the Australian Labor Party, awarded him life membership goes some way to indicating his commitment to the Portland community. He was committed to the notion of a fair go for all and that those at the big end of town could look after themselves.

Willo was elected mayor of Portland twice, in 1973 through to 1975 and 1988 to 1989, and he served as a councillor for over a decade. He was awarded a Medal of the Order of Australia in 1986, but the 2008 Glenelg Shire Citizen of the Year award was his most prized award and another example of what Portland meant to him.

He was committed to his family. He had been married to Beverley since 1955. He was the father of four children, including Cr Gilbert Wilson, and had 11 grandchildren and six great-grandchildren. He was what the priest called a very, very good townsman, and we miss him deeply. Vale, Keith Wilson.

Public holidays

Mr DRUM (Northern Victoria) — There is a radio station in Melbourne that broadcasts Billy Brownless and James Brayshaw behaving stupidly every week. They advertise their segment as 'When sport meets stupid'. When I think about when sport meets stupid I think of the public holiday we are going to have for the parade before the AFL Grand Final. The closer we get to this year's AFL Grand Final the more ridicule and disbelief there is about this bizarre decision from the thought bubble that happened to crash through the mind of a would-be Premier. It has been well stated that this holiday is going to cost the state's economy nearly $1 billion when it can least afford it and when we know that the regional economy is slowing, that regional unemployment is growing and that the costs on small business are putting more and more pressure on each of those small businesses.

This is a public holiday that no-one asked for. This is a public holiday that the footballing public did not want. The AFL did not want this public holiday and it still does not want it. Victorian businesses do not want it. I have been inundated with complaints from Bendigo businesspeople who are venting their anger at a Labor government that is so out of touch that it has no idea of the pain it is inflicting on small businesses and also on casual employees who will lose their wages on a day when their businesses decide not to open — when their businesses take the advice of the minister and simply do not open. This truly is — —

The PRESIDENT — Order! I thank Mr Drum.

Broadmeadows electorate development summit

Mr EIDEH (Western Metropolitan) — I am delighted to speak on the recent economic and cultural development summit which was hosted by my parliamentary colleague the member for Broadmeadows in the other place, Mr Frank McGuire. The event, which hosted keynote speakers including the Deputy Premier and Minister for Education, the Honourable James Merlino, and the Victorian Treasurer, the Honourable Tim Pallas, provided a very interesting insight into the community in Broadmeadows and plans for the future.

The summit outlined a creative blueprint for new industries and jobs, lifelong learning and housing affordability, which is critical given the demise of local manufacturing and the youth unemployment rate at more than 40 per cent. In addition to this, the Treasurer announced funding of $1.3 million to begin the revitalisation of the heart of Broadmeadows. There has also been $1 million allocated to transform Pascoe Vale Road into a central boulevard, with tree planting, road works and improved crossings. A further $150 000 has been allocated to redesign the loop road around the central precinct and to seek partners for the development of offices and car parks to reshape the precinct. Another $150 000 has been allocated to advance the development of the Meadowlink park along the old railway easement to create new access to central Broadmeadows from the east.

All of these are very important developments for the area, and they will stimulate jobs and growth. I congratulate the member for Broadmeadows on hosting this very well organised and important event.

Governor of Victoria

Mrs PEULICH (South Eastern Metropolitan) — I had the pleasure of attending a celebration service to welcome the Governor of Victoria, Her Excellency the Honourable Linda Dessau, AM, held at the Melbourne Synagogue by the Melbourne Hebrew Congregation on Sunday last, along with a number of other members of Parliament. What a class act the Governor is. Her life and history has an amazing storyline, and hopefully she is a great inspiration to all Victorians. I congratulate her on her achievements, which obviously have much to do with her own talents, but also she brings with her a very rich history of multiculturalism.

Member for Narre Warren South

Mrs PEULICH — I also express my dismay at the ongoing activities of the member for Narre Warren South in the other place, who uses opportunities to display her cattiness and smear other people whenever she can, the most recent occasion being during a debate on union coercion yesterday in the lower house, referring to a former member of the Assembly, Ms Donna Bauer, and her submission to the Electoral Matters Committee on union coercion. The member for Narre Warren South has some reason to be a bit sore about the 2014 election, when she got a 10 per cent kick on one of the booths I worked on. She used that opportunity to make allegations that were just basically a product of her nature to smear, her nastiness and her lies. Part of the lies are that she is consistently — —

The PRESIDENT — Order! I ask Mrs Peulich to withdraw her last statement from the word 'smear' through to 'lies' because it is really inappropriate to reflect in that way on a member in another place without moving a substantive motion. We also know that the implication of what Mrs Peulich said in terms of lies is unparliamentary.

Mr Dalidakis — On a point of order, President, I thank you for that, and I ask you to read *Hansard* and ask Mrs Peulich to also withdraw her earlier remarks about smear at the beginning of her contribution.

The PRESIDENT — Order! I heard those earlier remarks. I am satisfied that at this point, having been corrected on the second occasion, it will be understood that I do not think that remark was acceptable.

Mrs PEULICH — My first reference was in relation to smearing my name, and if you check her contribution in *Hansard*, it will attest to that fact. The reality is that telling your electorate you are going to move into the electorate on consecutive occasions and failing to do so is not something that is looked upon favourably.

Reservoir Community and Learning Centre

Mr ELASMAR (Northern Metropolitan) — On Thursday, 27 August, I attended the official opening of the new Reservoir Community and Learning Centre in the city of Darebin, located in my electorate. The member for Preston in the other place, Robin Scott, officiated at the opening, which was hosted by Councillor Steven Tsitas, the mayor of Darebin. The event was very well attended and organised efficiently by Darebin's council officers. We were treated to a tour of the new state-of-the-art facility, which is designed to deliver high-level learning opportunities for local residents. This new development will provide enhanced skills to our young people that will eventually benefit employers and provide long-term, much-needed jobs in the north.

Victorian Training Awards

Mr ELASMAR — On the evening of Friday, 28 August, I attended the 2015 Victorian Training Awards presentation ceremony. This is an annual event that recognises young Victorians for their outstanding abilities and talent. The Minister for Training and Skills, the Honourable Steve Herbert, officiated, and I have to say that all the finalists were brilliant. It must have been a very hard choice to pick the winners because, in my opinion, all the entrants were winners. As usual I was impressed by the high standard of excellence of all the nominees. I sincerely congratulate them all.

Members for Polwarth and South-West Coast

Mr RAMSAY (Western Victoria) — This morning I would like to pay tribute to two retiring members of Parliament who have dedicated a significant part of their working lives to public service. Representing the Assembly electorates of Polwarth and South-West Coast, Terry Mulder and Denis Napthine, who have served this country in peace for 16 years and 27 years respectively, have much in common. Their families were born and bred in the Colac district, and both are hardworking, well-respected local MPs.

They know their electorates back to front, and both have a great ear for the community and its needs and

have advocated strongly, passionately and fiercely on behalf of their communities. They understand the importance of decentralisation and the importance of ensuring that country communities get the same opportunities in business and lifestyle as their urban counterparts, and they have been totally committed to that end.

Both were ministers, with Mr Mulder serving as Minister for Public Transport and Minister for Roads in the Baillieu government and Dr Napthine serving as Minister for Youth and Community Services in the Kennett government, then as Leader of the Opposition, and then later as Minister for Regional Cities, Minister for Ports and Minister for Racing under the Baillieu government. He then became Premier of this state. Mr Mulder and Dr Napthine followed the ministerial legacies of Ian Smith, who represented the Assembly electorate of Polwarth, and Digby Crozier, who represented the Assembly electorate of Portland. Both Mr Smith and Mr Crozier were strong advocates for rural Victoria who knew and served their electorates with a passion and commitment.

Dr Napthine, the first and only regional Premier from the south-west, had his opportunity cut short but left a significant legacy for people with a disability who are seeking a better quality of life and an independence that gives them an equal role in society, with the headquarters of the national disability insurance scheme based in Geelong. Mr Mulder, who held the important portfolio of public transport, successfully established Public Transport Victoria and the Taxi Services Commission.

Here we have a couple of country boys who both came from humble beginnings, won the hearts of their electorates, were characters in their own right and were firm friends who shared a love of horses and the racetrack. They rose to the top of their professions, left the communities they represented in a better place and can now justifiably look back and be satisfied with a job well done. I consider both men friends, and I wish them both well in their lives after politics. I thank them for their enormous contributions to the state, to the communities they served and to the western region of Victoria.

ROAD SAFETY AMENDMENT BILL 2015

Second reading

Resumed from 6 August; motion of Mr JENNINGS (Special Minister of State).

Mr O'DONOHUE (Eastern Victoria) — I am pleased to rise and speak on behalf of the opposition in relation to the Road Safety Amendment Bill 2015. Although it is unusual, I will start by reiterating the words of Mr Barber, which I do not do very often in this place, and talk about the tripartisan nature of road safety and the collective desire of all of us and many members of the community to continue the improvements in road safety that have been made over the last two generations.

It is often said in this place, but I will say it again, that Victoria has been a leader in road safety initiatives, from the Road Safety Committee recommending the compulsory fitting and wearing of seatbelts in the 1970s to various iterations of the Transport Accident Commission (TAC) advertising campaigns; improvements to on-road and road-associated infrastructure, such as the removal of dangerous trees on the sides of roads; funding through the TAC for the Safer Road Infrastructure program; and a range of other initiatives across government agencies and in the community. This was not done just to reduce the road toll, although the road toll is the source of much tragedy in our community; it was also done to reduce road trauma.

Whilst a great many improvements have been made in reducing the road toll, there is still a long way to go. I welcome the new campaign, Towards Zero, but there is still a great deal to be done to reduce road trauma. With improved roads and road infrastructure and the separation of traffic, particularly on our main highways and freeways through median barriers and other forms of infrastructure that can stop head-on collisions, as well as improved vehicle safety technology, we have been able to reduce the road toll; however, road trauma continues to be a significant issue in our community. People are seriously injured and suffer a great deal as a result of road trauma, which has a broader impact on our community.

Road safety has been one of those areas of public policy and community engagement where there has been very significant cross-party support and where programs from one government have been continued, refined, updated and refreshed by the next government. There has been great continuity in the last 20 to 30 years in the efforts that have been made with respect

to road safety, which is reflected in the improvements we have seen. We still have a long way to go, and as a collective group of people — as members of Parliament and the broader community — we all endorse the work that has been done and look for continued reduction in the road toll and also in road trauma.

When I had the great privilege of being the Parliamentary Secretary for Transport to the then Minister for Roads, the member for Polwarth in the other place, the first email I received every day was the road toll update, and it was very sobering to learn about what may have occurred overnight. Sometimes I would wake up in the morning to find several people had been added to the road toll, which meant several individuals' lives had been cut short and several families had experienced untold and unexpected tragedy. It was a very sobering start to each and every day when I had the privilege of working with Minister Mulder.

The opposition does not oppose the bill. The coalition has a strong and continuing commitment to improving road safety in Victoria. The Ministerial Council for Road Safety, which the coalition government established, was an excellent forum for bringing together the separate road safety agencies so that coherent and clear policies could be developed to improve road safety, utilising the expertise contained within those relevant agencies and the public service. Mr Rich-Phillips was one of the members of that ministerial council, and it did a great deal of good work.

I conclude my introductory remarks by acknowledging the remarkable commitment that many people in VicRoads, in the Transport Accident Commission and in the relevant departments have to reducing the road toll and road trauma. In Victoria we have a remarkable group of people who commit their careers to this issue, including in Victoria Police of course, with the resources and focus the police give to this important issue. We are well served and lucky as a Parliament and a community to have many dedicated people who make such a significant contribution to this ongoing challenge.

The bill before us amends the Road Safety Act 1986 to allow Victoria Police to request a blood test from all drivers or those in charge of a motor vehicle involved in a fatality or serious injury collision to be analysed for the presence of drugs. It amends part 6A of the Road Safety Act to improve the effectiveness of the hoon driving regime by ensuring that all road safety camera offences of extreme speeding are captured. It allows Victoria Police to recoup costs for the impoundment and immobilisation scheme, and it clarifies under what circumstances exceptional hardship can be considered by the court when hearing an impoundment, immobilisation or forfeiture order.

In particular the bill introduces new section 55BA and amends relevant sections of part 5 of the Road Safety Act to allow police the discretion to request a blood sample for analysis from persons in charge of a vehicle that has been involved in an accident where serious injury or fatality has occurred and the person has not been injured or admitted to a medical facility for treatment. Currently there is a loophole in the testing regime whereby, if a driver involved in such a collision is not injured or hospitalised, that driver can be requested by police to provide a blood sample but can legally refuse to do so.

This amendment was first introduced by the previous government in October last year through the Road Safety Amendment (Mandatory Drug Testing) Bill 2014. The impetus for legislative change to correct this loophole was the result of a public pledge in early 2014 by the then Minister for Police and Emergency Services, the Honourable Kim Wells, the member for Rowville in the other place, to close the loophole following several tragic incidents involving death caused by drivers while under the influence of drugs, particularly ice and heroin. I noticed in reading the debate in the other place that many members referred to the incidents that took place in Lygon Street and in Docklands.

Although the former coalition government's provisions mandated blood testing of all drivers for the presence of drugs, this bill provides discretion to the police to request a test. Following the opposition's concerns about the government's amendments to the original bill introduced in 2014, a briefing was provided to the opposition in both houses upon the invitation of the Minister for Police, and I thank the minister for the opportunity provided to hear from and talk to Victoria Police directly. In the briefing Victoria Police provided assurances that operational guidelines will be established to ensure that in practice all drivers who are involved in a collision involving a fatality or serious injury will be tested for drugs, except in limited circumstances such as where the age of the driver is a factor. Again, I thank the minister for the opportunity to be briefed by Victoria Police and to be able to clarify some of the opposition's concerns around the changes the Andrews government introduced to the original bill.

The bill introduced by the coalition provided for the existing range of illicit drugs to be tested by a driver's blood sample to be extended to include heroin and morphine. Currently the legislatively prescribed illicit drugs that can be tested by blood sample are ecstasy,

cannabis and methamphetamine, which are the same as for a preliminary saliva swab test. This provision in the previous bill was the result of the coalition government's desire to see heroin included on the list of drugs to be tested, following advice regarding the tragic case in 2011 of a double pedestrian fatality in Lygon Street, Carlton. As I said before, this case was mentioned by numerous speakers in the debate in the other place, but for the benefit of members I indicate that the collision occurred when a driver who ran a red light was not found to have had the prescribed tested drugs or alcohol in her system but was later identified as a recovering heroin addict. Despite claims, never proven, that the driver was allegedly under the influence of heroin, the driver was not tested for heroin or morphine, since there was no legislative requirement to do so.

While this bill does not explicitly list heroin or morphine as an illicit drug to be tested for, Victoria Police has advised that, except in limited circumstances, in practical terms all drivers involved in a collision involving a fatality or serious injury who are not injured can now be tested for a range of drugs via a drug marker screening test. Again, I thank Victoria Police for that advice. Victoria Police further advised that currently this test is ordinarily applied to all drivers who are hospitalised following a collision involving a fatality or serious injury where there is a reasonable suspicion of drug impairment but no direct evidence of a specific drug having been consumed. If heroin has been consumed by a driver, a drug marker screening test will show a presence of heroin or its associated base opium alkaloid components of morphine or codeine, depending on the time lapse between consumption and the blood test being taken due to heroin metabolising rapidly in the human body.

Victoria Police has advised of ongoing technical difficulties in being able to prove illicit drug impairment of a driver when testing for heroin via a blood sample or a preliminary saliva swab test. I am advised by Victoria Police that heroin metabolises and breaks down in the bloodstream extremely fast — within 1 hour it has already metabolised into morphine and within 2 hours it cannot be distinguished from codeine, a legal drug that can be obtained without prescription, which also rapidly metabolises to morphine. Victoria Police further advised that when dealing with the legal requirement to take a blood sample from a driver at a hospital within 3 hours it can be difficult to ensure a successful prosecution for driving under the influence of heroin due to the fast metabolising rate of the drug.

The legislative change to close the loophole for drivers involved in a fatal or serious collision who are not injured is an important initiative and comes at a time of increased detection of drivers under the influence of drugs, in particular ice. Increasingly we are hearing horror stories of the effects of ice on drivers leading to tragic consequences. This amendment to close the loophole is one that should never have been needed, but it is pleasing that the government has now picked up the coalition's original proposed amendments in this regard.

This bill also follows on from the previous government's actions late last year that saw the TAC provide an initial $4.5 million in additional funding to Victoria Police, as a result of which the number of random driver drug tests more than doubled, from around 42 000 per annum to a rate of 100 000 per annum. I was pleased to be advised by Victoria Police that training and the provision of test kits to roll out random drug driver testing to more than 200 highway patrol vehicles, in line with the coalition's comprehensive response to ice when in government, are almost complete and that Victoria Police is on schedule to test 100 000 drivers for drugs over a 12-month period.

The facts are clear: drug driving is a major and increasing problem for road safety and the community in Victoria. For many years as a community we have been fighting the road toll war, tackling head-on the combination of drink-driving, speed and fatigue. Drug driving is arguably the new front as, regrettably, more and more people are detected with drugs in their system while driving. The statistics are most concerning. In 2013 some 26 per cent of all fatalities involved drivers who tested positive for drugs. That was a higher percentage than that of drivers who tested positive for alcohol, which I understand was approximately 21 per cent. Some 39 drivers killed in road accidents had cannabis, ecstasy or ice in their systems. Equally disturbing is the fact that 24 people were killed and another 121 were injured in 2013 by drivers who tested positive for drugs.

According to the TAC website, 173 people have been killed on our roads this year. That is higher than the 169 fatalities at the same time last year. Drugs, particularly ice, are a scourge on our community and they take a terrible toll, including on our roads. We as legislators must support Victoria Police and the other road safety agencies I spoke of before in whatever ways we can to make drug driving as socially unacceptable to most Victorians as drink-driving is today.

The bill endeavours to improve safety on Victorian roads in several other ways. It amends section 84H of the Road Safety Act so that all prescribed offences detected by a road safety camera may be included as offences for which Victoria Police can request surrender of a motor vehicle under the hoon driving regime. This amendment follows the discovery by Victoria Police in December 2014 of a loophole by which some offences evidenced by road safety cameras could not be used to enforce the surrender of a motor vehicle. I understand, as advised by the Department of Justice and Regulation, that this was immediately fixed by regulation. However, the codifying amendment in this bill clarifies the intention and purpose, which we support.

Further, the bill amends the definition of 'designated costs' in part 6A of the Road Safety Act 1986 to allow Victoria Police to recoup a greater range of costs, including administrative and corporate support costs, under the impoundment and immobilisation regime. This is a common-sense measure that further refines and improves the hoon driving regime, which was significantly enhanced by the former government. Finally, the bill amends section 84Z(3A) of the Road Safety Act to clarify the circumstances in which a court may not consider exceptional hardship when hearing an application for impoundment, immobilisation or forfeiture of a motor vehicle.

I will conclude where I began by saying that the opposition does not oppose this bill. We welcome as an opposition any amendments and improvements to the road safety regime. I again acknowledge the remarkable men and women in VicRoads, the TAC, the bureaucracy of the Victorian government, various other agencies and Victoria Police, who do a great job every day to try to reduce the road toll and road trauma in Victoria. In many ways the challenge of addressing these issues is a multigenerational one. It started some 30 or 40 years ago, and I dare say we will be working on it for the next 30 or 40 years. We welcome any improvements to tackle these issues, to refine the legislative regime and to give Victoria Police the tools it needs.

Ms PENNICUIK (Southern Metropolitan) — The Greens will be supporting the Road Safety Amendment Bill 2015. I would like to start by saying that trauma on the roads, where people are killed or injured, which happens virtually every day, affects the lives of not only the people who are injured or killed but also the families and friends around them. It causes so much distress and sorrow in an ongoing way in people's lives. We need to look seriously at anything we can do to reduce the road toll in terms of death and trauma on the road. Victoria has been a leading state in terms of road safety, and through the various mechanisms that have been pioneered in Victoria through the parliamentary Road Safety Committee, such as compulsory wearing of seatbelts, random breath testing and other measures over many decades, Victoria has led not only Australia but the world in road safety measures.

As Mr O'Donohue said, it is concerning that we have had 173 deaths on the road this year, and of course in addition to that figure there are many people who have been seriously injured or otherwise injured on the roads. That is why we need to put in place measures to reduce this toll as much as possible and support the Transport Accident Commission (TAC) target of zero deaths on the roads.

The bill makes some amendments to the Road Safety Act 1986 to provide that a driver of a motor vehicle who is involved in an accident that results in serious injury or death must undergo a drug test. It also amends the act to include administrative costs and corporate support costs in the definition of 'designated costs'; to include all operator onus offences in the 42-day time limit for serving a notice for the surrender of a motor vehicle; and to clarify the circumstances under which a court must not decline to make an impoundment or immobilisation order or a forfeiture order under the hoon driving regime on the grounds of exceptional hardship.

The key provision is in clause 5, which provides that if a police officer reasonably believes that an accident involving one or more motor vehicles has resulted in death or serious injury, they may require the driver or person in charge of a vehicle to allow a registered medical practitioner or an approved health professional nominated by the police officer to take a blood sample from the person for analysis. Clause 3 makes it an offence to refuse to comply with that requirement or to refuse to comply with the requirement to provide a blood sample. The police officer may require the person to accompany them to a place where the sample can be taken and to remain there until it is taken or until 3 hours after the accident, whichever is sooner. A person must not hinder or obstruct the taking of the blood sample. That is the major amendment with regard to the drug testing part of the bill.

The bill also makes amendments to the hoon driving regime. Currently there are two levels of hoon driving offences. Level 1 offences include repeat drink-driving with a blood alcohol level of .1 or more, repeat drug driving, repeat driving while disqualified or unlicensed, driving at 70 kilometres per hour or more above the speed limit, driving at 170 kilometres per hour in a

110-kilometre-per-hour zone and driving negligently or dangerously while being chased by the police. It is disturbing that people actually engage in this type of behaviour on the roads.

Level 2 offences include deliberately causing a vehicle to skid, smoke or make excessive noise; deliberately driving across tracks when a train or tram is coming; dangerous driving; disobeying a police direction to stop; having too many people in a vehicle; driving in or organising a speed race; driving at between 45 and 70 kilometres per hour over the speed limit; and driving at between 145 and 170 kilometres per hour in a 110-kilometre-per-hour zone.

This is not a complete list of the hoon driving offences, but you can see that this type of behaviour on the road puts not only the people in those vehicles at risk but also people on the road around them — and even people on footpaths can be hit by those vehicles. This type of behaviour needs to be addressed.

The key amendments to the anti-hoon driving regime amend the definition of designated costs, so that it is clear that the designated costs of impounding or immobilising a motor vehicle include the administrative costs and the costs of corporate services. Clause 11 ensures that when hoon driving behaviour is captured by a road safety camera, a notice for surrender of the motor vehicle may be served within 42 days. All operator-onus offences are subject to this 42-day period for serving of the notice. The driver may appeal against the decision under section 84O of the Road Safety Act.

The bill amends section 84Z of the principal act by setting out the circumstances where a court must not decline to make an impoundment, immobilisation or forfeiture order on the grounds of exceptional hardship. If an offender is disqualified from obtaining a driver licence or learner permit for a period of longer than three months, or the offender's driver's licence or learner permit is suspended for a period longer than three months, the court must not decline to make an impoundment or immobilisation order on the grounds of exceptional hardship. If an offender is disqualified or suspended from obtaining a driver's licence or learner permit for any period, the courts must not decline to make a forfeiture order on the grounds of exceptional hardship.

While exceptional hardship is not defined by the hoon driving laws, it can include the offender or someone else needing to use the vehicle for family responsibilities, for health reasons or for work. These amendments do not change the current law in section 84Z(3A) of the principal act, but clarify it with a minor change in the wording. The Greens spoke to departmental officers about this, and understand what is happening here. When the current provisions, under 84Z(3A) of the principal act, were proposed in the Road Safety Amendment (Hoon Driving and Other Matters) Bill 2010, the Greens noted with caution this attempt to constrain the discretion of the court, particularly as the court is in the best position, as always, to decide the necessary steps to be taken in relation to each case before it and on the circumstances before the court. The Greens are always uncomfortable about restraining judicial discretion. At the same time we understand the importance of protecting public safety on the roads, so again we will not oppose this clause.

It is worth questioning whether the anti-hoon driving regime has been working. In 2006 police began seizing vehicles of drivers who had committed the relevant offences. Since then police have seized just under 30 000 vehicles, an average of 5000 per year. The Monash University Accident Research Centre conducted an evaluation in 2010 of the effectiveness of the vehicle impoundment legislation. The study was conducted on a small sample of drivers who had had their vehicles impounded, and the majority of the people questioned for the report claimed they had not engaged in hoon driving behaviour since the vehicle had been impounded. There was an overrepresentation of young male drivers in the profile of hoon offenders, and the majority of them had one impoundment offence. The most common activity was excessive speeding. The evaluation provided VicRoads and Victoria Police with useful new information on the ways they could target hoon driving more effectively.

Between 2008 and 2011 the Crime Stoppers hoon hotline received over 40 000 calls, which allowed the police to target specific areas where hoon driving was occurring to more effectively deter people from committing that offence and capture those committing it, partly because drivers would be better aware of the police presence. In 2013 the legislation was amended to make it mandatory for all hoon driving offenders to complete an approved safety driving program, and if they do not complete it, their licence is suspended until they have done so. This has also been effective in combating recidivism.

Since 1 August this year police have been authorised to impound the vehicles of drivers who record a blood alcohol concentration of .1 or higher on the first offence. Previously they were authorised only to impound on a second .1 blood alcohol concentration offence. Of course we understand that driving with a blood alcohol concentration of .1 is a very serious act.

In fact you would have to say that over the decades VicRoads and the TAC have made it clear, and the community has understood, that to drive under the influence of alcohol or, increasingly, drugs is just not acceptable at all. This contrasts with the situation perhaps several decades ago when that was not the case and people did not take it so seriously. Certainly we have moved ahead in that regard. It is very distressing and disturbing to think that anyone would get behind the wheel of a car with a blood alcohol concentration of .1, and of course they are a risk to public safety.

I still see speeding as a problem that we have not dealt with; nor have we changed community attitudes to it to the degree they have been changed with regard to driving under the influence of alcohol or drugs. I think speeding is still a problem; people still have old attitudes, and you can hear this on talkback radio, for example. Whenever there is talk about reducing the speed limit or clamping down on speeding, people ring up saying that it is a revenue-raising exercise and that sort of thing, so I think there is still a long way to go.

Speeding is a very risky activity, and of course the speed limit is the maximum speed that you can drive in a particular area. There seems to be still a residual idea that just going a little bit over the speed limit, or up to 5 kilometres per hour over the speed limit, is not really speeding. I think we really need to tackle that problem, particularly in residential streets and on non-arterial or non-major roads. We need to change community attitudes and assert that speeding through those types of streets — in fact speeding anywhere — is not acceptable. We have a long way to go. I would like to see the government, the TAC and others take on that issue.

The message against speeding is somewhat contradicted by the advertising of motor vehicles. If you pay attention to the advertising of vehicles by vehicle manufacturers, you see they are often either overtly or subliminally portraying their vehicles as fast, and suggesting that a fast vehicle is a good vehicle. I think this is an area where we still have a lot of work to do to tackle community attitudes and to do something about the advertising of vehicles that portrays speeding as some sort of asset to owning a particular vehicle.

Driving a vehicle is a privilege not a right, and I think people need to be aware of that too. If you are flouting road safety laws and are putting yourself and other people at risk, then you do not have an inherent right to be on the roads. While we have the situation where 173 people have been killed on the roads this year and the number of people who have been injured is unknown but is probably much higher, not to mention the family and friends affected by that trauma, we still need to be very vigilant and very active in relation to what we can do to reduce the road toll.

The last area I would identify as needing more work in terms of public campaigns, awareness campaigns and also enforcement, is driving in the wet. When it is raining, people do not seem to compute that that means they need to slow down, be more careful because visibility is usually affected and also be aware that the risk is higher if people need to brake suddenly for whatever reason.

I would like to see cars slowing down everywhere, particularly in our residential areas, where of course children are on the road, cyclists are on the road and pedestrians are on the road. Just the other day I was turning from an arterial road into a residential street and there was another car that had stopped, waiting to come out of that street. I was driving really slowly around the corner, and a young child just shot out from behind that car, right in front of me. He would have been seven or eight years old. It is lucky that I was going so slowly, because I could not see him. The car that was waiting to come out of the street was a very large sports utility vehicle — they are very difficult to see past, as we know. In fact earlier I mentioned the Monash University Accident Research Centre, which has spoken very strongly over many years about the problem of visibility and the difficulty of seeing around large vehicles on the road, of which there are more and more.

That example just goes to show what can happen very suddenly in a residential street with a child, another pedestrian or a cyclist. That is why we need to make sure that people understand that driving around residential streets should be done very slowly to avoid those risks.

With all those points that I have raised about what more we can do to address road safety, I indicate that the Greens will support the bill.

Ms TIERNEY (Western Victoria) — I rise to speak on the Road Safety Amendment Bill 2015. This is an important bill on a topic that enjoys bipartisan support. That is evident from the comments that have been made by a number of speakers in this chamber this morning. It is all about making our roads safer.

The bill will strengthen Victoria's road laws and make the roads safer. Before I go into the specifics I would like to take a moment to highlight why this bill is so important and represents such an important step in

making our roads safer. I will start by referring back to the 1970s.

In 1970 the road toll was 1061. That is an incredible number of people to lose their lives. It is the equivalent of 30 deaths per 100 000 people in our state. It represents literally thousands of families torn apart with grief at the sudden death of a loved one. Over the intervening 45 years Victoria has become a world leader in reducing the road toll. It has done this by having a shared sense of values and the view that the road toll is avoidable and it is not inevitable. Our predecessors in this place of all political hues gave our police the tools they needed to make our roads safer. I would like to briefly highlight some of the legislative changes that have occurred over the last 40 years.

In 1976 random breath testing was introduced, reducing the road toll to a still unacceptable 938 senseless deaths in that year. By 1983 red-light cameras had been introduced, and the toll was down to 664 deaths that year. In 1989 booze buses were introduced, and the toll fell to 548. In 2000 fixed speed cameras were introduced, reducing the toll to 407. By 2006 random drug testing and vehicle impoundment laws were introduced, and the toll was down to 337. Last year the road toll was down to 249.

Some would say this is a victory over the carnage of the 1970s — after all, there are now 5.4 deaths per 100 000 head of population — but it is not a victory. Hundreds of families still face the trauma and horror of a late-night phone call — mothers, fathers, brothers, sisters, daughters and sons unexpectedly killed. And that does not include the police, ambulance and fire brigade officers who have to front up to this carnage hundreds of times during the year. The social cost is enormous.

Just this century, since New Year's Day in the year 2000, over 5000 people have died on Victorian roads. To put this in context, that is equivalent to every adult and child in Leongatha being killed on our roads. There have been over 85 000 hospitalisations. That represents roughly the population of Ballarat, according to the last census. Over 13 500 were there for stays of over two weeks. That is the equivalent of every man, woman and child in Torquay and Jan Juc spending a fortnight in hospital for something that can be prevented. Of course this is all avoidable.

Road fatalities are an unnecessary human and financial cost to our society, and this bill is an important step in further cutting the road toll and making our roads safer. There are four main parts to this bill, which strengthens Victoria's commitment to road safety, and I will deal with each of them in turn.

The bill introduces a new section 55BA and amends the relevant sections of part 5 of the Road Safety Act 1986 to allow police to request a blood sample from drivers who have been involved in a motor vehicle accident where serious injury or fatality has occurred if the driver is not admitted to hospital. The Andrews Labor government has announced its *Ice Action Plan*, which is a $45.5 million set of initiatives to reduce the supply and demand and harm of ice. It will provide greater resources for Victoria Police to take drug-affected drivers off our roads. This bill is an important part of that process, as it will allow the police to gather the necessary evidence to hold drugged drivers to account for the carnage they cause.

It is a response to the direct request of the former Chief Commissioner of Police, Ken Lay, after a terrible accident in the Docklands in 2014 that saw one death and a serious injury. The driver in question had collided with another car, causing the fatality and serious injury. He was swabbed and found to be under the influence of ice, and he had 50 grams of ice in the car. A refusal to provide a blood sample meant that police could not lay a charge of culpable driving causing death — a charge that carries a maximum penalty of 20 years in jail. As the driver was not injured and did not require hospitalisation, there was no requirement for a mandatory blood test to be taken. This resulted in the laying of the lesser charges of dangerous driving causing death and dangerous driving causing serious injury. The driver may be back on the streets in as little as 20 months. This bill closes that loophole.

It is also important to note that this bill provides for the obtaining of evidence to establish that a driver was not drug affected when involved in an accident, proving they only had prescription medicine or recommended amounts of over-the-counter pharmaceuticals in their blood. This will assist police and the courts to make the best decision about what charges are appropriate. Victoria Police will closely monitor the amendment to ensure its effectiveness. As further technological advances are made in drug detection and drug-associated impairment, there will be further amendments to the legislation to ensure that the intent of stopping drug-affected drivers is maintained.

The bill also amends section 84H of the Road Safety Act 1986 so that all prescribed offences detected by a road safety camera may be included as offences in relation to which Victoria Police can request the surrender of the vehicle under hoon legislation. This amendment is because traffic camera detected offences

are based on 'operator onus'. This means the infringement is sent to the owner. The 42-day period for the surrender notice is to allow authorities the time to process the image and give the owner time to respond. This is not controversial at all.

The next amendment, a change to the definition of designated costs in part 6A of the act, is likewise not controversial. The changed definition will mean that the designated costs reflect the true costs of impoundment — that is, it will mean facility lease, utilities, security, maintenance and other operating costs of the facility and of the vehicle impoundment support unit staff are properly accounted for when offenders pay for their impounded vehicle. The current definition of designated cost does not include these corporate overheads.

The fourth and final amendment is to section 84Z(3A) of the Road Safety Act to clarify the circumstances under which a court may not consider exceptional hardship when hearing an application for impoundment, immobilisation or forfeiture of a vehicle. This is an important amendment. It tidies up the language in the act and removes the discretion in relation to hardship applications. An important aspect of the hoon legislation is discouraging recidivist offenders. The extent of the legislation will be concise and clear to the courts. If a driver is disqualified or suspended from driving and persists in driving dangerously, resulting in a conviction for an offence under the hoon driving scheme, they should not be able to claim exceptional hardship. The cost to our community is too high, and driving on our roads is a privilege, not a right. Hoons and those who continue to behave in a hooning manner do not deserve that privilege.

This bill is a further step towards zero road deaths. Over the last 40 years amazing strides have been taken in keeping Victorian roads safer. The carnage of 1970 should never be repeated. However, hundreds of deaths and thousands of injuries are still occurring on our roads, and this carnage must stop. We have to give our police and the courts the tools to keep our communities safe from those who do not want to be part of a safer road culture. This bill does just that, and I commend it to the house.

Mr ONDARCHIE (Northern Metropolitan) — I also rise today to speak about the Road Safety Amendment Bill 2015. Members would be aware that from my very first contribution in this chamber until now I have had a regular pattern of speaking about road safety in this place. The reality is that we lose too many Victorians on our roads. We are talking about people's lives here. As members are aware, I live very close to where five young people died on Plenty Road, Mill Park, not too many years ago. These were young people, as I said. Most recently I had a personal connection to the recent passing of Cooper Ratten in Yarra Glen. Again young people were in the car.

There is a fair bit of law and case evidence around the legislation that is before us today. I say to members that the opposition will not oppose this bill going through. Moreover, I will support anything that goes towards preserving Victorian lives on our roads. In saying that, I note that speakers before me have been through the elements of the bill, and I choose for the sake of the efficiency of the house not to do that again in my contribution. I would say, however, that this bill goes alongside the great work of the coalition over the last four years to improve road safety through our laws around the provisions for testing drivers for drugs and alcohol. The prevalence of ice and methamphetamines in our community is a tragedy in its own right, and the fact that that now extends to people driving motor vehicles is a tragedy beyond any expectation.

I therefore support the provision of increased opportunities for Victoria Police to conduct blood tests on drivers or those in charge of a motor vehicle involved in a fatality or serious injury to analyse that blood for the presence of drugs. We have to be tough on this. I have a personal zero tolerance approach to this. As I say to my children, the youngest of whom is 20, a motor vehicle is not just a means to get you from one place to another. It is a serious piece of equipment, and it can be a weapon if it is not treated in the right manner. People are getting behind the wheel of a car to drive while under the influence of drugs or — something that is sadly becoming more prevalent in our community — to drive in a hooning manner, and we just have to stamp this out. We have to go hard on this. I know that my colleague Mr O'Donohue, both in his contribution and in his capacity as a former minister and as a citizen of Victoria, has been very tough on people misusing vehicles either in a manner that is influenced by drugs or in a hooning manner, and I support Mr O'Donohue in that.

In going to that, I would note that on my regular journey across my electorate of Northern Metropolitan Region and in to Parliament, because of the traffic we all have to deal with from day to day, I get to observe from my Ford Territory — given it sits a bit higher on the road than many other cars — many people to the side or in front of me in the traffic either praying or texting when they stop at the lights. There is a symphony of car horns, or toots, at traffic lights when the lights go green, because generally the people in

front or even around you are either praying or texting. Similarly you notice cars to the side and in front of you going at a lot less than the prescribed speed limit on roads. I had thought that was an element of road safety, but generally they have got one hand on the wheel, one eye on the road and the other eye on a phone. They are trying to text and drive, and my message through this contribution is: just stop texting when driving!

The distance between your life and a fatality could be metres if you are not watching the road and something happens or there are changing conditions. If your eyes are somewhere other than the road, it is a tragedy waiting to happen. I encourage all members to use whatever means they have available — speeches, social media, press releases, interviews, whatever it is — to send the message that these cars can be a weapon if they are not treated properly. People should stop taking drugs and getting behind the wheel of a motor vehicle, stop texting when they are driving and slow down.

In the northern suburbs of Melbourne there are places where people gather on a Friday night for something other than football. There are certain parts of industrial estates where young people gather with their motor vehicles and decide to do a bit of unauthorised, unofficial racing. Over the years we have all read stories of cars that have got out of control on the road through people having backstreet drag races or hooning and where people have died. This is just a tragedy. While the standard line from any opposition is, 'We will not oppose', I actually support anything that will preserve Victorian lives and I commend this bill to the house.

Mr MULINO (Eastern Victoria) — I also will not go through every provision in this bill. I want to make some overarching comments around road safety as an extremely important issue. The protection of life in many spheres does not involve numbers as large as those in road safety, and it is not as avoidable in many spheres as it is in road safety. Therefore it is an area that should be a real priority in terms of public policy and social attitudes. As others before me have noted, this is an area that has bipartisan support. It is an area that has support across all parties and, I suspect, all members in this place and the other place.

As a society we have made incredible strides forward over the last several decades. As Ms Tierney noted in her contribution, the road toll in Victoria was 1061 in 1970, and we have seen that progressively decline over the last half a century and it is now in the order of 250. It was 243 in 2013, so we have seen a decline of more than 75 per cent through a whole range of measures, including random breath testing, compulsory wearing of seatbelts, improvements in car safety, improvements in road infrastructure, speed reductions, better speed management and, just as importantly, changes in social attitudes. We need to keep pushing forward. This is one of a number of measures that the government is looking at in the sphere of road safety, but it is a very important one. We will continue to introduce change to reduce the road toll. But, as others have noted, it is not just the road toll. The government is also trying to reduce the number of serious accidents, because serious injuries can have an incredibly debilitating impact on individuals and families, just as road deaths can.

This bill makes a number of important changes, and the one I want to focus on is closing a serious loophole in the current mandatory drug-testing sections of the road safety laws. This bill amends the Road Safety Act 1986 to allow Victoria Police to request a blood sample for analysis from persons in charge of a vehicle that has been involved in an accident where a serious injury or fatality has occurred and the driver or person in charge of the vehicle has not been admitted for medical treatment. Currently police cannot require a driver who has been involved in an accident where there has been a serious injury or death to give a blood sample if that driver has not themselves been admitted for medical treatment. This is a loophole that does not make any sense, and it is critical that it be closed.

As other members have noted, a number of tragic incidents over the last few decades highlight the need for this loophole to be closed. In 2014 there was a very sad case involving two people in the prime of their lives. One was killed and one was seriously injured in a motor vehicle accident in the Docklands when a ute ran through a red light and straight into the passenger side of their vehicle. In that instance the driver was able to refuse a drug test and was charged with a much lesser offence than might have been possible if they had been subjected to a drug test. It is important that that kind of instance is not permitted in the future.

There are a number of other important measures in this bill, which I support. I note that the opposition will not oppose the bill, and I also note Mr O'Donohue's comments acknowledging a briefing by Victoria Police to members in the period between this bill having been debated in the other place and being debated here. Mr O'Donohue acknowledged the Victoria Police briefing and its position on these issues, which is important. While I support his observations as being consistent with what Victoria Police said, I put on the record that a couple of comments were made in the other place and in the media that were not as well founded. It is important that we acknowledge that. While this bill will either be supported or not opposed

by all in this place, it is important to put on the record that in relation to a couple of issues — that is, firstly, whether testing is mandatory or there is police discretion, and secondly, the removal of heroin as a prescribed illicit drug — without going through the details, the provisions of this bill are entirely consistent with the briefing and recommendations received from Victoria Police and the best experts in this area.

As I said, this is an important bill that continues a long tradition in road safety improvements. I support the bill and commend it to the house.

Mr RAMSAY (Western Victoria) — I appreciate the opportunity to make a contribution to the debate on this bill. I note that this is an amending bill designed to fix a loophole that had arisen and was addressed in a bill that was introduced by the previous government — that is, the Road Safety Amendment (Mandatory Drug Testing) Bill 2014. As the lead speaker for the opposition, the Honourable Ed O'Donohue, indicated, the opposition will not oppose this bill and will not put forward any amendments to it.

I thought it would be interesting to apprise the chamber of last year's statistics on road deaths. It is important that we continue to review the work that is being done on road safety. We must be aware also, of course, that there are more users of the road networks now than there were last year, the year before and so on. Given that more people are using our roads, one obvious sign that a lot of the work that has been done on improving road safety is working is that there has not been a significant increase in road deaths in the past decade.

In 2014, 248 lives were lost on our roads. That was a small increase on the number of road deaths in the previous year, and the toll for the year was increased mainly because of two quadruple fatalities and three triple fatalities. There were five collisions which claimed 17 lives, which indicates that now we are seeing a number of multiple fatalities involving single vehicle or dual vehicle collisions. Given the safety features of modern vehicles, governments should be concerned about the considerable number of second-hand vehicles, that obviously do not have the safety features of modern cars, on our roads.

Unfortunately last year 44 pedestrians died, which is an increase of more than 40 per cent. Again, we need to review how we can better manage and patrol pedestrian traffic in relation to a sharing of the road by pedestrians and other road users. I put cyclists in the same category. There were 137 deaths, or more than half the deaths on our roads, in country Victoria. Other contributors to the debate have mentioned speeding. I mention also the state of the roads. While there is bipartisan support for this bill, it is disappointing to see that the government is reducing investment in the country road networks, where these statistics are obviously showing that there is an increasing number of fatalities.

A lot of work is being done by the Transport Accident Commission. I congratulate the retiring chief executive officer, Janet Dore, on the work she did with the Transport Accident Commission, Victoria Police and VicRoads on road safety programs. However, the fact remains that we still need safe carriageway on our road networks across the state, particularly in country areas where there has been a significant deterioration of our roads for a range of reasons. I am hopeful that the government will continue to prioritise road funding in its ongoing work on road safety programs.

Another statistic I bring to the attention of the chamber is that there were more than 46 deaths in the age group between 18 and 25. Unfortunately a lot of young people are dying on our roads, and that figure represents more than 18 per cent of the total road toll. Again, we need to continually review how we can improve road safety and provide road safety education for those in that younger demographic, who are statistically a significant percentage of the road deaths recorded.

The good news, if there is any good news on fatalities, is that all sides of government are looking at a zero road toll, and I support that. The figure for fatalities for this year compared to that at this time last year is about the same — that is, 173 to 170 — so there has been a very small increase, despite all the best efforts in trying to reduce the road toll. That should cause us to be even more determined to do what we can to reduce the figures.

The bill goes part way to addressing those matters. As I said, it carries on the work of the previous government, particularly that done by Kim Wells, the member for Rowville in the other place, in introducing the previous government's bill that I have referred to. As minister in the last term of government, the Honourable Ed O'Donohue provided a whole range of road safety legislation. I am particularly pleased to speak on this bill firstly because as a country MP I cover the roadworks all across the state. Those of us representing the larger regions would appreciate the importance of having good quality road networks, with the appropriate safety barriers and speed zones.

On blood testing, there has been an increased use of a whole range of illicit drugs. In the report of the committee of which I was a member it was recommended that there be increased testing for those

under the influence of particularly methamphetamine or cannabis. While those drugs are named in the bill, I want to acknowledge the work that Kim Wells did in trying to include heroin in the categories of drugs. I am pleased to be assured by the comments of Ed O'Donohue that in fact the police will have a vigorous testing regime to make sure that all illicit drugs are included in the testing.

The purpose of the bill is to amend the Road Safety Act 1986 to allow Victoria Police to request a blood test from all drivers, or those in charge of a motor vehicle, involved in a fatality or serious injury collision to be analysed for the presence of drugs. It also amends part 6A of the Road Safety Act to improve the effectiveness of the anti-hoon driving regime by ensuring that all offences of extreme speeding detected by road safety cameras are captured, to allow Victoria Police to recoup the costs of the impoundment and immobilisation scheme, and to clarify under what circumstances exceptional hardship can be considered by the court when hearing an impoundment, immobilisation or forfeiture order.

I do not intend to go into the detail of the bill, as that has been well covered in the contributions of others. I am pleased to say that there seems to be bipartisan support for this bill, which makes important amendments to a bill that was introduced by the previous government. I am hopeful that in the few minutes left for this debate the bill will flow through fairly quickly and pass.

Mr EIDEH (Western Metropolitan) — I rise to speak on the Road Safety Amendment Bill 2015, a very important bill that reinforces the priority in our state to improve road safety for all Victorians. In Victoria we have a proud history of proactively legislating for new actions to increase safety on our roads for all users. In 1970 there were 3798 road fatalities, representing 8 fatalities per 10 000 registered vehicles. The figure back then was, and is still now when you consider it, astronomical, which is why back in 1970 Victoria was the first jurisdiction in the world to make it compulsory to wear seatbelts when travelling in a car. In 1976 Victoria once again led the country in road safety, legislating at that time to conduct random breath testing. As of 31 December 2014 the annual road toll was recorded at 249 — a difference of 3549 lives from the 1970 toll.

Too often when we consider the road toll we think about the innocent lives, often young lives, that have been taken in road accidents. We think about the families grieving for the rest of their lives at the loss of their loved one. But we often forget those injured in road trauma, because they do not add to the annual road toll. Those who have been seriously injured have had their lives changed forever. A survivor's family are forced to completely change their lifestyles to care for and support their injured loved ones, which is why it is our responsibility, as members of this Parliament, to ensure that we do our utmost to continue to be proactive in our approach to enhancing road safety on all Victorian roads, as we have done in the past and are doing now with this bill in Parliament today.

Driving in Victoria under the influence of drugs is dangerous, negligent and illegal. However, currently there is a loophole in Victoria which this bill closes by requiring people to submit to a drug test on request by Victoria Police members if the person is in charge of a vehicle involved in an accident occasioning serious injury or fatality and the driver is not admitted for medical treatment. The government has already begun its *Ice Action Plan* to address the fundamental issues associated with ice use in Victoria. The bill is the necessary next step to protect Victorians from those using illicit drugs on Victorian roads.

In February last year both the Le and Jach families were changed forever. Miss Tien Le lost her life, and her partner, Cory Jach, was seriously injured when their car was hit by Aaron Sandner's ute. A roadside swab sample taken at the incident found that Mr Sandner was under the influence of ice and speed, but police were unable to determine the quantity of drugs in his system as he refused to go to hospital for a blood test. Under current legislation police are unable to require a person to go to hospital for a blood test to determine the level of illicit drugs in their system if they are not injured in the crash. That was the case in Mr Sandner's case. The bill gives Victoria Police the tools they need to ensure that drug drivers are held accountable for their actions.

The bill will also make amendments to the hoon driving regime to improve the effectiveness of the scheme. The amendments include amending the definition of 'designated costs' associated with the impoundment or immobilisation of a motor vehicle so that it is consistent with full cost recovery under the Department of Treasury and Finance guidelines; clarifying the circumstances under which a court may not consider exceptional hardship when hearing an application for impoundment, immobilisation or forfeiture of a motor vehicle; and ensuring that all prescribed offences detected by a road safety camera may be included as offences for which Victoria Police can request surrender of a motor vehicle. Those are all very important amendments to ensure the continuation of the proactive approach we take in this Parliament to ensure

the safety of Victorians on our roads. I wish the bill a speedy passage.

Mr HERBERT (Minister for Training and Skills) — In summing up the debate on this bill I thank all who contributed to the debate, and in particular I thank contributors for their genuine concern. Anyone listening to the debate would note the absolutely genuine views expressed by the speakers in their desire to do something about addressing the carnage on Victorian roads. From my point of view, I would like to see the carnage and the unacceptable road toll addressed through stronger education and training programs — as members know, I have always been a strong supporter of TAFE and training — and through programs such as the one referred to by Mr Barber, New York's Vision Zero, which is an aggressive advertising campaign aimed at drivers. We know that while we need those campaigns we also need to make sure that our compliance regime is the strong regime needed to address the carnage on our roads, and this bill aims to do that.

I will not reiterate the points of the bill in detail as members have already done so, but basically, as members have said, when it comes to hoons plus ice it equals carnage on our roads. That is unacceptable, and we need to strike to toughen that regime up. One of the measures in this bill will toughen up on the issue by requiring blood sampling of all drivers who are involved in a motor vehicle accident where serious injury or fatality occurs. That provision will mean those who inflict serious injury are going to be blood tested and will be found out if they have high levels of substances in their blood leading to impairment. It will give the police the capacity to lay the much more serious charge of culpable driving, as opposed to the lesser charge of reckless driving.

The bill addresses the designated costs when hoons have their cars taken from them in terms of providing that they must pay the full costs, including leasing operating costs, staffing costs and maintenance costs — the add-on costs that are involved in storing and keeping their vehicle.

The bill is tougher on hoons who offer hardship excuses. If a hoon driver is convicted, they are going to lose their car. We want to make sure that if they engage in that sort of behaviour, there is a high penalty. The penalty is that the hoon loses their car.

There is also a practical measure in the bill in relation to offences that are detected by traffic cameras. It can take a while to process those offences, and there is now a 40-day time frame to enable that processing to occur.

All in all, as previous members have said, this bill is supported by the Parliament. It is a good bill in terms of strengthening compliance, and I recommend its speedy passage through the house.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

LOCAL GOVERNMENT LEGISLATION AMENDMENT (ENVIRONMENTAL UPGRADE AGREEMENTS) BILL 2015

Second reading

Debate resumed from 6 August; motion of Mr JENNINGS (Special Minister of State).

Mr DRUM (Northern Victoria) — It is with great pleasure that I take this opportunity to rise and talk on the Local Government Legislation Amendment (Environmental Upgrade Agreements) Bill 2015. This bill follows on from work done as far back as 2010, when the previous Labor government moved amendments to give the City of Melbourne the opportunity to enter into these kinds of agreements. It also follows on from work done throughout the last half of last year, when the former Minister for Energy and Resources, Russell Northe, the member for Morwell in the Assembly, in effect prepared the bill we are debating today. The main provisions in the bill were in effect prepared in the last half of 2014 by the coalition minister.

The concept of the bill is a good one, and it has our full support. The concept is that a non-residential building owner — and I am talking in general terms — will acknowledge that they have an older building with poor energy efficiency that sees thousands of dollars going out the window, going up in smoke or going into the ether because of the inefficient design of that building. Some of the buildings to which this bill relates may have been constructed back in the 1930s and 1940s, right through to the 1970s and 1980s.

The reality is that there is very little relationship between developers, builders and the energy efficiency industry, and therefore many buildings being built today are constructed with totally inadequate light fittings and a whole raft of cheap and nasty building

materials that offer substandard energy efficiency. Tenants working in these buildings realise they are working in a substandard environment when it comes to energy efficiency and then have to embark on the process of addressing that issue. This is even happening as I speak today.

When it comes to the building industry it is apparent that we need a much closer relationship between our energy efficiency auditors and our regulators to ensure that buildings are built to a genuinely high standard. As we know, it is still very easy to achieve 5-star or 6-star ratings for buildings, yet when you have the opportunity to look at some of the buildings that adorn this great city you can see that developers have gone to great lengths to improve their energy rating to 7, 8 and even 10 stars.

We now have an opportunity to introduce legislation whereby in a practical sense the landlord of a non-residential building can approach their local council with a proposal for a three-way partnership to implement improved energy efficiencies. These efficiencies can also apply to other matters such as water usage, facilities for workers, access to the workplace, comfort levels — a whole range of improvements to buildings that will enhance the workplace and the natural environment and generate efficiencies that will enable landlords to repay the loans.

The owner of the building is the first partner. Then there is the financial lending institution, which will provide the money in the first instance. Finally there is the council, which through these environmental upgrade agreements enables the rateable asset, the building, to be used as security. This enables the landlord to access a lower interest rate while giving the lender the security they need to offer these lump sums at a reduced interest rate. In this situation everybody wins. The lender has greater security, the owner who is going to fix up the building and create an improved environment is going to win and, step by step, project by project, the council is going to see its buildings and environment becoming much more energy efficient — with a reduction in carbon dioxide emissions and water usage — as well as having more accessible buildings among its non-residential stock. The council can see a general improvement throughout its local government area. The repayments are then tacked on to the land rates, which creates an even spread of monthly repayments that is a little less painful than may otherwise have been the case for the person who has to make the repayments.

It is a good idea, and there have been some positive experiences throughout the city of Melbourne. David Southwick, the member for Caulfield in the other place, has listed a range of practical projects within the city of Melbourne that have taken advantage of this scheme over the last few years, ranging from around $2.5 million down to just $10 000 or $20 000 in capital expenditure. Some of these smaller projects may save only $10 000 or $11 000 per annum, but some of the larger investments have seen savings of $200 000 per annum. To date well over $500 000 has been saved in energy costs alone, not to mention the carbon dioxide emissions that have been reduced as a result of the program.

Whilst it has been operating within the city of Melbourne for years and has had positive results, this bill will see the scheme being run out to every local government area across Victoria for non-residential buildings and rateable lands. We will see how other councils encourage their ratepayers to get involved in the scheme. Across the state there will be a range of opportunities for people who have older buildings or are running businesses in inefficient buildings when it comes to energy consumption, and I am sure there will be an appetite within the business sector to get involved in the scheme.

One of the concerns put forward which is yet to be answered — and I am hoping someone from the government will be able to answer some of these concerns — is the level of cost the program will impose on local government, especially now that local government has had a haircut with rate capping. If there is a flood of applicants wanting to get involved in the scheme, it will tie up one or two administrators within local government simply to administer the scheme on behalf of the state government. Even though we are fully supportive of the scheme, we need to monitor capacity within local government to understand how it will work and how the necessary paperwork will get done so that both the landowner and the lending institution will have the confidence they need in order to partake in the program.

There is the question of what happens upon default. It is not as clear as we would like it to be. What happens when a business or landowner is going through a tough time? People occasionally default on their rates, and the local council then has first call if the business or building is sold to repay the debts. Who will have the first call? Will it be the institution that lent the money for the environmental upgrade or the council that has the first call on those moneys to cover the unpaid rates? There are a few questions that need to be answered, and

they can be addressed when government members have their chance during this second-reading debate.

It is a fantastic, common-sense idea that the previous government introduced to the city of Melbourne. The program has been running for four or five years and has had about half a dozen projects involving some serious money in capital upgrades that have seen benefits to energy-inefficient buildings built between the 1930s and the 1970s. These buildings have been retrofitted with a range of new technologies that create some serious savings for tenants and landowners. There is the capacity for tenants to get involved in the program if the benefit is directly for them, not just the landowner.

It is a good idea that has been picked up by both sides of the Parliament. Russell Northe, the member for Morwell in the other place, was very keen on this when he was a minister, and a large number of the provisions in the bill were prepared by him in the last Parliament. We simply did not have the time to get it through, and there has been no thought at all that we would be anything other than supportive of this now that it has been reintroduced to the Parliament in the latter stages of 2015.

The bill makes amendments to the City of Melbourne Act 2001 because when the Labor Party got this scheme up and running for the city of Melbourne it did so through the City of Melbourne Act. That part of the act will be repealed because we are making amendments to the Local Government Act 1989, which is a cleaner mechanism that enables us to include every local government area across the state, not just the City of Melbourne.

The coalition is happy that the government has brought forward this bill. It will give many landowners and businesses — even tenants — the opportunity to make long-term savings. Once the upgrades have been made to these older buildings, the savings will be ongoing. Once half a million dollars of capital has been invested in upgrades to a building, the annual savings will keep rolling in year-on-year and well after the money has been repaid. There will be a snowball effect, although obviously these projects will become more marginal. We need to continue to offer programs like this to give businesses, landowners, building owners and landlords an incentive to get these funds at the lowest possible interest rate and spread the repayments out over a longer period. That would give the lending institutions the security they need to get involved in the scheme. It seems this program is going to be a win-win for everybody, not least of all the people of Victoria who are going to end up living in a cleaner environment.

Mr Barber interjected.

Mr DRUM — We might not even need the Greens in this place, giving us a hard time. It is a good scheme, and we are glad to support it. We hope there are many councils with the resources to get behind the scheme and advertise it widely within their areas because, as hard as it is to believe, there are some people who do not read *Hansard* and will not know that this program exists. We will need local governments to sing its praises and to engage with the local community so that everybody understands that the opportunity is available to them to invest in these capital improvements, and that they will be able to get the money back through savings on energy over a much longer period of time in return for a little bit of money being added to their rates each year.

It is with pleasure that we support this bill and wish it a speedy passage through the house.

Mr LEANE (Eastern Metropolitan) — I am very pleased to briefly speak in the debate on the Local Government Legislation Amendment (Environmental Upgrade Agreements) Bill 2015. I acknowledge Mr Drum for his very good outline of the objectives. I do not need to go over them again, so I will not speak for too long.

This bill amends the Local Government Act 1989 to enable all councils, not just Melbourne City Council, to enter into environmental upgrade agreements (EUAs). These agreements are obviously used to fund works to improve environmental standards of existing non-residential buildings. It is important that the scheme be extended to all councils in Victoria. It is a common-sense scheme.

All the councils I have dealt with across the state are very environmentally aware and are happy to assist with improving their sustainability and energy efficiency or anything to do with protecting or improving our environment. I find that most councillors believe we have to act now to ensure a future for everyone and that they agree with the 97 per cent of scientists who say that climate change is a critical issue. I understand there are one or two opposition members who agree with the 3 per cent of strange scientists who actually disagree with this theory, and I hope they do not sail off the end of the earth one day. I wish them all the best.

I promised to be brief, so I commend the bill to the house.

Ms DUNN (Eastern Metropolitan) — I rise to speak in the debate on the Local Government Legislation Amendment (Environmental Upgrade Agreements) Bill 2015. From the outset I can say that the Greens most certainly support the bill before us.

As we have heard, the bill provides a mechanism for third-party financiers to provide loans to owners of non-residential buildings for environmental upgrades, which are then repaid through their council rates. There are a lot of old buildings across the state that have not been built to a standard that would be remotely considered to be environmentally sustainable. These buildings have a lack of thermal mass, substandard lighting, poor heating and cooling systems, minimal water capture and no independent renewable power generation. The legislation is an initiative that will help bridge the gap in terms of getting environmental upgrades happening in those non-residential buildings.

Environmental upgrades contribute to energy, water, or environmental efficiency and sustainability, which is something we need to be working towards in terms of climate change and our ever-increasing greenhouse gas emissions. This is an innovative financing mechanism that will help support renewable energy and energy efficiency. It extends the current scheme that is being operated by the City of Melbourne to local governments across Victoria. It prescribes a minimum number of inclusions in an environmental upgrade agreement project for landowners, municipal councils and third-party financiers.

From our perspective, the bill is the start of what should be a number of innovative mechanisms to help drive down energy use to allow carbon emission reduction and the eventual closure of coal-fired power stations like the Hazelwood power station. Certainly non-residential buildings are a good place to start, but it would be good to see expansion of this scheme into residential buildings. Our residential building stock has a lot of the issues I outlined earlier, such as a lack of thermal mass. The buildings have not been built to an environmental standard that could future-proof buildings in terms of mitigating greenhouse gas emissions. That is a blow to the hip pocket as well, because we know buildings that are environmentally sustainable also have the financial benefit of lower running costs.

The Greens Victorian Solar Bank proposal is another innovative initiative that would provide the basis for funding solar power for residential homes, so that everyone could afford to go renewable. Many other initiatives to support renewable energies like thermal, solar and wind power desperately need government support. We need to ensure that in as many ways as possible we drive policy that addresses climate change and starts to mitigate greenhouse gas emissions into the future.

It is great to see the government supporting energy initiatives like this. We are waiting for more programs that will help our transition to renewable energy, particularly closing dirty power stations like Hazelwood. It builds on the excellent work of local government in the space of adaptation and mitigation in climate change initiatives. Local government is at the forefront in its response to climate change, whether as part of the greenhouse alliances across the state or working hand in hand with the community directly. This will provide another mechanism for local government to work with local communities and see environmental initiatives rolled out to non-residential buildings. That can only be a good thing.

My worry is that this is another area where local government will be doing a significant amount of administration and that rate capping could hamper efforts in relation to it. I would not like to think that restrictions of that kind would hinder an initiative as good as this one. I hope that that does not happen in the future. The Greens certainly support this as a mechanism. It is good to see that it is to be rolled out across the state. We can only hope that into the future there is expansion into the residential building stock too in the state of Victoria.

Mr DAVIS (Southern Metropolitan) — This legislation, the Local Government Legislation Amendment (Environmental Upgrade Agreements) Bill 2015, is not opposed by the opposition. There are a number of points I want to make in addition to those that have been made by other speakers. This is a bill that impacts significantly on our municipal councils. Whatever its objectives, even those who support the bill can see that. I have consulted widely with local councils on this piece of legislation, and they have come back with a number of points. I think it is worth putting on the record the views of some of the local government organisations.

It is interesting to look at what the Municipal Association of Victoria (MAV) had to say about these matters: basically that whilst councils are broadly supportive, some councils can see potential expansions, and they are concerned that the risks and administrative costs of implementing the environmental upgrade agreements (EUAs) will fall to them. This is another example of cost shifting by state government onto local government. It is taking place in a climate of significant financial pressures on local government, brought about

in two ways. One is state government cuts in funding to local government. We know that in the state budget papers there is a net $38 million cut in funding to local government this year compared to last year, so there is significant pressure on councils from that point of view. The second is the government's decision to cap rates.

I am very happy to indicate that the government did go to the election with a policy of rate capping at CPI and does intend to implement that policy. It has been slow in doing so; in fact it is doing so a year later than was indicated to the electorate. There has been a partial attempt to slow growth in rates this year, and rate capping is, in theory, to come in next year. But all of that adds to the pressure on local councils. You cannot have it both ways. You cannot squeeze local councils and expect them to be financially responsible and at the same time put additional administrative and logistical burdens on them without adequate compensation or support. The key point is that:

> MAV and councils have expressed concern that the administrative costs of EUAs are likely to be high and in a rate-constrained environment prohibitive for all but a few metropolitan councils. Additionally there is little efficiency and significant duplication with individual councils each being administrators and marketers of the program.

That is a direct quote from the municipal association in response to my inquiries. It goes on to say:

> If the state wishes to see EUAs become common they will need to fund a centralised administrative body, similar to the Sustainable Melbourne Fund, to run and market the program.
>
> Even with the Sustainable Melbourne Fund the City of Melbourne saw limited uptake of EUAs. The successes and limitations of this program should be analysed and fed into a statewide policy framework.

The essential point is the concerns councils have about these administrative costs, which have not been supported by the government as part of this program. I will be interested to hear from the minister whether there is some proposal to provide some of that additional administrative support.

LGPro made a number of comments about the bill. It talked about the resourcing of these changes and the substantial additional work and administration involved for councils to administer such a scheme. It said that this would include setting up the scheme, and it asked whether the state government would provide councils with a draft template to use; checking that all the information complies; declaring a charge, which involves a council decision and therefore a council report; potential rate notice changes and the raising of invoices periodically; collection, involving apportioning payments and debt collection; paying the lenders; quarterly reporting disclosure; commencement, progress and completion reporting disclosure; and notifying all parties if an EUA is terminated and adjusting notices and invoices. LGPro also asked how these resource costs would be determined, whether they would be completely at councils' discretion and whether, if councils were to charge an administration fee, this could be paid up-front by the applicant or by the lender.

LGPro had a number of questions, and the minister may wish to address these, noting the issues around billing. LGPro also asked whether the intent is to levy a charge for a fixed term — for example, 5 years or 10 years with annual payments; whether there is a finite time limit; whether the definition of a lending body needed a bit more rigour and tightening; who would ensure the decision made under new section 181A is satisfied; and who would make the decision that a property is being used for non-residential purposes and what that would mean, for example, for farm properties.

In relation to new section 181B(1)(b), regarding occupiers and tenants, LGPro asked how the charge would be broken down as to who wants to contribute and what would happen if the occupier vacated. It made a point about new section 181B(1)(d), which stops a council entering into an agreement if the charges et cetera exceed the capital improved value. LGPro wanted to know what would happen if payments, including rates payments, stop and the charges build up over time and exceed capital improved value. LGPro suggested that it should be clear that council rates and charges take priority over the EUA in the instance of default and that the lender cannot require a council to sell the property or take legal action to recover their money.

These are fair points, and they appear to be points that the government has not sufficiently addressed. I appreciate that the minister may wish to make some commentary about these issues of costs and the machinery. The minister may or may not want to go into committee on this bill, but I will have a discussion with the minister whilst the debate on the bill continues. The minister may want to comment on these points in lieu of a full committee debate.

The point here is that there is a lot of pressure on councils. I understand the government's proposal to cap rates — that is, I understand the government's proposal to limit the growth in council costs that are imposed on households — but you cannot have it both ways. You cannot cap on one hand and rip money out and on the other hand impose more work, more responsibility and more administrative overlay on councils. I have a

measure of sympathy for the points that councils around the state have made to me, and I have a measure of sympathy for the points that have been made to me by a number of the peak bodies. I am interested to hear the government's response.

Mr MELHEM (Western Metropolitan) — I rise to speak on the Local Government Legislation Amendment (Environmental Upgrade Agreements) Bill 2015. In doing so I will not repeat what the previous speakers have said. They have done a good job in explaining the purpose of the bill. It is good to see that this bill has the support of all parties, and it is good to acknowledge that in the last Parliament there was a similar bill before the house.

Since coming to office the Andrews Labor government has made a commitment to the environment and to energy-efficient programs. That is why this bill is before the house — it allows councils around Victoria to enjoy the arrangements the City of Melbourne currently enjoys in relation to environmental upgrade agreements (EUAs). The Labor government has a job-focused plan to improve energy efficiency and energy productivity for households and businesses, and that includes measures such as environmental upgrade agreements, the Victorian energy efficiency target, the energy efficiency and productivity strategy and many more measures that achieve that end.

Speakers from the opposition have raised a number of issues in relation to the impact EUAs will have on councils in operating that scheme. In the government's proposal, this legislation does not take away the right of councils to impose any charges if they are going to incur additional costs in relation to the implementation of the EUA. For example, currently the City of Melbourne can impose charges and the charges, basically, are recovered separately to the rates — a separate environmental upgrade charge notice would be sent to customers who utilise the service. The City of Melbourne can charge rates to cover any cost, and that is something that will be available to other councils to do. Council powers are set out in existing section 3F of the Local Government Act 1989, which is exceptionally broad and provides the power to a council 'to do all things necessary or convenient to be done in connection with the achievement of its objectives and the performance of its functions'.

Further, existing section 113 of the act provides that:

> … a Council may by resolution determine a fee, charge, fare or rent in relation to any property, undertaking, goods, service or other act, matter or thing.

The effect of the existing section is that council can determine a fee for a service it might want to provide. That applies for councils that might incur additional costs as a result of implementing the environmental upgrade agreements — they can determine a fee if they wish to. That should hopefully answer the concerns that were raised by Mr Drum and Mr Davis, because the last thing we want to see is members on opposing sides playing politics in relation to this; the rate capping, for example, should not have any impact on the measures in this bill.

This bill gives councils the opportunity to offer tenants or owners of businesses in their municipality the opportunity to upgrade buildings, whether that be in relation to heating, air conditioning or solar heating et cetera. Businesses will be able to access cheap finance so they can have cheaper interest rates, and that can be facilitated through the council. At the moment that finance can be used for non-residential buildings, and the Greens commented that maybe that finance could be used for residential buildings, and I think that should be looked at down the track.

The bill is a very good bill, and the government appreciates its support from all parties. To finish off, I will list some of the benefits the City of Melbourne was able to achieve under its current EUAs. It made a $7 million investment in the commercial building at 501 Swanston Street, which upgraded heating, air conditioning and lift systems for greater energy efficiency; a $3.2 million investment in four buildings in the business precinct at Kings Business Park, which upgraded air conditioning and building management systems; a $1.3 million investment in the commercial building at 123 Queen Street, which led to the installation of a new trigeneration system and building improvements such as double glazing; a $720 000 investment in the commercial building at 470 Collins Street, which upgraded heating and cooling equipment; and a $400 000 investment in the commercial building at 460 Collins Street, which upgraded heating and cooling equipment. The City of Melbourne has been able to achieve demonstrable benefits under its current EUAs.

These projects can be used as an example for other councils throughout the state of Victoria. They can take advantage of the provisions in the bill and offer EUAs to businesses in their municipality. Hopefully everybody will win out of it. The environment will win and business will be able to cut costs in relation to heating or cooling bills et cetera. With those comments, I commend the bill to the house.

Ms PULFORD (Minister for Agriculture) — On behalf of the government I take the opportunity to wrap up this debate.

Mr Ondarchie interjected.

Ms PULFORD — I think Mr Ondarchie is getting ready for the next debate — is that right? In response to some concerns raised by the opposition during the course of debate, this legislation does not impose any cost on councils as it is a voluntary scheme. As with any other voluntary scheme, it is expected that councils will make their own decisions. They will weigh up the costs and benefits of the program before determining whether to offer it, so I rebut the assertion that there is a cost on councils. I also take the opportunity to thank all members in the house for their contributions on this important piece of legislation.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Electorate office staff

Ms WOOLDRIDGE (Eastern Metropolitan) — My question is to the Deputy Leader of the Government. Yesterday in response to a question about the staffing pool and Community Action Network the minister said that members of her staff 'work to the direction of the caucus secretary', and I ask: how does the minister satisfy herself that her staff, paid for by the taxpayer and signed off by her, are working within Parliamentary guidelines?

Ms PULFORD (Minister for Agriculture) — I thank the member for her question. The existence of the pool staff is something that is well known and understood by members; it has existed for the best part of two decades with the agreement of Presiding Officers of all political persuasions over that duration. It is a modest portion of the staffing allocation. I am absolutely confident that my electorate officers, who work for me, fulfil their duties in accordance with the arrangements that I am sure all members of Parliament are requiring of their staff.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) — Can the minister assure the house that none of her staff has worked in Labor's Community Action Network?

Ms PULFORD (Minister for Agriculture) — My electorate staff have and always do work hard to assist me in my role as a member of Parliament, and they do so in accordance with the guidelines. They have done, and I certainly expect that they always will do.

Honourable members interjecting.

The PRESIDENT — Order! The minister, without assistance!

Ms PULFORD — Thank you, President. My electorate office staff have always undertaken, and I expect right now on this occasion today are undertaking, the duties of electorate staff in supporting my work as a member of Parliament in accordance with the guidelines.

Child protection

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Families and Children. How many child protection practitioner vacancies are there, by classification, currently at the Mildura Department of Health and Human Services (DHHS) office?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question. The member has asked me a very specific question relating to staff vacancies in one particular DHHS office. I do not have that number at hand, and I will take that particular question on notice.

What I can say to the member is that I am very proud of the fact that in the record child protection and family services budget that we have in our budget this year we have provided a significant amount of funding for additional child protection staff. In fact we have provided more than $65 million for the recruitment of additional staff, and as I have advised the house on previous occasions, the department is actively working at the moment to recruit this additional staff. This is the biggest boost to the child protection workforce — —

Ms Crozier — On a point of order, President, my question was fairly specific in relation to asking the minister how many practitioner vacancies there are in the Mildura DHHS office, and I ask that the minister address my specific question.

The PRESIDENT — Order! I am actually perplexed by the point of order, because the minister has answered the question. The minister said that she does not have that information available but she will provide it. She has already answered the question, and now she is providing the house with some other information, which I think is fairly useful information and is not political in nature. She has not criticised anybody else; she is actually providing some useful information on what her department or her government has been doing, and she did answer the question to the extent she could today.

Ms MIKAKOS — Thank you, President. I do think it is important that members and the community have some context for this matter, because we have had the biggest boost in the child protection workforce in this first budget of the Andrews Labor government. In fact our budget will see an additional 148.8 full-time equivalent workers recruited in child protection to meet the impact of the 10 000 additional reports forecast for 2015–16. This is the largest ever single increase in the number of child protection positions.

I have spoken about how the staff will be allocated — 111 child protection workers, including the first ever rollout of the after-hours outreach service right across the state, including in the Mallee. That did not occur under the previous government. We are ensuring that the after-hours outreach service can reach every part of the state for the first time. There will be dedicated staff as part of that rollout and new staff dedicated to work on the issue of child sexual exploitation, who will work very closely with Victoria Police on these matters. There will be one staff member allocated to each of the four regions of the department to work on these matters as well as 13 staff for the family-led decision-making program and 24 staff dedicated to other permanency changes. That is a very significant boost to our child protection workforce. As for the specifics of the particular number that the member has asked for, I will endeavour to respond in the appropriate time frame.

Supplementary question

Ms CROZIER (Southern Metropolitan) — I acknowledge the minister's answer, but because I requested information in relation to this particular area on Tuesday, I would have thought she would have had those numbers. Nevertheless I will again ask — she might need to take this question on notice — —

Ms Mikakos — You did not ask this question on Tuesday.

Ms CROZIER — I would have thought that the minister would have had the information because what I was asking was pretty specific. So I ask the minister, and she may have to take this one on notice as well: of those new child protection workers announced by the minister in May, as of today, 3 September, how many have commenced employment in the Mildura DHHS office?

Ms MIKAKOS (Minister for Families and Children) — As I have explained to the house, we are in the process of recruiting at the moment. A lot of work is underway to recruit people with the appropriate qualifications — people who are qualified social workers or have other appropriate qualifications.

I will take the specific question that the member has asked on notice, but I do make the point that we have a very significant rollout underway of more than 148 new child protection workers. This is a lot more than the previous government was prepared to have, because we take seriously our responsibility of ensuring that vulnerable children who have been subject to abuse or neglect are kept safe. We are working very assiduously to ensure that we can provide for an improved child protection system, unlike the approach of the previous government, which was to squirrel money away unspent.

Electorate office staff

Ms FITZHERBERT (Southern Metropolitan) — My question is to the Minister for Families and Children. In July 2015 and October 2014 how many permanent and casual staff hours did the minister contribute to Labor's staff pooling program?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question. The member has asked me about a very specific period of time. That is a figure that I do not have at hand, but I can make it clear, as I did yesterday, that there have been very longstanding practices in relation to members of Parliament on both sides of the political fence making contributions to pooled staff arrangements. I can confirm that I made a contribution to Labor's pooled staff arrangements. I certainly have acted in accordance with the parliamentary rules, but as for the specifics of the dates and the details that the member has asked for, I do not have those matters at hand.

President, you made it very clear yesterday that both you and the Speaker were going to be looking further into these matters. I am very happy to assist you in those matters and work with the Presiding Officers in relation to issues around parliamentary entitlements,

because it is the Presiding Officers and the Department of Parliamentary Services who are the appropriate people to be seeking this information. I am very happy to provide them with those details or other details that they may request.

Supplementary question

Ms FITZHERBERT (Southern Metropolitan) — My supplementary question is: in July 2015 and October 2014 how many permanent and casual staff hours did the minister contribute to Labor's Community Action Network and, in relation to both sets of figures that I have asked for, will the minister commit to making those available to the house if not today then on a later date, when she has had a chance to assess her information?

Ms MIKAKOS (Minister for Families and Children) — The premise of the member's question is incorrect. This is something that occurred yesterday as well with the Leader of the Opposition's question. The opposition has conflated the pooled staff with the issue of the Community Action Network. They are two different bodies. What I can provide are details around pooled staff arrangements. I have made a contribution to Labor's pooled staff arrangements, but I certainly reject the premise of the member's question around the Community Action Network.

Ms Wooldridge — On a point of order, President, in terms of relevance and the minister answering the question directly, the question was very specifically about the Community Action Network and permanent and casual staff hours contributed, and I ask you to bring her back to that question.

The PRESIDENT — Order! The minister to continue, being mindful of the point that has been made.

Ms MIKAKOS — The member might ask the question, but the point I am making is that I do not accept the premise of the question because it is conflating two different entities. I am happy to provide the detail — —

The PRESIDENT — Order! I thank the minister.

Ministerial staff

Mr ONDARCHIE (Northern Metropolitan) — My question is to the Leader of the Government, representing the Premier. What is the employment status within the Andrews Labor government of former Minister Somyurek's staff members, Ms Dimity Paul and Mr Xavier Smith?

Mr Leane — On a point of order President — this might sound like a point of clarification, but I know they do not exist — taking into account the fact that last term you, as the Presiding Officer of this chamber, made some rulings around questions and statements concerning members of Parliament's staff members and gave some stringent guidelines and some advice to the chamber particularly about what is alleged and what is said about staff members of MPs, I ask you to take into account the nature of the questions and allegations in recent days from certain members of the chamber and where they fall in terms of your previous rulings.

Mr Ondarchie — On the point of order, President, my question related to employees who are employed by the Premier's office. Therefore this question is a matter of government administration.

Mrs Peulich — President, my comment on the point of order is along the same lines, and that is that your rulings and your jurisdiction cover electorate office staff, who are hired by or through the Department of Parliamentary Services. It is my clear understanding, given the public nature of the reports and the fact that there has been a minister who has lost his position as a result of that, that this question indeed goes to the very heart of government administration, and it should not be ruled out of order.

The PRESIDENT — Order! I thank Mr Leane for the point of order and the two contributors from the opposition for their comments in respect of the point of order. I think there is a very clear distinction between the matters that I ruled on previously in regard to staff and accusations, allegations or other information regarding staff in the past. I think in this respect the question, as I heard it, is in order and does not reflect on those staff in any way. It simply asks essentially where they are.

Mr Leane — On a further point of order, President, accepting the ruling you have made about this particular question, I would ask you to take into account — and I cannot remember who asked the first question — the nature of the first question in line with the concern about that being outside your previous rulings, made during the term of the last Parliament.

The PRESIDENT — Order! I do not understand.

Mr O'Donohue — Are you reflecting on the Chair?

Mr Leane — I am not reflecting on the Chair at all. I did say, President, that I accepted your ruling on this question, but it is my belief that the first question, which referred to MPs' staff members and allegations about those staff members, is outside previous rulings.

The PRESIDENT — Order! I think I now understand where Mr Leane is going with this. One of the issues I would have to take into account in respect of the member's point of order on the question asked earlier by Ms Wooldridge is the fact that the government did accept these questions on a previous day and therefore they are open to continued questioning. Had the government raised this objection on that day, then I might well have had to consider that matter very carefully and I might perhaps have reached a different conclusion. I do not see that I am bound to do that at this point because we have opened the matter. That is as far as I think I need to go in addressing that. Certainly in terms of this question I think it is in order, as I read it here.

Mr Leane — On a further point of order, President — and as you know, I am a stickler around these sorts of rules — considering that you have said a precedent has been set, does that mean that any member of the chamber can bring into their debate contribution any MLC staff members?

Honourable members interjecting.

Mr Leane — It was not. Read your first question. I ask if you could expand on that, President.

Mr Ondarchie — On the point of order, President, I think Mr Leane is raising a point of order about something that happened earlier in question time. My question was very specific. It was about government administration. I do not quite understand the connection between Mr Leane's point of order about government MPs and their staff and the question I am asking about staff employed by the Premier's office.

The PRESIDENT — Order! I think that is true in terms of where we stand in current proceedings. In terms of Mr Leane's position, nobody in the opposition has sought to put a question to members of the government generally in respect of their electorate office staff. The question has been directed only to ministers about the allocation of their staff. I think in that context the questions have been answered and taken in. What also needs to be borne in mind is that this is a matter that is out in the public domain, and I would have thought it was prudent to address those questions and provide an answer to those questions that would enable the house to understand that all of the arrangements were indeed in compliance with guidelines.

Mrs Peulich interjected.

The PRESIDENT — Order! I thank Mrs Peulich. I call the minister. Does he recall the question?

Mr JENNINGS (Special Minister of State) — In fact I would prefer, if it is possible, that the question be repeated.

The PRESIDENT — Order! I thought that might be the case. I ask Mr Ondarchie to repeat the question.

Mr ONDARCHIE — In our last episode I asked the minister a question about what the employment status is within the Andrews Labor government of former Minister Somyurek's staff members Ms Dimity Paul and Mr Xavier Smith.

Mr JENNINGS — I thank Mr Leane for his intervention, which was trying, I think, to prevent the difficulty, potential embarrassment and isolation of anybody who is employed either in electorate offices or within government administration and to add to that the degree of potential confusion about their employment status and in fact to point out that a number of unrelated issues could be entwined. I appreciate Mr Leane's protective intervention for that reason. I think we should be mindful of protecting people's information as much as possible and certainly not allowing confusion by bringing it into a range of issues that may be considered on a contemporary basis. So I appreciate that.

I want to say very clearly that previously during the course of the inquiry into Mr Somyurek's office I was asked a series of questions about the employment status of Ms Paul and Mr Smith. On that occasion I reiterated to the chamber that they had not been terminated, as had been reported, from their position and that both of them remained employees of the government — —

Ms Wooldridge — Now?

Mr JENNINGS — They were employed. They continued to be in their employment relationship, which is with the Premier. They are employed by the Premier. All ministerial staff across all ministers' offices are ultimately employed by the Premier. Indeed that was the case; it continues to be the case. Even though I have not got information immediately to hand, the last time I was informed of these matters, which was in the last couple of weeks — —

Ms Wooldridge — Take it on notice, then get it up to date.

Mr JENNINGS — I do not need your intervention. I am providing a fulsome answer, I am providing the context and I have not strayed from the relevant information, so I do not need intervention. What I am saying to the chamber is that I have not been made aware of any change in the circumstances that these two

employees are working at the direction of, and their working environment is maintained and established by, the Premier's office, as was last reported to the chamber.

Ms Wooldridge — On a point of order, President — and I know we will get to this — in consideration of its immediacy I ask you to consider that the question was very much about the employment status now and not in the Leader of the Government's last knowledge a few weeks ago. I ask that you consider him taking that on notice so we can have a response that is relevant today.

The PRESIDENT — Order! I do this at the end as members know, but in my understanding of the minister's answer he has basically gone on the record and said he is not aware of any change in the employment status of these people from when it was previously pointed out to Parliament. That is answering the question.

I have no doubt that the minister will, after this session, for his own edification go back and double-check that he has provided the right information to the house, and if he finds that it is a different position, I am sure he would provide an update and correct the record both as a courtesy and for the appreciation of the house of these circumstances. The minister would be doing that of his own volition; I do not think I need to give a direction in that sense. He has answered the question at this point, but if he were to find there had been a change to that circumstance that does not satisfy the question and the answer that he has provided today, I am sure that he would have the goodwill to inform the house.

Supplementary question

Mr ONDARCHIE (Northern Metropolitan) — As it relates to Ms Paul and Mr Smith, can the Leader of the Government confirm that no lump-sum payments or ex gratia payments have been paid by the government to Ms Paul or Mr Smith since Mr Somyurek resigned on 28 July 2015? If those payments were made, could the minister outline how much they were?

Mr JENNINGS (Special Minister of State) — If that is a relevant consideration, I will report that to the house. But I do not believe that is a relevant situation, because I believe my contemporary information, as last checked, to be the case, and that would mean there has been no severing of the employment relationship.

Electorate office staff

Ms WOOLDRIDGE (Eastern Metropolitan) — My question is to the Leader of the Government. In July 2015 and October 2014 how many casual and permanent electorate officer staff hours did Labor members of Parliament contribute to Labor's Community Action Network?

Mr Dalidakis — On a point of order, President, since the question was asked of my ministerial colleague I have had time to think about it. Yesterday's questions asked about this area specifically quoted an area of government administration that opposition members asking those questions believed to pertain to this question. These questions actually relate to us as members of Parliament, and I suggest that they are outside the standing orders for question time in relation to our ministerial responsibilities. I seek your ruling on that matter.

Mr Davis — On the point of order, President, it is very clear that members can ask ministers about matters of government administration or matters with which they are connected. That is the relevant part under which the questions were asked yesterday, and they were entirely in order.

The PRESIDENT — Order! I thank Mr Dalidakis for his point of order and Mr Davis for his further comments on it. One aspect that is important in terms of the precedents, standing orders, practices and so forth that the house has had over many years, and its expectations, particularly of ministers, in regard to the rules of the house, is that they are required to respond on matters of government administration and matters that are directly their responsibility within government. In other words, we do not have an expectation that members will necessarily comment on other portfolios. When they do comment on other portfolios that are outside their responsibility, as I have indicated to the house previously, that does open up a line of questioning for other members of the house. If they venture into that territory, then they allow other members to explore that territory further. In that sense we do not have an expectation of ministers doing that, but if they do, they do so at their own peril, which I think are words that I have used in the past.

As I said, we do expect them to respond on matters that are part of their responsibility. That responsibility is primarily their duties as a minister in discharging their responsibilities under the various acts assigned to them as ministers. Beyond that there is also an expectation in the house that the behaviour of ministers and some of the decisions they make in terms of the discharge of their public office are also matters that can be examined by the house. Ministers clearly have an opportunity to respond to matters put to them or perhaps to decline to respond to those matters on the basis that they do not

believe they need to be brought to account. Then under our standing orders it is up to me to decide whether or not the call was fair and whether or not the question was in order. But, as I said, in terms of public office I think it goes a little further than just the discharge of duties under various acts. I think it does go to actions and decisions beyond that.

We also have a situation, as I dealt with on Mr Leane's point of order, that earlier in the week there were questions of a similar nature. I grant Mr Dalidakis and Mr Leane that they were not exactly the same, but they were of a similar nature and certainly went to a similar issue. Those questions were responded to on that occasion. Therefore there is some opportunity, in the context of how we have dealt with things historically, to explore those further.

I am listening carefully to all these questions because I do have a concern about the questions being in fact relevant to a minister's responsibilities, the discharge of their duties and their public accountability, but I am also concerned that indeed for me many of these questions remain in the context of simply media reports. I do not have before me any allegations and I am operating only in the context of media reports, and it may well be that so too are opposition members in terms of their questions. I need to be very mindful of that in terms of whether I can accept some of the questions. On this occasion I allow the question to the Leader of the Government to proceed.

Ms WOOLDRIDGE — I will repeat the question for the Leader of the Government. In July 2015 and October 2014 how many casual and permanent electorate officer staff hours did Labor members of Parliament contribute to Labor's Community Action Network?

Mr JENNINGS (Special Minister of State) — The reason I wanted to have the question repeated was that it does relate to the guidance that you, President, have just provided to us all to remember that yesterday ministers were asked a series of questions in relation to their personal connections to matters. Ultimately my ministerial colleagues answered in relation to their personal circumstances, for which they are required to account to the Parliament, and I joined my ministerial colleagues in doing just that.

On the question that I have been invited to answer today, certainly there is an obligation on and expectation of the Labor Party to comply with the rules of engagement of our electorate office staff in their employment relationship or whether they work for us in the context of being pooled staff. That has actually been acknowledged by the government, by members of the Labor Party and by individual ministers, and that is an answer that I stand by. There have been pooled staffing arrangements that have been well and truly established and maintained and recognised by our party. There are some parties that seem to live in denial of that, but nevertheless they continue to be acknowledged by the Labor Party.

In relation to the hours allocation, that is a very detailed question that I as an individual member would not be able to answer on behalf of the collective.

Ms Wooldridge interjected.

Mr JENNINGS — In relation to the Community Action Network my simple answer would be none, because in fact I do not think there would be any. That is my understanding and my expectation. That is certainly what I understand the situation to be, but that is my personal understanding of it.

Ms Wooldridge — Will you find out and report back?

Mr JENNINGS — No. I am not obliged to give any answer beyond this. I am not obliged to, and in fact perhaps I am not entitled to. But what I can clearly say is that the Labor Party and the Labor government are not resiling from pooled staffing arrangements. We actually recognise that that is a valid, endorsed and well-established practice, having pooled staffing arrangements.

The intrigue that the opposition seems to bring to this is political activity or community campaigning activity that may have actually been undertaken through the auspice of the Community Action Network and trying to draw a linear connection between those two activities that may or may not exist. In fact that is where the intrigue is coming from. From the government's perspective and my personal perspective, I am very clear about the pooled staffing arrangements and my engagement with them and I am very confident that members of the Labor Party, whether in opposition or in government, have actually complied with the rules of the engagement of their electorate staff through pooled staffing arrangements.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) — Following up the Leader of the Government's answer and his saying that he believes there were no hours that electorate staff contributed to the Community Action Network, I ask: can he then assure the house that none of Labor's electorate staff were paid from

parliamentary budgets to work in Labor's Community Action Network?

Mr JENNINGS (Special Minister of State) — I think that an astute listener to my substantive answer would have heard the answer to that question.

Child protection

Ms SPRINGLE (South Eastern Metropolitan) — My question is to the Minister for Families and Children. Two weeks ago in this Parliament the Commission for Children and Young People's report into the sexual abuse of vulnerable children in residential care was tabled. My question to the minister is: knowing that 40 children were sexually assaulted in Victoria's residential care system in the two weeks before the report was tabled, what has the minister done in the two weeks since the report was tabled to stop the ongoing sexual abuse of children in residential care?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question, and I welcome her ongoing interest in relation to these matters, in particular the government's response to the Commission for Children and Young People's report. I certainly contrast Ms Springle's interest with the fact that I have not had a single question from the opposition in relation to this report. Given that the report relates to incident reports that occurred during the time of the previous government, it is very clear that they have interest only in matters that relate to anything that occurred after 29 November 2014.

I can say to the member, as I indicated to the house last sitting week, that the contents of that report are extremely distressing. It raises some very serious issues. The government has accepted all of Mr Geary's recommendations in principle. The point that I make in relation to the recent matters that the member has raised in her question is that every single allegation of abuse — and I make the point that incident reports are allegations, not proven matters — that has occurred of a child whilst in the state's care is a matter that I take extremely seriously. This is why as minister I have acted from day one to make sure that we can improve safety in respect of these children.

We have put in place a number of measures to address these issues to minimise risk to children whilst in care. These relate to an announcement that I made back in February this year of additional staff in residential care and increased staffing levels, including staff overnight, to ensure that we have adequate supervision of children and young people whilst in residential care. At that time I also announced $1.5 million for the introduction of spot audits of residential care units. This is something that is new, that did not occur previously, and it is designed to ensure that my department can go in there and make an independent assessment of what is happening in any particular residential unit as well as have discussions with the young people in those units.

We have taken a number of measures — again, matters that I have made announcements about some time ago. In March of this year I announced a package of $43 million for targeted care packages to move young people out of residential care units into home-based care, whether they be returning to family or whether they be placed with extended family members or with foster carers. Those packages are already being rolled out and are ensuring that young people are being moved to home-based care.

My view is that ultimately I agree with Mr Geary that the best place for a child is in home-based care, and everything I have been doing as minister is to achieve that outcome. We have put in place a number of initiatives to address the issues that Mr Geary has identified in his important report. I reiterate to the member and I assure her that every one of those incident reports and every one of those allegations is a serious matter. This is why we have put in place a number of measures from the time that I became minister to ensure that we can keep children and young people in the care of the state as safe as possible.

Supplementary question

Ms SPRINGLE (South Eastern Metropolitan) — I thank the minister for her answer. However, my question was around what has occurred in the last two weeks. The report is, shamefully, far from the first to show that the department is manifestly failing in its duty to protect Victoria's most vulnerable children. It should, however, be the last. My supplementary question is: would a child in residential care who is clearly at very high risk of being sexually assaulted have noticed any changes since the report was tabled two weeks ago?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question. The point I was making in the answer to the first question was that action has been ongoing and it has occurred from the time that this government came to office. It occurred before the report came to the Parliament, because these matters came to light through the media last year and I had called for this inquiry. I welcome the report because it has identified important issues. We have been taking a range of measures, and most recently, two weeks ago, I announced an urgent

maintenance blitz, with new funding of $1 million to address the issues in the report that related to damage to property, and that is in addition to the investment that was in the budget relating to capital works and maintenance. There have been a range of measures that have been implemented from the start of the year in relation to these matters.

Timber industry

Ms DUNN (Eastern Metropolitan) — My question is for the Minister for Agriculture. On Wednesday, 19 August, the minister conceded that of the entire industry there are only 1000 people engaged in growing, harvesting or sawmilling timber from the state forests in rural Victoria. She also stated that further processing of native forest resources accounts for 7000 of the 14 000 people employed in secondary processing of timber in Victoria. The minister appears to be quoting figures from a 2013 report of a study undertaken by the University of Canberra entitled *Socio-economic Characteristics of Victoria's Forestry Industries 2009–2012*, known as the Schirmer report. The minister may not be aware that the 7000 jobs attributed to secondary processing in that report include activities that process wood sourced from outside Victoria. My question is: of the 7000 identified jobs in secondary processing, is it not possible for every one of those jobs to be shifted to commercial plantation timbers, which supply 80 per cent of the state's timber needs?

Ms PULFORD (Minister for Agriculture) — I welcome the opportunity to continue the discussion with Ms Dunn about the numbers of Victorians employed in the timber industry and specifically in the native timber industry. Those specific questions about the capacity of industry to transition from native to plantation timber are matters for industry, and I am not quite sure I am qualified to answer that part of Ms Dunn's question, but I would just indicate to Ms Dunn that the numbers that I rely on are based on a number of studies, none of which is the one that Ms Dunn referred to. There was an initial study undertaken by the former Victorian Labor government in 2009. That study was subsequently updated using additional data from a 2012 forest industry survey, and the other input into this is the 2011 Australian Bureau of Statistics (ABS) census of population and housing.

When we talk about secondary processing in Victoria the total number is not 7000, the total number is 14 384, and that is based on ABS data for that evaluation of secondary processing. It is estimated that around half, so around 7000, are in secondary processing in the part of the industry that comes from our native timber resource. I look forward to the supplementary question.

Supplementary question

Ms DUNN (Eastern Metropolitan) — I thank the minister for her answer. In terms of the answer provided to me in writing by the minister it does bear an extraordinary resemblance to the Schirmer report and the tables contained therein. Referring again to the minister's concession that there are 1000 jobs in native forest growing, harvesting and sawmilling in rural Victoria, the minister may be aware that the Schirmer report, in the executive summary, quotes that there are nearly three times the number of jobs in softwood plantations per hectare when compared with native forest logging. Is it not possible for every single one of those 1000 jobs to be transitioned into plantation timber growing, harvesting or sawmilling, protecting a very important industry in Victoria?

Ms PULFORD (Minister for Agriculture) — I thank Ms Dunn for her further question. It is possible that the various reports on the number of people employed in Victoria in secondary processing all indicate that there are around 14 000 people because that is the number there are. On the question of change in the industry or transition in the industry and what consequences that would have for employment, those are matters that are being considered by an industry task force which the government is supporting the establishment of. That industry task force will consider these matters and make recommendations to government on any matters upon which there is consensus for it to consider.

Lake Toolondo

Mr YOUNG (Northern Victoria) — My question today is for the Minister for Agriculture. Earlier this year the Andrews government released 5000 megalitres of last-minute water into Lake Toolondo before it reached critically low levels. How is the level of the reservoir being monitored so as to prevent it reaching critically low levels again?

Ms PULFORD (Minister for Agriculture) — I thank Mr Young for his question. Earlier in the year, with the Premier and the Minister for Water, I was with very happy community local representatives and members of our recreational fishing community at Lake Toolondo, a beautiful spot in north-western Victoria renowned for its trout fishing. It was a very happy occasion indeed.

As part of the delivery of the election commitment in relation to Lake Toolondo, a working group was established to consider the ongoing sustainability of that fishery, which was chaired by Joe Helper, a former member of the Victorian Parliament.

An honourable member interjected.

Ms PULFORD — He was a fabulous member of the Victorian Parliament, a mad fisherman and a former Minister for Agriculture. As I understand it, that group has now had its final meeting. I must confess I have not driven past Lake Toolondo in the last little while so I cannot give the member a firsthand report on the water levels. However, on the specific question of the mechanisms by which water levels are being monitored, I will take that part of his question on notice and come back to him with an answer as soon as I possibly can.

Supplementary question

Mr YOUNG (Northern Victoria) — I thank the minister for her answer. It is fantastic that it is down to a group that is so committed. My supplementary question is: will the government commit to early intervention in the case of low water levels to ensure that Lake Toolondo remains a prime trout fishing location?

Ms PULFORD (Minister for Agriculture) — I thank Mr Young for his supplementary question on this matter. I understand that the final report of that working group will present its findings and they will be making their way to me — I have not seen that report yet — so I will look with interest to see what that group, which has been looking very closely at this issue, will be recommending in this respect.

It is essential for any government to very carefully manage our water resources and ensure the right balance between household, industry and agricultural use, environmental uses and of course recreational uses, which play such an important part in the quality of life for residents in communities right across Victoria. Recreational water use is an important part of that equation, and that is something we will always seek to very carefully and appropriately balance.

Again, in relation to the detailed consideration and the conclusion of the work of that working group, I will provide Mr Young with some further information on that matter.

The PRESIDENT — Order! Can I just clarify with the minister — with the permission of the stickler — that further information to Mr Young in regard to a response to the question is not expected to be tomorrow, because the work has not been completed. Is the minister saying that she will supply that further information once the work has been completed, or will the question be answered to give him an indication of that progress?

Ms PULFORD — Thank you, President, for the opportunity to clarify that. I believe the work of the committee is completed and the final report on its work is making its way to me — I have not seen it yet. If I am able to provide that answer for Mr Young by tomorrow, I will; if I am not, I will provide an answer to him by tomorrow that will indicate when I will be able to provide that answer.

Social enterprise employment

Ms PATTEN (Northern Metropolitan) — My question is to the Minister for Families and Children, representing the Minister for Housing, Disability and Ageing. The Australian Sex Party has previously called on governments at all levels to do more to ensure that employment opportunities are provided to those in our community who find it hardest to secure work for a range of reasons. People with a disability and older Australians who may suffer from diseases such as Alzheimer's and dementia are often overlooked by the business sector even though they are able to contribute to our society in a meaningful way.

I understand that the Minister for Local Government has convened a mayors advisory panel that is looking at ways to help people with a disability seek work opportunities with social enterprises, and that is great. Beyond the government's work with local councils, what is the government doing to ensure that work opportunities are provided for people with a disability and older Australians, whether it is with social enterprises or business, particularly in the Northern Metropolitan Region?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question as it relates to matters falling under Minister Foley's portfolio responsibility. I know that Minister Foley is very committed to ensuring that people of all abilities have opportunities to participate in our society, whether that be in employment or in accessing housing and other services provided by government or by business. The provisions of the equal opportunity legislation are critically important in this regard in terms of ensuring that we can eliminate discrimination faced by people with disabilities in accessing both employment and other services.

In relation to particular initiatives, I will have to take that question on notice and refer it to Minister Foley for response to the member. However, I know that members of the government broadly speaking, including the minister, have a very strong commitment to ensuring that we can provide for a socially inclusive society, one in which people of all abilities have the opportunity to participate fully, including in the employment sphere.

Supplementary question

Ms PATTEN (Northern Metropolitan) — I thank the minister for her answer. I wonder if she could also ask the minister to outline what new funding has been made available for social enterprises, again particularly in the northern metropolitan area, and what the government plans to do in the coming term to further the work opportunities for people with disabilities and older Australians.

Ms MIKAKOS (Minister for Families and Children) — I again thank the member for her specific question. They are matters that also fall within the realm of the Minister for Employment, but I will certainly refer that specific question to Minister Foley for a response.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) — I have 13 answers to the following questions on notice: 733–4, 765, 798, 814, 828, 860, 862–5, 868, 872.

Mr Leane — On a point of order, President, regarding a statement you made at the end of question time yesterday. You stated that electorate officers are to do electorate work and not political work, which, as we know, is in the rules. I would like you to consider, because of the two-party adversarial system we are under, whether a staff member preparing a speech for an opposition MP, which is clearly political because it critiques a government bill or activity, would be construed as political activity and should be ruled out.

The PRESIDENT — Order! Clearly not. It is supporting the member. As I indicated yesterday, I am comfortable with the pooling arrangements on the basis that oppositions in particular often require specialist skills to support their shadow ministers. There is already an allocation to the Leader of the Opposition, and it is understood those people are engaged in support of the party's ambition to achieve government. There are also shadow ministers who require support, and that support may well be beyond their electorate office capability because it might involve specialist research, media statements, writing of speeches and so forth. If staff are involved in that, that is support of a member of Parliament, and that is okay. That is not a problem.

The pooling arrangements are within the orbit of the Parliament. As I said, I am pretty comfortable with the way they are. There may be some issues that need to be explored, and the Speaker and I for some time have been working on how we codify those pooling arrangements going forward, making sure that there is transparency and that all parties have access to those arrangements. I am mindful that the Greens, for instance, have not had that flexibility historically.

Honourable members interjecting.

The PRESIDENT — Order! I am on my feet, and I am not having a conversation. It might be other parties as well. Mr Leane made reference to the two-party system, but I think we have gone well beyond that. This is one of the reasons we need to look at the pooling arrangements and make sure, as I said, that they are transparent and support members in their work of addressing the needs of their constituencies.

Mr Leane interjected.

The PRESIDENT — Mr Leane might say 'Aha', but there is nothing revolutionary in any of that. The issue raised in the media is a little different by my reading, and perhaps that needs some further consideration.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT — Order! Coming to the answers to questions today, in terms of Ms Crozier's question to Ms Mikakos about the numbers of staff in the Mildura office, Ms Mikakos has offered to obtain the numbers. Having provided details of what the government has in place as a program, she has indicated that the numbers that were sought in the question and supplementary question will be provided. That will be on the next day of meeting.

Mr Young asked a question of Ms Pulford in regard to a lake, water levels and so forth. Ms Pulford has undertaken to provide further information for Mr Young in respect of both the substantive question and the supplementary question. In terms of Ms Patten's question, there is also a need for further information regarding both the substantive and supplementary questions.

In regard to the questions that relate to issues of pool staff, I intend to have a think about them in terms of what directions I might give. The area I am particularly focused on is the time frames that have been included in those questions and whether or not the ministers have an obligation to respond. I am particularly thinking about the October 2014 date. I need to give consideration to that in terms of precedence in the house as to what directions I might give in regard to questions and supplementary questions, and I will report back to the house later this day.

In regard to Mr Ondarchie's question, I ask Mr Jennings to provide a written response to the supplementary question. In providing that, Mr Jennings will obviously canvass whether or not it is a relevant consideration, given his understanding as expressed in regard to the substantive question. That has a two-day time frame because it involves the Premier's department.

As I said, I will take the other matters under consideration today. It is my habit in the chair, as members know, not to make kneejerk decisions in matters that have some gravity and importance to the house, and I am keen to always ensure fairness for all members. That is the reason I will take the matters in respect of those questions into consideration and report back to the house later this day.

Ms Crozier — On a point of order, President, I seek your guidance. On Tuesday you asked that a number of the questions I asked of Minister Mikakos have a written response provided to me, and I received those responses during question time today. Under sessional order 5(3), headed 'Content of answers', I believe a number of these questions have not been answered. They do not go to the specific case at hand and have just reiterated what Ms Mikakos said during question time on Tuesday. I wonder whether under the sessional orders the minister could provide another written response in relation to my specific questions.

Ms Mikakos — On the point of order, President, I have provided the member with expansive responses to each of the questions I was directed to take on notice. As I indicated to the house on Tuesday, the matters the member raised relate to the tragic death of a young child in Mildura. I indicated to the house that I was exercising a degree of caution in relation to these matters, and I advise the house that based on legal advice I have received I am constrained in relation to these issues. It is very disappointing — —

Honourable members interjecting.

Ms Mikakos — I have made clear in the response to the member the basis upon which I consider it inappropriate to make comment on this particular child and her family. I have set out these matters in the response. I say in my response, which I am happy to read on the record if that will assist:

> The death of any child is a terrible tragedy and I express my heartfelt sympathy to all those who loved Nikki Francis-Coslovich and the entire Mildura community.
>
> I am mindful of the caution that I should exercise under the sub judice convention, about speaking on current or pending court cases in Parliament, if it could prejudice cases.
>
> I am just as mindful of the important public policy underpinning confidentiality provisions in legislation such as the Privacy and Data Protection Act 2014 and the Children, Youth and Families Act 2005 that applies to prevent public disclosure of personal information about individual families and children.
>
> Having regard to these matters, as the Minister for Families and Children, I consider it inappropriate to make comment on this child and her family.

That goes to the issue of the matters that the member asked specifically regarding this particular family. Where the member has asked me for other details that do not relate to this family — for example, the member asked about category 1 child protection incident reports — the member has received a response in relation to those matters. Where other members ask me questions relating to policies or practices of my department, obviously I can assist members with those matters, but when it comes to the specific details of a particular case, we need to tread cautiously.

It is clear that the opposition today is seeking to continue in exercising very poor judgement in this matter, basing its questions on media reports. My focus as minister must always be to devote my effort and attention to getting the best outcomes for vulnerable children and ensuring that our child protection system is supported to get those outcomes. I respect the police processes, the judicial processes and the coronial processes that must inform our judgement in respect of this death. The purpose of those processes, which we need to respect, is to serve justice and to discover what led to this child's tragic death. I reiterate that I am unable, for legal reasons, to confirm or deny whether this child was the subject of child protection. I stand by the response I gave on Tuesday, and I have in fact responded to the member's question.

The PRESIDENT — Order! I wish to make a number of remarks in regard to these questions. I have received the minister's responses, as has the member who has raised the point of order. In response to the point of order, which I accepted as a point of order, it

was a bit more wideranging in terms of the point of order but I think the matter is important. On that basis I also have some remarks to make, having considered this matter fairly carefully.

I wish to go to a number of points in respect of the line of questions and the minister's responses, and those points are in terms of sub judice, the statutory secrecy that has been mentioned and to a further point, which I have given consideration to, which is the public interest.

I wish to make some general comments regarding the separate issues of sub judice, claims of statutory secrecy and public interest immunity. Members will recall these issues were canvassed during question time on Tuesday this week, as the point of order indicated, with respect to certain questions directed to the Minister for Families and Children.

In regard to the sub judice convention, in relation to the rule of sub judice, I refer the house to the comments which I made on Tuesday. It is the practice of the house that once charges have been laid in a criminal matter, it is sub judice, whereas in a civil matter we would wait until it went to the court. To the extent that any questions related to the charges that have been brought in this tragic matter, they would be, in my view, subject to the sub judice convention of the house.

In regard to statutory secrecy provisions, which the minister has relied on to a fair extent in her answers to these questions, both in the house and in the subsequent written responses, both Minister Mikakos and the Leader of the Government, Mr Jennings, made reference on Tuesday to possible statutory secrecy obligations under certain acts, including the Children and Young Persons Act 1989 and the Privacy and Data Protection Act 2014. Ms Mikakos has today reiterated some of her concerns — what she believes are constraints — in both her remarks and responses. I advise the house that Ms Mikakos and I have also had a discussion about legal aspects of this matter, with Ms Mikakos seeking to ensure that I was aware of how she saw her legal obligations.

I have examined the relevant legislation and taken into account the matters brought to me, and I advise that in my view there is no statutory secrecy provision which expressly overrides parliamentary privilege or prevents the disclosure of information to the house — in other words, it is my view that the house is supreme in these matters, and even in regard to what is contained in areas of legislation the house is entitled to explore those matters.

What Ms Mikakos has not really relied on, although I think in a couple of the answers to questions that she has provided today in writing but perhaps has not fully expanded upon, is what I consider to be the public interest immunity issue. That issue is separate from the claims of statutory secrecy and is the issue on which the minister can exercise discretion to decide not to divulge certain information for reasons of public interest — in other words, the minister is not relying on secrecy provisions but is making a judgement call on public interest. The minister's judgement call has to be whether the public interest is outweighed, one way or the other, in terms of the disclosure of information.

With respect to public interest immunity, it is not for me to rule on whether the disclosure of information would be against the public interest or, for that matter, would be in the public interest. It is up to the minister to decide whether the release of information is or is not in the public interest. If a minister claims public interest immunity in answering a question, it stands as an answer. Some members may not like the answer provided by a minister, but it is an answer nevertheless. It is a matter for the house to decide if it wishes to debate a minister's answer at some point in the future.

Having regard to the answers that have been provided to Ms Crozier specifically in response to her questions — and as I understand it there are three questions in contention as to whether or not they have been adequately responded to — I am of the view that the minister has exercised public interest immunity in indicating to this house that the disclosure of that information would not be in the interests of the public or of the people involved, in terms of information that may well reflect on their personal circumstances and the management of their circumstances.

As I indicated on Tuesday, what I think is important in this line of questioning to the minister and in similar matters is that it is about the processes and procedures of a department and whether our systems have failed. I do not think any members want to get into a situation where we do further injustice to this family or to a child who has been tragically killed. In the circumstances, at this point I am not prepared to seek further written answers to the three questions that are at issue. Unfortunately I do not have the question numbers, but Ms Crozier would be aware of them and the record will reflect them.

Having made that decision, it is within the power of the house to debate these answers to questions if members wish to do so. I extend that to say we would then as a house also need to judge the public interest aspects of

such a debate as the minister has already exercised such judgement.

Ordered that written responses provided by the Minister for Families and Children in accordance with a direction of the President on 1 September 2015 be considered next day on motion of Ms CROZIER (Southern Metropolitan).

Mr Davis — On a point of order, President, or a point of elucidation of your comments — —

Honourable members interjecting.

Mr Davis — This is actually quite an important point. President, you have ruled on the grounds on which a minister may, through claims of public interest immunity, not provide information to the house. I take it that means the house is well within its rights to come to a different conclusion and through another process instruct the minister to provide information that it believes is in the interests of the public, notwithstanding the minister's decision.

The PRESIDENT — Order! Mr Davis's point of order is correct. The Chair, apart from anything else, exercises discretion at times but essentially is bound by our standing and sessional orders. The house has a power to change those decisions and to seek further information. That power ultimately resides with the house. My concern is that we do not talk about individuals and effect further injustice but that we concentrate on the processes and procedures, our system breakdowns and the things the minister has responsibility for.

Ms Mikakos — On a point of order, President, Mr Davis has in fact invited a point of order — or that is what I think it was; I am not sure if it passes the point of order test. I want to remind members that this matter is one where we do not — —

Ms Crozier interjected.

Ms Mikakos — I want to make the point that we have not even had a plea entered in respect of these matters. We have a police investigation, judicial matters and a coronial process underway. Members opposite may wish to bring in a debate on these matters, but I want to urge caution to the entire house as to how we proceed on this matter and other such sensitive matters. The point I made on Tuesday is that we do not want to adversely impact these legal processes. They are designed to get to the bottom of the issues, and it is important that we allow them to proceed without members of Parliament potentially prejudicing them. I referred to the public interest issue in the written response that I provided to the member. I want to make it clear that I had in fact relied on the issue of public interest in responding to the member's questions.

The PRESIDENT — Order! I think most of that was debate rather than point of order.

Mrs Peulich — On a very small point of order, President, on a matter I have raised with you before in relation to ministers' answers to questions on notice, I seek perhaps your advice to the ministers that answers be dated when they are signed. Whilst answers might at a certain point be accurate, at another point in time they may not be. It is important in relation to many of the answers that are submitted.

The PRESIDENT — Order! I certainly think that that is good practice, and in this case the answers are dated.

Sitting suspended 1.22 p.m. until 2.34 p.m.

CONSTITUENCY QUESTIONS

South Eastern Metropolitan Region

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My constituency question is to the Minister for Education. I refer to the Le Page Primary School in Cheltenham. This primary school is currently suffering low and falling enrolments. It currently has an enrolment of 73 pupils. By way of contrast with other schools in the surrounding Cheltenham area, Cheltenham East Primary School has 423 pupils, Cheltenham Primary School has 421, Kingston Heath Primary School has 240 and Mentone Park Primary School has 305. Clearly Le Page Primary School, with 73 pupils, has substantially fewer students than surrounding primary schools. This is of concern to the parent population of Le Page. Obviously they are very keen for the school to continue operating and to continue to be supported. The parents have called for a zoning and capping system to be put in place to protect and encourage enrolments at that school. I ask: will the Minister for Education ensure that that zone and cap, as requested by those parents, is put in place?

Western Victoria Region

Ms TIERNEY (Western Victoria) — My constituency question is for the Minister for Aboriginal Affairs. Victorian Aboriginal culture in the south-west region of Victoria has a strong history and connection with the land. The Gunditjmara people and the Gunditj Mirring Traditional Owner Aboriginal Corporation, which is the registered Aboriginal party, have been protecting and managing the land for many thousands

of years. The Premier and I recently had the opportunity and were honoured to walk the land of Lake Condah to see the Aboriginal sacred site Budj Bim. Can the Minister for Aboriginal Affairs inform my constituents and the house of her interactions with the Gunditjmara people and how this government has nominated Budj Bim as the no. 1 priority in getting it World Heritage listing, and in doing so, could she outline the process of getting this sacred site recognised on the world stage along with 19 other Australian World Heritage listed sites?

Northern Metropolitan Region

Ms PATTEN (Northern Metropolitan) — I would like to congratulate Mr Merlino, the Minister for Education, for taking significant steps to reform Victorian schooling by strengthening the focus on respectful relationships and ensuring that students have a broad understanding of the world's major religious and non-religious belief systems. Special religious instruction (SRI) will still be available as an elective before or after school or during lunchtime as long as the classes are monitored by a qualified teacher. My question is: can the minister advise how the supervising teacher will know what standard of content and/or delivery is acceptable? In particular, will the department support teachers monitoring SRI to identify instances of proselytising; if so, what form would this support take?

Mrs Peulich — On a point of order, Acting President — I am interested because it opens up opportunities to a number of us — I noticed that the constituency question is a broad question without any specific relevance to the member's own constituency. Is this a precedent for all of us to ask broader policy questions?

The ACTING PRESIDENT (**Mr Ramsay**) — Order! The last part of Ms Patten's contribution that I heard was that she was asking the minister for something. I must say that I did not hear much more than that because of some background noise. Does the member's question to the minister pertain to her electorate?

Ms PATTEN — Yes.

The ACTING PRESIDENT (**Mr Ramsay**) — Order! Ms Patten can continue.

Ms PATTEN — I am finished.

The ACTING PRESIDENT (**Mr Ramsay**) — Order! I do not uphold Mrs Peulich's point of order.

South Eastern Metropolitan Region

Mrs PEULICH (South Eastern Metropolitan) — My question is specifically in relation to my constituency. This week I received a response to another constituency question from the Minister for Environment, Climate Change and Water, the Honourable Lisa Neville. I thank the minister for her answer in response to my question in relation to the *Statewide Waste and Resource Recovery Infrastructure Plan* and its implications for the Kingston, Clayton and Dingley communities. The *Statewide Waste and Resource Recovery Infrastructure Plan*, on page 37 under table 2.2, headed 'Existing hubs of state importance', states the following about the Kingston, Clayton and Dingley precinct:

> Part of the hub is located in the south-east green wedge and part of it is zoned industrial.

Given the minister has stated that the plan 'does not identify the Kingston green wedge as an existing waste hub', contradicting her own plan, will she correct her answer and admit that the flawed plan does in fact nominate the Kingston section of the south-east green wedge as a waste hub and come clean to the residents of Dingley Village, Clarinda, Clayton South, Heatherton, Braeside, Oakleigh South and Cheltenham?

Northern Victoria Region

Ms LOVELL (Northern Victoria) — My constituency question is for the Minister for Public Transport, and it is in regard to the lack of public bus services in the city of Greater Shepparton on weekends. Constituents have raised with me their concerns that there is no public transport between Mooroopna and Shepparton on Sundays, that there are only limited morning services on Saturday and that there are no buses within Shepparton on Sundays. One Mooroopna resident has advised me that he often needs to do his shopping or attend family functions, church, sporting events et cetera on Saturday afternoon or Sunday, but as a pensioner he is prevented from participating in activities because of the lack of public transport options.

In contrast to the limited Greater Shepparton public transport options, residents of the city of Greater Bendigo have access to extensive Sunday services and later services on a Saturday. It is unacceptable that residents of Greater Shepparton are not given the same basic transport options as those of Greater Bendigo. My question to the minister is: when will she acknowledge and act on the needs of my constituents by funding additional public transport options for Greater Shepparton residents?

Western Victoria Region

Mr RAMSAY (Western Victoria) — My question is to the Minister for Environment, Climate Change and Water, the Honourable Lisa Neville, and it concerns an issue of flooding up in the Carisbrooke area. I recently toured that area and met with Trish Coutts, who showed me where Tullaroop Creek was clogged with trees and other vegetation and consequently in the 2011 floods contributed to the flooding of the low areas of Carisbrooke. The government of the time, through the North Central Catchment Management Authority, provided $320 000 to clean up the 700 metres of Tullaroop Creek, as well as McCallums Creek where it joins in, and that comes from a flood plain of approximately 1200 square kilometres. So $320 000 was provided and $20 000 went into fees; $300 000 went into works, which have not started, and $20 000 went into offsets to remove the trees. This seems to be an extraordinary amount of money to take as offsets against the grants, so I ask the minister to investigate the allocation of these moneys and advise when these works will start.

Western Metropolitan Region

Mr FINN (Western Metropolitan) — My constituency question is to the Minister for Public Transport. I have been contacted by representatives of the Sunbury Train Association who are deeply concerned that the member for Sunbury in the other place has reneged on a commitment to the association to hold a public meeting to discuss the government's plan to renege on another Labor commitment — to retain V/Line services for Sunbury. As Mr Bull refuses to call a meeting, I have taken it upon myself to organise one. If such a meeting is held in Sunbury, will the minister attend to explain to the local community why the Andrews government is shafting Sunbury on this issue?

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) AMENDMENT BILL 2015

Second reading

Debate resumed from 6 August; motion of Mr JENNINGS (Special Minister of State).

Ms CROZIER (Southern Metropolitan) — I am pleased to speak on the Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2015. This is a fairly straightforward bill that we are debating this afternoon. The bill is intended to complement amendments made in 2014 to the commonwealth Classification (Publications, Films and Computer Games) Act 1995 to improve the operation of the national classification scheme. The bill's administrative amendments to the Victorian act are designed to complement changes to the commonwealth act which improve and streamline functions in relation to the classification area.

The commonwealth amendments and the consequential amendments made in this bill relate to streamlining exemption arrangements for festivals and other events and for cultural institutions, and that is particularly important in relation to the state of Victoria. I think all members would agree that we have a proud multicultural history, and we want to ensure that those cultural institutions and elements are reflected well not only across this industry but right across the board in terms of cultural inclusion and acknowledgement of the many worthy contributions that different cultures make to our Victorian community.

The commonwealth amendments enable certain content to be classified using classification tools such as online questionnaires that deliver automatic decisions, and they expand exceptions to the modification rule so that films and computer games that are subject to certain types of modifications do not require classification again. The bill's intent is around those classification tools, the cultural exemptions that I have mentioned and modifications in relation to content that requires reclassification.

As we look at technology use across our community in 2015, it is clear that it is important that we keep up with advancements in the technology environment. This bill brings our legislation in line with streamlining processes and getting rid of bureaucratic impediments in the technologically advanced industry to which this bill relates. I congratulate our federal colleagues on ensuring that we have that approach, and I congratulate them on looking at reducing red tape and increasing productivity. It is all too important in the Australian economy, and in relation to what we are talking about it is certainly important to the Victorian economy.

Victoria has a proud history of keeping up with technological advancements. In relation to the film industry here in Victoria, in May of last year, in the previous Parliament, I spoke on the Filming Approval Bill 2014. That bill was also designed to reduce red tape and make it much easier for the film industry to work across the state. I pay tribute to the former Minister for Innovation, Ms Asher, the member for Brighton in the Assembly, for the extraordinary amount of work that she did in supporting this very important

industry here in Victoria, and keeping Melbourne on the international stage, so to speak, in relation to the film industry. The Melbourne International Film Festival is an iconic event in Melbourne that attracts an audience each and every year, not only from Victoria but from right across the country and internationally, which has a huge interest in this area.

In line with that of course we have emerging film industries coming to our shores and wanting to operate in Victoria. I note in particular the Indian film industry, which has an enormous following now and is doing really extraordinary work, not only in Victoria and Australia but right around the world. It is having a huge impact on the patronage the industry attracts and the viewings it has. It is supporting that very significant industry not only in India but also here in Victoria.

There are many festivals and there are many film outlets. In my area of Southern Metropolitan Region it is a thriving sector. There are film festivals and there are films and other productions filmed in my region. In my contribution on the previous bill I mentioned a number of productions that were being made or that are made on a regular basis in my electorate. I referred to a list of well-known television programs that are viewed by Victorians regularly such as *The Block*. Other films have been made in areas of my electorate, such as Prahran, including *The Wog Boy*. *On the Beach* was filmed at Port Phillip Bay, *One Perfect Day* was filmed at Southbank and *Patrick: Evil Awakens* was filmed in Prahran and Brighton. *Queen of the Damned* was filmed in Ripponlea. They are just a few examples of the films, television programs and miniseries projects that have been undertaken in my electorate of Southern Metropolitan Region.

But this bill does not just relate to film, it also relates to the digital age, and I mentioned that at the outset when I spoke about emerging technologies. We have access to new and emerging technologies and are streaming content on various devices. Whether they be our mobile phones, our iPads, our laptops or the like, new technology is emerging all the time. I am not sure that I would wear a watch that has a television screen, but I know that international companies are developing these sorts of products all the time. It is a growth area. It is a growing industry, and we have to be mindful of that. This sector contributes an enormous amount to economic activity through the sale of devices using new technology and computer game downloads. As I said, we are seeing new applications of technology all the time.

As I highlighted at the outset, the bill looks to streamline the classification processes in the areas it covers. It seeks to cut red tape and to improve elements of productivity. I think that is going to benefit the industry as a whole, and it will also make improvements to the way it operates. It will also assist the Victorian economy by allowing these new and emerging industries to create opportunities not only for employment but for ongoing sales and distribution. My colleague in the lower house, the member for Bayswater, Ms Victoria, highlighted some of the growth predictions for the industry, and there will be significant income from sales.

I refer to an article headed ‘Australian games sales surge in 2014’, which appeared in *IGEA News*. The article reports that:

> According to research released by the Interactive Games & Entertainment Association (IGEA), the industry saw a total of $1.214 billion in traditional retail sales, up 7 per cent on 2013, along with $1.248 billion in digital sales, a jump of 39 per cent over last year.

Enormous economic activity is generated through sales of products in the video and computer games industries — those digital elements I have spoken about. This bill looks at those industries as well as the more traditional film industry, which I spoke about earlier.

This is a fairly simple bill. It sets out a series of administrative amendments to align the Victorian act with commonwealth legislation. I think it is a common-sense approach to take, and the coalition does not oppose the bill.

Ms SPRINGLE (South Eastern Metropolitan) — I rise to speak on the Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2015. I will keep my contribution short. The Greens will support this bill.

As Ms Crozier has just pointed out, the bill appears to be relatively straightforward, and it aims to align the Victorian legislation with some changes made to the respective commonwealth legislation last year. As I understand it, these changes are in line with a Council of Australian Governments process that came out of recommendations made by the Australian Law Reform Commission in February 2012. The report released in February 2012 is the first Australian Law Reform Commission report on Australia’s classification scheme since 1991.

The model that it recommended in 1991 was largely taken up in the national classification scheme that found expression in the federal Classification (Publications, Films and Computer Games) Act 1995 and the various state acts. But 1995 is now 20 years ago. In 1995 the

World Wide Web was not yet five years old. My! Haven't times changed?!

Ms Crozier — It's frightening.

Ms SPRINGLE — I know, right? Torrent, streaming, webcasts, video sharing — none of this was possible, at least not for the vast majority of the population. It is quite commonplace for all of us now. Computer games were still pretty basic, with some of the biggest games released that year including *Donkey Kong Country 2* and *Worms*. Thankfully my children were not even born at that stage, so I did not have to worry about that.

The more important point is that the 1995 classification scheme was designed for a centralised distribution model. Most of what can be called 'adult content' was not yet accessible on the internet and was contained in magazines, films and computer games. What has happened since 1995, especially during the current decade, is that the distribution of magazine, film, television and computer game content has moved increasingly online.

The internet is notoriously difficult to censor, let alone classify. With a centralised distribution model you can conceivably have a classification board as part of the Office of Film and Literature Classification that is made up of people whose job it is to literally sit down and watch, read or play whatever is submitted for classification and then classify it according to established guidelines. Now that the centralised distribution model is increasingly irrelevant — it still exists, of course, but there are much easier and cheaper ways of accessing content than through a centralised distribution model — the challenge is for the classification scheme to catch up.

The vexing question for me, and I am sure for all parents, is whether classification schemes remain relevant at all in the internet age, with its decentralised distribution model. Ultimately the conclusion reached by the Australian Law Reform Commission in 2012 was that online content cannot and should not be subject to classification. There is simply too much content, and there would not be much point in classifying it anyway. Across the internet there are various user-generated classification schemes that can assist parents in deciding how age appropriate particular content is for their children.

Bearing that in mind, the law reform commission recommended a new national classification scheme. The classification board would be retained, but only for films and computer games that are to be released or distributed and that are likely to attract a classification of MA 15+ or higher. As I understand it, content that is likely to be classified G, PG or M can essentially be self-classified by the content providers. The new scheme recommended by the law reform commission is a lot more laissez faire than the existing one and certainly a long way from the censorship debates of earlier generations. The internet has made the intensely fought battles over censorship in the 1960s largely redundant.

The law reform commission report of 2012 was taken to the Council of Australian Governments, and out of that process came the commonwealth's Classification (Publications, Films and Computer Games) Amendment (Classification Tools and Other Measures) Act 2014. That act broadened the scope of exemptions for film festivals; enabled content that is likely to be classified G, PG or M to be classified using automated online classification tools; explicitly required all classified content to display the appropriate classification label; and exempted films and computer games from being classified again whenever they get released in new forms like DVD or Blu-ray. The commonwealth amendment act also allowed the Attorney-General's department to notify law enforcement authorities of films and games that are intended for distribution but that potentially contain content that would be 'refused classification'.

Essentially the current bill will just bring Victorian legislation into line with the commonwealth act. It streamlines exemption arrangements for film festivals; it enables G, PG and M rated content to be classified using automated online classification tools; and it exempts films and computer games from being classified again when they get released in different forms.

The Greens believe that any regulation of what adults can watch, read or play should be transparent and accountable and protective of privacy, freedom of speech and access to information. We also believe in transparency and public accountability when it comes to the workings of the Australian Classification Board and the Office of Film and Literature Classification and the Australian Communications and Media Authority website blacklist. The current bill does not thwart those principles. The Greens will be voting in favour of this bill.

Ms SYMES (Northern Victoria) — It is a pleasure to join the debate on the Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2015. The bill will ensure consistency in legislation that impacts the national classification

scheme (NCS), which is a cooperative arrangement between the commonwealth, the states and the territories under which the Australian Classification Board classifies films, computer games and certain publications. The tools that will be developed as a result of the federal legislation and this bill will enable the NCS to classify content cheaply and quickly.

The amendments that are being made by the bill follow a report by the Australian Law Reform Commission entitled *Classification — Content Regulation and Convergent Media*, which was tabled in the commonwealth Parliament in March 2012. It contained 57 recommendations. Six of those recommendations were agreed to by the classification ministers across Australia. Of those six recommendations, three require consequential amendments to Victorian legislation, specifically to broaden the scope of existing exempt film categories and to amend the exemption arrangements for festivals and cultural institutions; to enable certain content to be classified using classification tools; and to expand the exceptions to the modifications rule so that films and computer games that are subject to certain types of modifications do not require classification again.

The bill also makes a number of significant amendments which complement changes made last year at the federal level, ensuring that a more streamlined and effective regulation regime will operate across this sector. The bill will strengthen safeguards to protect our young people from material that may not be appropriate. With two young children who are already scarily techno-savvy and a husband who is a gaming connoisseur, I can say it is a topic that I am reasonably well versed in; however, I am probably behind the other three members of my family. Having said that, it is an area where I would like to see improvements made.

The bill increases the availability of classifications on products for consumers. It makes it easier for mums and dads to make educated decisions for their children and to have a system that they can place their trust and faith in. I am like most parents: I want to be satisfied that content has been assessed and reviewed, which then lets me make an informed decision about what I think is appropriate for my children to view. The sentiment that most parents share is that they want their children to enjoy just being kids for as long as possible. Anything that takes away the excitement, mystery and wonder that childhood brings is something that should be delayed as long as possible. Depending on the development of the particular child, part of that protection may be achieved by delaying their exposure to movies and games with content that may be beyond their comprehension and maturity level.

Our film and gaming markets operate on a global stage, and it is imperative that we implement laws and regulations that are harmonised across jurisdictions to ensure that the producers of films, publications and computer games can have confidence that their sector will not be tied up in red tape but will be supported and assisted in every way to grow, develop and carry on what they enjoy doing in producing things for us to enjoy. However, we need to offer a way that ensures that consumers can have accurate, current and readily available information about content so that they can make those educated decisions about their preferences.

The bill makes amendments to the Victorian classification act to recognise 'conditional cultural exemptions', which were introduced in the commonwealth classification act. Conditional cultural exemptions replace the current process whereby the classification board provides an exemption from the Victorian classification act for film or computer game festival promoters or cultural institutions to enable the public exhibition of unclassified films or computer games at a film or computer game festival or a community event. Under the current Victorian act, film and computer game festival promoters or cultural institutions must apply to the director of the classification board for an exemption. This amendment will ensure that the arts are accessible to as many people as possible across Australia, particularly in small towns across rural and regional Victoria, where people do not always have the benefit that their Melbourne neighbours have of regular access to such events in their small towns.

I think I have touched on my experience as a parent in this space. Technological vigilance is something that has caught me a little off guard, so I am all for any support that can be provided for parents to make informed decisions. Given the prevalence of iPhones, iPads and computers with YouTube, Netflix and Stan and all of those services on hand, it gets really difficult to monitor these things. I do not know about any other parents, but when you see your kids watching *My Little Pony*, you can find out that it is not the *My Little Pony* you think they should be watching! There is some pretty risqué stuff out there that you have to keep an eye on. It is a daily struggle in my household, I can tell you.

In the United States a recent study found the game *Grand Theft Auto*, which I will admit my husband is currently playing at home at the moment — —

Ms Patten — It's banned in Australia.

Ms SYMES — *Grand Theft Auto*?

Ms Patten — The American version.

Ms SYMES — There must be another version, and I am not sure what that game is that is being played at home! Whatever it is, it comes on once the kids go to bed. There is a recent study about the American version of *Grand Theft Auto*. This game has some pretty explicit material. It has murderous rampages, and scenes involving prostitution and vigilantism involving unpaid debts. The survey reports that it has been played by 56 per cent of US children aged 8 to 18, so it is a crazy new world we live in. As legislators we have to keep up with the pace of these things, and this bill goes some way to doing that.

I am certainly no advocate for censorship. I am much more interested in having accurate information provided so that people can make informed decisions. I believe adults do and should have the opportunity to watch, play and stream what they want to within the realms of what is legal; however, I am a strong advocate of us having safeguards that put in place protection for our children. This bill is relatively straightforward, as we have heard from previous speakers. It aligns the jurisdictions and streamlines processes, and I commend it to the house.

Ms PATTEN (Northern Metropolitan) — I am very happy to be speaking on my old friend, the Victorian classification act and the new bill. The act is a piece of legislation I have spent decades talking about, writing about and campaigning on. In fact it was probably our first connection, Ms Symes, was it not?

As a whole I support the bill's changes to the act, which came out of the Australian Law Reform Commission's recommendations on classification changes in Australia. The classification tools that are being introduced will allow computer games in particular to be classified more easily. One of the things that people do not understand is that in a lot of computer games there can be up to 90 hours of content. For a classifier to classify a game would mean them having to watch 90 hours of contact. If you are charging a fee for service to do this, that is impossible; you just cannot afford to classify it in that way. Therefore to allow this form of self-classification is very sensible.

When we are talking about online content, I always find it kind of curious when we are dealing with state bills and state classification acts that we are somehow going to work to provide enforcement relating to online content and content that is available nationally and internationally. We have had legislation that imposes a penalty of 240 penalty points for an unclassified computer game being sold or exhibited in Victoria. When such games are online, it becomes very difficult. My general take on this — and it has been my take for the last 5 or 10 years — is that state classification acts are largely obsolete now and that we need to be looking at a federal system, which is exactly what the Australian Law Reform Commission has recommended. Sadly, I think the federal Attorney-General's department and even the states are making only piecemeal responses to that recommendation.

Making it easier for film festivals to apply for exemptions will be welcomed by the film festival industry and is certainly welcomed by me. Film festivals generally also have the restriction that they are only open to adults, so I question why we are even involving ourselves in what adults choose to view. However, I welcome the fact that this legislation makes those applications for exemptions easier. Of course, film festivals like getting a film banned; it is really good for business. When *Ken Park* was banned, the Sydney Film Festival's ticket sales went up. When *L.A. Zombie* was banned, the Melbourne International Film Festival's ticket sales went up. Banning films is actually a great way to promote a film festival, so this will probably create some disappointment for the film festivals, as they will find it more difficult to get a film banned. I would like to assure them, however, that under this legislation they will still be able to get a film banned! The bill does not remove all responsibility from them.

I would like to make a couple more points about the fact that we are talking about classification tools for online content within the structure of a state bill and state legislation. I have to say I think the move towards a federal system of classification makes a lot more sense. In Victoria, while this bill is moving towards bringing our legislation further into line with the federal classification act, we must all remember that Victorian legislation is not in line with the federal classification act. I would like to see adult material such as X-rated films legally available in Victoria before they are available only online.

Just for the interest of members, you can still buy unclassified DVDs from a newsagent on Russell Street if you so choose. This provision is largely not enforced, although a woman in Ballarat was facing jail just two months ago for selling an adult film from an adult shop to an adult. In Victoria police are still arresting people for selling adult material to adults and, as previous speakers like Ms Springle have mentioned, we have got the internet now. Obviously I support this bill, but I would like to see this government bring the Victorian classification act into line with the federal act, and one

small step it could make would be to legalise the sale of X-rated films.

Mr HERBERT (Minister for Training and Skills) — I am delighted to sum up very briefly, and I thank all members for their contributions towards what is a very straightforward bill, a bill that helps bring our approach to classifications of films and computer games into the modern world and in line with the national classification scheme and changes to that scheme, as all the states are doing.

Essentially it provides legislative support for the new classification tool with which you can make changes. You can go online, factor in all the details and determine what your classification is. We are in a modern world. We have new games and a whole new approach to media that the old classification board system really has trouble dealing with. This new tool does not take away the rights of the board; it just gives it a better capacity, particularly for games when producers modify a game or make slight modifications to films. You can go onto the classification tool and get a classification.

It also provides exemptions for the classification of films and computer games et cetera with regard to cultural festivals and a whole range of specialist events, perhaps games forums where members of the general public are not there. Specialist people attend these events and they are for a specialist purpose. That is basically what this provision does. It also provides minor modifications to the act in terms of legislative mechanisms.

It is a straightforward measure. It is part of the process of bringing our strong regard for classification systems to protect the interests of people and particularly children into the modern world, and it recognises to some degree the massive influx and availability of information, new social media and new media tools by which young kids can be impacted. It provides a more modern way of getting classifications. I commend the bill to the house.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

CORRECTIONS LEGISLATION AMENDMENT BILL 2015

Committed.

Committee

Clauses 1 to 5 agreed to.

Clause 6

The DEPUTY PRESIDENT — Order! I call on Ms Pennicuik to move amendment 1, which is a test for her more substantial amendment 2 to the same clause relating to the rights of a prisoner at meetings of the Adult Parole Board of Victoria.

Ms PENNICUIK (Southern Metropolitan) — I move:

1. Clause 6, page 14, line 23, omit 'Court.".' and insert "Court.".

This is a consequential amendment to the substantive amendment, which is amendment 2. Amendment 2 would insert a new section 71L regarding the rights of a prisoner at a meeting of the Adult Parole Board of Victoria.

The Corrections Legislation Amendment Bill 2015 entrenches in the act quite strong powers for the Adult Parole Board of Victoria by requiring prisoners who apply for parole to appear before the board to supply documents and things and to meet quite stringent obligations. Penalties apply for prisoners not meeting some of those obligations when they apply to the board for parole after they have already served the non-parole sentence that was imposed by a court. Members would be aware that most sentences applied by a court encompass a non-parole period and then a period when the prisoner, who is still under sentence, may apply for parole.

It is worth noting in particular that under the new arrangements for parole that were introduced by the previous government it is not automatic for prisoners then to be on parole, as was the case before. Now prisoners have to apply for parole, and under this bill they will also need to comply with a range of obligations. The Greens do not an have argument with that, except that while these new obligations are being entrenched in the act they are being put in there in the context of the adult parole board not having to conform to the rules of natural justice as the board is not covered by the Charter of Human Rights and Responsibilities.

My amendment 2 is an attempt to reflect in Victorian legislation what is in place for the same situation in

New South Wales, where a prisoner goes before what is called the State Parole Authority. I move:

2. Clause 6, page 14, after line 23 insert—

> **'71L Rights of prisoner at meeting of the Board**
>
> A prisoner or a prisoner on parole who attends a meeting of the Board (whether physically or by audio visual link) where the Board is determining whether to make or vary a parole order in respect of the prisoner, cancel the prisoner's parole or revoke the cancellation of the prisoner's parole—
>
> (a) may be represented by a lawyer or, with the consent of the Board, by any other person; and
>
> (b) may ask questions of the Board, including asking for the reasons for any direction given by the Board; and
>
> (c) may give a response to those answers or reasons; and
>
> (d) may provide oral or written submissions on matters that are relevant to matter being determined; and
>
> (e) may provide documents or things to the Board that are relevant to matter being determined.".'.

These are modest rights for a prisoner appearing before the parole board.

In justification for and defence of this amendment, which as I said reflects a similar provision in the New South Wales legislation, in my contribution to the debate on the second-reading speech I made the point that we can become very focused on serious violent offenders and what happens to them when they may be applying for parole or having their parole revoked. The vast majority of people who appear before the adult parole board are not serious violent offenders. Some of them have literacy issues and/or mental health problems. They may not fully understand the obligations they have to comply with, particularly under the new regime put in place by this legislation. My amendment would allow those people to receive advice and/or support when they appear before the parole board. As I said, this provision is not unusual. It already exists in the New South Wales legislation, for example. While speaking for the government Ms Shing, who is in the chamber, mentioned that prisoners are not entitled to legal representation when appearing before the parole board. That is a fact that I am trying to fix with this amendment.

As I said, the adult parole board is not held to the rules of natural justice. Some commentators, including former Justice Callinan, are of the view that that is appropriate, but others in the community — for example, Liberty Victoria — do not to hold that view but consider that the rules of natural justice should apply to the adult parole board. I certainly agree with that view. Other academics have written about achieving better outcomes in parole hearings if potential parolees are fully aware of their obligations. Many are not fully aware of them, and they cannot necessarily be expected to comply with sections of an act when they do not have enough advice or support to do so.

Mr O'DONOHUE (Eastern Victoria) — I indicate that for a number of reasons the opposition will not be supporting Ms Pennicuik's amendments. First of all, what Ms Pennicuik is proposing is a clear deviation from the Callinan reforms. I refer Ms Pennicuik to chapter 4 of Mr Callinan's report, where he addresses in some detail the New South Wales model. On page 42 he says:

> The chair and some of the members of the New South Wales parole authority met those assisting me at Parramatta on 22 May 2013.

He then goes into some detail in describing the New South Wales parole system and points out that it is quite significantly different from the parole system in Victoria. He says that in some limited class of situations the decisions of the State Parole Authority in New South Wales are appellable, and he dismisses that as an idea for Victoria. Amongst other reasons, he says that to add a layer of review is 'to misunderstand the executive function involved'. He says also that it is expensive. I recall that when I met with Mr Callinan to discuss his report he emphasised that particular point, that the New South Wales parole system is considerably more expensive than the parole system in Victoria, with questionable return for the taxpayer on investment.

I point out also, as does Mr Callinan on page 46 of his report, that those who qualify for parole have a different threshold in New South Wales. He says:

> It is only for sentences longer than three years that the parole authority has a discretion whether to release a prisoner to parole.

I disagree very strongly with Ms Pennicuik's contention that the rules of natural justice should apply to the parole board. Members should remember that those who come before the parole board have been to court, where all the rules of natural justice have applied, where legal representation has been available to them where necessary and appropriate, and they have then been sentenced to a period in jail. Following that period

in jail they may be eligible for parole, but being granted parole means that the sentence is continued in the community.

The parole board hearing is not an opportunity to relitigate the criminal conviction or the period of incarceration that has been ordered. Rather it is an opportunity for the board — as part of the executive, not the judicial branch of government — to consider whether the individual should be released into the community upon conditions the parole board considers appropriate. Opposition members believe now, as we did when we were in government, that that decision should be at the discretion of the parole board and that it should not be appellable, and for that reason we do not consider legal representation to be appropriate. To consider that it is appropriate is, in my respectful opinion, to misunderstand the role of the board.

Let me also say in response to Ms Pennicuik's amendments that it is true that the parole board may impose conditions on a potential parolee as a condition of their release into the community, but that is as it should be. The person who is being considered for parole has been sentenced to a period in jail, and the community would expect that if they were released early from that sentence into the community, there should be a range of conditions to ensure that community safety is a paramount consideration and that community safety is protected as much as possible while that parolee continues to serve their sentence in the community. I do not think that is onerous, and it is not unreasonable, because, again, the person, the individual, has been sentenced to a period of incarceration.

Ms Pennicuik also raised issues about the mental health status or other challenges that the individual may have in dealing with the adult parole board, and that is why the previous government vastly increased the number of community members who serve on the adult parole board, including mental health specialists, individuals with an Indigenous background, and a range of community members with different skill sets so that they bring a range of different perspectives to the parole decision-making process. That is also why, as part of the $84 million reform funding, the adult parole board's budget was more than doubled over the four-year period when the coalition was in government — to give the board the resources to deal with complex individuals and to process things in an expeditious way.

For those reasons the opposition does not support Ms Pennicuik's amendments. As I said at the outset, what Ms Pennicuik is suggesting is a clear deviation from the reforms of Mr Callinan and I think this is the first time that anyone in the Parliament has recommended that we deviate from the reforms Mr Callinan recommended.

Mr HERBERT (Minister for Training and Skills) — The government's viewpoint in relation to this matter was outlined by Ms Shing in her contribution. We also will not be supporting the amendments. The opposition has highlighted many of the issues we also have with the amendments, but we do not see this as a straight issue of natural justice. People who are on parole are on parole as part of their sentence. We do not believe it is a straight comparison with New South Wales, where there are different thresholds in terms of parole. We also do not think this is an issue of supporting vulnerable people. There are many supports out there for vulnerable people both within our prison systems and outside of them.

We think this is a very straightforward issue. Since the Corrections Act 1986 was first introduced in Victoria, legal representation has not been a right of people on parole. We expect the parole board to act decisively and promptly, and we believe the community expects that too. We believe that it is a straightforward thing that if you are out on parole, you are bound by the rules and the laws of your parole conditions. If you breach them, then you breach the parole and you are back in jail. Having said that, this is all about community safety, and we make that paramount in the circumstances — in all circumstances really — and so does the parole board when it is making these decisions.

It is fair to say that in the hearings prisoners on parole already have the opportunity to have questions and make submissions, but an explicit right for prisoners, parolees who have breached parole, to have legal representation to make submissions, we think, would inhibit the smooth administration of those on parole and those who breach parole. In particular, for those who breach parole, which is what this is about, we do not believe this is the way we should go and we very much believe that the parole board needs to have the functions and the capacity to act quickly. We will not be supporting the amendments.

Ms PENNICUIK (Southern Metropolitan) — I need to respond to the points made by Mr O'Donohue in particular, who seemed to be casting my amendments in a light in which they were not intended to be seen and, according to what I have read, as doing something they do not do. They are not meant to be an opportunity to relitigate the original sentence. They are not meant to be a challenge to the conditions that the parole board might impose on a parolee. We understand fully and support fully that parolees have conditions put

on them that are suitable for the circumstances around that particular parolee. Parole is a beneficial thing for parolees and for the community, particularly, as I said in my contribution to the second-reading debate, if we have enough support and supervision in place to assist people to reintegrate into the community. That is the whole purpose of parole. The amendments are not intended to do the things indicated by Mr O'Donohue.

On this point I also said that I and others in the community, in the legal fraternity and in the academic world do not agree with the point made by Justice Callinan with regard to this particular issue. Mr O'Donohue would be very aware from our discussions, our work and my responses to the government's legislation in this regard that I am very familiar with the Callinan report and the Ogloff report, so I know what is in them. Mr O'Donohue also talked about the skill sets of members of the adult parole board. I understand that, and I appreciate that that has been changed for the better, but people on the adult parole board are not support persons for the parolee. Just to take up the point made by Mr Herbert, the Greens fully agree that community safety should be first and paramount, so we are not having an argument with any of those particular points. It is about making sure that parolees understand what their obligations are and are able to have the advice and support to help and assist them to fulfil them, which in fact is in the interests of everybody.

Committee divided on amendments:

Ayes, 5

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

Noes, 34

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

Amendments negatived.

Clause agreed to; clauses 7 to 17 agreed to.

Clause 18

Ms PENNICUIK (Southern Metropolitan) — I move:

3. Clause 18, line 6, omit "an" and insert "a senior".

This amendment refers to clause 18, which inserts new section 66A into the Corrections Act 1986 relating to the functions of the secretary of the Adult Parole Board of Victoria. Subsection (1) of new section 66A reads:

> (1) The Secretary, by instrument, may authorise an employee of the department to perform the functions of the secretary of the Adult Parole Board.

My amendment simply inserts the word 'senior' before the word 'employee' to make sure that the employee who is authorised is a senior employee of the department, given the responsibilities attached to the role of the secretary of the adult parole board. In moving this amendment I invite the minister to advise what type of employee of the department may be authorised by the secretary to perform the functions of the secretary of the adult parole board.

Honourable members interjecting.

Ms PENNICUIK — It is very difficult to operate in committee when everyone is having very loud conversations.

The DEPUTY PRESIDENT — Order! I agree. I reiterate that those members who do not need to be here at the moment can make up their minds about either leaving the chamber or being quiet.

Mr HERBERT (Minister for Training and Skills) — I thank Ms Pennicuik for her contribution. I understand her point of view, but we do not believe this is necessary. In the current act any employee of the Department of Justice and Regulation can be appointed. It is intended that the public servant appointed be a senior person. I was asked about what sort of person might be in that role. For instance, the chief administrative officer of the adult parole board is a senior public servant. That is the sort of person who under the act could step into the shoes of the secretary and fulfil that role. We do not intend in any way to diminish the importance of the role of the secretary; rather, this is just a flexible arrangement so that employees can fill the role from time to time. The chief administrative officer is the type of senior employee we think would be suitable.

Mr O'DONOHUE (Eastern Victoria) — The opposition does not support the amendment moved by Ms Pennicuik. We accept the assurances from the

government and understand from practice that the person who would fulfil the role would invariably be a senior representative of the department.

Ms PENNICUIK (Southern Metropolitan) — I thank the minister for clarifying the type of employee of the department who would be assigned to this role.

Amendment negatived; clause agreed to; clauses 19 and 20 agreed to.

Clause 21

Ms PENNICUIK (Southern Metropolitan) — I move:

4. Clause 21, line 20, after "offence" insert "if the breach relates to the commission of an offence that is an indictable offence or an offence that, if committed in Victoria, would be an indictable offence".

Clause 21 makes changes to the act such that the time police have to bring a charge against a breach of parole is increased from the current 12 months to two years. The issue that has been raised with us by members of the legal community in particular is that the change would make it different from what applies to any other non-parole offence. The time police have to file a charge for a non-parole offence is 12 months for a summary offence and any time for an indictable offence. My amendment would bring the act into line with the rest of the criminal law with regard to the time allowed for police to bring a charge such that the two-year limit would apply for indictable offences. With my amendment inserted after the word 'offence' on line 20, the clause would read:

"(2) Despite anything to the contrary in section 7(1) of the **Criminal Procedure Act 2009**, a proceeding for an offence under subsection (1) may be commenced within 2 years after the commission of the alleged offence if the breach relates if the breach relates to the commission of an offence that is an indictable offence or an offence that, if committed in Victoria, would be an indictable offence".

I spoke with the department about this issue and about what types of offences it felt the police needed more time for, and the examples provided to me were indictable offences.

Mr HERBERT (Minister for Training and Skills) — I thank the member for her contribution and thoughtfulness. The government disagrees with the amendment. We will not be supporting it. A breach of parole is a breach of parole. Whether it is an indictable offence or not, it is a breach. That is the first thing. The second thing is that sometimes it takes a while to bring a charge, and there can be multiple breaches of parole that take time to go through the courts. We have done a fair bit of consultation on this clause, particularly in terms of the total criminality that occurs while on parole, and we think the two-year limit is appropriate and fits the right time frames in terms of more complex and multiple breaches of parole. We will not be supporting the amendment.

Mr O'DONOHUE (Eastern Victoria) — The opposition will not be supporting the amendment moved by Ms Pennicuik for similar reasons to those enunciated by the minister. We think it is appropriate and important to give Victoria Police the extra time it may require to bring charges, particularly when dealing with this cohort, so we will not be supporting Ms Pennicuik's amendment.

Ms PENNICUIK (Southern Metropolitan) — I take up Mr O'Donohue's use of the term 'this cohort'. I do not know what he means by that. He might mean 'prisoners who are on parole'. I am trying to make a distinction. Under the previous government legislation was introduced that put in place tough parole conditions that apply to all parolees and to all breaches of parole, whether they be minor breaches of parole or very serious breaches of parole. I do not agree that all breaches of parole are the same. Some are very serious and may constitute serious offences, while others might be very minor breaches of parole.

We need some ability within the regime to separate the very serious offences or matters from the less serious matters. Under the legislation as it has existed, that has been possible. For example, if somebody has almost finished their sentence and has been out on parole and then almost two years later the police charge them with a minor breach of parole, I wonder where the justification for that or the justice in that may be. There is very little scope within the legislation for a differentiation between very serious offences or breaches of parole and less serious offences or breaches of parole. It has been brought to our attention, particularly by the Law Institute of Victoria but also by other people we have consulted with, that this provision is not necessary.

Amendment negatived; clause agreed to; clauses 22 to 42 agreed to.

Division heading preceding part 3

The DEPUTY PRESIDENT — Order! I call on Mr O'Donohue to move his amendment 1, which seeks to insert a new division heading relating to annual reports. This amendment is a test for Mr O'Donohue's

amendment 2, which aims to insert a new clause after clause 42.

Mr O'DONOHUE (Eastern Victoria) — I will discuss both amendments, as amendment 1 is a test for amendment 2. In his review of the parole system in Victoria, Mr Callinan recommended in measure 21C on page 100 of his report that the adult parole board should publicly report on all homicides and other serious offences committed by parolees. The former government sought to implement that measure by inserting into section 72(1) of the Corrections Act 1986 that the Adult Parole Board of Victoria must disclose in its annual report:

> (bcb)the number of persons convicted during that period of a serious offence committed while on parole …

The former government also defined in section 77 a serious offence to mean a range of serious sexual offences and serious violent offences.

With this amendment I seek to introduce that reform into the community correction orders space. It is important that the community have an understanding of the serious crimes that are committed by those on community correction orders. I understand from a briefing by the department and from feedback that the number of people on community correction orders is increasing significantly. As I said in my contribution to the second-reading debate, while many offenders on a community correction orders have committed relatively low-level crimes, if I can use that term, the guideline judgement given by the Court of Appeal in the Boulton case in December 2014 introduced into the community correction space a potentially more serious class of offenders than what was anticipated by the coalition government when it introduced the community correction order.

Their Honours said in paragraph 131 of their decision that some forms of rape and some forms of other serious crimes that had traditionally attracted a medium term of imprisonment may now be applicable for a community correction order. From the number of people on community correction orders and the number of people imprisoned since that decision was made one might suspect that the lower courts have been following that guideline decision on Boulton and given some offenders who previously would have served a period of incarceration a community correction order.

The opposition has concerns that some criminals convicted of rape may now be receiving a community correction order where previously they would have gone to jail. I raised this matter with the Attorney-General during the adjournment debate and he did not address my concerns. I know other members of the opposition have also raised these concerns with the government and have not received a substantive response.

In and of itself it is important to be more transparent about the data, particularly around serious offences that may have been committed by persons on a community correction order. That information is now even more important given the Boulton decision and given the class of offenders that may now be receiving a community correction order when in the past they may have received a medium term of imprisonment — to use the language of Their Honours applied in the Boulton decision of last year. I move:

1. Page 28, after line 31 insert the following heading—

"Division 13— Annual reporting of offenders subject to community correction order".

As I said, this is a test for amendment 2 in my name. I acknowledge the dialogue with the government in reaching a conclusion which enabled the amendment I seek to move to be done in a way that accommodates reporting requirements et cetera.

Ms PENNICUIK (Southern Metropolitan) — The Greens will support the amendment moved by Mr O'Donohue, although not necessarily for the same reasons that he has outlined for moving the amendment.

I will give a bit of context as to why the Greens are supporting the amendment. If members cast their minds back to the original changes to parole conditions introduced by Mr O'Donohue when he was the minister, I asked the question during the debate and the committee stage as to how many people on parole had committed serious offences. The minister replied that that information was not collected. I also asked how many people on bail had committed serious violent offences, and the same answer was given, that the information was not collected. At the time I found it astonishing that this important community information that would inform the Department of Justice, the sentencing courts and the whole system was not being collected. The Greens believe this information needs to be collected in order to make proper decisions.

I am not sure that in all cases people on community correction orders would have been incarcerated, as Mr O'Donohue asserted. The reason there are more people on community correction orders is that in the past some of these people may have received suspended sentences or been in home detention, but those options were closed off by the previous government. I invite the current government to

reintroduce those options to the courts, because I know that they suit and are appropriate for certain offenders, given that you can look back to see who was given home detention or suspended sentences. In the past, home detention was most often used for those coming to the end of their sentence or who had served their non-parole period. Rather than being released directly on parole, they could be released into home detention for a period of time, with conditions attached. That helped them integrate more gradually. These options have been removed, and that is not in the public interest or in the interests of public safety or justice.

I do not believe that there will necessarily be a lot of people on community corrections orders who commit serious violent offences, but there may be some. If there are, we need to keep track of that. I also bring in the issue I mentioned at the start about bail. I know the government is doing a review of the Bail Act 1977, and I very much hope that the reporting of serious violent offences committed by people on bail will also be tracked and counted, so that we have more transparency about who it is committing what offence and in what part of their sentence, or if they are on bail, parole or a community corrections order. This is information the community should have.

Mr HERBERT (Minister for Training and Skills) — The government will be supporting the amendment. I thank members for their contributions. From the contribution of the Greens on the issue of bail, I guess there will be some input into that review, and that is terrific. That is what democracy is about.

I will take up one small point from Mr O'Donohue's contribution. He put a question to which I have not responded. On the issue of community corrections orders there has generally been bipartisan support, as when some of this stuff came through under the previous government. These orders are there, and the courts have to judge them on a case-by-case basis, as the member would know. They are designed to work in tandem with the aims of sentencing and in relation to a person's individual circumstances. I understand there are concerns about this, but the courts have an obligation to look at the circumstances and make sure sentencing aims around each conviction are met.

I will use this opportunity to thank and acknowledge the Sentencing Advisory Council for the significant work it undertakes and the outcomes it reports. There is a wealth of information on its website about how sentencing impacts on outcomes for Victorian communities. This amendment will add to that wealth — albeit that it is probably a bit difficult and time consuming to work through. The amendment basically includes convictions for serious offences by offenders who are on community corrections orders in the annual report. It is similar to the 2013 amendment requiring the Adult Parole Board of Victoria to report annually on these types of offences by parolees, which was a recommendation of the Callinan review of parole. I commend the member. There have been some good discussions around this amendment — perhaps a bit more detailed and lengthy than anyone would have expected, but it is good that we have got an agreed outcome.

Amendment agreed to; new division heading agreed to.

New clause

Mr O'DONOHUE (Eastern Victoria) — I move:

2. Insert the following New Clause to follow clause 42 and the heading proposed by amendment number 1 —

'A New Division 7 of Part 9 inserted

After section 104 of the **Corrections Act 1986 insert**—

"Division 7— Sentencing Advisory Council to report on offenders subject to community correction orders

104AA Annual report

(1) This section applies to the Sentencing Advisory Council in addition to the functions conferred on it by the **Sentencing Act 1991**.

(2) For each financial year commencing on or after 1 July 2016, the Sentencing Advisory Council must report for that year the number of persons convicted during that year of a serious offence committed while subject to a community correction order.

(3) In this section—

community correction order has the same meaning as in section 3(1) of the **Sentencing Act 1991**;

Sentencing Advisory Council means the Sentencing Advisory Council established under Part 9A of the **Sentencing Act 1991**;

serious offence means a sexual offence or a serious violent offence, both within the meaning of section 77(9).".'.

I have covered the issues around this new clause in the preceding debate.

New clause agreed to; clauses 43 to 45 agreed to.

Reported to house with amendments.

Report adopted.

Third reading

Motion agreed to.

Read third time.

EDUCATION AND TRAINING REFORM AMENDMENT (MISCELLANEOUS) BILL 2015

Second reading

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

Mrs PEULICH (South Eastern Metropolitan) — I rise to speak on the Education and Training Reform Amendment (Miscellaneous) Bill 2015. I understand the Greens have a couple of amendments, which I will speak to, as well as speaking to the bill. Hopefully I will deal with it fairly expeditiously.

The bill before us does a number of things. It provides the Victorian Registration and Qualifications Authority (VRQA) with the power to monitor and assess the financial capability of registered non-government schools. A little fewer than 50 per cent of Victorian schools are non-government schools, so they make up a substantial part of our education system. We are blessed to have a mixed economy of education providers. More than half of our schools are public schools and the others are in the independent and religious sector. Parents enjoy and welcome the opportunity of having a choice. If the local government school is a good one, parents will often choose that, but if it is not, they will vote with their feet. This keeps all of our education providers on their toes.

On the whole there has been much more control over public education sector than there has been of the independent sector. However, in recent times, certainly under our government, there has been some concern that has emerged in relation to the financial failure of three Victorian schools. Thought had been given to this by the previous Minister for Education. A similar bill was introduced under the Napthine government in order to respond to those issues, but unfortunately it lapsed at the time the election was called. The opposition does not oppose this bill, because as I said, ostensibly it is what it had introduced.

New section 4.3.1A provides for reports to parents of students attending schools assessed as being financially unviable or at risk of becoming financially unviable and imposes registration conditions on such schools to establish a protection scheme, such as a trust for student fees that have been paid or are to be paid to the school, for example. That is a sensible thing to do. It protects from financial risk the student fees that have been paid into a school. The bill enables the school council to grant a licence in relation to school lands or buildings or any other land to create greater flexibility in school operations — such as enabling the installation of a closed-circuit TV on school premises to monitor, for example, adjacent land — and to temporarily license land and/or buildings adjacent to the school to another party. This is relatively common practice, of course. There are always going to be security implications, and so this is a way of responding to that.

The bill allows adult, community and further education (ACFE) regional councils to reduce their membership from nine to five or more members, and it requires the minister to ensure that in appointing council members consideration is given to their knowledge and experience of the local industry and the broader local community. I believe this is in part in response to the difficulty of finding members for ACFE regional councils. Obviously this is something that needs to be monitored closely. We want to see those councils working effectively, and it is quite a reduction. Clearly local industry and broader community local knowledge is important, but we will need to monitor how that progresses. The bill also allows ACFE regional councils to determine their own arrangements with respect to their frequency of meetings. Currently they are required to have six meetings per year, and this gives them greater autonomy.

The bill makes other minor amendments, including those in relation to the registration of teachers and early childhood teachers, and it provides the minister with the power, by order, to dissolve a school council or any other parents club of a school.

The Scrutiny of Acts and Regulations Committee (SARC) has raised a couple of issues, and I do not believe they have been answered satisfactorily. The minister may be able to respond to them in summing up. Basically the committee had opted to write to the minister seeking further information as to whether or not the VRQA is subject to the Privacy and Data Protection Act 2014 or the Health Records Act 2001 in relation to the provision of information under new section 5.5.26(1). It was not clear to SARC whether this would apply to the new section, particularly since section 6 of the principal act relevantly provides that if a provision relating to an information privacy principle or applicable code of practice is inconsistent with a provision made by or under any other act, the latter provision prevails. So we will see what the minister says in response to that.

In addition to that, SARC was not clear as to whether section 7 of the Health Records Act, which is essentially identical to section 6 of the Privacy and Data Protection Act 2014, would apply. They are two outstanding issues, and I will not speak to the amendments as yet. I certainly can.

To go back to the major substance of the bill, the debate in relation to the financial oversight of non-government schools occurred following closure of Mowbray College in Caroline Springs, Acacia College in Mernda and St Anthony's Coptic Orthodox College in Frankston North — Frankston North being in my electorate. As I mentioned, in 2014 the Napthine government sought to strengthen the powers of the VRQA to conduct financial assessments of non-government schools under its Education and Training Reform Amendment (Miscellaneous) Bill 2014, but as I mentioned, the bill had lapsed when Parliament expired in November 2014.

Currently every school is required to send an annual report to the VRQA which reviews the financial operations of non-government schools on a five-year cycle. Those schools identified as being at risk of not complying with registration or requirements then receive full reviews and site visits, and that is certainly very appropriate. Non-government schools are required to meet a number of financial reporting obligations to state and federal authorities in order to fulfil registration requirements and receive government funding. The federal government requirements include completing a financial questionnaire under the Australian Education Act 2013 in order to receive federal government funding.

As I mentioned before, at the state level the VRQA works with the Department of Education and Training and the Catholic Education Commission of Victoria, which are the review bodies for government and Catholic schools respectively. As I mentioned before, all schools are required to submit annual reports to VRQA and conduct reviews on a five-year cycle. Those schools considered at risk receive full reviews and site visits. In 2014 the VRQA began reviewing 39 schools. Five of these schools were identified as requiring a site visit by a review team, and 34 schools required a desk audit. VRQA identified two schools as requiring a financial health assessment.

As I mentioned before, this is probably the most important part of the bill. It strengthens the VRQA powers to provide financial oversight of schools. It enables the VRQA to conduct financial assessments of schools and impose conditions in order to alert school communities to issues, such as the establishment of fee protection schemes — for example, a trust. The provision in the bill addresses one of the problems that families faced through the loss of fees after the collapse of the non-government schools I mentioned earlier. Obviously this would be welcomed by parents who save their money to send their children to these schools. Many people who send their children to non-government schools do so at a huge family sacrifice. They are not necessarily the wealthy. It is important to them that they protect their investments in their children's education. The bill seeks to protect students and families as consumers of education services, and this is a good thing.

Another significant element of the bill is the provision that enables the VRQA to report to parents on their school's financial assessment, and this appears to respond to the call from parents and the community for further transparency and accountability regarding school finances following the collapse of the three schools I have mentioned. In Victoria 31 per cent of schools are non-government schools. That is something like 700 out of 2228 schools in Victoria, and of course there is a substantial number of students in those schools. We are very lucky indeed to have that mixed economy of education providers, both government and non-government. As a teacher who taught in the public school system, I see the importance of high-quality education, and that mostly boils down to the quality of teaching. Obviously this is not necessarily the preserve of a single sector. Providing parents with choice is a very important and unique characteristic of our education system.

The Greens are proposing an amendment that inserts a subsection in the definition of the functions of the VRQA in order to:

> protect the interests of the staff of providers of vocational education and training, further education, higher education, technical and further education, and schools …

It is the view of the opposition that the VRQA is a statutory authority that is responsible primarily for the registration of educational institutions. As I said before, the government's bill gives the VRQA broad powers to conduct periodic financial health assessments of non-government schools and to take action to protect the interests of students at these schools; to suspend or cancel the registration of schools that close or cease to operate or in circumstances where the school's proprietor becomes bankrupt or insolvent; to conduct a targeted review of the financial capability of a non-government school where the VRQA has concerns about the school's financial viability; and to share that information with the secretary, a public sector body or a department of the commonwealth government.

The Greens are seeking to expand on these provisions by proposing that the VRQA be required to protect the employment interests of education staff. The opposition believes that this would be duplicating the role of other bodies. The VRQA is essentially a regulator of Victorian education facilities. It is not principally concerned with the regulation of the employment conditions of staff in Victorian government schools, vocational providers or TAFEs. Issues pertaining to staff employment conditions — that is, employment relations, equal opportunity, occupational health and safety, workers compensation and superannuation — are appropriately dealt with by the applicable state and federal legislation along with the applicable state bodies.

We believe it would be an unnecessary clouding of the role of the VRQA if indeed it took on this broader role, which essentially is that of a regulator. Unless the government has pertinent reasons for supporting the Greens amendments, the opposition's intention is to oppose them, but obviously we are listening to the arguments and we will hear what the government has to say.

Another Greens amendment seeks to repeal a provision in the principle act relating to special religious instruction (SRI). The opposition believes this is outside the bounds of this legislation and should probably not even have been accepted as an amendment. We have a very different view on SRI. We believe every school has the right to teach children, whatever their faith may be, religious history during school hours without discrimination. That is the way it has been done in Victoria for decades.

Prior to the last state election the then opposition leader, now Premier, promised he would not scrap SRI during school hours. He said one thing before the election; he is now saying something very different after the election. The state government has announced that it will break this promise it made to parents and students. Currently SRI is voluntary; it can be provided for 30 minutes per week during school hours to children whose families choose to undertake SRI. Under the government's plan, from next year students will have to stay after school or miss their lunch break to receive limited SRI. The opposition will not be supporting the Greens amendment in relation to SRI.

The opposition does not oppose the bill. It is a reflection of the bill we introduced when we were in government, which was responsive to the need for closer financial oversight and protected families and children who value private education or non-government independent school education but who at the same time need the protection of a regulator to preserve the funds they invest in their children's education. The establishment of a trust for at-risk schools is a good mechanism for achieving that. With those few words, we look forward to the debate.

Mr ELASMAR (Northern Metropolitan) — I rise to speak on the Education and Training Reform Amendment (Miscellaneous) Bill 2015, and I am pleased to hear that the opposition is not opposing the bill. Speaking in my capacity as a member of the parliamentary Education and Training Committee for about nine years and now as chairperson of the Economic, Education, Jobs and Skills Committee, I am pleased to see the introduction of this bill. The bill will amend the Education and Training Reform Act 2006 to extend the powers of the Victorian Registration and Qualifications Authority (VRQA) in relation to the financial viability of non-government schools.

The Andrews Labor government strongly supports the principle of equitable and transparent accountability of both government and private independent schools. We believe their transparency ought to be the same. The recent financial failure of the Mowbray and Acacia colleges, which had received generous funding from the public purse, demonstrates the need to institute a mechanism whereby potential financial difficulties in non-government schools will be immediately assessed and any issues addressed. Sadly for all the students, staff and parents involved, Mowbray College collapsed owing debts of $18 million and Acacia College closed with debts reported to be around $40 million.

The bill provides more extensive powers to the Victorian Registration and Qualifications Authority to conduct periodic financial health assessments and take action to protect school students as consumers. The VRQA is the statutory body responsible for the registration of schools. Its role is to ensure that schools comply with minimum standards for registration.

The bill also makes a number of changes in relation to school councils and licensing arrangements. It will enable a school to enter into a licensing arrangement in relation to any other land in accordance with any ministerial order or any guidelines issued by the minister. The amendment will provide greater flexibility in school operations by allowing school councils to grant a licence to enable the installation of closed-circuit television cameras on school premises to monitor adjacent land for possible illegal activities and potential vandalism to school property.

Needless to say, government schools are fully responsible for the funds they receive, and we accept

that independent schools which receive government funding should also be accountable. The wellbeing of students and their fee-paying parents should not be jeopardised by any independent school closure due to financial incompetence or mismanagement.

Ultimately the bill seeks to protect parents and students. It provides a mechanism to highlight and foreshadow poor financial health, as well as providing the wherewithal to address those issues before any catastrophic event occurs.

In the future independent schools that are publicly funded will be scrutinised and made accountable, and that is as it should be. I commend the bill to the house.

Ms FITZHERBERT (Southern Metropolitan) — I am pleased to be able to rise to speak on the Education and Training Reform Amendment (Miscellaneous) Bill 2015. As Mrs Peulich has said, the opposition will not be opposing this bill. I want to address a number of its features, but I am conscious that there are a number of people who want to speak on this, so I will keep my comments brief.

The bill had its genesis in the Education and Training Reform Amendment (Miscellaneous) Bill 2014, which was introduced by the then Minister for Education, the member for Nepean in the other place. It covered a range of issues, and some of these have been picked up in the bill we are considering today, and there have been some minor changes made. I am struck by the number of bills we deal with that are actually work that was originally done by the previous government that are coming back in another form.

It is an important area though. We on this side of the house strongly support choice in schools. I just want to mention a number of figures that show the significance of the sector. Thirty-one per cent of schools in Victoria are non-government schools — that is, 700 of the 2228 schools are non-government schools. Of these, 207 are independent schools and 493 are Catholic schools. This non-government sector — 31 per cent of schools — educates 37 per cent of full-time equivalent students in this state, so we are talking about a lot of students, a lot of children and young people, and also a lot of families who are affected.

It is important and appropriate that this sector is appropriately regulated and that when there are problems they can be detected at an early stage — ideally — and dealt with in an appropriate way. The bill has three main functions: it proposes amendments to improve the ability of the Victorian Registration and Qualifications Authority (VRQA) to protect school students as consumers, it enhances the powers and functions of school councils and it simplifies the arrangements for the Adult, Community and Further Education (ACFE) regional councils. There are also a number of minor and technical amendments that I will not be speaking about in my comments today.

I note that a number of provisions in the 2014 bill were dealt with in the Education and Training Reform Amendment (Child Safe Schools) Bill 2015, which received royal assent earlier this year. These included the empowerment of the VRQA with respect to identifying financial concerns about the operation of independent schools in Victoria. I note that this was driven by a number of very prominent examples of independent schools experiencing financial problems. This goes back to 2012. They received a great deal of attention in the media at the time, and their circumstances became quite well known.

There were three schools in particular. The first was Mowbray College, which operated in Melton and Caroline Springs. The school closed in June 2012, with debts estimated at around $18 million. More than 1200 students were affected; 276 of those students were in the process of completing their Victorian certificate of education or the International Baccalaureate. Those students were required to find an alternative school. There were also 200 staff who were involved in the uncertainty and worry at that time.

There was an extensive investigation by the VRQA and quite an examination of the issues that led to the closure of that school. An administrator was brought in after the closure. He described the college board as ‘well-meaning amateurs’, and he said:

> I just think they were totally out of their depth.

I do not think it can really be said more clearly than that. There was also a later investigation by the Supreme Court, which showed that the school had around $28 million in debt, and I understand that court proceedings followed that, as you would expect with the school being in administration.

The concerns obviously went beyond the school and rightly caused the community to say that there needed to be appropriate oversight of these sorts of circumstances. There were a couple of other similar incidents that also occurred in 2012. One Uniting Church school had a very short lifetime as it turned out, having only opened in February 2010. It ran into difficulty with debt and subsequently faced closure.

I refer to the remarks of Uniting Church moderator, Isabel Thomas Dobson, who said in relation to the school:

> We did conduct due diligence on the process to build the school, but in hindsight … perhaps we weren't diligent enough.

A third school identified in 2012 was St Anthony's Coptic Orthodox College in Frankston North. Similarly, it was placed in administration in November 2012 and closed that year. It had been established in 1995, and when it closed in 2012 it had around 300 students from prep to year 12.

The chief executive of Independent Schools Victoria, Michelle Green, commented that a similarity between those three non-government school collapses was a difficulty in balancing the aspirations of parents with the amount that the parents were able to pay and were prepared to pay, which was significant. She also said a contributing factor in the failure of all three non-government schools was that each started out in developing areas, where there are often high costs from local councils to develop infrastructure, and this adds additional pressure.

It is clear that these significant examples highlight the need to ensure that schools are regulated appropriately in relation to their financial viability, hopefully to avoid the kinds of prominent examples where financial problems occur and result in the closure of schools, because obviously this causes enormous worry and inconvenience to the students, staff and families involved.

I want also to speak very briefly about another aspect of the bill, which concerns the powers of school councils. School council provisions seek to allow the granting of a licence in relation to school land, but there has been an addition in this bill of a provision for the operation of licences relating to buildings. We are informed this provision will provide greater flexibility in the operation of school councils, particularly in instances where there are requirements to utilise neighbouring land or buildings or the stabling of portables to accommodate temporary increases in enrolments. It has been put that this change is made in the context of providing greater flexibility for those school communities.

The bill also changes the composition and governance arrangements of the Adult, Community and Further Education (ACFE) councils. I mentioned earlier that I believe these changes were first introduced by the previous government and were broadly welcomed, as I understand it, by the ACFE sector. Some changes in structure are involved.

But the main area that I wished to focus on today was the effect of this bill on schools. They are important changes. I look forward to seeing them passed by this house. I will conclude my comments there.

Ms PENNICUIK (Southern Metropolitan) — I am very pleased to speak on the Education and Training Reform Amendment (Miscellaneous) Bill 2015. I am not sure why it is called a miscellaneous bill. It actually makes some quite important changes, which I would not necessarily describe as miscellaneous changes, although some of the amendments in the bill are indeed miscellaneous or technical-type changes.

In looking at this bill over the past weeks I have thought a lot about its provisions and what it introduces into the Education and Training Reform Act 2006. I also did some consultation, in particular with the Australian Principals Federation, the Australian Education Union, and the Independent Education Union (IEU) which of course covers the staff of independent schools, but which I was very surprised to find out had not been consulted on the bill, even though it represents the staff in independent schools and this bill impacts on independent schools.

The bill introduces some important changes in terms of the powers of the Victorian Registration and Qualifications Authority (VRQA) to monitor and audit the financial arrangements of independent schools. It should be remembered that independent schools, or non-government schools as they are called, or private schools, receive quite a lot of government funding and support. In fact, a lot of them receive the majority of their funding from the government and not necessarily from fees paid by parents. So when schools collapse and money is lost, as in the case of Mowbray College, for example, which has been referred to by other speakers, part of the $18 million lost by that school was taxpayers money.

It has long been the view of the Greens that private schools or independent schools or non-government schools should be held to the same standards of transparency and accountability as government schools are, particularly with the amount of government funding that they receive. The Greens are very supportive of the changes that are being introduced into the act to give these powers to the VRQA.

The bill inserts into section 4.2.2(1)(na) of the principal act, the Education and Training Reform Act 2006 — which is a provision that already exists and covers the

providers of education and training services — a reference to schools, so that the VRQA will have the power to oversee the financial arrangements of independent schools.

I know from my consultations with the IEU in particular that in regard to the collapse of independent schools the question was raised, 'What happens to the money that may be owed to the staff of those schools?'. We know that in some cases in the past staff working in independent schools that have collapsed have lost their accrued entitlements. To that effect, I have prepared an amendment to clause 13 of the bill. I might also take the opportunity to foreshadow that I have another amendment. Acting President, if you circulate the amendment to clause 13, the other amendment will be on the same sheet for members to see. However, that second amendment is in fact outside the scope of the bill, and I would have to move a motion asking that the amendment be allowed to be considered by the committee.

Given the President's ruling that I am allowed to refer to that amendment but not in detail, I will say that that amendment — which is outside the scope of the bill but which I am happy to have circulated — refers to section 2.2.11 of the principal act, which is the section relating to the provision of special religious instruction.

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

Ms PENNICUIK — That is all I will say on that particular amendment because the President has ruled that I am not to say too much about it until I have moved the motion, as it is outside the scope of the bill.

But I can talk about the other amendment, which is the amendment to clause 13. That is to insert a new subclause to provide that the VRQA — which has the function to protect the interests of students as consumers of education and training services and now also of schools — also has the function to protect the interests of staff. By 'interests of staff' I mean their financial interests in terms of the accrued entitlements they have. Having served at the school they will have accrued annual leave, perhaps long service leave and so on. Those entitlements should be held for them to be used by them at such time as they fall due, but if the school collapses, they could be lost.

There has been a little to and fro in the chamber and some discussions with regard to this particular amendment suggesting that while it is in the scope of the bill, it may fall outside the scope or functions of the VRQA. I think that is possibly debatable, because I think if the VRQA has a function of protecting the interests of students as consumers, which I would have thought was the role of Consumer Affairs Victoria perhaps, then the VRQA would have the role of protecting the interests of staff as well, given an understanding of interests as they are defined in this act — as the narrow interests referred to in the clause concerned. Certainly what I am referring to is the financial interests or entitlements of staff should a school collapse.

Mr Dalidakis — I never thought I would hear you say that a student was a consumer.

Ms PENNICUIK — They are defined as consumers under the legislation, Mr Dalidakis, through the Chair.

Mr Dalidakis — I know that, but I never thought I would hear you say it.

Ms PENNICUIK — I am not saying it. I am saying that that is what the act says.

Through you, Acting President, I note that I have pointed out to the minister that as a result of some further consultations on this issue I have come to the view that an amendment that I have not prepared could be very useful either in addition to or instead of my amendment. It would be an amendment to clause 15 of the bill, which inserts a new section 4.3.1A after the principal act's section 4.3.1, to be called 'Authority may assess the financial capability of registered non-government schools'. Proposed section 4.3.1A(3) says:

> If a school is assessed by the Authority as being financially unviable or at risk of becoming financially unviable, the Authority may do one or more of the following—
>
> (a) report to parents of students at the school on the result of the assessment, including the areas in which the school is no longer financially viable …

I think it might be a very welcome addition to this proposed section of the act to perhaps insert a new subsection (b) — 'report to staff and/or their representatives on the result of the assessment, including the areas in which the school is no longer financially viable'. This would mean that if the VRQA has so assessed the school, at least the staff and/or their representatives would be aware of that.

A possible further amendment could be made to the currently proposed subsection (3)(b) of new section 4.3.1A, which refers to protection schemes for fees paid by parents: it could include staff entitlements

in there. I think this would augment the new scheme this bill is putting into place so that all people directly affected by the collapse of a school — and we are talking here about non-government schools, because they are the entities being inserted into the act by this bill — would be provided for. Registered training organisations are already covered by the principal legislation, and the minister would know that we have ongoing problems with the collapse of some of those organisations, which also employ staff. I therefore think such amendments would augment the scheme that has been put in place here to protect those who are directly affected by the collapse of these organisations. I will, nevertheless, proceed with the amendment I have prepared.

The bill inserts a new definition of 'parents' club', which currently sits in the regulations and is now being inserted into the act. What the function and purpose of parents clubs are I am not sure, but at least this change brings them under the control of the minister. A relevant consideration has certainly been brought to my attention in relation to some schools, and this can apply to school councils as well. I will in fact preface mentioning it by saying that the role of school councils is appreciated. School councils do very hard work. My own father was a member of the school council at the school I went to, which is the same school Ms Lovell went to, and her father was also president of that same school council way back in the mists of time. It has been drawn to my attention by people such as teachers and parents at schools that there are problems with some school councils. I think we all would be aware of that. We know that under the act and the guidelines school councils are meant to guide the school in terms of representing that community, whatever 'that community' is. I have certainly had it reported to me that some people can tend to get onto school councils and that sometimes school councils can have an overrepresentation of some areas of the community on them and can try to steer schools in certain directions.

This bill gives school councils powers in addition to the ones they already have under the act to enter into certain agreements; this bill extends them to include matters of lands adjoining the school. The minister might want to elaborate on this point in terms of what these new powers are exactly about, but I understand them to relate to use of adjoining lands for extra activities, for putting a portable classroom on or for other school activities. I did see some reference to CCTV, which concerned me a little bit as to whether a school council is able to license CCTV to be focused on land adjacent to a school. That did seem a bit odd. Perhaps the minister would like to explain the context of that reference.

While the clause provides that the exercise of this power would be overseen by ministerial guidelines and the minister would still have oversight of them, it is another move towards the whole school autonomy argument. I know that the opposition when it was in government pushed the move towards more autonomy in government schools, and the federal government is certainly pushing ahead with that. We always hear that school autonomy leads to better results for schools. In fact that is not what the evidence shows.

I will look at what the evidence actually shows. The Productivity Commission reports that past studies have found mixed impacts from delegating decision-making authority to schools and allowing schools greater autonomy has the potential to exacerbate inequalities unless all schools are adequately resourced. A Senate education committee on teaching and learning said:

> … it is unclear whether school autonomy ultimately improves student outcomes.

It also said:

> Clearly further research into school autonomy and its impact on student performance is required.

Mrs Peulich interjected.

Ms PENNICUIK — I am sure Mrs Peulich, through you, Acting President, can look at that evidence for herself.

Mrs Peulich — If you understood what it meant, you would not be saying what you are saying.

Ms PENNICUIK — Through you, Acting President, I do understand exactly what it means.

Mrs Peulich interjected.

The ACTING PRESIDENT (**Mr Morris**) — Order! Thank you, Mrs Peulich.

Ms PENNICUIK — Victorian schools are probably amongst the most autonomous in the country. They have a fair bit of autonomy. The mantra that we hear is not necessarily backed up by any evidence.

The bill also makes some changes to adult, community and further education (ACFE) regional councils to not prescribe the number of members that must be on a council. I do have a question with regard to clause 12 of the bill, which completely repeals section 3.3.23(1) of the act with regard to the meeting of these councils. The minister in his second-reading speech said this was to not prescribe the number of meetings that a council may have, but if you look at the actual section it is not

just about the number of meetings; it is also about the chairperson, deputy chairperson and guidelines issued by the minister with regard to the regulation of the council. I am wondering why that whole section is being repealed, when the minister in his second-reading speech did not talk about those issues and only talked about the number of meetings the council must have per year.

This brings me to a point I have made many times in this place. Sometimes a second-reading speech can read like a very large media release, but I do not think that is what the function of a second-reading speech is. A second-reading speech should outline what is in the bill and why it is in the bill. We are seeing an increasing trend towards that not happening. This is a case in point. If you read the second-reading speech, it does not talk about subsections (2), (3) and (4) of the section that is being repealed, which is not about the number of meetings per year. That is not good enough. People should be able to rely on a second-reading speech to outline exactly what is in the bill, particularly if it is repealing a section of an act. When you look a bit more closely, you might say, 'Okay, what does that section say? It says more'. I am just wondering how the structure of a regional council will now be regulated if that section of the act is repealed. That is just a query that I raise.

The bill also requires teachers and early childhood educators to report to the Victorian Institute of Teaching within 30 days of either starting employment at a school or leaving employment, which I am sure will help the Victorian Institute of Teaching to keep good data on who is placed where in the education system, so I have no problem with that provision.

It is not a very large bill, but they are the main issues we have with it. In summary, it makes changes to the VRQA's functions with regard to the finances of independent schools, but there seems to be a gap in terms of the staff of those schools. The other issue is with regard to the function of the ACFE regional councils with the repeal of section 3.3.23(1) of the act.

The Greens are not opposing the bill but will definitely try to amend the bill in committee. We do raise for the attention of the government that perhaps some other amendments could have been made. We have not had time to talk through those to come to an agreement, but I do raise the fact that other amendments to the act could further improve the regime the government is trying to put in place with this bill and which we are supporting.

Ms BATH (Eastern Victoria) — It is with great pleasure that I rise to speak today in the debate on the Education and Training Reform Amendment (Miscellaneous) Bill 2015. I want to make it clear that the coalition will not be opposing this bill, which is largely the same as the bill the former coalition Minister for Education, Martin Dixon, the member for Nepean in the other place, introduced last year. The only concern is that some of the provisions in the 2014 bill have not yet been introduced. I certainly hope that these are still to come.

The bill makes amendments to the Education and Training Reform Act 2006 to enhance the ability of the Victorian Registration and Qualifications Authority — the VRQA — to protect students as consumers, as has been stated. It also enhances the powers and functions of school councils and makes provision for simplified arrangements for adult, community and further education — ACFE — regional councils.

By way of a little background, in 2014 the Liberal-Nationals coalition government sought to strengthen the powers of the VRQA following the closure of three non-government schools in 2012 due to financial crisis. Those powers would have allowed the VRQA to conduct financial assessments of non-government schools. Unfortunately that bill lapsed in November last year. Now the government has had the good sense to continue with the coalition's vision and reintroduce these reforms aimed at enhancing the financial oversight powers of the VRQA in relation to non-government schools. Basically, the bill gives the VRQA the ability to conduct financial assessments, impose conditions such as the establishment of fee-protection schemes and share information with parents and other agencies.

As a former secondary teacher and a secondary school teacher at the time, I remember the shock felt throughout the profession when in 2012 three non-government schools in Melbourne's outer suburbs financially collapsed within a few months of each other. This raised much concern and I felt for the parents and students of those school communities who had to find new schools and also the teaching staff who had to find new jobs. It seemed that nobody really saw those closures coming and the shock announcements caused much devastation.

As Ms Fitzherbert said in her contribution, Mowbray College, which had campuses in Caroline Springs and Melton, closed in June 2012 after accruing more than $18 million in debt. More than 1200 students, including well over 200 in their Victorian certificate of education or International Baccalaureate year, were forced to find

a new school in the middle of the year, and 200 staff lost their jobs. The VRQA conducted an investigation of Mowbray College in March 2012 and uncovered the financial pressures the school was facing before it was forced to close only months later. A Supreme Court investigation later revealed the school had around $28 million in debt.

Then in October 2012 we saw the closure of Acacia College in Mernda. That was a Uniting Church school with 540 students from prep to year 9 and 50 staff. Again shock was felt throughout the community. Media reports suggested the debt was around $40 million. This again raised questions as to whether school authorities were properly reporting their financial situations and also whether those financial issues were being recognised by the people to whom the reports were being sent.

The third non-government school to close in 2012 was St Anthony's Coptic Orthodox College in Frankston North. Hundreds of students from prep to year 12 joined hundreds of other students of failed independent schools looking for somewhere to continue their schooling the next year. St Anthony's was the third independent school in Melbourne to collapse in just six months. Unpaid school fees, declining enrolments and a decrease in donations were contributing factors in the school's closure.

None of us want to see schools shut down suddenly. As a parent and a teacher at the time, I truly felt for those involved. It was then positive to see the coalition stand up and act, with the then education minister indicating a desire to introduce legislation to increase oversight of non-government schools. The coalition acknowledged that most non-government schools operate under sound financial governance. The minister made it clear he did not want to see overregulation of non-government schools, but there needed to be a compromise so that the financial situation of those schools could be easily assessed.

Minister Dixon liaised with the VRQA and found that it had more powers in regard to vocational education and training providers than non-government schools. Currently in this state the VRQA works with the review bodies for government and Catholic schools — that is, the Department of Education and Training and the Catholic Education Commission of Victoria. As members have heard in earlier contributions, the VRQA conducts reviews of non-government schools on a five-year cycle. Those schools considered at risk of not complying with registration standards have full reviews and receive site visits.

Despite the work being conducted by the VRQA and the lessons learnt from the school closures in 2012, there is still a need for there to be more protection for parents and students attending non-government schools. I am happy to see that this bill enables the VRQA to conduct financial assessments of schools and impose conditions such as the establishment of fee-protection schemes to protect families from losing their paid school fees. The bill also allows the VRQA to conduct a targeted review of the financial capability of a non-government school if it is concerned about the school's financial viability.

If a school is assessed as being financially unviable or at risk of being so, the authority can take a number of actions, which include reporting to parents of students at the school on the result of the assessment, including the areas in which the school is no longer financially viable. This is a variation of the bill introduced by the coalition. While I respect the reasons it was introduced, I also understand there may be concerns about parents panicking and withdrawing their students as soon as there is any sign of financial trouble. I believe Independent Schools Victoria also indicated concerns about this provision. Concerns include that the negative impact of pulling students out of a school could affect the financial health of a school, particularly if that school still has the potential to be financially viable. I hope that the VRQA will act sensitively and respectfully in these particular cases to prevent widespread panic.

The bill also has provisions for simplified arrangements for adult, community and further education — ACFE — regional councils. This sector includes organisations such as Learn Local and two adult education institutions, the Centre for Adult Education and the Adult Migrant Education Service, which deliver education and training programs in Victoria for people over the compulsory school leaving age, young people, older people, people with special needs and people from diverse cultural backgrounds. There is a particular focus on people who have had limited prior access to education. These organisations, which are represented in some towns in my region, do a wonderful job and are a very important element in the educational opportunities in my electorate — that is, in and around Gippsland and the Latrobe Valley.

There are eight ACFE regional councils. Their members are appointed by the minister for up to three years on a voluntary basis. The role of the regional councils is to provide expertise and local knowledge about adult education needs, advise the ACFE board on regional priorities, implement plans and policies that promote and support adult education provision, and

recommend resource allocations to Learn Local organisations in their regions in line with priorities and guidelines established by the board.

This bill makes amendments which again were in an earlier bill introduced, as I said, by the then Minister for Education. He said that the act was overly prescriptive with respect to the composition of the regional councils and requirements for meetings. The bill before us adds to the requirements for membership of adult community and further education councils the requirement that members:

> … have knowledge and experience of issues affecting the local industry and the broader local community in that region.

This is a good idea, as it is important that the board hears from people who understand best the issues affecting regional learners. It also allows for a broader mix of members, possibly with different skills and from different backgrounds. The bill also changes the current legislative framework which provides for nine members of a regional council by reducing the number to five or more members. The bill also repeals the requirement for regional councils to meet six times a year. Again, these are good amendments that will reduce some of the pressure on the volunteers who sit on those councils and will allow for more flexibility.

As I mentioned earlier, I will not be opposing this bill. However, there are still some outstanding provisions which this government has yet to introduce to the house. These include amendments to Victorian university acts to provide greater flexibility to university councils and enable the renewal of council composition at different times of the year. I hope to see an introduction of these amendments in the future. In the meantime I do not oppose the bill before the house today.

Mr MORRIS (Western Victoria) — My contribution to the Education and Training Reform Amendment (Miscellaneous) Bill 2015 will be brief, but there are some particular points I want to make in relation to the impact of some of the school closures that brought about the amendments in this bill.

Along with the Deputy President, I represent a region that was affected by the closure of Mowbray College. I recall that at the time I was teaching at Darley Primary School, which is a school with many students who had intended to go to Mowbray College. Indeed some of the students I had taught did attend Mowbray College later in their lives. It was of great concern to the whole community when it became apparent that Mowbray College was to close with around $18 million worth of debt. That had a significant impact on both the families that had students at the school and the families that intended sending future students to attend the school. I also understood that there were many teachers at Mowbray College who found it very distressing and experienced a very difficult time when they found they were without employment as a result of the closure of the school. All round, it was a significant event that had negative consequences for many people in our community.

Therefore I am heartened to see this particular bill come into the Parliament, and I also note that it is remarkably similar to a bill that was introduced by the former Minister for Education. I am pleased to see that both of the major parties are looking to ensure that in the future schools will have the capacity to make sure that children receive the education they need and, in line with the comment made earlier by Mrs Peulich, that the investment that parents make in their children's education is safeguarded. That is incredibly important because there are families who spend large amounts of money to ensure that their children get the very best opportunity to have a good education, and it is important that we do all we can to protect those investments and make sure they are secure.

I heard some comments made in the contributions by Ms Pennicuik and Mrs Peulich relating to the importance of schools having autonomy. Being a former teacher myself, as I know Mrs Peulich also was, I believe that self-determination in schools is incredibly important. It is important to empower schools to ensure that they have the capacity to make decisions that are right for their school communities rather than having decisions dictated to them by education departments and the like. As a teacher, I was sometimes in a position where I wondered how some things that occurred in the schools where I taught could be happening. I do not think it is any coincidence that many independent and Catholic schools, which have a large degree of independence, achieve great outcomes for many of their students as a result of the fact that they have the capacity to self-determine when making decisions and they have the capacity to ensure that they are making decisions that are going to be best for their local school communities.

I also acknowledge that it is exceptionally important to have good principals and good teachers in schools so that we can achieve the best outcomes for our students. It is also incredibly important that principals have the capacity to ensure that their teachers are achieving good things for their school communities. I said I would make this a brief contribution, and that will be the case. I am pleased to see many of the provisions in this bill. The bill will ensure that parents of students who attend

independent schools will have surety that their investment in education will deliver the expected outcome. I look forward to hearing the debate on the amendments to the bill that have been foreshadowed.

Mr HERBERT (Minister for Training and Skills) — I begin by thanking those members who have contributed to the debate on this bill. I acknowledge their thoughtful contributions on what is a very important issue. I will not say much, given the time and given that the bill has been explored very thoroughly. It is not a particularly big bill.

In summing up, this bill introduces positive changes to the education sector, provides greater financial comfort for families and students at non-government schools, removes red tape from our school councils and introduces what we believe is a common-sense provision regarding the adult, community and further education regional councils.

I take this opportunity while summing up to address some of the issues raised in the debate and hopefully provide some clarity for the satisfaction of the chamber. In clause 4, the definition of 'parents' club' refers to parents associations and clubs. They have no formal function in terms of the school; obviously the school council is the governing body. They may be fundraising vehicles or they may be other types of parents associations that are there to support the informal activities of the school. One of the issues, however, is that when a school is wound up and closed because of financial reasons, the parents clubs are not also wound up. We have a situation where a school can close and it can be sold but there is still an active parents club. That does not make sense. This provision brings that situation into line so that when a school closes, these informal groups — parents clubs — will now also cease to exist.

There is the issue of licensing, with more flexibility being provided to school councils to enter into licensing and a range of other activities in terms of land, whereas currently school councils need ministerial approval. It is suggested that they can do that themselves, subject to ministerial orders. The minister will of course provide orders around this provision to make sure it is not abused in terms of a whole range of things in relation to school councils.

On the specifics though, there was an issue of closed-circuit TV for adjoining land. That could be one of the allowable items in the ministerial order but clearly it would only be for land that is vacant because there may have been difficulties with it. I am not sure that any school would do it, quite frankly, given the cost but there might be a need for it where inappropriate activity was occurring. We have strong privacy laws here, and you would never get closed-circuit TV on people's houses or anything like that. Our privacy laws are pretty strong, and strong enough in this case.

It could be that the council needs the licence because it occasionally wants to lease land to erect portable classrooms. We have a big school build happening and occasionally there is a need for the council to lease land to put portables next door, on a neighbour's property, so that the school can continue its building activities. It could be needed, for instance, to grant a licence to a tuckshop operator in a school; many schools have private tuckshops or canteens. They are the sorts of things that would be in the administrative order and that would govern the sort of flexibility that councils have in terms of not needing ministerial approval.

There was an issue with clause 12 of part 2 of the bill in respect of regional councils and what the government is scrapping. I think most people know that people on regional adult, community and further education (ACFE) councils are the salt of the earth. They are on those councils because they have a great love of education, particularly adult education. However, in some parts of the state it is hard to get the required numbers and hard to get those six meetings a year; therefore on the advice of the Adult, Community and Further Education board we are making that provision more flexible.

I need to say though, on the issue of whether the bill repeals all of those issues, it does not do that; it does not change the chairperson or deputy chairperson et cetera. It only repeals subsection (1) of section 3.3.23 of the act. which deals with the six meetings per year. I hope that clarifies that issue.

There was another issue raised in regard to repealing ministerial powers. That is a good point. By way of explanation, in the previous drafting of the bill there was an error and two sections of the act — 5.10.4 and 5.2.12 — both provide for identical ministerial powers. What that part does is to simply get rid of section 5.2.12 because it is repetitive; it does not actually change the minister's powers.

I hope I have clarified some of the important questions that have been asked and I look forward to the bill going into committee and then hopefully having a speedy passage through the chamber.

Motion agreed to.

Read second time.

Ordered to be committed later this day.

Instruction to committee

Ms PENNICUIK (Southern Metropolitan) — I move:

> That it be an instruction to the committee that they have power to consider amendments and new clauses to amend the Education and Training Reform Act 2006 that relate to the repeal of a provision relating to special religious instruction.

That provision is in section 2.2.11 of the act, which provides that special religious instruction may be provided in government schools.

I move this motion so that the committee has the power to consider these amendments and new clauses in the context of two things. Firstly, this is an issue that the Greens have been pursuing and I have pursued in this Parliament on other occasions in relation to that particular section of the act being in conflict and in contrast with the principles of the act, in particular section 1.2.2(2)(a), which provides that government schools:

> (i) will provide a secular education and will not promote any particular religious practice, denomination or sect …

Not only I but a lot of other people think that section 2.2.11 of the act is in contradiction to the principles of the act and that government schools should provide free secular education, which is a core Greens policy and a core value of many people in the community. I will not take up the time available for the procedural motion to talk about the amendment; I will do that when I move the amendment, if I am given the chance.

The other issue I would like to briefly mention is the recent announcement by the Minister for Education that the provision of special religious instruction will no longer be allowed during formal school hours but will still be allowed before or after school or at lunchtime. I have made a public statement saying that that is a good step in the right direction but it does not go far enough. I pointed out that in particular I do not think lunchtime classes are appropriate because I believe students, particularly primary school students, need their lunchtime to have a break from classroom-based activities to, firstly, eat their lunch; secondly, run around in the playground; and, thirdly, spend time with their friends. They should not be confined to the classroom for whatever activity.

I think this halfway mark that the government has arrived at after years of complaints from teachers, parents and others about the conduct of special religious instruction in schools will still have a lot of problems attached to it. The issue is not fixed by the minister's announcement, although I think it goes some way to doing that. I congratulate the minister on the announcement of the introduction into the curriculum of education in respectful relationships, ethics and comparative local cultures and religions, which will be delivered by qualified teachers.

Mr HERBERT (Minister for Training and Skills) — Whilst we will not be supporting the amendment, we are happy for it to be debated. However, from the government's point of view, given that this is a substantive issue and it could be debated in other forums, we hope we have a fairly speedy discussion on it rather than running the gamut of the ethics of the whole thing. We do not object to the amendment being considered.

Mrs PEULICH (South Eastern Metropolitan) — The opposition believes in freedom of speech within the parameters of the law and therefore will not oppose Ms Pennicuik having her soapbox in order to pursue her amendment. However, the opposition is on the record as being a strong supporter of special religious instruction, which provides choice, and that has been the practice for a long period of time. We will be opposing the amendment in committee.

Motion agreed to.

Committed.

Committee

Clause 1

The DEPUTY PRESIDENT — Order!
Ms Pennicuik has five amendments to the bill, and I draw to the committee's attention an instruction motion agreed to by the house that enables Ms Pennicuik to move her amendments 1, 4 and 5, which were previously considered to be outside the scope of the bill. Amendment 1 amends the purposes clause to repeal a provision relating to special religious instruction, which I consider a test for her further amendments 4 and 5.

Ms PENNICUIK (Southern Metropolitan) — I move:

1. Clause 1, page 2, after line 5 insert —

> "(iii) to repeal a provision relating to special religious instruction; and".

This amendment repeals the provision relating to special religious instruction (SRI) in section 2.2.11 of the Education and Training Reform Act 2006. It has the

effect of repealing the whole of that provision. As I said during the discussion on the motion to allow the committee to consider the amendment, the principles of the Education and Training Reform Act include, under section 1.2.2(2):

> (a) Government schools —
>
> (i) will provide a secular education and will not promote any particular religious practice, denomination or sect …

I make the point that section 2.2.11 is contradictory to the longstanding principle of the act that government schools should provide a secular education.

I have raised this issue many times in the Parliament, and as far back as 2012 I put a similar motion on the notice paper, but it did not end up being debated. This followed conversations between the Greens and the minister representing the education minister in this house at the time and in fact some conversations with the then Minister for Education about how at that time the departmental guidelines prescribed that parents had to formally opt their children out of special religious instruction. After that, I put a motion on the notice paper about the matter.

I know that the minister was receiving representations from parents, teachers and principals of schools, in particular about the activities of ACCESS Ministries, the major provider of special religious instruction in government schools. ACCESS Ministries receives quite a lot of money, millions of dollars, from the commonwealth government, and hundreds of thousands of dollars — it is quite non-transparent — from the state government every year.

The special religious instruction delivered by ACCESS Ministries is not delivered by trained teachers but by so-called accredited volunteers — but they are accredited by ACCESS Ministries. As far as I have been able to ascertain from all of my questions on notice and questions to the minister about this particular issue, those volunteers are not approved or accredited by the minister. I understand that about five other organisations also provide SRI, but ACCESS Ministries is by far the biggest provider. I have raised many issues about this provider in the Parliament, and I have already mentioned my concern that the instruction is provided by religious volunteers who have undergone a short amount of training by ACCESS Ministries.

I am concerned about some of the activities of the ACCESS Ministries volunteers. Parents, teachers and principals have said that the activities of the volunteers have gone above and beyond what is allowed under the act, particularly in terms of proselytising, which supposedly is not allowed under the act or the guidelines but which has been widely reported as being carried out by this group. I have raised in this Parliament by way of statements and so on the issue of the teaching materials used by ACCESS Ministries being unsuitable for use in schools. In particular I refer to a little booklet I have seen in the *Trek* series, but I have also had a look at quite a lot of ACCESS Ministries' material, about which many principals and teachers have complained.

After all these discussions and the disquiet in the community, the minister changed the system for special religious instruction to being an opt-in system, and since that time a lot less students have attended SRI, with many schools refusing to allow it. There has always been the problem of students being stigmatised and the problem of what activities might be engaged in by those students who do not participate in SRI. I also asked the minister whether the department was monitoring the new system, but I was told that it was not. I am still getting reports about problems with the system in schools.

There is another issue. Last year it was interesting to hear former education minister Bronwyn Pike speaking on radio. She said that if she had her time again, she would not support special religious instruction in schools. She made the point, and I agree, that our society is pluralist and our community is diverse and that not everybody adheres to the Christian faith or a particular version of it, so to allow ACCESS Ministries, which represents one version of the Christian faith, to deliver most of the SRI in Victorian government schools is not acceptable.

The minister's announcement that there will be an active move to introduce respectful relationships training, comparative cultures and religious education, and ethics education in schools highlights what is needed in government schools. All students should undergo an education which is broad and covers all of the religions and cultures of the world. It is impossible for special religious instruction to cover all of the denominations and religions that are present in certain schools.

I also make the point that parts of section 2.2.11 are in contrast with the announcement the minister has made. These are the reasons the Greens are moving this amendment to the bill.

Mrs PEULICH (South Eastern Metropolitan) — I will just say a few words. I do not wish to prolong the debate because although I believe in freedom of speech

I do not believe we ought to set Ms Pennicuik's amendment as a precedent for other bills that are brought into this place. I do not want to see, for example, a bill introduced to deal with swine swill being used to suddenly entertain an amendment in relation to duck hunting, and I see a bit of a parallel with this amendment because it is certainly outside the parameters of this bill.

Ms Pennicuik and the Greens would only be happy if religion were extinct altogether. Essentially they believe in only one religion, which is the Green religion, whereas we believe in freedom of choice. Ms Pennicuik rightly says that public schools are required to deliver a secular education, and that is what happens. She knows that because section 2.2.10 of the Education and Training Reform Act 2006 clearly states:

> (3) A government school teacher must not provide religious instruction other than the provision of general religious education in any government school building.

Government school teachers are not delivering religious instruction; they are delivering a secular education as required by the act. The act allows other persons to have access to government schools if that is what a particular school wishes to occur, and it requires that:

> (a) the persons providing the special religious instruction must be persons who are accredited representatives of churches or other religious groups and who are approved by the minister for the purpose …

It is nonsense to say that just because we have SRI in government schools the education provided is not secular. If we genuinely supported and respected diversity, we would not be entertaining this amendment. Schools should be responsive to the views and values of their school communities and should be free to arrange their own classes. I agree that the opt-in arrangement is better than an opt-out arrangement. It is a way of promoting freedom of religion, which is enshrined in our democratic values, although perhaps not the values that Ms Pennicuik and the Greens believe in.

There should be nothing to stop special religious instruction being taught in schools. It does not matter whether the religious instruction is Judaism, Islam or a branch of Christianity. This is genuine and true respect for diversity, and the Greens should respect that diversity. The only diversity the Greens tend to respect is their own bland version, which means ending religious diversity. We also know that they do not like private or independent schools and would like to defund them as well.

The Greens party champions so many other human rights, and it should update its education policies to reflect what a diverse, democratic, pluralist society stands for — that is, respect for all religions and respect for a community's right to choose its particular variety of SRI, just like schools may select which languages they teach in response to the priorities of their local school community. This is where school autonomy comes in. I inform Ms Pennicuik that school autonomy is not the wild west. It does not mean that schools just do any old thing. What it is about is having a framework of accountability, a framework for the delivery of education, and schools being held accountable for that. It also means marshalling resources to those areas of underperformance, which means that those who most need it get the most resources. That is what school autonomy means; it does not mean what Ms Pennicuik seems to be predisposed against. She should open her mind to modern education policy to make sure we truly represent diversity and deliver programs to respond to a range of needs, in particular the needs of those who are perhaps different to the sort of demographic that she has the most to do with. It is offensive that Ms Pennicuik has moved this amendment outside the bounds of the bill, and I am glad that the opposition is voting against it.

Mr HERBERT (Minister for Training and Skills) — Goodness me! The government's position is very clear on this. We do not seek to prohibit schools from providing SRI outside of class time. I have experienced this with my own children, quite frankly. Currently 20 per cent of primary school students participate in SRI during class time, but all students miss out on instruction in the core curriculum during this time. We did not think that was workable. For many years my children did not attend SRI, and they got stuck in the back of a classroom. As a parent, I did not think that was fair, but that does not mean I am opposed to it.

We just believe it should happen, as the minister announced on 21 August, during lunchtime, before school or after school. If parents wish to have their children participate, they should have the opportunity to do so during those times. This frees up 30 minutes of valuable class time, in particular to look at ethics and a range of religions. We will not be supporting the amendment.

Committee divided on amendment:

Ayes, 6

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

Noes, 34

Atkinson, Mr	Melhem, Mr (*Teller*)
Bath, Ms (*Teller*)	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	Purcell, Mr
Eideh, Mr	Ramsay, Mr
Elasmar, Mr	Rich-Phillips, Mr
Finn, Mr	Shing, Ms
Fitzherbert, Ms	Somyurek, Mr
Herbert, Mr	Symes, Ms
Jennings, Mr	Tierney, Ms
Leane, Mr	Wooldridge, Ms
Lovell, Ms	Young, Mr

Amendment negatived.

Clause agreed to; clauses 2 to 12 agreed to.

Clause 13

Ms PENNICUIK (Southern Metropolitan) — I move:

2. Clause 13, line 19, omit 'education;".' and insert "education;".

3. Clause 13, after line 19 insert—

'(nab) protect the interests of the staff of providers of vocational education and training, further education, higher education, technical and further education, and schools;".'.

The amendments go to the functions of the authority to protect the interests of students as consumers of education and training services. At the moment that applies to when they are delivered by providers of vocational education and training. This bill adds schools into that function. Amendment 3 would add subclause (nab) so that the functions of the authority would include to:

> protect the interests of the staff of providers of vocational education and training, further education, higher education, technical and further education, and schools …

The intention of the amendment is to protect the interests of the staff by way of their entitlements, be they to annual leave, long service leave or other financial entitlements. If the Victorian Registration and Qualifications Authority (VRQA) has done the assessment of the school and found that it is either financially unviable or likely to be, the interests of the staff would be protected in that way. I mentioned in the second-reading debate, and I will not reprosecute it, that there are differing opinions about this particular clause. If the clause is taken to read as protecting the entitlements of the staff, I think it augments the regime the government is trying to put in place here with regard to non-government schools and their financial viability.

Either in addition to this amendment or instead of this amendment, a new amendment could be made to clause 15, which inserts new section 4.3.1A, that the VRQA in its assessment, and in its new requirement to report to the parents of students on the result of that assessment, could also report to staff and/or their representatives on the result of the assessment, thereby protecting the interests of staff in schools as well. There may be other mechanisms to do that, but I think that that could be accommodated in this bill as well.

Mrs PEULICH (South Eastern Metropolitan) — The opposition will be opposing this amendment for two simple reasons. The first one is that it confuses the role of the VRQA. The VRQA is essentially a regulator, and it is not principally concerned with the regulation of employment conditions of staff in Victorian government schools or of vocational providers or TAFE. It is the view of the opposition that staff employment conditions, including employment relations, equal opportunity, occupational health and safety, workers compensation, superannuation and so forth are more appropriately managed by other state and federal legislation and their relevant statutory authorities.

If you also have a look at the VRQA website, it quite clearly identifies its stakeholders as being education and training providers; students and their parents; apprentices, trainees and their employers; school system owners; group training employers; and peak bodies, industry associations and unions. It does not include staff as key stakeholders. In fact the legal framework of VRQA excludes any mention of staff. That does not mean that the opposition believes that staff's interests and benefits should not be protected, but there are other methods to do that, they are being done and this only confuses the role of the VRQA, which is essentially one of regulation.

Mr HERBERT (Minister for Training and Skills) — I understand what the purpose of the amendments are, and I also understand that perhaps there was another approach that could have been taken, but it was not taken. We are at this late stage, and time is everything in politics, I guess, so we can only have the amendments that we have. As we have just heard in regard to those amendments, employee relations are outside the purpose of the VRQA's regulatory scheme. That consideration is also outside the Education and Training Reform Act in terms of a statutory protection

role or scheme of entitlements for certain employees. So we do not think it is an appropriate amendment; we cannot support it.

We do say, however, that it is an important issue, but it should be noted that individual employment relationships between education providers and their employees is separately regulated by general employment laws, including the Fair Work Act 2009. Entitlements are already protected for all employees in the commonwealth fair entitlements guarantee scheme, which provides assistance to people who are owed certain outstanding employee entitlements following liquidation or bankruptcy of employers. For those reasons, we understand the intent of the amendments, but we will not be supporting them.

Ms PENNICUIK (Southern Metropolitan) — I will briefly respond to the remarks made by Mrs Peulich. As I have clearly outlined, there is no intention with this particular amendment to regulate occupational health and safety, the working conditions of staff et cetera. It is still debatable whether there is an issue or a problem with this particular amendment I want to make as long as it is seen in the actual context of the clause, which is about the financial assessment of the school and the interests the staff have in that narrow context. It is not about opening the whole thing up to industrial relations or occupational health and safety issues or anything like that. That is not the intention, and I cannot see how it could be seen that way in the context of the clause it amends.

I make the point, and I have indicated this to the government, that in addition to this amendment changes could be made to section 15 in terms of this narrow part of the function of the VRQA we are looking at in the assessment of the financial viability of schools and the impact that has on the students and staff of those schools — they have an interest in the financial viability of their school and would be impacted if it were to collapse. We know that staff have lost their entitlements when this has happened previously.

Committee divided on amendments:

Ayes, 6

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

Noes, 33

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

Amendments negatived.

Clause 13 agreed to; clauses 14 to 30 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

LEGACY WEEK

The PRESIDENT — Order! I have been asked to remind members that this is Legacy Week and that tomorrow is Legacy Badge Day. If you can get Legacy's badge onto your clothing, well done. I tried to put it onto mine, and it would not even go through my shirt, let alone my suit, because the pin was too thick. At any rate, support for Legacy is very important. The contribution Legacy makes to the families of those who served in the armed forces in the wars has been significant over many years. It is a worthy cause. I ask members to continue to promote Legacy Week and the fine work of that organisation with their constituents by encouraging them to buy a badge. There are badges on Natalie Tyler's desk at the back of the chamber which have been provided by Legacy so that when members wearing them are asked what the badge is all about they will have the opportunity to promote this very worthwhile cause.

RULINGS BY THE CHAIR

Questions without notice written responses

The PRESIDENT — Order! I have given consideration to what directions I might make in terms of some of the questions posed in question time today. I considered first the supplementary question put by Ms Wooldridge to Ms Pulford. It is my view that we should seek a written response to that supplementary question, and one day is sufficient for that.

In terms of both the substantive question and the supplementary question put by Ms Fitzherbert to Ms Mikakos, I have viewed the answers and for both of those questions I invite the minister to give a written response. In respect of these questions, the one to Ms Pulford did not have dates on it, and that was fine. I point out though that the problem I had at question time, and why I sought time to deliberate on this matter, was that in asking ministers to respond to these questions I am only asking them to respond in respect of the July 2015 date, not the October date listed in the question.

The reason I do that and make that distinction is that, having reviewed the precedents of both houses of Parliament — obviously I gave precedence to our house in terms of my research into this matter, but I have also consulted on what has been the practice of the Legislative Assembly as an additional opportunity for me to appraise these questions — it is my view that the longstanding practice of both houses is that the minister cannot be questioned on a matter from before they assumed office as a minister. On that basis Ms Mikakos, Ms Pulford, Mr Jennings, Mr Herbert and certainly Mr Dalidakis were not ministers in October 2014 and therefore should not be obliged to respond to that part of the question, because it was not within their ministerial duties, jurisdiction or responsibilities at that time. The July matter is quite different, and I invite responses in that sense.

In terms of Ms Fitzherbert's question to Ms Mikakos, I make the point that Ms Mikakos in her answer to the supplementary question suggested that there was some difficulty in her responding because the then opposition was putting together the Community Action Network and the pool and that there was a merging of those two entities. I think the supplementary question was explicit enough in seeking information on the Community Action Network and that it actually did make a distinction between it and the pool arrangements. For that reason I am quite prepared to reinstate that supplementary question in terms of receiving a written response.

The question put to Mr Jennings by Ms Wooldridge troubles me more inasmuch as it was a very broad-ranging question and really went to requesting information from the minister that he could not possibly have — not just at his fingertips but even a reasonable understanding of or an ability to determine, particularly in regard to the substantive question. However, I am prepared to seek a written response from the minister in respect of both the substantive and supplementary questions to give the minister a chance to reflect on whether or not there is a possibility of him providing further information that might be useful to the house or to the member posing the question. In making that request I recognise that this matter was fairly broad-ranging, and provide a two-day opportunity for Minister Jennings, because if it is possible to complete this answer, then it will involve consultation with, no doubt, a number of people, not simply one other person. From that point of view I certainly place it under two days, and I seek that from the minister.

Mrs Peulich — On a point of order, President, just as further clarification in relation to the dates as to when members may request information from, given that the government was elected in the 2014–15 year, does your determination and advice mean that we can ask for information which the minister would obtain from the department that pertains to periods before they have taken office because that information may not have been available or perhaps may not have been publicly released?

The PRESIDENT — Order! It comes down to what the minister's responsibilities are and when the minister assumed those responsibilities. In regard to matters that would pass a public interest test that related to a member's behaviour, that might well be different and you might well have a retrospective aspect to a question that may be allowable in those circumstances. But in terms of their responsibilities as a minister, and it was in that context that these questions were posed, then, from my point of view, they can only be posed from the time the minister actually assumed those responsibilities.

Ms Mikakos — On a point of order, President, reflecting on what you have just said in your ruling — and thank you for your ruling, President — you referred to matters that are the responsibility of ministers. I would put to you that matters relating to electorate office staff are not in fact matters in our capacity as ministers.

The PRESIDENT — Order! There are two things with that. The first thing is it is too late because we had the precedent established earlier this week and these questions have been asked, and therefore, as I have indicated, that opens it up. But I think also there is sufficient precedent in terms of previous matters that have come before this house. My mind turns to the Honourable Justin Madden, a former minister in this place, and circumstances related to the employment of a person within his electorate office where clearly questions were allowed and were responded to.

A minister's responsibilities do cover, to a fair margin, electorate office activities as well. In my role as

President I have staff here within the Parliament, but there are some of my duties in my capacity as President that are supported by electorate office staff. I have no doubt that some of that situation also applies to electorate office staff for ministers. I think there is a precedent in respect of that. However, I thank the member for bringing that to my attention.

FIREARMS AMENDMENT (TRAFFICKING AND OTHER MEASURES) 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 Firearms Amendment (Trafficking and Other Measures) Bill 2015.

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

Overview

The purpose of the bill is to amend the Firearms Act 1996 (the Firearms Act) to:

a. redefine evidence of possession in section 145, clarifying that a person who occupies, or is in care of, control or management of premises, or is in charge of vehicle where the firearm is located is deemed to be in possession of that firearm;

b. lower the threshold number of trafficable quantities of unregistered firearms from 10 to 3;

c. create a new offence for the unlawful manufacture of firearms; and

d. create a new offence for theft of a firearm in the Crimes Act 1958.

Human rights issues

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

Section 25(1) — A person charged with a criminal offence has the right to be presumed innocent until proven guilty.

Deeming provision

Clause 8 of the bill will amend the Firearms Act to provide that a person is deemed to be in possession of a firearm if that firearm is found on premises which is occupied, in the care of or under the control or management of the person, or in a vehicle of which the person is in charge.

Currently, section 145 provides that a person is taken to be in possession of a firearm if that person occupies any land or premises on or in which any firearm is found, in the absence of any evidence to the contrary.

To the extent that it may limit the right to be presumed innocent under section 25(1) of the charter, in my view clause 8 is reasonable and justified. The clause places an evidential burden on the accused to provide that they did not know, or could not reasonably be expected to know that the firearm was on the premises or in the vehicle. The prosecution will still retain the legal burden of establishing, beyond all reasonable doubt, the elements of the offence that has been committed. Additionally, the evidential burden will revert back to the prosecution, once the accused adduces information or evidence as to their knowledge of the location of the firearm.

The evidential onus (which currently exists in section 145) is associated with the statutory regime which regulates firearms and the individuals who lawfully possess and use firearms. The individuals who choose to be subjected to such regulation, through their ownership and use of firearms, do so with an awareness of complying with specific requirements.

The general approach that has been taken by courts in other jurisdictions is that the placement of an evidential onus on the defendant does not limit the presumption of innocence. However, even if such provisions were to be interpreted as limiting the right to be presumed innocent under section 25(1) of the charter, the limitation is reasonable and justified under section 7(2), as the exceptions provided relate to matters that can only exist within the knowledge of the defendant.

For the reasons given in this statement, I consider that the bill is compatible with the charter and, while it raises a human rights issue, it does not unreasonably limit human rights.

The Hon. Steven 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:

The focus of serious and organised crime groups in Victoria has expanded from illicit drugs to also include illicit firearms activity. The presence of illicit firearms in the community presents a threat to community safety, given the fear in the broader community about violent situations occurring in

public places and the risk of potential victims. The Victorian government is committed to ensuring that Victoria Police are appropriately equipped with the necessary powers in order to stem the flow of illegitimate firearms and prosecute those individuals responsible for engaging in unlawful activities involving firearms.

The bill will make amendments to the Firearms Act 1996 (the Firearms Act) which are aimed at strengthening Victoria Police's ability to be able to effectively combat serious and organised firearm-related crime and the illegal firearm market. The bill will also make an amendment to the Crimes Act 1958 (the Crimes Act) to assist police in their efforts to tackle illicit firearm activity.

The bill makes an amendment to the definition of 'evidence of possession' under section 145 of the Firearms Act. The purpose of this amendment is primarily to target serious and organised crime groups who increasingly engage in the trafficking of black and grey market firearms, which are usually stolen and subsequently used to assist crime gangs in the commission of serious crimes.

The amendment to section 145 will remove the current definition of 'evidence of possession' and introduce a new 'deemed possession' provision by providing that evidence of possession will include a person 'occupying, or being in the care of, control or management of premises, or is in charge of a vehicle where the firearm is found'. As a result, the amendment will shift the focus away from a person's relationship with a firearm to that of a relationship between the person and the premises or vehicle where the firearm is located.

This is a necessary amendment to the Firearms Act, as Victoria Police hold serious ongoing concerns about the illegal use of firearms in the community. The deeming provision will assist Victoria Police in dealing with unregistered firearms, found largely in the possession of, or on premises of, serious organised crime groups, such as bikie groups. The provision will also help to alleviate frustration faced by Victoria Police when dealing with firearms they are locating on premises or in vehicles and where gang members deny any knowledge of the firearm if, in fact, a person does not have a firearm physically located on them. Typical scenarios for Victoria Police include firearms being transported in vehicles or where there are multiple persons in the same room. Persons involved in these scenarios commonly deny knowledge of the firearm being present and/or claim that it is not their firearm. Additionally, the reluctance of witnesses and associates to provide evidence is also hampering Victoria Police's efforts in facilitating a successful prosecution against a person involved in these situations.

The proposed amendment will place an evidential onus on the accused to provide that they did not know, and could not be reasonably expected to know, that the firearm was on the premises or in the vehicle, or that they believed on reasonable grounds that the firearm was in the possession of another person who was lawfully authorised under the Firearms Act to possess the firearm. The prosecution will still retain the legal onus of proving all of the elements of the offence to the criminal standard of beyond reasonable doubt. The exceptions provided for in the new provision relate to matters that are solely within the knowledge of the defendant.

The government is keen to reassure the community that the intention of the new deeming provision is not to inadvertently capture innocent parties, such as victims of family violence. Likewise, the provision is not intended to capture a driver of a public transport vehicle on which a firearm may be found, as the driver will not know or be reasonably expected to know that a firearm has been left within the vehicle. The overarching rationale for this amendment is to remove illegal firearms from the community as well as overcoming problems that are encountered by police dealing with, and investigating, serious and organised criminal activity, rather than targeting innocent persons, such as terrified victims in a family violence situation.

The bill will make amendments to the Firearms Act in order to strengthen firearms trafficking provisions, by amending section 7C of the act to lower the trafficable quantity of unregistered firearms that a person must possess for that possession to amount to trafficking, from the current amount of 10 unregistered firearms to 3 unregistered firearms. The bill will also amend section 101A of the act, in relation to the prohibition on the acquisition or disposal of trafficable quantities of firearms, to provide that a person, who is not the holder of a dealers licence, must not acquire or dispose of more than three unregistered firearms within a period of 12 months. The current limit of 10 unregistered firearms within a period of seven days can be too readily exploited by persons seeking to avoid the higher penalty attached to the trafficking offence by consistently acquiring and disposing of limited quantities of, say, 10 unregistered firearms on a weekly basis.

The amendments to trafficking provisions will bring Victoria into line with other jurisdictions that currently provide for similar thresholds and specified time periods. The amendments are necessary and appropriate, given that Victoria Police hold concerns about instances where unregistered firearms have been purchased and that the current trafficking offences are not considered to be adequate in order to deter traffickers and effect prosecutions.

The bill will also make amendments to the Firearms Act in respect of the unlawful manufacturing of firearms. Given that unlawful manufacturing of firearms is a serious crime which can lead to unregistered and unlawful firearms circulating in the community, particularly amongst serious and organised crime groups, the bill will increase the current penalties relating to such an offence and, more importantly, separate the offence of unlawful manufacture from the existing offence of carrying on a business of dealing in firearms without a licence. The increased penalties will range from 600 penalty units or five years imprisonment for the unauthorised manufacture of category A or B longarms and paintball markers, to 1200 penalty units or 10 years imprisonment for the unauthorised manufacture of category C, D or E longarms or handguns. The amendments will bring Victoria in line with other jurisdictions, providing for similar penalties and a specific offence for unlawful manufacture.

Finally, the bill will introduce a new theft of a firearm offence into the Crimes Act 1958. The new offence will carry a higher penalty than the offence of theft under section 74 of the Crimes Act, in recognition that the theft of firearms can increase the illegitimate flow of firearms in the community and lead to very serious criminal activity.

I commend the bill to the house.

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

Debate adjourned until Thursday, 10 September.

HEAVY VEHICLES LEGISLATION AMENDMENT BILL 2015

Introduction and first reading

Received from Assembly.

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

Statement of compatibility

For Ms PULFORD (Minister for Agriculture), 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 Heavy Vehicles Legislation Amendment Bill 2015.

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

Overview

This bill makes amendments to the Heavy Vehicle National Law Application Act 2013 in respect of evidence of mass. The bill also amends the Road Safety Act 1986 to further provide for the application of the Heavy Vehicle National Law (Victoria) to the fatigue management of drivers of light buses.

Human rights issues

Fatigue management of light buses

Clause 6 of the bill inserts new section 191BA into the Road Safety Act 1986 and ensures that drivers of light buses (that is, motor vehicles which seat more than 12 adults with a gross vehicle mass of 4.5 tonnes or less) are exempt (as drivers of heavy buses are) from fatigue management provisions of the Heavy Vehicle National Law (Victoria) when they are responding to an emergency or being used as rail replacement buses. This raises no human rights issues, but rather enables the state to better respond to an emergency or rail service interruption.

Rail replacement light buses and light buses responding to an emergency

Clause 5 of the bill applies enforcement powers under the Heavy Vehicle National Law (Victoria) to the enforcement of fatigue management provisions in relation to light buses. Since 2003 in Victoria all buses, regardless of weight, have been subject to fatigue management laws. The proposed amendments contained in this bill do not expand the range of vehicles subject to fatigue management laws but simply ensure that the Heavy Vehicle National Law (Victoria) applies to light buses for the purposes of the enforcement of fatigue management laws. No human rights issues are raised by these amendments.

Evidentiary provisions relating to the mass of a vehicle

(a) Evidence from portable weighing devices

Clause 4 of the bill amends the Heavy Vehicle National Law Application Act 2013 to provide that in a proceeding for an offence against the Heavy Vehicle National Law (Victoria) or the regulations made under that law, the mass carried on any axle of a heavy vehicle as determined by a prescribed device when tested, sealed and used in the prescribed manner is, after due allowance of the prescribed limits of error, proof, in the absence of evidence to the contrary, of the mass. These portable weighing devices, and the manner in which they are to be tested, sealed and used, are prescribed in part 5 of the Road Safety (General) Regulations 2009. The mass of a vehicle is relevant in determining whether it is overloaded in contravention of applicable legal limits.

This provision is modelled on section 82 of the Road Safety Act 1986 which is used to establish the mass of a motor vehicle under 4.5 tonnes.

Section 25(1) of the charter act provides that a person has the right to the presumption of innocence unless the prosecution proves that the person is guilty. The right protected under section 25 ensures that the burden of proof rests with the prosecution not an accused.

Clause 4 of the bill that inserts new section 36A into the Heavy Vehicle National Law Application Act 2013 is an evidentiary provision which sets out how evidence from a portable weighing device may be used to prove the mass of a vehicle. This type of provision greatly assists the efficiency of the criminal justice system by allowing what are usually non-controversial evidentiary matters to be presented in court without the need to personally call the expert who carried out the relevant test to be present in court to give the evidence.

This type of evidence is accepted in court in the absence of evidence to the contrary. This means that to challenge the information produced by the weighing device a defendant would be obliged to call evidence. Requiring a defendant to provide evidence runs contrary to the defendant's right to silence. This provision therefore places an evidential burden on the defendant. In a hearing, section 72 of the Criminal Procedure Act 2009 will apply. The defendant has the right to the presumption of innocence and is not required, in the usual course of the criminal justice process, to give evidence. The onus rests entirely upon the prosecution to prove the matter. As such, this kind of evidence engages the right to the presumption of innocence.

Evidence produced in this way, in accordance with the relevant clause, is presumed proof of a matter unless evidence to the contrary is raised. Providing evidence in this way is important for the criminal justice system and can be justified because:

the evidence relates to a matter that is generally non-contentious;

if the matter is contentious in the context of a particular proceeding, the evidence is not conclusive and the defence can lead evidence that is to the contrary;

the evidence is extracted from records maintained by the National Heavy Vehicle Regulator or road authority;

use of this kind of evidence streamlines the administration of justice and provides cost savings through not having to call a witness for issues that are not in dispute.

The availability of this kind of evidence through new section 36A(1) therefore engages but does not limit the right to the presumption of innocence.

(b) Proof of the mass of a vehicle when it contains passengers

Clause 4 of the bill also amends the Heavy Vehicle National Law Application Act 2013 to provide under new section 36A(2) that without prejudice to any other method of determining the mass of a heavy vehicle or of its load or of both, the mass of the load of any heavy vehicle carrying passengers may, for the purposes of the Heavy Vehicle National Law (Victoria) or the national regulations made under it, be calculated on the basis that the mass of 16 adult passengers is 1 tonne. This raises no human rights issues.

Reference to police officers

Clause 3 of the bill amends the Heavy Vehicle National Law Application Act 2013 to replace reference to 'member of the force' with 'police officer' to be consistent with the description used in the Victoria Police Act 2013. This raises no human rights issues.

Hon. Jaala Pulford, MLC
Minister for Agriculture
Minister for Regional Development

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr 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 Heavy Vehicles Legislation Amendment Bill 2015 makes a number of amendments to the Road Safety Act 1986 and the Heavy Vehicle National Law Application Act 2013 to ensure the continued effective operation of the Heavy Vehicle National Law in Victoria.

The need for effective laws to manage the use of heavy vehicles in Victoria is clear from the fact that in 2014–15 VicRoads Transport Safety Services intercepted and checked the compliance of 37 888 heavy vehicles. From these interceptions, 4142 vehicle defect notices were issued including 987 major defect notices and 70 of the vehicles were 'grounded' immediately. In 2014–15 VicRoads Transport Safety Services issued 547 infringement notices for offences against mass restrictions, 422 infringement notices for fatigue offences and 196 infringement notices for speed-related offences.

VicRoads regulatory services and the National Heavy Vehicle Regulator have established an open and collaborative working relationship that can be further assisted by ensuring that Victoria has effective laws to manage the use of heavy vehicles.

Fatigue management of light buses

The bill applies the fatigue management provisions of the Heavy Vehicle National Law (Victoria) to the fatigue management of light buses, in the same way that they apply to heavy buses.

A light bus is a motor vehicle which (together with any trailer attached to it) seats more than 12 adults (including the driver) with a gross vehicle mass of 4.5 tonnes or less.

The Road Safety Act 1986 currently applies various provisions of the Heavy Vehicle National Law (Victoria) to light buses. However, it does not include any reference to the fatigue-related provisions in the Heavy Vehicle National Law (Victoria) which deal with enforcement, sanctions and liability for offences. These provisions therefore do not currently apply to light buses.

The powers in the Heavy Vehicle National Law (Victoria) which will be able to be exercised by police members or authorised officers in relation to light buses are:

The power to give directions to a driver to take rest and to stop working if there has been a specified breach of fatigue laws.

The power to issue improvement notices in relation to fatigue breaches. Such a notice may be issued where the police member or authorised officer reasonably believes that a person has contravened or is contravening the Heavy Vehicle National Law (Victoria) in circumstances that make it likely that the contravention will continue or be repeated. The maximum penalty for failing to comply with such an infringement notice is $10 490. The Heavy Vehicle National Law (Victoria) also provides for the amendment, revocation and clearance of the infringement notice.

The power to give a formal warning instead of issuing an infringement or taking court proceedings.

The power to issue infringement notices in relation to offences against the Heavy Vehicle National Law (Victoria) which are prescribed in regulations made under that law.

Rail replacement light buses and light buses responding to an emergency

Under the Heavy Vehicle National Law Application Act 2013, rail replacement buses and buses responding to an emergency are exempt from the fatigue management work and rest hours and record-keeping requirements in the Heavy Vehicle National Law.

There is ambiguity in the current legislation about whether this exemption applies to light buses. It is therefore proposed

to extend to light buses the exemption from the fatigue management work and rest hours and record-keeping requirements in the Heavy Vehicle National Law (Victoria) that is currently enjoyed by rail replacement buses and buses responding to an emergency.

While light buses and heavy buses will be exempt from fatigue management requirements when responding to an emergency or when used in rail replacement circumstances, they will nevertheless remain subject to the general requirements of the Occupational Health and Safety Act 2004 and the Bus Safety Act 2009.

Evidentiary provisions relating to the mass of a vehicle

The bill amends the Heavy Vehicle National Law Application Act 2013 to facilitate the use of devices which weigh vehicles to determine whether they are overloaded in contravention of applicable legal limits.

The bill also amends the Heavy Vehicle National Law Application Act 2013 to provide that the mass of the load of any heavy vehicle carrying passengers may, for the purposes of the Heavy Vehicle National Law (Victoria) or the regulations made under it, be calculated on the basis that the mass of 16 adult passengers is 1 tonne.

These provisions are both necessary to establish the mass of a heavy vehicle, and are therefore essential to the successful carrying out of investigations and enforcement of breaches of mass limits.

The amendments contained in this bill will directly contribute to the safe management of heavy vehicles on Victorian roads.

I commend the bill to the house.

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

Debate adjourned until Thursday, 10 September.

NATIONAL ELECTRICITY (VICTORIA) AMENDMENT BILL 2015

Introduction and first reading

Received from Assembly.

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

Statement of compatibility

For Ms PULFORD (Minister for Agriculture), 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 National Electricity (Victoria) Amendment Bill 2015.

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

Overview

The bill confers a right on the Minister for Energy and Resources and consumer or user groups to intervene in any appeal against a decision or determination under the AMI order (which would include a determination of metering charges, also known as advanced metering infrastructure or AMI charges) without seeking leave from the Australian Competition Tribunal.

Human rights issues

Section 24 of the charter provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

Clause 4 of the bill provides that the minister or a person who represents a consumer or user group has a right to intervene in an appeal against decisions or determinations under the AMI order. These amendments are consistent with the right to a fair hearing.

The Hon. Jaala Pulford, MLC
Minister for Regional Development
Minister for Agriculture

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 National Electricity (Victoria) Amendment Bill 2015 will amend the National Electricity (Victoria) Act 2005 to strengthen oversight of the process for determining advanced metering infrastructure charges. The bill will grant the Minister for Energy and Resources, and consumer or user groups, an ability to intervene in any appeal against the Australian Energy Regulator's determination of advanced metering infrastructure charges, without having to seek leave from the Australian Competition Tribunal.

Advanced metering infrastructure, or AMI, charges allow electricity distributors to recover electricity metering services costs, including costs incurred in rolling out advanced metering infrastructure to small customers. The charges are subject to oversight by the Australian Energy Regulator (AER), the economic regulator for the electricity sector.

The AER has set a budget, to be met by electricity distributors in installing advanced metering infrastructure. Electricity distributors cannot recover through AMI charges costs which

are in excess of that budget, unless the AER determines that these excess costs are prudent and efficient.

Although the rollout of advanced metering infrastructure is substantially complete, and the budget period has ended, in 2016 electricity distributors may apply to the AER for a final assessment of costs incurred in the rollout of advanced metering infrastructure. At this time, the AER will make a final determination of the prudency and efficiency of costs incurred by distributors in the advanced metering infrastructure rollout and of related AMI charges. This determination will be subject to appeal to the Australian Competition Tribunal in accordance with the National Electricity (Victoria) Act 2005.

If an electricity distributor chooses not to accept the AER's assessment of the prudency and efficiency of the costs the distributor incurred in installing advanced metering infrastructure, and appeals the AER's determination, the interests of electricity consumers should be represented in that appeal proceeding.

The bill seeks to achieve this by providing the Minister for Energy and Resources, or a person representing a consumer or user group, with the right to intervene in such proceedings, so that matters relevant to the appeal and consumer interests may be heard by the tribunal.

I commend the bill to the house.

Debate adjourned for Mr DRUM (Northern Victoria) on motion of Mr Ondarchie.

Debate adjourned until Thursday, 10 September.

RACING 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 Racing Amendment Bill 2015.

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

Overview

The main objectives of the Racing Amendment Bill 2015 are to amend the Racing Act 1958 (act) to:

i. modernise governance arrangements for Harness Racing Victoria (HRV);

ii. provide for the establishment of a Harness Racing Advisory Council (HRAC);

iii. provide the minister with the power to appoint an administrator to HRV;

iv. add Racing Analytical Services Limited (RASL) as a body to which the racing integrity commissioner (RIC) may disclose integrity-related information, and formalise within the act all other such disclosure bodies.

Finally, the bill provides for other minor and technical amendments to the act.

Human rights issues

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

Privacy

'Section 13 Privacy and reputation

A person has the right —

(1) not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and

(2) not to have his or her reputation unlawfully attacked'.

Are the relevant charter rights actually limited by the bill?

The bill amends section 37E of the act to give the RIC the power to disclose integrity-related information to RASL. This power involves the disclosure of information that may include personal information.

The bill also specifies additional bodies, previously specified in ministerial orders published in the *Government Gazette*, to which the RIC may disclose integrity-related information, consolidating all disclosure bodies within the act.

This provision engages but does not limit section 13 of the charter.

The bill does not change the definition of integrity-related information or the type of information that can be shared, but consolidates and expands the bodies with which the information can be shared.

Racing Analytical Services Limited

RASL is a not-for-profit organisation that provides drug testing services to the Victorian racing industry and is listed as an official racing laboratory within Racing Victoria's rules of racing.

Official racing laboratories play an integral role in the administration of racing. The rules empower the stewards to

collect and test samples from any racing animals and provide that all such samples must be analysed by an official racing laboratory. In the absence of a test from an official racing laboratory, breaches involving prohibited substances cannot be established.

The RIC has legislated functions to undertake integrity audits of racing controlling bodies and wishes to disclose integrity-related information to RASL as part of these audits. Where integrity-related information shared with RASL contains personal information, this information will be subject to RASL's privacy policy which sets out its privacy safeguards for the protection of personal information in accordance with the Privacy Act 1988 (cth) and the Australian Privacy Principles.

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

While this provision engages the right to privacy, it does so in a manner that is neither arbitrary nor unlawful. The interference is not arbitrary because in performing his functions to disclose information, the RIC is subject to the Privacy and Data Protection Act 2014. Furthermore, the RIC decides in each particular case what information should be disclosed and to whom.

Section 37E of the act provides that, as appropriate, the RIC may disclose information to specified bodies or persons. This function is necessary in instances where information is forthcoming that relates to alleged breaches of the rules of racing, the potential commission of criminal offences, or other general matters concerning possible breaches of integrity in the racing industry. It is essential to any subsequent investigation that 'integrity-related information' is disclosed to enable a full and proper investigation by the appropriate agency.

The exercise of this function will serve to strengthen the public perception that the utmost is being done to ensure the integrity of the industry is upheld and to protect all its participants.

The RIC is accountable for the manner in which he exercises the functions of office, including the disclosure of information. Pursuant to section 37F, the RIC delivers to the minister an annual report on the performance of his functions or the exercise of his powers, and integrity-related issues where he determines that to do so is in the public interest, which is tabled in Parliament.

Guidance re use of jurisprudence and previous SOC practice

Previous statements of compatibility with relevance to the disclosure provisions of the act include the Racing Legislation Amendment (Racing Integrity Assurance) Bill 2009 (which established the position of racing integrity commissioner) and the Racing Legislation Amendment Bill 2012 (which expanded the number of bodies to which the RIC may disclose integrity-related information). These statements noted that the provisions engage but do not limit section 13 of the charter, as set out above.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because, to the extent that the provisions of the bill engage human rights, those provisions do not limit any human rights.

The Hon. Steve Herbert, MP
Minister for Training
Minister for 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.

I alert the house to the fact that clause 8 of the bill has been amended in the Assembly to the effect of making a minor change to the composition of the Harness Racing Advisory Council provisions.

Incorporated speech as follows:

The Racing Amendment Bill 2015 makes several necessary reforms to the Racing Act 1958 (the 'act'), including implementation of key government recommendations from the report into the audit of Harness Racing Victoria.

Firstly, the bill modernises governance arrangements for Harness Racing Victoria by amending the board appointment provisions to allow for the appointment of board members with skills beyond the current requirements of business, marketing or industry experience.

Secondly, the bill provides for the establishment of a Harness Racing Advisory Council, a formal consultative forum through which the board can receive advice from industry representatives with expertise on a broad range of harness racing matters.

Thirdly, the bill amends the act to allow for the appointment of an administrator to manage the harness racing industry in circumstances where the board has failed to competently manage the industry or where it is otherwise in the public interest.

The bill also strengthens integrity assurance in the Victorian racing industry by adding Racing Analytical Services Limited as a body to which the racing integrity commissioner can disclose integrity-related information, and formalises within legislation the disclosure arrangements for a number of other bodies.

Finally, the bill provides for other minor and technical amendments to the act.

Modernising governance arrangements for Harness Racing Victoria

Harness racing contributes more than $421 million annually to the Victorian economy and is responsible for generating $226 million per annum of household income. The industry also supports nearly 4000 jobs and has more than 25 000 active participants.

Apart from its economic benefits, the industry also makes a significant contribution to the social fabric of Victoria, particularly in rural areas. It delivers community and social benefits including leisure and entertainment options, community building through its support of local charities and contributes to the health and wellbeing of individuals employed or participating in the industry and their families.

Harness Racing Victoria engages in the competitive wagering and entertainment markets, contending not just with the other two racing codes, but against other sports and entertainment products. Given its responsibility for an organisation operating in these tough sectors, the board of Harness Racing Victoria requires more than just the business, marketing or industry experience skills dictated by the current legislation. It also needs individuals with capabilities and expertise in areas such as law, media (including new media) and technology to ensure that the board has the appropriate skill mix to succeed in this environment.

The government made a commitment to commission a full audit of Harness Racing Victoria to identify improvements that could be implemented by Harness Racing Victoria or government to ensure a strong harness racing industry in Victoria.

The audit of Harness Racing Victoria was conducted by Mr Dale Monteith, former chief executive officer of the Victoria Racing Club and a respected racing administrator. The audit report notes that as a statutory body, Harness Racing Victoria faces a number of challenges on the governance front, most notably legislated requirements for membership to the board that do not reflect modern governance practices at best and could, at worst, hamper the ability of the board to effectively compete in its markets.

This bill modernises the appointment process for the board, replacing the requirement for members to have specific experience in business or marketing or the harness racing industry. Instead, a new provision will provide the minister with the flexibility to recommend a board appointment to the Governor in Council if the individual has the skills, experience and knowledge necessary at the time to assist the board in carrying out its functions.

The bill will also implement the recommendation that the size of the board should be flexible with at least five but not more than seven members. This means that the minister will have the ability to complement the core skills of the board with expertise in specific disciplines that may be required at the time.

As and when it is necessary to appoint new board members, these amendments will allow the minister to appropriately take into account the size of the board and the skills and experience of its members, both individually and collectively, when determining these appointments.

Providing for the establishment of a Harness Racing Advisory Council

The bill also amends the act to replace the requirement for the board to establish consultation procedures with a requirement that it establish a Harness Racing Advisory Council.

A recurring theme of the audit was the view, within the industry, that the current board and executive of Harness Racing Victoria have failed to effectively communicate and engage with its industry stakeholders and partners. The audit report noted that this failure has led to a fractured and polarised industry.

To address the concerns of the industry, the audit report recommended the establishment of a Harness Racing Advisory Council to provide the board with direct access to industry representatives with the expertise to provide advice to the board on a broad range of racing-related matters. The Harness Racing Advisory Council will play an important role given that the requirement for board members to have industry experience will be removed.

In accordance with the audit recommendation, membership of the Harness Racing Advisory Council is to be approved by the minister and will include at least two members of the Harness Racing Victoria board, one of whom will be appointed Harness Racing Advisory Council chairperson. Its membership will also include a minimum of three nominees of organisations or persons who are representatives of the Victorian harness racing industry, and up to two persons who have experience or interest in that industry.

Harness Racing Advisory Council members will be appointed by the board, with the appointments for the period and subject to the terms and conditions specified in the instrument of appointment. It will be the responsibility of the board to determine the payment of any travelling and other allowances to which a member of the Harness Racing Advisory Council may be entitled.

The board will be required to report on the details of all its consultations and any decisions made as a result of these consultations, including its consultations through the Harness Racing Advisory Council, through its annual reporting process.

Providing the minister with the power to appoint an administrator of Harness Racing Victoria

The bill also addresses a deficiency in that the act does not provide for the appointment of an administrator to manage the industry in place of the board. The necessity of such a provision is clear, allowing the minister to deal with a situation in which a new board is required to be appointed urgently, such as the board resigns en masse or it is clear that the board has failed to effectively manage the industry, and where there may not be new board members identified and ready for appointment.

The bill provides a process for the minister to recommend the appointment of an administrator to manage the harness racing industry in place of the Harness Racing Victoria board where, in the minister's opinion, the board has failed to efficiently or competently manage the industry or the appointment is otherwise in the public interest.

Strengthening integrity assurance

In order for the racing integrity commissioner to effectively carry out his duties, access to reliable information is paramount, as is his capacity to share that information with appropriate agencies. The act specifies a number of agencies to which the racing integrity commissioner may disclose integrity-related information, as well as defining integrity-related information.

Whilst a number of agencies were included as part of the establishment of the Office of the Racing Integrity Commissioner, it was always intended that the racing

integrity commissioner should advise government if he believed that additional bodies should be specified in order to assist him in his work.

Since 2012, on the advice of the racing integrity commissioner a number of additional bodies have been specified, via ministerial orders published in the *Government Gazette*, to which the racing integrity commissioner may disclose integrity-related information.

The racing integrity commissioner has requested that the government include Racing Analytical Services Limited as a body to which integrity-related information may be disclosed.

Racing Analytical Services Limited is a not-for-profit organisation that provides drug testing services to the Victorian racing industry and is listed as an official racing laboratory within Racing Victoria's rules of racing.

Official racing laboratories play an integral role in the administration of racing. The rules empower the stewards to collect and test samples from any racing animals and provide that all such samples must be analysed by an official racing laboratory. In the absence of a test from an official racing laboratory, breaches involving prohibited substances cannot be established.

The RIC has legislated functions to undertake integrity audits of racing controlling bodies and wishes to disclose integrity-related information to Racing Analytical Services Limited as part of these audits.

This bill further supports the important work of the racing integrity commissioner by allowing him to share information with Racing Analytical Services Limited and improves transparency by consolidating in a single place all the bodies to which the racing integrity commissioner may disclose integrity-related information.

Minor and technical amendments

Finally, the bill provides for a number of minor and technical amendments to the act.

The definition of 'General Post Office Melbourne' has been repealed and references to this location have been replaced with 'north-east corner of Bourke and Elizabeth Streets, Melbourne'.

Section 84 contains definitions in relation to part IV of the act. The definition for racecourse in this section is missing a word and the bill inserts the word 'in' after the word 'has' to correct a grammatical error in the definition.

The bill also inserts a new part VIII into the act to provide transitional provisions for the board of Harness Racing Victoria on and from the commencement of the bill.

Mr President, the initiatives in this bill will help to ensure that there continues to be a strong and vibrant harness racing industry in this state.

I commend the bill to the house.

Debate adjourned for Mr DRUM (Northern Victoria) on motion of Mr Ondarchie.

Debate adjourned until Thursday, 10 September.

ADJOURNMENT

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

That the house do now adjourn.

Ocean access boat ramps

Mr BOURMAN (Eastern Victoria) — I have been told that the boat ramp at Mallacoota has been a raging success and has boosted tourism figures. I went down to the ramp earlier this year for the official opening and saw what a great job had been done. I have been advised that somewhere such as the Ninety Mile Beach could also be a suitable venue for an ocean access all-weather boat ramp.

Regardless of the location, these boat ramps allow more people to go fishing, which assists the local economy. Fishing is a sport enjoyed by more than 700 000 people — maybe more right now — and injects a large amount of discretionary income into the economy. Open ocean access all-weather boat ramps allow more fishers to get out more often, and I call on the government, as part of its Target One Million policy, to fund more ramps of this nature.

Ms Mikakos — On a point of order, President, I may have missed it because there has been a lot of noise in the chamber, but I ask Mr Bourman to indicate which minister he was directing his matter to.

Mr BOURMAN — That is a mighty fine question — the minister for fishing. That would be the Minister for Agriculture.

Greater Shepparton airfreight port

Ms LOVELL (Northern Victoria) — My adjournment matter is for the Treasurer, and it is in relation to the opportunity to establish an inland airfreight port in Greater Shepparton. My request is that the Treasurer work with the City of Greater Shepparton and the Committee for Greater Shepparton by providing the support and funding necessary to conduct a feasibility study into the establishment of an inland air freight port in Greater Shepparton.

During a business round table I hosted last week concerns were raised about the lack of proceeds from the port of Melbourne sale coming back into regional Victoria, or more specifically the Goulburn Valley. Considering that at least 25 per cent of Victoria's export produce comes from the Goulburn Valley, our region has rightly identified that it should be the recipient of a fair share of the proceeds of the lease. So far the

Andrews government has not made any statements about our region benefiting from the proceeds of the lease.

In early August the government made an announcement that a paltry $200 million — around 3 per cent of the expected $7 billion in proceeds — would be allocated to an Agriculture Industry and Jobs Fund. It very quickly followed up that release with four more releases outlining the areas that would benefit from that fund, those being Geelong; south-western Victoria; central Victoria, or more specifically Macedon; and western Victoria, or more specifically the Buninyong electorate.

I note that there were no releases detailing information about many areas in my electorate, including the Goulburn and Murray valleys and the north-east and north-west of Victoria, which may indicate that Labor does not expect these areas to benefit from the fund. The Geelong release specifically outlines that the fund will be used to upgrade the Geelong Road to accommodate heavier vehicles. This will not leave much to be allocated to Macedon, Buninyong or the south-west of Victoria, let alone the Goulburn and Murray valleys, the north-east or the north-west of Victoria.

As I said earlier, at least 25 per cent of Victoria's export produce comes from the Goulburn Valley, and our area should benefit from the lease proceeds. One idea that has been floated is the potential to establish an inland port in the Goulburn Valley. This would allow the airfreight of produce directly into Asia and would be particularly beneficial to our fresh produce exporters. An inland airfreight port would not be in direct competition with the existing shipping container ports, and the Goulburn Valley would be an ideal location for an inland port, given its high levels of fresh food production and exports.

The City of Greater Shepparton is currently conducting a feasibility study into relocating and expanding the Shepparton aerodrome, so the timing is ideal to combine this with the opportunity to explore the feasibility of establishing an inland port. Whilst it is likely that private sector funding will be necessary in the establishment of any new port in Victoria, exploring this opportunity now also presents the opportunity that if any government contribution is needed, it could be provided through the funds realised from the lease of the port of Melbourne. Both the City of Greater Shepparton and the Committee for Greater Shepparton were present at the business round table, and both were enthusiastic for government to back this proposal.

My request of the Treasurer is that the Treasurer work with the City of Greater Shepparton and the Committee for Greater Shepparton to provide the support and funding necessary to conduct a feasibility study into the establishment of an inland airfreight port in Greater Shepparton.

Men's sheds

Ms SHING (Eastern Victoria) — I rise this evening to make a request of the Minister for Families and Children. As a member for Eastern Victoria Region, I have seen the great benefit conferred upon people in communities right throughout Gippsland via programs such as men's sheds and other initiatives that enable people to come together in a warm, welcoming, friendly and non-judgemental environment. Particularly for people who have finished full-time paid work or transitioned to retirement, initiatives such as the men's shed really provide a counterpoint to what is often a very isolating and difficult time when one's network of support and health care associated with employment and everyday contacts is reduced or diminished, often to the point where a circle of friends and associates can all of a sudden become very small.

To that end, I note the excellent work that men's sheds throughout the region provide. I note the way they facilitate the coming together of community and enable people to learn new skills and have a laugh at the same time. They are often an antidote to the vulnerability we sometimes see in people in regional communities like Gippsland. It is important to make sure that we take active steps through wellbeing initiatives to address loneliness, isolation and health concerns.

I seek a response from the minister around commitments to ensure that there can be increased social engagement in regional Victoria for groups such as men's sheds and that this funding support and engagement will continue, with a timetable for the way service provision and assistance can be provided from now into the future to make sure that the important work of community programs such as men's sheds is accommodated.

Maryborough Airport

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My matter this evening is for the attention of the Minister for Regional Development. It arises from representations I have received from businesses based in Maryborough seeking the upgrade of the Maryborough Airport, specifically in relation to the installation and development of a GPS approach to allow all-weather, or near all-weather, operations into

and out of Maryborough, an area which is particularly subject to weather restrictions through the winter months.

In particular I have received representations from the proprietors of an accounting business based in Maryborough. They frequently fly in and out of Maryborough Airport to other business locations in Melbourne and around the state, and they highlight the need for that facility to be available in most weather conditions, which is currently not possible given the lack of a GPS approach. As part of these representations it has been brought to my attention that the Premier has been a regular user of Maryborough Airport in recent months, having flown in and out of that facility to make various announcements on behalf of the government. So the Premier obviously appreciates the value of having that facility, and being able to use it in inclement weather would greatly improve the utility of that airport in central Victoria.

The previous government had the Regional Aviation Fund, which contributed around $20 million to what I think were 23 separate regional airports across the state and included support for the installation of infrastructure such as the GPS approach which is now sought for Maryborough.

The current government has advised that that program has been cancelled, and funding is no longer available under that program; however, other programs within the responsibility of the Minister for Regional Development can support that type of infrastructure. I therefore ask the Minister for Regional Development to give consideration to provision of funding for the GPS approach at Maryborough. This is a piece of infrastructure with a cost in the vicinity of $200 000. These pieces of infrastructure were funded regularly by the previous government throughout regional Victoria. There is a need for it, as clearly articulated by those businesses in Maryborough, and I ask that the Minister for Regional Development, who now has responsibility for the remaining funding stream which can provide support for that infrastructure, take those concerns on board and ensure that that funding is provided to allow Maryborough Airport to operate year round in inclement weather.

Homesafe

Mr EIDEH (Western Metropolitan) — My adjournment matter today is for the Minister for Police, the Honourable Wade Noonan. I am sure that we in this house were all very proud of the recent announcement that Melbourne had been named for the fifth consecutive year the world's most livable city. With Melbourne being the most livable city and many of us therefore entering the city to enjoy the atmosphere on weekends, we need a 24-hour public transport system that can get Victorians home safely. It is the Labor government that has made this happen. The former government always opposed Homesafe; it did not believe public transport should operate for 24 hours on weekends, but we do.

From New Year's Eve this year the government will make it easier for residents across Victoria by trialling 24-hour public transport on Fridays and Saturdays. During the trial Metro trains will depart from Flinders Street station every 60 minutes, and trams will operate every 30 minutes, providing services to St Kilda, Coburg, Bundoora, Port Melbourne, Carnegie, Box Hill, Vermont South and Brunswick as well as within the CBD. A revamped and improved night bus network will include 20 routes, and V/Line coaches will depart from Southern Cross station around 2.00 a.m. bound for Bendigo, Ballarat, Traralgon and Geelong to ensure that Melbourne's regional residents can also have access to public transport around the clock.

Along with the government's commitment to 24-hour public transport, it is also committed to getting people home safely, which is why an increased presence of protective services officers will be pivotal in the 24-hour trial. I ask the minister: how many additional protective services officers and transit police will be made available during the trial of 24-hour public transport on weekends?

Glenroy level crossing

Mr ONDARCHIE (Northern Metropolitan) — My adjournment matter tonight is for the Minister for Public Transport, Jacinta Allan. It concerns the railway crossing grade separation in Glenroy in my electorate of Northern Metropolitan Region. On 13 March 2013 there was a protest held out at the Glenroy railway station, led by then mayor Oscar Yildiz from Moreland and backed by then opposition state Labor MPs Frank McGuire and Fiona Richardson, the members for Broadmeadows and Northcote respectively in the Assembly. About 60 people rallied at the Glenroy railway station, calling on the then state government to fund a grade separation. The congestion caused by this railway crossing, on Glenroy Road near the intersection with Pascoe Vale Road, has angered traders, residents and commuters for years and years. I know Mr Finn knows all about this.

Ms Richardson, who was the then Shadow Minister for Public Transport, called for a bipartisan approach to fix metropolitan Melbourne's 172 railway crossings. One

angry protester at the protest that morning in March 2013 wanted to know why Labor had not fixed the crossing while it was in government. Ms Richardson admitted successive governments had failed to act on those railway crossings.

I understand from the Level Crossing Removal Authority that the Glenroy grade separation is not on its priority schedule. Given that this railway crossing has the support of the members for Broadmeadows and Northcote, I would like the minister to advise me when the Glenroy railway crossing grade separation will be completed.

Port of Melbourne

Ms HARTLAND (Western Metropolitan) — My adjournment matter is for the Minister for Ports. For many years the people of Yarraville, Seddon and Footscray have put up with pollution, noise and road safety risks as a result of thousands of massive container trucks destined for the port rumbling down our local streets. After much time and much heartache I was deeply concerned to find out recently that the port rail shuttle and inland port project, which would see some 3500 trucks removed from our streets for just $58 million in rail investment from the government, made very little progress under the Napthine government. I was also gravely concerned when I found out that this year, instead of launching the expression of interest process as planned, the Andrews government has put the port rail shuttle project, which is already budgeted for, on hold indefinitely.

The concept for the port rail shuttle was first developed in 2007. It is rather extraordinary that it has taken eight years to get to the point of expressions of interest, and frankly it is quite shocking that after countless reports and freight plans endorsing the concept it could possibly be dumped.

The previous Labor government's own report *Shaping Melbourne's Freight Future* talked at length about the need for and the benefits of such a project. These included that it could reduce the distance travelled by trucks by up to 35 per cent, reduce diesel use and carbon emissions by up to 17 per cent, reduce transport costs by approximately 10 per cent, increase the port capacity and throughput and reduce the average number of trucks entering and exiting the port each day by up to 48 per cent.

These figures represent big environmental gains and economic benefits that would have huge health and amenity benefits for my community. It is an absolute outrage that the Labor government is willing to consider making motorists and governments pay $5.5 billion for the proposed western distributor when there is a far more affordable and effective solution available. The port rail shuttle could be built more quickly and would be more effective at reducing congestion, as it actually removes trucks from roads. Coupled with the West Gate distributor project and container truck bans on local streets it would provide a meaningful long-term solution at a fraction of the price.

Our local community and the people of Victoria deserve far better than this. I ask the minister to request that the government explain its economic, social and environmental justification for putting the port rail shuttle project on indefinite hold, and I call on the government to proceed with the port rail shuttle expression of interest process and the project as a matter of urgency.

Carranballac P–9 College

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Education, and it concerns Carranballac P–9 College in Point Cook. I draw to the minister's attention the fact that Carranballac P–9 College has lost approximately $500 000 in funding due to its reclassification as being in a higher socio-economic area. It is quite extraordinary because, as one constituent has pointed out to me, just because you are a CEO of a home business does not mean that you earn $250 000 a year, despite what the Department of Education and Training may think.

At about 45 per cent the student turnover rate at Carranballac is one of the highest in the state, and that is probably because of the high number of defence force families with children attending the school. Perhaps it is also due to the high number of rental properties in the area. That in itself creates issues with support staff. At the Boardwalk School campus grades 3 and 4 classes have between 30 and 35 students, which to my understanding and to anybody's understanding is above the state average and above what we are aiming for.

The funding of aides has been cut at the college by about 25 per cent. Only 25 per cent of parents pay the voluntary contribution fee, which is one of the lowest percentages in the city of Wyndham. Only about the same number of parents turn up for parent-teacher interviews. All in all Carranballac P–9 College is in need of a rethink by the government. It is in need of the restoration of the funding that has been taken from it.

I ask the minister to review this classification to take into consideration the matters I have raised here tonight, particularly with a view to some of the problems that Point Cook has faced over the last six, seven or eight years due to a lack of proper planning by the previous Labor government. I ask the minister to endeavour to right a few wrongs here with regard to Carranballac College in Point Cook, to review the classification that has been given and to restore the funding so that Carranballac College is capable of providing — and does provide — the sort of education that our young people in Point Cook need and deserve.

Bart Cummings

Mr LEANE (Eastern Metropolitan) — My adjournment matter tonight is directed to the Minister for Racing, Martin Pakula, who is also the Attorney-General. I start by noting the recent passing of Bart Cummings, who was a giant in the sport of racing and a giant in Australian sport.

Mr Cummings trained 12 horses to Melbourne Cup wins — and as we know Victorians are obsessed with the Melbourne Cup — but he also trained winners in just about every other race that the racing industry in Victoria and interstate has to offer. To mark a true great of this sport of racing, I ask the minister if he could have discussions with the racing industry around what would be a fitting permanent tribute to such a wonderful trainer in this industry.

Multicultural affairs grants

Mrs PEULICH (South Eastern Metropolitan) — The matter I wish to raise is for the Minister for Multicultural Affairs, the Honourable Robin Scott, and it is in relation to money that has been set aside for strengthening social cohesion and resilience. This was a government commitment of $25 million over four years.

I note that the government was not very quick out of the blocks. It has finally established a social cohesion and community resilience advisory group, although not all of the names of its members have been released. Apparently an announcement was imminent some time ago, in July, but I still am not aware of who all of the members of that group are. There is also a task force of ministers. In addition to that, $4 million has been set aside for a Social Cohesion and Multicultural Research Institute, so there still remains quite a lot of money in the kitty.

My concern is that many of these investments are for the medium and long term and not really for the short term. The importance of this issue was recognised recently in evidence to the Legal and Social Issues Standing Committee by Mr Eccles, the Secretary of the Department of Premier and Cabinet, who mentioned that the Council of Australian Governments had the issues of counterterrorism and countering violent extremism on its national agenda. Victorians have been playing a key role, but my concern is that no money has been set aside for short-term measures.

While this advisory group may inform government decisions, there are lots of opportunities to make a difference in the short term. One of those is the work that is being undertaken by the Online Hate Prevention Institute. Recently in a meeting with Dr Andre Oboler I became aware of some very interesting programs that involve the training up of young people to recognise and remove online hate material and other measures that I think many people would welcome — the reason being that we are fully aware of how vulnerable young people are to being recruited by radical causes.

The minister would be well advised to spend some of that money in the short term to make a difference through some of these short-term measures while we are looking at medium and long-term measures for improving social cohesion and community resilience. I urge the minister to have his department enter into discussions with Dr Andre Oboler to see what programs are available. These initiatives actually come from the grassroots. They may as well run with them, and I am sure that many people would applaud such a move.

Gippsland regional aquatic centre

Ms BATH (Eastern Victoria) — My adjournment matter this evening is directed to the Minister for Regional Development, the Honourable Jaala Pulford, and it concerns the possible development of a regional aquatic centre in Traralgon. My colleague the member for Morwell in the lower house, the Honourable Russell Northe, has this week tabled a petition with 3575 signatures calling for the Andrews Labor government to help fund a new aquatic centre in Traralgon. The funding of the pool as an issue has been going on for some time. Traralgon has a population of 28 000 people and the town does not have an all-weather, multipurpose, warm pool like other regional centres do. The current 50-metre outdoor swimming pool was built in 1959. It is old and antiquated, and the toilets are terrible.

Mrs Peulich — In the prime of its youth.

Ms BATH — Exactly — once upon a time.

It is also only open for less than eight weeks of the year. The petition is signed by people from Traralgon and the wider Gippsland area, and it sends a clear message that the Traralgon community needs the state government's assistance to upgrade its pool complex.

The upgrading of the pool complex was an important issue for the Liberal-Nationals coalition, and we pledged $9 million towards it in a pre-election promise. The Latrobe City Council has a proposal for a Gippsland regional aquatic centre for about $30 million, and it needs the state government's support. The proposed aquatic centre in Traralgon would be beneficial for many of my constituents. Learning to swim is such a vital and important part of our life, considering that we are an island nation. The indoor aquatic centre could be used for fitness, hydrotherapy, learn to swim and other activities. There is a fantastic Traralgon Swimming Club, and it has to outsource where it swims. The new aquatic centre could generate employment for the area if we could attract swimming competitions to Traralgon.

There is strong support for the upgrading of the pool, and I ask the Minister for Regional Development to take note of the large number of people — 3575 — who have signed the pool petition and help allocate funds to establish a Gippsland regional aquatic centre in Traralgon.

St Peter's Primary School, East Bentleigh

Ms CROZIER (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Education, Minister Merlino. Recently I visited St Peter's Primary School in East Bentleigh with my colleague the shadow parliamentary secretary for autism spectrum disorder, where we visited the Holy Trinity Arrowsmith program. We were shown around the school and in particular this program by Catherine Green, the community liaison officer for the Holy Trinity Arrowsmith program. She then invited Mr Finn and me to a lunch where the founder of the program, Barbara Arrowsmith Young, addressed the audience. It was a very interesting lunch indeed. The Arrowsmith program has been in existence for 30 years. Barbara Arrowsmith Young herself suffered a learning disability, and since she created the program 30 years ago she has been treating the causes of many learning disabilities in children rather than simply managing the symptoms. The program is founded on neuroscience research. Through its exercises, it improves learning outcomes for students with cognitive impairment.

This program has been underway for only a few months at St Peter's Primary School. The pilot the school is undertaking is for three years, and the school is in desperate need of support for the pilot to continue for that period. The action I seek is that the minister provide ongoing funding for the completion of this very necessary pilot.

Western Highway

Ms DUNN (Eastern Metropolitan) — My adjournment matter is for the Minister for Roads and Road Safety. I refer to the ongoing efforts of community groups who are attempting to minimise the unnecessary destruction of native vegetation with the duplication of the Western Highway. The Ballarat to Beaufort section has been completed, the Beaufort to Ararat section is being built and the Ararat to Stawell section has planning approval. VicRoads has conceded that a gross breach of the native vegetation approvals has occurred in the project to date, with 885 large old trees being removed. That is over four times the 221 large old trees approved for removal in the environment effects process. In fact the 221 large old trees identified for destruction made up 70 per cent of the native vegetation approved for destruction in the entire state in 2010–11.

I note that these breaches may constitute unlawful action by VicRoads under Victorian and commonwealth environment protection laws. I note also that the local community group, the Western Highway Alternative Mindset, or WHAM, has called for an independent inquiry into what has happened and why. I note further that VicRoads has established additional consultation processes to discuss the next stage of the project. However, I am informed that the local community has no faith that the process will deliver the least native vegetation losses for the remaining sections of the project, given the magnitude of the errors now disclosed and VicRoads's unwillingness to take the community's suggestions seriously.

With this in mind, I request that the Minister for Roads and Road Safety immediately cease the letting of further contracts on this project and commit to a real, transparent and expert-led process of consultation to minimise further native vegetation losses in this project.

Responses

Ms MIKAKOS (Minister for Families and Children) — This evening I have received a number of adjournment matters for response: from Mr Bourman for the Minister for Agriculture, from Ms Lovell for the Treasurer, from Mr Rich-Phillips for the Minister for Regional Development, from Mr Eideh for the Minister

for Police, from Mr Ondarchie for the Minister for Public Transport, from Ms Hartland for the Minister for Ports, from Mr Finn for the Minister for Education, from Mr Leane for the Minister for Racing, from Mrs Peulich for the Minister for Multicultural Affairs, from Ms Bath for the Minister for Regional Development, from Ms Crozier for the Minister for Education and from Ms Dunn for the Minister for Roads and Road Safety. I propose to forward all those matters to the appropriate ministers for response.

In relation to the matter raised by Ms Shing for my attention, I thank the member for the issue she has raised in relation to men's sheds and I acknowledge that she has been a very strong and energetic supporter of the need for community engagement in eastern Victoria.

On 20 March I announced $750 000 to fund the establishment of new men's sheds across the state and I invited community groups and councils, including those in regional Victoria, to consider whether they had a need or a good idea for building a men's shed. I am pleased to say that the response to that call for applications has been very strong, and I anticipate being able to announce the successful recipients of that funding in the near future.

In regional communities there is a great need for places and activities that can bring men and women together to chat, to share their own stories and most importantly to get involved in their local community. I have been very pleased, as I have travelled across the state and visited a number of men's sheds, to see that they are attracting men of many ages right across the age spectrum — in fact up to 100 years of age, I believe. Therefore they have very, very strong support across the community.

The traditional men's shed has often included manual arts — things such as woodwork, metalwork and the like — as well as other activities to provide an opportunity for men to get together, to form friendships and sometimes even to get access to information about health issues, including mental health issues, and the like. It is really important to provide a vehicle for men to access information that they may otherwise not be able to or may choose not to access through more traditional forums.

The Andrews Labor government recognises that for older men and young men in our communities there is the potential for the men's shed platform to deliver some responses to significant issues such as loneliness, isolation, disengagement and marginalisation. Men's sheds have enjoyed strong bipartisan support since 2006, when Labor introduced funding for men's sheds in Victoria. In fact it was the first state government to fund men's sheds. I think we can take this idea of men's sheds and make it even better. It has been a hallmark of this government that it has had a desire to address disadvantage. I would like to see men's sheds form part of our government's response to how we make Victoria a fairer state and make sure that every bloke in our community feels that there is a place where they will be accepted.

I know Ms Shing will agree with me that men's sheds are an excellent platform for a whole range of male social engagement. I look forward to working with her and with all regional and metropolitan MPs to ensure that men's sheds continue to be an effective part of our response to tackling disadvantage, improving men's health, particularly in our regional communities, and perhaps even building the odd park bench, broom holder or piece of equipment for our local kindergartens.

I have a written response to an adjournment debate matter raised by Mrs Peulich on 4 August 2015.

The PRESIDENT — Order! The house stands adjourned.

House adjourned 7.00 p.m. until Tuesday, 15 September.

WRITTEN RESPONSES TO QUESTIONS WITHOUT NOTICE

Responses have been incorporated in the form supplied to Hansard.

Child protection

Question asked by: **Ms Crozier**
Directed to: **Minister for Families and Children**
Asked on: **01 September 2015**
RESPONSE:

The death of any child is a terrible tragedy and I express my heartfelt sympathy to all those who loved Nikki Francis-Coslovich and the entire Mildura community .

I am mindful of the caution that I should exercise under the *sub judice convention*, about speaking on current or pending court cases in Parliament, if it could prejudice cases.

I am just as mindful of the important public policy underpinning confidentiality provisions in legislation such as the *Privacy and Data Protection Act 2014* and the *Children, Youth and Families Act 2005* that applies to prevent public disclosure of personal information about individual families and children.

Having regard to these matters, as the Minister for Families & Children, I consider it inappropriate to make comment on this child and her family.

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As at the end of July 2015 94% of child protection cases in the Mallee area of the North Division of the Department of Health and Human Services were allocated to a caseworker .

Child protection aims to allocate all cases to a caseworker as quickly as possible. Where this is not possible, a team manager will oversee the case until allocation occurs.

Child protection

Question asked by: **Ms Crozier**
Directed to: **Minister for Families and Children**
Asked on: **01 September 2015**
RESPONSE:

I am advised that from 1 January to 26 August 2015, I have received notification of 519 category 1 child protection incidents. I am further advised that the same arrangements are currently in place in respect of category 1 child protection Ministerial notifications as existed prior to 29 November 2014.

In his report, ". ..*as a good parent would*. . ." the Commissioner for Children and Young People recommended that the Department of Health and Human Services improve data collection systems (recommendation 7). I have supported in principle all of the Commissioner's recommendations . I have asked my Department to overhaul the Client Incident Reporting system.

Health system performance

Question asked by: **Ms Hartland**
Directed to: **Special Minister of State**
Asked on: **01 September 2015**
RESPONSE:

This government has already commenced quarterly reporting of outpatient data by hospital and specialty, releasing the June 2015 quarter Specialist Clinic Activity and Wait Time report on 17 August. The intention is to release this report on a quarterly basis.

In recognition of the importance of this issue, the data was published in the form available to ensure that it could be made public as soon as possible; and may not have appeared as prominent on the website as you may have preferred.

Future quarterly releases will be reported in line with the standard waiting time format of both 50th (median) and 90th percentile waiting times. This is consistent with national and state waiting time measures for both elective surgery and emergency department treatment.

This approach represents best practice because, as noted by the Australian Bureau of Statistics, the mean average is not a good summary measure where a small number of cases fall at the extreme end of a distribution, which is the case for outpatient waiting times.

The 90th percentile waiting time — the time taken for 90 per cent of patients to receive a first appointment — is more effective than the average in highlighting long waits for outpatient appointments.

This government is committed to transparency and the Department of Health and Human Services is working with health services in a number of ways to improve the robustness of the data and accelerate the availability and release of accurate outpatient performance data.

7-Eleven myki sales

Question asked by: **Ms Patten**
Directed to: **Minister for Public Transport**
Asked on: **01 September 2015**
RESPONSE:

The Andrews Labor Government expects every business operating in Victoria to comply with the law. This is the case whether they sell myki products or not.

The allegations made as a result of the joint Four Corners-Fairfax investigation are concerning. However, it would be premature to make any decision relating to arrangements between 7-Eleven and PTV prior to those allegations being tested by the appropriate authorities. It is also important to note that PTV's agreement to sell and top-up myki cards is solely with 7-Eleven Stores Pty Ltd and it is not party to the details of agreements that company has with its individual franchisees.

There is no place in Victoria for businesses who rip off their employees. The Government encourages any person who believes that they are not receiving their entitled wages or conditions to speak to their relevant trade union, or contact the Fair Work Commission.

PTV is continually investigating the span of myki distributions outlet throughout Victoria and this will continue, independent of recent allegations.