PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Thursday, 6 August 2015

(Extract from book 10)

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By authority of the Victorian Government Printer

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The Honourable LINDA DESSAU, AM

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

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Minister for Agriculture and Minister for Regional Development	The Hon. J. L. Pulford, MLC
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

Joint committees

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

President: The Hon. B. N. ATKINSON

Deputy President: Ms G. TIERNEY

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

Leader of the Government:
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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

CONTENTS

THURSDAY, 6 AUGUST 2015

Thursday, 6 August 2015

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

ALCOA (PORTLAND ALUMINIUM SMELTER) (AMENDMENT) ACT AMENDMENT BILL 2015

Assembly's rejection

Returned from Assembly with message rejecting bill.

Ordered to be considered next day.

PETITIONS

Following petition presented to house:

Route 8 tram

To the Legislative Council of Victoria:

The petition of the residents of Victoria draws the attention of the house to strong community support to keep the no. 8 tram route noting:

1. the no. 8 tram route has been in operation since 1927 and is one of Melbourne's busiest tram routes;

2. the below-listed petitioners express extreme concern at the Andrews Labor government plan to abolish the no. 8 tram route and demand that the Andrews government step back from its planned abolition of the no. 8 tram and commit to the permanent maintenance of this route along Toorak Road, St Kilda Road and Swanston Street;

3. that promises to strengthen public transport will not be advanced by moving resources from one route to another, but instead should see the addition of new services to those currently provided.

The petitioners therefore call on the Legislative Council to urge the Andrews Labor government to stop their abolition of the no. 8 tram route.

By Mr DAVIS (Southern Metropolitan) (260 signatures).

Laid on table.

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

Abuse in disability services

Mr FINN (Western Metropolitan) presented interim report, including appendices, together with transcripts of evidence.

Laid on table.

Ordered that report be published.

Mr FINN (Western Metropolitan) — I move:

That the Council take note of the report.

I will speak very briefly to this report. The subject of this particular committee inquiry was one of the more distressing subjects I have experienced in my years in Parliament. I find it repugnant in every way that anybody who is vulnerable, anyone who is defenceless, anybody who is not in a position to defend themselves is the subject of abuse. I find it repugnant, I find it less than human, that people with a disability should be treated in any other way than other human beings with the full respect they are due. Unfortunately what we have found in our committee considerations, keeping in mind this is an interim report, is that this abuse goes on and goes on far too often.

While this is a very good report, it is just the beginning. To fully tackle the depth of abuse that is going on, Parliament should consider this subject at much greater length and at a much higher level, because while the recommendations of this committee are very worthwhile, it is something that the government and ministers need to take into consideration as a matter of priority. It is intolerable that we, as a state, allow these things to happen.

The considerations of this committee distressed me enormously. As members would be aware, people with disability are pretty close to my heart, and I found most of the things we heard quite heartbreaking. For us to call ourselves a civilised society and allow these sorts of things to happen is probably pushing the truth, because if we were truly a civilised society, we would never tolerate abuse towards people with disabilities or children or the elderly or anybody who is not in a position to fully defend themselves.

I commend this report. I congratulate the committee chair, Maree Edwards, the member for Bendigo West in the Assembly; the deputy chair, Cindy McLeish, the member for Eildon in the Assembly; and my fellow members, Chris Couzens, Paul Edbrooke, Emma Kealy

and Suzanna Sheed — the members for Geelong, Frankston, Lowan and Shepparton in the Assembly respectively. I also commend the committee secretariat: Dr Janine Bush, the executive officer; Ms Vicky Finn — no relation, I understand — who is the research officer — —

Mr Jennings — She is a relation to somebody!

Mr FINN — She probably is related to somebody. That is very good. You are coming along very well, Minister. It is a really good start to the day — it is the best start you have had all week!

I thank also Mr Patrick O'Brien, the research officer, and Ms Helen Ross-Soden, the administrative officer. I thank these people for the contributions they have made to what is an extremely important report, one that I sincerely hope will not go into a ministerial cabinet somewhere and be left to collect dust. I have been involved in a number of committees over a number of years. All too often committee reports find their way onto cabinet shelves, and in 100 years someone will be wandering through those offices, they will find a report and they will be the first person who has actually picked it up in 100 years.

I am very hopeful that this report will be taken seriously, I am very hopeful that the recommendations will be taken seriously and I am very hopeful that not just the government but indeed the Parliament will consider the abuse of disabled people a very serious matter. I believe it is an issue that should be addressed as a matter of urgency.

The PRESIDENT — Order! The good thing is, Mr Finn, you might well find that in 100 years time you will find your place in history!

Mr FINN — I don't think it will be worrying me too much then.

Motion agreed to.

BUSINESS OF THE HOUSE

Adjournment

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

> That the Council, at its rising, adjourn until Tuesday, 18 August.

Motion agreed to.

MINISTERS STATEMENTS

Mobile Black Spot program

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I rise to inform the house about the Victorian mobile project. I understand the project was started under the previous government, enjoyed bipartisan support and is something the previous minister, then Minister Somyurek, signed as a memorandum of understanding with Telstra that saw us lodge a funding arrangement with the commonwealth government and be successful in it.

This project is going to construct 109 new mobile phone towers across regional Victoria in a move specifically to eliminate black spots. This means that up to 12 000 households and businesses across regional Victoria that currently receive no mobile service — nothing at all — will now be covered and their black spots will be eliminated.

Connecting those businesses alone is projected to generate nearly $120 million per annum across the state's regional economy. That is good for jobs, it is good for productivity and importantly it is good for community safety. This Parliament over many years has seen the dangers of bushfires and natural disasters. Ensuring that people have access to communications and better emergency services information means that when natural disasters such as bushfires occur they will hopefully be much better prepared and informed.

We know this initiative will bring greater peace of mind to those people living in regional Victoria. It is wonderful that it enjoyed bipartisan support and is absolutely worth the $21 million investment that this government is making.

Ms Lovell — On a point of order, President, for the benefit of the chamber I thought that ministers statements were supposed to be about new initiatives. The initiative that the minister has raised this morning is one that was funded by the federal government and the former coalition government. I allowed him to finish because it is a really good initiative and brings great benefits, particularly to my electorate, where a number of these towers are being located.

The minister also raised earlier in the week the small business festival, which has been going for 10 years. I believe, then, that he is not using these ministerial statements as they were intended.

The PRESIDENT — Order! The point of order is well made in the sense that ministerial statements do need to contain reference to a new initiative. That is

their purpose. For the sake of the matters that have been raised this week, no doubt there are some new elements in the matters raised by Mr Dalidakis. Also, he is a new minister to the house. I am sure he will be mindful, as will all ministers, of the need to stay within the spirit of those ministerial statements as I think has been well established. However, the point of order is well made. I just say of the small business festival — 10 years? Try 23 years.

MEMBERS STATEMENTS

Preston Lions Football Club

Mr ONDARCHIE (Northern Metropolitan) — I had the pleasure on Friday, 17 July, to join the officials of the Preston Lions Football Club — which is commonly known as a soccer club for those who are not fans of the world game — to officially launch their new lighting infrastructure that was co-funded by the coalition government and Darebin City Council.

I joined Cr Angela Villella, a La Trobe ward councillor of Darebin City Council, to officially turn on the lights and support the great world game in Preston. I want to make specific comments about club president Zak Gruevski and his committee, who have been tireless voluntary workers to promote that multicultural game in the north. What they have done cleverly for a club that was previously known as Preston Makedonia and is now known as the Preston Lions Football Club is to galvanise that entire multicultural community through their love of the world game.

After turning on the lights on that very cold Friday night of 17 July, it was an absolute pleasure to watch the women's team play, and that night included a celebration of multiculturalism in Melbourne's north. I thank Darebin City Council for joining the previous coalition government in funding this important piece of infrastructure and Football Federation Victoria for getting behind the world game in Melbourne's north, because it is bringing communities together.

Oaktree boot camp

Mr MULINO (Eastern Victoria) — I rise to acknowledge the work of Oaktree, a not-for-profit organisation trying to encourage the participation of young people in political discussion and activism, and in particular I acknowledge a panel discussion it organised on 24 July in Mentone. The panel discussed ways to increase the participation of young people in the Australian legal process, with a focus on helping young people participate in ways to eradicate poverty. The panellists were Mat Tinkler, the director of policy and public affairs at Save the Children, Greens Senator Scott Ludlam, Chris Wallace from Oaktree and me. A federal government member was invited to attend and had committed to participate, but unfortunately she pulled out at the last minute due to a diary conflict. The meeting was organised as a non-political forum, and Oaktree went out of its way to make sure that the full political spectrum was represented.

The panel discussion was part of a two-day boot camp, and hundreds of active members of the community, aged 16 to 26, converged on Kilbreda College in Mentone for a very productive discussion on a range of issues. The panel session I took part in went for a full 2 hours and included a wide-ranging discussion on Australia's political processes and ways to make Australia's foreign aid more effective. I thank Oaktree for organising the panel, and I look forward to seeing many of these young people contributing to our political process over the coming years.

Marriage equality

Ms PATTEN (Northern Metropolitan) — I rise today to support marriage equality. While I recognise that this is a federal matter I want to put on the record that in 2015 we are still squabbling about whether two consenting adults can legally or formally recognise their union in Australia. It has been 14 years since the Netherlands adopted marriage equality, and subsequently we have seen New Zealand, Ireland and the United States adopt the concept. It is really time for Australia to do it.

The case for marriage equality is robust, especially in Victoria. Most of the local councils in my electorate of Northern Metropolitan Region endorse and recognise marriage unions in various forms. Rallies supporting marriage equality are the most highly attended in Victoria. I am constantly being asked by constituents what the government is doing about marriage equality. Even late last night I ran into someone at the supermarket who asked me, 'When are we going to get marriage equality in Australia?'. I understand this matter can only be formalised by our federal colleagues, but I passionately urge everyone in this chamber to take a personal, public and professional stand in support of marriage equality.

Gippsland Community Leadership Program

Ms SHING (Eastern Victoria) — I rise this morning to note the ongoing contribution of the Gippsland Community Leadership Program to the infrastructure, community and networks of the region. I congratulate the participants on their ongoing programs, which

deliver skills, experience, networks and a range of different professional experiences to people from local government, industry and the community sector. It was a privilege earlier this week to meet with participants from the community leadership program, which is enjoying funding from the Andrews Labor government, as they attended Parliament to feel the thrill and frisson of the houses of Parliament in the course of their work, and to be able to congratulate each and every single one of them in relation to the contributions they are making within their own communities.

Latrobe Valley Bus Lines

Ms SHING — It was a privilege to congratulate Latrobe Valley Bus Lines on its recent launch of the Volvo Euro 6 model bus, which will provide better, more effective and more environmentally sensitive public transport to the people of the Latrobe Valley. This is the first Euro 6 bus to operate in Victoria. As an alternative to a helicopter, it will make sure locals from around the region can get from A to B in a comfortable, safe and affordable manner. I congratulate Rhonda Renwick and everyone from Latrobe Valley Bus Lines on delivering this important new initiative to the area to improve accessibility and connectivity and provide better public transport services.

Employment

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Labor came to office claiming it would create 100 000 new full-time jobs over its first two years in office. In reality, rather than 25 000 new full-time jobs being created in the first six months, we have seen the loss of over 9500 full-time jobs. According to the Australian Bureau of Statistics, the number of Victorians in full-time work is lower now than it was at the same time last year. The number of women in full-time work is at its lowest level in over three years. More than 19 000 full-time positions for women have been lost under the Andrews government. In terms of regional areas, more than 5000 jobs have been lost in Bendigo, leaving employment at its lowest level for two years.

For over eight months important industry assistance programs have stalled and vital new industry investment has been forgone. This has been detrimental to the creation of new jobs in emerging Victorian industries. The decision to scrap the east–west link cost Victoria 6700 new jobs and harmed the confidence of investors. Daniel Andrews said he would fight for every job in the state, but while he has been fighting for his own job, and that of his Deputy Premier, his policy inaction has stalled new investment and new job opportunities for Victorians.

Firearms

Mr YOUNG (Northern Victoria) — I rise today to speak about a decision made recently by the Prime Minister to ban the importation of a certain firearm. This firearm quite clearly fits within current Victorian firearm laws and, more importantly, the national firearms agreement. It is unreasonable that decisions like this should be influenced by anything other than legislative change. To use the excuse of the threat of terrorism to justify the banning of the importation of this firearm is quite insulting. It affects me personally; I was on the list for one of these firearms, and I am now unable to obtain it. I would like to make the point that we should be looking at who the real enemy is in the war on terror. It is not law-abiding people who get a licence, go to a gun shop and purchase a firearm — it is criminals. That is a very important point.

This is not being taken lightly by the shooting community. We are overregulated in a lot of different ways. We have been regulated quite unfairly since the actions of a federal Liberal government in 1996, and today the unfairness continues. Frankly, the shooting community will fight like the third monkey on the ramp to Noah's Ark.

Labor gender equality

Ms PULFORD (Minister for Agriculture) — A couple of weeks ago the Labor Party hosted its national conference in Melbourne. On this occasion the Labor Party determined, in its ongoing quest for equality, that it would support changes to Labor's rules to ensure that 50 per cent of all its publicly elected representatives are women by 2025. This has been a long journey, one that members reflected on in our recent condolence motion noting the passing of Joan Kirner. The quest for reform has continued apace since Joan's passing.

This reform, like so many great national reforms, was led by Victoria. I would like to congratulate a number of my colleagues and friends on their great work in achieving this momentous shift. I congratulate my colleague and good friend Jaclyn Symes, as well as Natalie Hutchins, the member for Sydenham in the Assembly. I also acknowledge some of the leaders of EMILY's List. Tanja Kovac, Linda White and Lisa Carey played an enormous role in this significant achievement, which I think will make our parliaments better and indeed our legislation and our governments.

Stanhope

Ms LOVELL (Northern Victoria) — I rise to congratulate Stanhope on being listed as one of eight finalists in Dairy Australia's inaugural search for Australia's dairy capital. As a finalist, Stanhope will be named the Murray dairy region's Legendairy town and will receive a $2500 community grant, which the town will use to build a new playground at the Stanhope Recreation Reserve. I wish Stanhope the best of luck in the race to be named the 2015 dairy capital of Australia. It will be a well-deserved honour if it wins.

Gallery Kaiela

Ms LOVELL — I am thrilled that so many of our talented local Indigenous artists' work has been celebrated in an exhibition of Shepparton's Gallery Kaiela at the Birrarung Gallery of the Melbourne Museum's Bunjilaka Aboriginal Cultural Centre. Gallery Kaiela is a wonderful community gallery that showcases local artists and provides them with the tools, studio space and supportive environment necessary to create their beautiful work. Angie Russi and her team do a fantastic job managing the gallery, and I look forward to many more of their exhibitions.

Shepparton Theatre Arts Group

Ms LOVELL — Over the winter break I had the pleasure of attending the Shepparton Theatre Arts Group's 40th anniversary production, *Forty and Fabulous*. It really was a fabulous night, with songs performed from previous productions including *My Fair Lady*, *Les Misérables*, *Chess*, *South Pacific* and *Chicago*. This talented group of performers and artists certainly did the community proud, and I look forward to the group's next 40 years of fabulous productions.

Hiroshima Day

Mr BARBER (Northern Metropolitan) — Today we mark 70 years since the Hiroshima bomb. We continue to mark Hiroshima Day not only as a reminder of an event of great human tragedy but also because it initiated one of the most difficult periods in human history, the Cold War.

Recently I had the eerie experience of visiting a decommissioned nuclear missile silo in South Dakota in America, and I pondered how difficult it is going to be to ever explain to my own children that there was a period in human history when, despite our incredible achievements in culture, science, technology and the rest of it, we also held in our hands the ability and, in some cases, the willingness to destroy the whole of civilisation with just moments of notice. There are many tens of thousands of nuclear weapons still out there, operational, on hair-trigger alert, and we see the continuing proliferation of nuclear weapons in the hands of new countries, something that works directly against the aims of the 1960s nuclear non-proliferation treaty. That historic deal, involving nuclear states getting rid of their weapons and new countries refusing to obtain weapons, is looking shakier than it ever has, and for that reason we should continue to mark events such as this.

Young Parents program

Mr PURCELL (Western Victoria) — It gives me great pleasure to rise today to speak on a creative course on offer at the Warrnambool South West TAFE which allows young parents to finish their secondary education. I am sure members are all aware of the low year 12 attainment rates in western Victoria; this program addresses that and should be supported to flourish. The Victorian certificate of applied learning Young Parents program allows parents to achieve their years 10, 11 and 12 through TAFE while their children attend a day-care program at the same location. The course is being promoted through a newly developed YouTube clip, which I would be more than happy to pass on to anyone who is interested.

ENERGY LEGISLATION AMENDMENT (PUBLICATION OF RETAIL OFFERS) BILL 2015

Second reading

Debate resumed from 25 June; motion of Ms MIKAKOS (Minister for Families and Children).

Mr DRUM (Northern Victoria) — It is a great opportunity to be able to talk about the Energy Legislation Amendment (Publication of Retail Offers) Bill 2015, which has been put forward by the government. The coalition will not oppose this legislation, primarily because it was put together by the previous government. Effectively it carries on much of the great work that was done by the previous government in relation to consumer costs. The previous government addressed and attacked cost-of-living pressures. We wanted to bring down those pressing cost-of-living pressures that Victorians face on a day-to-day basis.

The concept of this bill is primarily to ensure that the government's My Power Planner website, which is now up and available, can provide people with a means of

comparing electricity prices on an ongoing basis. The website provides people with the ability to input a range of data, such as kilowatt usage on an annual basis, and look at not just their total usage but also the manner in which they are using that power. A range of data can be input into the My Power Planner website, and the website gives consumers the opportunity to compare the offering they have with their current retail provider with that of a whole range of other providers that may be vying for their business. This has the effect of sharpening up the pencils of the various electricity providers, and it enables many families to make significant savings in the range of around $200 per annum.

Around 75 per cent of Victorians have changed their electricity providers over the last year or two, which is promising, because it means that people are using this tool. There is a whole range of opportunities for greater usage of the website and greater awareness. It will be good for everybody. We no longer have the loyalties we used to have — loyalty to one bank, one supermarket, one petrol station and so on.

Mr Barber — One footy team.

Mr DRUM — We still tend to follow one footy team.

Mr Barber — One political party.

Mr DRUM — We had better leave that there.

Mr Barber — There is not a lot of brand loyalty for The Nationals.

Mr DRUM — Unfortunately there is not a lot of brand loyalty anywhere. This presents a great opportunity for Victorians — they can input their data into this website's comparison tools and receive benefits as a result of that.

This legislation also addresses gas retailers. The products of gas retailers can also be compared on the website, and that will enable people to have a more holistic view and greater ability to plan their energy purchasing arrangements. An increasing number of Victorians are now into renewable sources of energy — some Victorians have solar panels on their roofs and some have joined a wind turbine community group. Some people are into biomass energy. Anybody who has entered the market and become an energy provider now has the ability to look at the best options available for selling their energy into the grid. This is not just about looking at the best options for purchasing it. That is something that needed to be done and something we were en route to doing when we were in government. I know Russell Northe, the member for Morwell in the other place and the previous Minister for Energy and Resources, was pushing this legislation late last year when we were looking to provide Victorians with more information to enable them to get the efficiencies they were looking for.

I have talked to many people about the information available on this website, and it is amazing how many people simply do not know about it. People change their energy provider simply because they are frustrated and upset with a particular bill and they go online and look around. However, I do not know that enough people realise that this website is available. It effectively does the work for them by giving them the opportunity to input the data. Once they have input the data it throws up the options available. It is a fantastic resource and something I am not sure we are using in the way we should. It is an option that many more people than are currently should take up.

Whilst it was a coalition initiative to continue to work towards providing people with more information and giving more Victorians the opportunity to look at other retail energy offers, we also need to be aware that one of the other pressing costs of living is water bills. Again we have a stark difference in the two political offerings in Victoria. Under the coalition government water prices came down in real dollar terms simply because the previous Minister for Water, Peter Walsh, the member for Murray Plains in the Assembly, insisted that the water boards around Victoria take on the role of working out how they could deliver water savings to everyday Victorians. It was not just words. Minister Walsh was able to deliver real dollar savings for people, to the tune of hundreds of dollars per annum. Water prices in Victoria actually came down.

With water policies going the way they are under Labor we will see all of that good work undone. We are also going to see — —

Honourable members interjecting.

The PRESIDENT — Order! Can we have less volume, at the very least, on the government side of the house as Mr Drum makes his contribution on this matter.

Mr DRUM — Thank you, President. It is also worth looking at one of our other generic cost-of-living pressures, and that is council rates. Council rates have been capped by the government at 2.5 per cent or CPI — it is 2.5 per cent — but what the government

has not been able to do and has no intention of doing is capping the fire services levy. People will very shortly receive accounts in the mail for their rates. Down the bottom will be the fire services levy, and we will see increases of around 6 per cent to 7.5 per cent. This is another one of those cost-of-living pressures that a coalition government would do everything it possibly could to keep down in real terms.

However, there is no doubt that we will see an incredible increase in the fire services levy, not to provide more fire trucks to the Country Fire Authority (CFA) or to provide the CFA or the Metropolitan Fire Brigade with new equipment: it will simply be to pay the fire services union back for the work it did in the last election campaign. The wages of the full-time firefighters will be increased through a fire services levy hit on Victorians. There will be a 7.5 per cent increase in that particular tax, and it is a tax. You can call it a levy, a tax or whatever you like, but it will go up by around 6.5 to 7.5 per cent across the state, and that money will go straight to the union, which supports this government.

It is fantastic that the government has brought this bill into the house. The coalition will not oppose the legislation because it gives Victorians the opportunity to gather more information and become more adept at handling their energy-related purchases. We have already seen the introduction of electricity online, and we are now moving into the online provision of information for gas. That will enable individual Victorian households to have the data and information they need to be able to sell the small amounts of energy that they may have available to put back into the grid. That will be important. It will certainly help those people in Victoria who need this sort of assistance. I also highlight that we need to get the message out more effectively into the community so that more and more people are aware that this tool is available.

Certainly the coalition is very proud of its work in this area. On coming to government in 2010 it had a whole range of work to do in the energy space. The smart meters were being rolled out at the time, and that was causing a whole range of grief. Many people simply did not want to participate in the smart meter rollout. That had to be worked through in a very careful manner, and it was. When the Brumby government introduced the smart meters the people of Victoria were told these things would give them the data that they needed in order to save money. That was never realised by the Brumby government at all. It has hardly ever been realised, even now. It is only now that people are starting to get the opportunity to use their smart meters for their own benefit. For the previous six to eight years it has all been about the benefit for the retailers and giving them the information they needed in order to increase their profits, and that has occurred at a cost to everyday Victorians. It is hoped that now we will start to see some of those benefits being realised by individual Victorians across the state.

The coalition will not oppose this bill. Effectively the bill had its genesis under the coalition government. We believe it is a good idea to include gas retail options on the My Power Planner website. The bill also provides those who are in the market of providing energy back into the grid with some options and information they need on how best to deal with their surplus energy. The availability of that information will create the competition we need. We need the providers to sharpen their pencils and make sure that they are offering to Victorians the best deals they possibly can. This is a great way of making that happen. We are happy to make sure this legislation makes its way through the house and results in giving people the information they need so that they can make the best choices possible.

Mr BARBER (Northern Metropolitan) — The Greens are supporting this bill. It is nice that the government is making a few changes to its website to allow people to learn a little bit more about their energy bills, but if the government thinks that slightly enhancing the transparency of the electricity retail market is what is going to save us, it is sadly mistaken. There are deep and fundamental market failures going on in the energy market, which Labor somehow does not seem to want to address, despite the fact that this is basically the legacy of former Premier Jeff Kennett's mad scientist experiment in breaking up the energy market into horizontal segments that he somehow thought would introduce competition.

In fact it is the natural monopoly section of that market — the electricity grid itself — that is in most desperate need of reform, and yet that is where the incumbents seem to be most successful in resisting any reform. If you cannot get the grid working right, the generators attached to it, the retailers who provide electricity through it and all the other aspects of the operation of this market will fall in a screaming heap. That is where we find ourselves right now. We have a rapidly re-monopolising gentailer phenomenon, with effectively the three big retailers controlling most of the electricity market.

Notwithstanding the amount of churn that goes on between electricity retailers, as Mr Drum alluded to, the fact is the retail component of our electricity bill has continued to rocket in Victoria, and that is why our electricity prices are so high. Starting from that

particular point of the question, what has that led to? It has led to consumers getting smart, reducing their energy use and going solar to avoid having to buy electricity. That in turn has led retailers and other market participants to try to throw up more barriers to energy independence.

Last year we saw one retailer try to put a special charge on customers who had their own solar panels as a punishment, if you like, or in some ways a tax on the sun, and when that was knocked off we saw other sorts of barriers being thrown up.

I have received a litany of complaints from householders and businesses, particularly rural businesses, who have tried to go solar to zero out their electricity bill and have been told by the local power distributor that they are either going to have the system downsized or in some cases completely refused. The response to that of course is to ultimately go off the grid. CSIRO is even modelling scenarios where a third of households in built-up areas may ultimately disconnect from the grid. That means a smaller pool of electrons will be moving through that grid, which means that the grid operator will need to charge even more to recover the fixed costs of operating the grid, and so on and so forth until we get into what in the US in similar circumstances has been dubbed the electricity death spiral.

Then you throw in the issue of climate change and the impact that is having. There will never be another coal-fired power station built in Victoria. There is simply too much uncertainty in the market to ever allow that to happen, and in some ways the certainty that there will be an increasing impost on polluters simply makes it impossible to make a coal-fired power station stack up economically. Now that gas is linked to the international gas price we are seeing the wholesale price on its way to doubling, which may lead to a 30 per cent increase in the average household bill. For now what it means is that gas-fired power stations cannot compete against coal-fired power. They are better off selling the gas for export to Japan.

With another drought around the corner, it will mean less water available to run coal-fired power stations and less water in hydro dams which provide an important peak electricity demand buffer. There is also the fact that renewables keep getting cheaper and that household energy efficiency continues to improve. In fact if you wanted to heat your home today, you would be better off installing an efficient electricity heater rather than the gas appliance, which in the past we thought of as green and cheap but we now know is not green and is going to be an increasingly expensive way to heat your home.

I could go off onto a further discussion about the impact of unconventional gas exploration, but that is probably stretching it a bit far. In any case I will have many more opportunities soon to debate what we should be looking at in terms of our future energy needs. Suffice to say I read a very interesting submission from the government last night on the subject of unconventional gas in which it is stated that expansion of commercial gas in Victoria will have no impact on prices in Australia unless we can pump so much of it that we depress the international gas price. Good luck sustaining that argument!

Mr Jennings — I thought you would have been happy about that.

Mr BARBER — That was one of the things that cheered me up when my eyes opened this morning, Mr Jennings.

Mr Jennings interjected.

Mr BARBER — Mr Jennings is inviting me to pre-empt that debate. We have an inquiry into that, and as I said, we will have many opportunities to sort through all that.

But that right there is the dilemma we are facing. Mr Kennett's experiment did not work, and yet there is zero willingness from this government to take on this fractured market and attempt to bring some common sense back into it — just a website with a few more comparison tools so consumers can shop around between energy companies.

In addressing that retail question, both the Labor and Liberal parties have put forward the rate of churn between energy providers by domestic customers as evidence that this is a highly competitive market. In fact those companies have chosen not to compete on price wherever they can avoid it. There have been sign-up bonuses of Coles Myer vouchers and there have been high-pressure tactics involving students and backpackers knocking on consumers' doors and telling them they are being ripped off. One electricity retailer was massively fined by the Australian Competition and Consumer Commission (ACCC) for misleading door-to-door sales techniques.

It would be fair to say that the big three electricity retailers have been systematically lying to their customers for many years about their electricity bills. Why would we trust these self-same companies to tell us how the electricity market should be reformed when

they are rapidly remonopolising the market, with the ACCC seemingly powerless to prevent the agglomeration of big retailers buying up the big coal-fired generators and using even more market power? And not just market power within the market but political power to ensure that the market rules favour them at every stage.

It is not going to last very long. It is entirely possible that we might see not only widespread community-owned generation in addition to the 1.5 million power stations that we now have in Australia — those solar rooftops that are so common wherever you go — but also, I believe, eventually the break-up of the electricity grid back into some form of public ownership, or at the very least the regulation of that grid becoming so tight that it effectively becomes a management franchise by the current incumbents.

Perhaps I believe that because I live in Brunswick where once upon a time the Brunswick council ran the electricity grid in that area. In the 1980s a solar array and a small wind turbine at the Centre for Education and Research in Environmental Strategies, known as the CERES environmental park, in Brunswick was feeding green electrons into that local electricity grid. If you lived in Brunswick in the 1980s or early 1990s, you were some of the first people to be able to purchase green power generated locally because the council was the retailer and the distributor and the Alternative Technology Association was the generator. There are still a few rusty signs on power poles around my suburb that say 'Brunswick Electricity Supply', and I think there may be aspirations in that community to eventually get back some control over the electricity grid so we can manage it for public benefit, not as some sort of hokey half-private half-monopoly system like the one we now have in Australia, or at least in the south-eastern part that is connected to the Australian energy market.

Cost of living is a big concern in this state. There is little offered by this government in relation to cost of living by way of an election promise. Basically the government seems to want to bash up local councils and get councils to keep their rates down. If we want to get serious about the cost of living, particularly as it relates to electricity and gas — and now water because it takes a lot of energy to shift water around the state, never mind if you start making it from a desalination plant, and it takes a lot of water to make electricity if you are going to continue going down the path of the coal-fired model — the Australia Institute, for example, has said that the real reason energy prices have been increasing is the bad planning of the system, particularly overinvestment in poles and wires which are now becoming redundant as more and more people become both generators and users of electricity.

If the government wants to see a sustained improvement in the affordability of electricity, it is going to need to cut the Gordian knot and it is going to need to make some major root-and-branch reforms to the way electricity is produced, distributed and sold here in Victoria. However, if this bill is a measure of the government's political will, unfortunately I think it is not up to the job.

Mr MULINO (Eastern Victoria) — This is an important bill, and I am very pleased to speak in support of it. It is an important bill in taking a step forward in strengthening competition in retail energy markets in this state to the benefit of consumers in the short and long run. In particular the bill supports the enhancement of the government's independent energy price comparator website by requiring energy retailers to supply more information to that website. The website currently nominated by the Minister for Energy and Resources, the My Power Planner website, is already being used by many Victorian energy consumers, but following this reform we will see the market strengthened by the making of more information accessible to consumers.

As both speakers before me have highlighted, cost-of-living pressures on Victorian households are already significant, and whatever we can do to make markets, such as our electricity and gas markets, more competitive will reduce the pressure on household budgets.

The government's energy comparator website currently covers all generally available electricity retail offers and allows consumers to compare them. But following this bill and this reform, from September of this year, the government's energy comparator website will be able to also allow a comparison of gas retail offers and will provide information in relation to solar feed-in tariff offers.

I want to make some comments of a broad nature about what it is that makes markets function to the advantage of consumers, because I think that not only guides this particular reform — and it does inform us as to why this reform is important — but it also suggests what it is that a broader regulatory reform agenda might be moving forward in this space, and why it is that what we are supporting today is so important.

It is generally agreed that competitive markets are generally those that operate in the interests of consumers. What is it that constitutes a competitive

market? Generally there is an agreement amongst theoreticians that there are a number of elements to a competitive market. One is that there are a large number of buyers and a large number of sellers, with neither buyers nor sellers being in a position to exercise market power. It is generally accepted that there should be perfect long-run factor mobility; there should be non-increasing returns to scale; there should be an absence of externalities; there should be no, or low, barriers to entry and exit for firms or participants in the market; there should be perfect information; there should be zero, or low, transaction costs; there should be profit maximisation by firms or suppliers; and there should be a homogenous or substitutable product.

Of course this does not exist in reality. There is no such market in reality that matches all of those characteristics. So in a sense perfect competition is a theoretical construct; it is a benchmark. We can look at certain markets that get very close to perfect competition, like currency markets or certain commodity markets, where there are many suppliers and many buyers, and where there is very frequent, deep and highly liquid trading. Even those markets are not absolutely perfectly competitive, but they get very close to the benchmark. This benchmark is a very useful theoretical construct because it points out to us what it is that we should be aiming towards when we are trying, firstly, to identify, and secondly, to correct market failures through regulation or other mechanisms. It is important that we establish that benchmark. What is it that we think is the type of market that works best in consumer interests?

In a fundamental way what is it about competitive markets that ultimately acts in the interests of consumers? The first point — and Mr Drum touched on this — is that they keep firms on their toes fundamentally. If firms feel that other firms might come in and grab their market share or grab some of their profit margin, they will be more likely to behave in the interests of consumers. It is that competition between suppliers that is at the heart of what is likely to produce benefits in the interests of consumers. It is firms feeling that they may lose profit margin or market share.

An important additional element that is worth identifying is that competitive markets also tend to drive dynamism. They tend to create dynamic efficiency. It is that long-run benefit from productivity growth and innovation that is also particularly beneficial for consumers, and society more generally, in the longer run. We have this competitive market edge. The benefits generated from that for consumers generally arise from keeping firms on their toes, from firms feeling like they are under threat of losing market share, and therefore firms acting to keep market share or grow market share by acting in interests of consumers and innovating — both of which drive significant benefits for consumers.

How is it that we might try to determine whether a market is competitive or whether the degree of market competition is changing over time? This is extremely difficult in many markets. For example, firm entry might mean that even if a market has a small number of firms, or a firm has a highly concentrated market share, a market might be competitive if the threat of entry is real. Often you do not necessarily need a large number of firms in a market for there to be quite a degree of competition. Market share in and of itself is not necessarily a good guide, but it is often a good guide: if one sees a highly disbursed market share, that is generally a sign that there is competition.

Profit margins are an interesting guide to whether there is competition. For example, we have seen in the banking industry in Australia that the net interest margin has fallen significantly over the last 30 to 40 years, which is, according to many, an indication that at least in some parts of their business the degree of competition has increased.

Customer churn is a commonly used measure, as is the case in energy markets. Customer churn is prima facie a measure of consumer willingness to change between companies, and that is an indication of the degree to which firms are being kept on their toes. What is it that enables customer churn? One thing is that customers are informed. At the very least, we must have mechanisms to provide them with information. I return to one of the very first points that I mentioned: one of the definitions of a perfectly competitive market is perfect information. We do need perfect information, but we need customers to have enough information that they can make informed, sensible choices. In some markets customers can do a pretty good job of informing themselves. In the case of energy markets we are talking about complicated products. We are talking about retail tariffs that are often complicated and difficult to compare across offerings.

That is why mechanisms like comparator websites are very important. We have seen comparator websites in many contexts make a real difference to the effectiveness of consumer choice — for example, all the advertisements we see on television in relation to choosing between hotels and airfares. Comparator websites are a mechanism that many consumers feel comfortable with — not all, but many. That is one important mechanism for keeping consumers informed.

It is not just about being informed; it is also about being engaged. Consumers have to be willing to take that step of activating and actually switching between different suppliers. You have to have a market where making the choice to switch is not too hard — where there are not undue barriers to making the switch — so it is also important that the regulatory framework is such that, in addition to consumers being informed, there are not barriers to consumers switching. As has been observed by others in this debate, the rate of customer churn in energy retail markets in Australia is very high by global standards. That is a good thing. It reflects the fact that we have competitive markets relative to a lot of our international comparators. Even within the Australian context, Victorian retail churn rates in both the electricity and gas markets are particularly high.

Of course we need to make sure that those churn rates reflect informed choices, because if they reflect people churning without having made a sensible choice but just in order to make somebody who has knocked on their door go away by signing a bit of paper put in front of them, then that would not be keeping companies on their toes. We need to ensure that people who are switching are doing so in a manner that keeps companies constantly seeking to improve their product offering, keeps price tension up and keeps driving innovation in the market. That is why it is so important that reforms like today's bill are put in place, because we need to make sure that, to the extent that there is churn, it is as well informed as possible. Today's bill is very important for that reason.

I will make a couple of observations about some reviews of competition in retail energy markets. I take Mr Barber's point that competition in retail energy is not the complete answer to energy policy, and I do not think anybody is saying it is. Increasing competition in retail energy is an important element, and of course we continue to have discussions about other aspects of energy policy — about energy supply, generation and so forth; nonetheless, this is important, and we need to continue to put in place mechanisms to enhance competition.

I want to make reference, for example, to the Australian Energy Market Commission's review of competition in Australian energy markets in 2012. It found that overall the impact of retail competition had been positive for consumers. It also found that the level of engagement with switching had been improving. This 2012 study is a positive reflection on the direction of reform reflected in this bill, and it is a signal as to why we need to keep pushing further to enhance regulation.

I support this bill. It is an important step forward in a really critical market for Victorian households. There has been significant upward pressure over the last two decades on energy prices and utility prices more generally. Whatever we can do to improve the functioning of markets and competition is a good thing. It will lead to greater price tension. It will lead to prices coming down in many contexts — people being able to achieve the same energy consumption outcomes for less expenditure. It will lead to increases in quality, and quality is just as important as price, because we want companies to provide the highest quality service possible to their consumers. I also believe that critically it will lead to greater dynamism in markets and greater innovation over time.

It is important to note that greater engagement by consumers in relation to their retail bills will have flow-on benefits for their engagement more generally with energy markets and not just in terms of the way they interact with the retail component. If we are going to drive improvements more generally across energy markets, more engaged consumers are a prerequisite. I commend this bill. It will be a very important step forward in the functioning of energy markets in this state.

Ms FITZHERBERT (Southern Metropolitan) — It seems that we are in somewhat heated agreement on this, so I will keep my comments fairly brief, because I know there is other business.

Mr Herbert — No, don't.

Ms FITZHERBERT — How long would you like me to speak? There are only 15 minutes, so maybe the hour-long speech is something for another day.

This bill formalises changes that were anticipated and planned for by the previous government. As other speakers have said, what is at the heart of these changes is consumer choice and, I would say, cost-of-living issues. One of the biggest issues raised with me through my electorate office — one of the main concerns my constituents have — is cost-of-living pressures. The cost of household utilities is high on their list of things where they would like to see change.

We also know consumers want information about the options for them in terms of energy costs in relation to electricity but also in relation to other forms of energy. This is twofold. Partly it is about cost, but it is also about finding a system that works best for them, be that having more focus on renewable energy or not. People want this information. They want to know what the options before them are for a range of reasons. No

system is going to be perfect, and I do not think anyone comes here pretending that the access to information we have is perfect. But this is certainly a big move forward on what we had previously — that is, the change we have seen over the past few years to ensure that we can get information to consumers about the options and prices that are available to them.

There has been some discussion today about a website launched by the previous government, which includes the My Power Planner section. This online tool enables customers to compare retail offers and learn more about whether flexible pricing works for their needs and that of their families and households. This initiative was accompanied by a range of consumer protections relating to flexible pricing and a public information campaign to ensure that people knew all about the changes and also where they could get further information.

The previous government looked at the initial success of the My Power Planner initiative and planned to extend it beyond the provision of electricity retail offers into gas and renewable offers. I think we would all acknowledge that this is a growing market; people have a huge interest in it. It seemed logical to extend that access to information about different energy sources, particularly with more people taking up solar, interest in battery storage and other opportunities as well. That is why in the 2014–15 coalition budget $4.7 million was allocated to extend the My Power Planner section of the website.

I mentioned earlier the potential for savings on electricity plans. These are useful for households but also for businesses which are looking to reduce their costs and also access renewables where they can. In 2012–13 conservative estimates were that a consumer could save around $240 a year if they switched energy plans. We know that large numbers of consumers change their providers, and undoubtedly the information that is facilitated through this bill will assist them in working out in the future whether that is a path they want to take. The bill is, as I understand it, largely in the form planned and budgeted for by the previous government. Obviously we need more work to be done regarding choice for consumers in relation to energy plans, but the initiatives that are within this bill are important and should be supported.

Mr HERBERT (Minister for Training and Skills) — It is an absolute delight to speak on the Energy Legislation Amendment (Publication of Retail Offers) Bill 2015. I begin my contribution by congratulating the Minister for Energy and Resources on the fantastic job she is doing rebuilding faith in a competitive regulated energy market where renewable energy has a place in the Victorian economy and in households. This bill is part of that strong agenda which the minister is bringing to government and the community.

The government is unashamedly pro-alternate energy, pro-diversified energy and pro-competition in the energy market. It is not just rhetoric; it is a reality in terms of what we do. It is very easy to take the high moral ground in this debate and pick up a few cheap shots, but the truth is that we live in a state that still has an abundance of coal-powered cheap electricity. That natural resource which we have relied on has its downfalls — we all know that — and you cannot have a one-trick game in this area. We believe that whilst we have that energy source, we need to move increasingly to alternate energy sources: solar, wind, cogeneration, gas and other cleaner energy sources. People need to have a choice about the energy they purchase and a choice that gives them cheaper alternatives.

Yes, it is not going to happen overnight — the government understands that — but it is done through good, solid policy work transitioning the Victorian economy and its energy demands. It is done through a series of energy-saving initiatives, consumer protection, positive policy promoting alternate energy sources and a range of other measures. The government has a solid and consistent policy track record of doing that. We need that consistency. We have just seen federally what happens when governments change ships midstream, when the Abbott government scrapped the climate change initiatives of the former federal government. They were initiatives that had been worked out across the entire Australian community, with some angst, that is for sure, but certainly they were initiatives where generally there was a path going forward. Those climate change initiatives were tossed out the window with a total change to industry. We have seen where that has left us in terms of the whole torrid debate about alternate energy, and I will have a bit more to say on that in a little bit.

From the Victorian perspective, we understand that we need good, solid policy that informs the consumer and promotes choice within the national electricity market, and that is why the bill is important. The bill basically requires energy retailers to provide information on gas and solar feed-in tariff offers to a website nominated by the Minister for Energy and Resources. The website currently nominated for this is My Power Planner. The bill amends the Electricity Industry Act 2000 to require licensed electricity retailers to provide the details of their general renewable energy feed-in tariff offers to the website. The offers are open to new customers with

small under 100-kilowatt solar, wind, hydro or biomass generators. The bill also amends the Gas Industry Act 2001 to require licensed gas retailers to provide details of their gas retail offers to this website, which as I said is nominated by the Minister for Energy and Resources.

Currently the energy comparator website covers general available retail offers. It allows consumers to compare electricity offers across retailers to make informed decisions. The bill updates this service and takes the next step forward. I understand that in terms of the comparator website there have been over 200 000 page visits since 2013, which is significant when you think about the number of families who get their electricity bill each month — or bimonthly, or whatever it is — and do not even think about it. I have to say that that is very much my own response. The bill comes in and I am a bit shocked by the amount — I think, 'Oh, my goodness'. But when you have teenage children at home it is a constant battle to get them to switch off their lights or heaters.

Anything we can do to get people like myself, the general population, to stop when they receive bills and say, 'Hang on a tick, I'm going to see if I can get a better offer. I'll see if I can be a bit cleaner and greener', has got to be a good thing. When today's sitting of Parliament finishes I am going to have a look at the website and think about whether I can get a better deal for the electricity used in my home. I will also try to get the kids to turn the lights off occasionally.

This legislation is part of boosting competition in the energy retail market. We know that access to information is key for competition to be effective and to ensure that consumers are not disadvantaged. It is one thing for retailers, which have their own business interests at heart, to run campaigns, doorknock and try to get people to sign up. It is another thing for customers or potential customers to be able to verify that what they are getting is a good deal. That is what this legislation does: it takes choice out of the marketing domain — which is often very confusing for those who may not be used to the market, competition and choice — and enables people to access proper, authorised comparisons and information.

I congratulate the minister for this, but it should be understood that Victoria has led the way in this area. We had the first website of this kind, the YourChoice website. I might have been an adviser in government when that was brought in. That was the first time people were given the opportunity to have a look at a website and make a choice. I am not making a political statement here. I know Nicholas Kotsiras, a Minister for Energy and Resources under the previous government, was also concerned about choice. I am proud that Labor brought in the whole range of options when we were last in power, but I recognise that there have been other governments and other ministers who have had an interest in ensuring that consumers have a good understanding of the options available to them and how they can save a bit of money and be leaner and greener in the process.

This bill will increase the amount of information available to people. The retail offers and feed-in tariff offers will be published on the government's energy price comparator website, which will ensure that consumers have real choice and easy access to price comparisons.

As I said earlier, this bill has a long history. Unfortunately, whilst I have acknowledged the strong commitment of a former minister to consumer information, under the previous government we saw some pretty startling and poor statistics in terms of the energy retail market, and we saw a decline in that market. In fact I am advised that between 2012–13 and 2013–14 there was something like a 42 per cent increase in gas customer disconnections and a 36 per cent increase in electricity customer disconnections. We saw wrongful disconnection rates double from 442 to over 1000. We saw the average debt upon entry into a hardship program surge from $742 to $1034. We saw affordability cases considered by the Victorian energy and water ombudsman skyrocket. Cases related to disconnection, collection of debt and payment difficulties rose by 48 per cent.

These are harsh statistics. They tell us that electricity is too expensive for those who need it and that we need measures to make it more affordable. Perhaps we need to take a softer approach sometimes. Certainly if we can provide advice to lessen the bills people pay, reduce disconnections, reduce the number of people accessing hardship programs and increase the affordability of power, then that has got to be a good thing. I believe this bill is part of a program that does that.

I say 'part of a program' because it would be silly to say this is going to solve the world's problems when it comes to the electricity retail market. But it is part of a range of measures that the government and Minister D'Ambrosio are undertaking. It comes along with other measures, such as giving the Essential Services Commission the power to fine energy companies for breaching energy laws, the ban on early termination fees for contracts with price variations and prohibiting higher supply charges for solar customers. These things might seem pretty basic when your goal is to increase

the use of renewable energy, but they are absolutely essential measures for the government to take.

We have doubled wrongful disconnection payments to customers from $250 to $500 per day. That will make it a bit harder for companies that only see the dollar and do not care about the shivering pensioner in their house, companies which may disconnect quickly and perhaps without due cause. We want to see companies paying a bit more for that. It also comes at a time when the Essential Services Commission is required to provide annual and quarterly reports on its compliance and enforcement activities. As I say, in themselves these seem like fairly boring measures. But when they are taken as a package, we see the government really starting to hone in on consumer rights and people's rights in terms of the open, competitive retail market.

I said earlier that I would talk a little bit about how this compares with the federal government's approach. The contrast could not be starker. We want to see more renewable energy and better consumer protection. We want to see the rights of people put at the forefront in terms of the energy market. You only need to compare that with the actions of the federal government in banning the Clean Energy Finance Corporation from funding new wind power projects. That was a disgrace. I think it was Tony Abbott who described wind farms as 'visually awful'. The federal Treasurer, Joe Hockey, described them as 'a blight on the landscape'. This is from a federal government that has abandoned or abolished any decent renewable energy policies in this state and wound down decades of reform in its performance on the renewable energy target (RET).

Mr Abbott has designed the RET so that wind farms cannot even be expanded or grown as alternative energy sources. I think it is, quite frankly, disgraceful and a blight. We need consistent national policy, but in the face of a federal government that seems absolutely determined not to bring in that policy, not to bring in consumer policy and not to bring in policy that genuinely promotes renewable energy, promotes people using renewable energy and promotes and protects the rights of people who generate their own electricity for their own use and who add electricity to the grid, the Victorian government is proud to say that it is not going to go along with that, that it is going to bring its own legislation in and that it is going to protect the rights of people and promote renewable or less carbon intensive power sources. We want cheaper electricity for people, we want more consumer protection for people, we want more information for people and we want to promote renewable energy. This bill is a part of that process. I commend it to the house and look forward to its enactment in, I think, September.

Mr LEANE (Eastern Metropolitan) — I am delighted to be able to speak on a piece of legislation that amends two acts, especially the Electrical Industry Act 2000, which actually regulates my holding of and affords me the opportunity to have an A-grade electrical licence. This is something I have maintained for the last nine years for two reasons. I will get to the second reason soon, but the first reason is that when you learn a trade — when you do the four years, with the dirty hands, getting told to do horrible things by the tradie and doing them anyway — you are proud after you finish your apprenticeship to be a tradesperson. I was proud to be a tradie for the 20 years that I worked in that area.

I hope you do not mind, Acting President, but I am going to acknowledge in the gallery a federal member of Parliament, Senator Gavin Marshall. Not only has he been one of my best buddies for a long time, but he is also an electrician, who has paid for his A-class licence as a proud tradie as well. I am sure Senator Marshall will not have to revert back to actually activating — —

Honourable members interjecting.

Mr LEANE — I think out of the two of us, he would be the less likely to have to activate that licence. Knowing him very well, and with the admiration I have had for him for a long time, I know that he, like me, is proud of his roots. We are proud of what we have achieved, going from getting dirty and using pliers to the point where we have been elected to different levels of government and have represented good people. We are both very proud of that.

The other act this legislation amends is the Gas Industry Act 2001. There has been a lot of talk in this debate around alternative energies. It is interesting that the Plumbing Industry Climate Action Centre, which does research and training around different forms of energy, shows the amazing array of potential there is in terms of what we could be utilising in the future. I would encourage all members, if they have a chance, to visit that centre. The power in the building is run by an inverter that converts the temperature at ground level to the temperature a number of meters into the earth. Obviously the differential between those temperatures is being turned via inversion into energy that runs a building. I could bore members by explaining the intricate technical details of how that operation works. I am sure members know that I could go into all those details and explain that operation, but I do not think this is the time and place to do that.

Another thing this bill does, which I think is very important, is addressing the fact that too many customers were having their supply cut off by default.

Mr Finn — People suffering from the carbon tax!

Mr LEANE — Through you, Acting President, I invite Mr Finn to put his name on the speakers list to make a contribution after mine — —

The ACTING PRESIDENT (**Mr Ramsay**) — Order! I encourage Mr Leane not to invite Mr Finn to support his contribution at this stage.

Mr LEANE — As far as it can, this bill addresses the fact that too many people are having their power supply disconnected by energy companies, and too many of those disconnections performed by power companies are being done wrongly. I have sympathy for people who were disconnected and applied for hardship assistance. Apparently when the federal carbon tax was removed, power bills were going to be so much cheaper for everyone. There was going to be this utopia when we got rid of the carbon tax. Energy bills — —

Mr Finn interjected.

Mr LEANE — That is simply not true, Mr Finn. Power bills have gone up.

Mr Finn interjected.

Mr LEANE — How does that work? We were told about this big tax on everything. I remember Mr Finn's contributions on this. Now he is over there, on that side of the house, but I am not going to rub that in, because that would be quite silly. It would not matter what bill we were talking about, we would hear the same speech from Mr Finn. It would not matter whether we were talking about health, education or sport: Mr Finn would make the same speech about this big tax on everyone — about how it would be the end of the world and how removing it would change everything. We were going to have this utopia when we got rid of it.

The genesis of the tax was a concern for the planet due to the amount of carbon we are emitting.

Mr Finn interjected.

The ACTING PRESIDENT (**Mr Ramsay**) — Order! I do not see Mr Finn on the speakers list. I do not think Mr Leane needs any support.

Mr LEANE — At least Mr Finn hangs his hat on being a climate change denier.

Mr Finn — It's rubbish!

Mr LEANE — Thank you very much. He said it is rubbish. Mr Finn will go to Arnold's and sit there with Ralph Malph, Potsie and Richie, and he will talk about all this stuff. Then he will invite the Fonz to punch the jukebox and play some music. When Mr Finn is back there in the 1950s I think, 'Good for him'. However, people of today actually realise that there is a huge challenge. Let us — —

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Ramsay**) — Order! Could we just allow Mr Leane to finish his contribution without interjection, please?

Mr Finn interjected.

The ACTING PRESIDENT (**Mr Ramsay**) — Order! Mr Finn! I ask Mr Leane to come back to the bill at hand for his remaining 5 minutes, because I see no mention of the carbon tax in the bill itself.

Mr LEANE — I have been in a free-for-all, I feel. I have lost my train of thought.

Honourable members interjecting.

Mr LEANE — I am just a humble year 10 graduate. My good friend Senator Marshall is listening, and I do not know if he would agree, but I think the argument was lost when we started talking about carbon emissions. We should just call it what it is: pollution. Mr Finn would not stand up and defend the act of polluting our air. When we go to the rubbish tip and pollute the ground, we pay a big premium. However, when we put all our rubbish, all our waste, into the air that we breathe, some are heartbroken if they are asked to contribute for that. Everyone pays their bill at the tip. We are continually polluting the air. Some want to forget about future generations and forget about our grandchildren. They want to forget about the air and the climate future generations will have to endure because of our actions. Consume, consume, consume! I have hope — —

Mr Finn — I would debate that!

Mr LEANE — I am not talking about myself personally. I am talking about the world. I have hope for the world, because people like Mr Finn and me, people of our age — —

Mr Drum — People of our vintage.

Mr LEANE — People of our vintage, people with my hair colour — or the colour Mr Finn's hair should

be! — are not going to solve this. Our kids are going to solve it, because they are smarter than us. They are smarter than Mr Finn. I have full faith in our future generations. You only have to go to primary schools — I am sure Mr Finn does — and see their innovations. I am talking about kids who are under the age of 10. They have their own innovations about how not to consume, consume and consume without worrying about the people who will follow them.

An honourable member interjected.

Mr LEANE — Teenagers know; at secondary schools I have seen exactly the same thing. As much as it depresses me that our generation and the generation of Potsie and Ralph, whom Mr Finn hangs around with — —

Mr Finn interjected.

Mr LEANE — We did not see the writing on the wall for a long time. The next generation will fix it. They will not be selfish, they will not be stupid and they will not be greedy. The next generation will fix it, but they will still have some angst towards us because it took us so long to work out that you cannot continually consume, continually rip into the planet and continually put pollution into the sky without an adverse result.

I would like to commend the bill.

Honourable members interjecting.

Mr LEANE — I do not even know what it is about!

Honourable members interjecting.

Mr LEANE — Of course I do. I was having a joke with a friend.

Mr Finn interjected.

Mr LEANE — I call on Mr Finn to take this on. Otherwise he should go back to Potsie, Ralph and the Fonz. Thank you very much. I am finished.

Mr MELHEM (Western Metropolitan) — I agree with Mr Barber, who has just given Mr Finn very good advice. The Pope basically said that his party is wrong about climate change and he should pay attention. Being a good Christian, like me, he should listen to the Pope. I think he made some good points, and he should take notice of what the Pope had to say, which I have. I agree with the Pope — I think climate change is real.

I rise to speak in support of the Energy Legislation Amendment (Publication of Retail Offers) Bill 2015. As previous speakers have said, it is a good bill which makes it easy for Victorians to go to the website and shop around for energy. It also provides that retailers must put information together to give consumers a real choice as well as letting them know what they are getting into when it comes to contracts and so forth by displaying competitors' prices.

I acknowledge that some changes were made under the previous government, and this bill improves on those changes with the introduction of the My Power Planner. That has been tweaked a little and made a little more user-friendly so that people can log onto the website and shop around to make sure they get a good price. The price comparator website, currently labelled My Power Planner, requires gas retailers to provide details of their retail offers. It requires electricity retailers to do the same.

We all know there is a lot of advertising on TV and in newspapers by various retailers inviting consumers to switch to their product because it is superior to that of their competitors. In some cases that is true, but in other cases it could be misleading. We see a headline, we are attracted to it, but the devil is in the detail. When you get into the detail you find that it is all in fine print. People get locked into contracts and sometimes discover too late that they have been duped. The website is a tool for consumers to use. This legislation makes it mandatory for energy providers to detail their offers on the website so that there is a user-friendly process where consumers can compare apples with apples and apples with oranges, so to speak, and make an informed decision.

Under the previous government the Victorian energy retail market was in decline. Between 2012 and 2013–14 disconnection rates went through the roof, with a 42 per cent increase in the number of gas customers disconnected and a 36 per cent increase in the number of electricity customers disconnected. The rate of wrongful disconnections also doubled, increasing from 442 to 1022. The average debt upon entry into the hardship program surged from $742 to $1034, and affordability cases considered by the energy and water ombudsman of Victoria skyrocketed, with cases relating to disconnection, collection of debt and payment difficulties rising by 48 per cent.

We need to do a lot of work to ensure that we can improve the current situation, and that is why the Andrews government is now acting to improve outcomes for consumers in the Victorian energy market. This includes promoting competition — hence the website, which is a one-stop shop where people can 'compare the pair'. They might need to use the services

of the meerkat. That would be a good thing. They can do a bit of spying and comparison. I think that would be a wonderful thing. To ensure people have access — —

An honourable member interjected.

Mr MELHEM — We get the meerkat. I was going to say something, but I will not.

The government is also enhancing the consumer protection framework by giving the Essential Services Commission the power to fine energy companies for breaches of the energy laws. It is good to have good laws in place, but it is more important to have a mechanism in place to enforce them by monitoring whether retailers are complying with the law. If they are not complying, then obviously a fine should be imposed to make sure breaches do not continue, because it is our job to make sure we protect the most vulnerable people in our society. We need to have a watchdog in place to make sure people have the resources, the know-how and the ability to compare offers, and if there are any breaches, we need to make sure that fines are applied.

The Andrews Labor government will also ban early termination fees for contracts with price variations. If you enter into a contract when the price is X, you would think that price would remain X for the duration of the contract. But we know the fine print in many contracts says differently. Not many people read contracts that can be 100 or 200 pages or longer; most probably just read the first page. In some cases the first page does not tell you, 'By the way, we reserve our right to increase our prices during the life of the contract'. That has happened a lot of times.

Mr Finn — Particularly if Labor reintroduces the carbon tax.

Mr MELHEM — The member sounds like a broken record on the carbon tax. I might come back to the carbon tax. What did the carbon tax do to you, Mr Finn? Mr Abbott and other colleagues of Mr Finn's in Canberra replaced the carbon tax. The carbon tax was imposed on companies to pay; now the polluters are paid to pollute. That is the coalition's tax: taking taxpayers money to pay the big polluters to pollute, or saying to them, 'We'll give you a million bucks here'. That is what they call direct action. God help us if that is the policy of the Liberal-led coalition to fix the environment. If that is the case, we are in trouble, and I think coalition members know it too. I hope they will see the light and take some fair dinkum action to address climate change instead of wasting taxpayers money on direct action which gives money to corporations to basically continue to pollute.

The government will also prohibit higher supply charges for solar customers. A lot of Victorian consumers have done the right thing and installed solar panels to do their bit for the environment and to reduce their power bills. But sometimes the price those people will get or how much energy they will generate is not made clear to them. In some cases people are not able to tell how much they have generated from their solar panels and how much is going to the grid, and prices change all the time. It is important to ensure that is looked at.

The Andrews Labor government will double the wrongful disconnection payment to customers from $250 to $500 per day. It will also require the Essential Services Commission to provide annual and quarterly reports on its compliance and enforcement activities. These are all important steps to make sure that gas and electricity retailers start doing the right thing by consumers.

How does the expansion of the price comparison service affect energy retailers? The change does not materially impact on gas retailers. Rather, instead of providing information to the Essential Services Commission for publication on the YourChoice website, retailers will now provide information to the website nominated by the minister. Including gas retail offers on the nominated website will improve transparency in the gas retail market and help to encourage competition between gas retailers.

Electricity retailers are not currently required to provide information on feed-in tariff offers on any independent website. However, many retailers are already providing this information voluntarily. The obligation to publish feed-in tariff offers on retailers own websites and in the *Victoria Government Gazette* will continue. The new obligation to provide information on feed-in tariff offers on a website nominated by the minister is not expected to impose any significant additional burden.

This bill will make sure that we have an official website that is nominated by the minister. People can then have some faith that the website is not driven purely by retailers — that is, people can trust it is an independent source of information which they can check instead of the websites of individual retailers which are used to sell that retailer's products. Obviously the aim of those websites would be to say how good the retailer's product is; they would not necessarily take into account the consumers' interests. The retailer's primary interest would be attracting people to its business. Having a

website nominated by the minister where retailers can provide information on what they offer to existing customers, what they have to attract customers and even what they offer to encourage people to switch retailers is a good thing. It is good for competition. I am pleased that consumers will be able to have confidence that the nominated website is reputable and that they will be able to do proper comparisons.

When will that happen? From September 2015 the government's price comparator website will be expanded to allow customers to compare retail gas and feed-in tariff offers in addition to the electricity offers. In addition, the overall usability and accessibility of the tool will be improved, with a strong focus on creating a more user-friendly interface. That will include access to interpreting services to help facilitate access for people from culturally and linguistically diverse backgrounds. I think that is very important. It is something we should pay more attention to because people from culturally and linguistically diverse backgrounds can be very vulnerable. We need to be able to provide access to information in various languages so people are able to compare prices and understand what retailers are offering. That is a welcome addition.

With those remarks, I think the bill is very important. It will provide some protection to consumers while encouraging retailers to put their case when trying to win the hearts and minds and contracts of customers and will make sure that we keep them honest. It is a good step in the right direction. I commend the work that the minister has done in that space, and I commend the bill to the house.

Ms PULFORD (Minister for Agriculture) — I am pleased to join the debate on the Energy Legislation Amendment (Publication of Retail Offers) Bill 2015. As I am a Ballarat resident and it is August, I am acutely aware of energy costs, as we all are. We are all energy consumers, but I think the Ballafornians among us probably use more energy during winter than those from other parts of the state. We just about had snow a couple of times in the last few weeks during what has been a very cold winter. However, it is the same in summer with people taking up cooling options and incurring the costs associated with keeping comfortable in this part of the world where we experience such extraordinary fluctuations in temperatures.

The government is keen to see greater opportunities for Victorian communities through expanding investment in renewable energy and by providing greater knowledge and information for consumers so that people can make informed choices about their energy use and the associated costs. The bill expands the government's price comparator website, known as My Power Planner, by requiring gas retailers to provide details of their gas retail offers and electricity retailers to provide details of their feed-in tariff offers to the price comparator website.

Increasingly people are using the internet as their first port of call for information on just about anything we can imagine. The government is conscious of the cost-of-living pressures on Victorian families and wants to make it easier for people to shop around to save money and get a better deal from energy retailers, and this legislation will make it easier for people to do that. We understand that 93 per cent of customers who visit the government's price comparator website can save money by switching plans. There are great benefits in the provision of additional information to consumers, and this legislation will enable that.

As we move to increase the share of our energy consumption that comes from renewable resources, it is essential that as a government and as a Parliament we ensure that the settings are right and are conducive to investment in renewable energy. As a member who represents western Victoria, I was acutely aware of the lost opportunities experienced by the communities I represent as a result of the former government's strange obsession with wind energy. That obsession has now clearly afflicted the Prime Minister, and we are getting some very strange signals around wind energy in particular from the commonwealth government.

By contrast the communities in western Victoria welcome investment in wind energy. There are many proposals on the books at any given time, and there are many pockets where these investments will yield great returns not only for the landowner and the project proponent but also for the community by increasing the share of our energy that comes from renewable resources. Yesterday I had the opportunity to meet with representatives of Ararat Rural City Council who are visiting the Parliament to meet with members over a number of days this week. Ararat Rural City Council is to be commended for welcoming wind energy investment. It is something the council has pursued with a great deal of passion for many years, and it is heartening to see those efforts being rewarded with the construction of a new wind farm.

Wind energy investment is something that the council staff have been keen to discuss with members of Parliament from across the parties for many years, and no doubt they will continue to have a long-term interest in this. Those of us who represent the south-west of Victoria also know there are significant employment opportunities from the construction of towers and

turbines. There were some terrible job losses in Victoria as a result of a lack of investment certainty over the years, and we certainly hope the federal government does not pursue this strange obsession that the former Victorian government had around wind energy investment and further suppress an industry that is just now recovering from the 2-kilometre offset arrangements that have been in place for the last four years.

As a government we will be working hard to support the development of renewable energy in Victoria. The $200 million Future Industries Fund exists to support the development of six key sectors of the Victorian economy in which we believe we can lead the world with the right investment, nurturing and support, and renewable energy technology is one of those sectors. My colleague Lily D'Ambrosio is leading the government's work on the growth of our renewable energy industry as Minister for Energy and Resources and Minister for Industry. I look forward to working with her to ensure that these opportunities exist for communities across Victoria and in particular regional Victoria.

The bill is a straightforward piece of legislation. It is the delivery of another election commitment, and we are pleased to have the support of members across the chamber. Further information will give people greater choices and more opportunities to interrogate the arrangements they have in place for their energy consumption at home, and that can only be a good thing. I congratulate my colleague the Minister for Energy and Resources, Ms D'Ambrosio, on the development of this policy and this legislation. I look forward to seeing the benefits that will come from the additional information being made available for consumers both in Western Victoria Region and right across the state.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

CHILDREN, YOUTH AND FAMILIES AMENDMENT (RESTRICTIONS ON THE MAKING OF PROTECTION ORDERS) BILL 2015

Second reading

Debate resumed from 11 June; motion of Mr JENNINGS (Special Minister of State).

Ms CROZIER (Southern Metropolitan) — The opening comment by the Auditor-General in the report entitled *Early Intervention Services for Vulnerable Children and Families*, tabled in Parliament in May, is that:

> We have an obligation as a community to protect and nurture our children by doing what we can to give them stable and safe family environments. Unfortunately, not all children have this stability and safety …

We have an important debate in the house today. The government has introduced this piece of legislation, the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015, into Parliament to address protection for some of the most vulnerable members of our community. As the now Minister for Families and Children, Ms Mikakos, stated in a debate last year when she supported many of the provisions in a bill put forward by the government at the time:

> … Labor supports some aspects of the bill. We support some provisions that will commence immediately, particularly in relation to foster carers, and do not want to see them delayed.

Ms Mikakos highlighted in that debate that if the then Andrews Labor opposition was successful in forming government, it would repeal section 276A of the Children, Youth and Families Act 2005, which was inserted by the Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014. That is exactly what this piece of legislation being debated here today is about. Clause 3 repeals section 17 of the amendment act to retain the current requirements set out in section 276 of the Children, Youth and Families Act 2005 for the making of child protection orders, including the requirement that the Children's Court of Victoria must be satisfied that all reasonable steps have been taken by the secretary to provide the services necessary in the best interests of the child.

I remind members about the section in the Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014 that relates to the legislation we are debating today. I will read, for the benefit of

members in the chamber, what the section we are discussing today, which is being repealed by the government, is all about. I ask members to bear with me while I read from that section. The section that the former government included in the act states:

> **276A Court to have regard to certain matters**
>
> (1) In determining whether to make a protection order, the Court must have regard to advice from the Secretary as to—
>
> (a) if a case plan has been prepared in relation to the child, the objectives of the case plan; and
>
> (b) if the child has one or more siblings under the age of 18 years, the arrangements in place for the care of those siblings; and
>
> (c) the age of the child and the period of time that the child has spent in out of home care during the child's lifetime (whether or not as a consequence of a court order).
>
> (2) In determining whether to make a protection order that has the effect of conferring parental responsibility for a child on the Secretary, the Court must have regard to advice from the Secretary as to—
>
> (a) the likelihood of a parent of the child permanently resuming care of the child during the term of the protection order; and
>
> (b) the outcome of any previous attempts to reunify any child with the parent of the child; and
>
> (c) if a parent of the child has previously had another child permanently removed from the parent's care, the desirability of making an early decision about the future permanent care arrangements for the child the subject of the proposed order; and
>
> (d) the benefits to the child of making a care by Secretary order to facilitate alternate arrangements for the permanent care of the child if—
>
> (i) the child is in out of home care as a result of an order under this Part and has been in out of home care under such an order for a cumulative period of 12 months; and
>
> (ii) there appears to be no realistic prospect of the child being able to safely return permanently to the care of the child's parent within a further period of 12 months; and
>
> (iii) there are no permanent care arrangements already available for the child; and
>
> (e) the desirability of making a permanent care order, if the child is placed with a person who is intended to have permanent care of the child.
>
> (3) Section 287A(4) applies to the determination of a cumulative period under this section …

I have read that out because I think there is information in here that is relevant to this debate. I say it is relevant because of the many issues within our child protection system that we were faced with when we came to government in 2010.

Members will recall that when the coalition came to government one of the very first initiatives it undertook was to commission the Protecting Victoria's Vulnerable Children Inquiry, which looked at Victoria's child protection system and was undertaken by the Honourable Justice Philip Cummins, together with Emeritus Professor Dorothy Scott, OAM, and Mr Bill Scales, AO.

That inquiry, which undertook an extremely comprehensive review, was really looking at the system. It was established to investigate systemic problems in Victoria's child protection system so that it could be strengthened and be provided with improved protection and support, not weakened. It looked at improving outcomes for children, putting children first, especially the children who require the utmost attention — those who find themselves in at times unimaginable circumstances being abused and neglected and having no safe environment to live in, to grow in or to nurture them. Some of these children are not provided with an education from parents and are not able to attend an education facility. They are completely abused and neglected, and that is through no fault of their own. These children are some of our most vulnerable, and we have a responsibility to do what we can as legislators and as governments to protect them.

As I said, the Cummins inquiry was an exceptional piece of work. It really did look to the heart of the many failings of a system that was in crisis when the coalition came to power, and it was established within just a couple of months of the coalition government taking office.

Let us reflect on what the situation was here in Victoria when the coalition came to government in 2010, after 11 years of Labor administration. I think the two reports by the Victorian Ombudsman, the *Own Motion Investigation into the Department of Human Services Child Protection Program* and the *Own Motion Investigation into Child Protection — Out of Home Care* of November 2009 and May 2010 are very

significant in this area. Those two reports were absolutely scathing. They highlighted a system in crisis, and if you read through those reports, you will find some horrific findings.

I will quote from the out-of-home care report first, where the Ombudsman states:

> My investigation has found instances of children who have:
>
> > been physically and sexually assaulted by foster and kinship carers;
> >
> > had limbs broken or been knocked unconscious by residential carers;
> >
> > been physically assaulted or raped by other children;
> >
> > been placed with adult 'friends' who have then engaged them in sexual acts;
> >
> > engaged in prostitution while in care;
> >
> > reported their carers selling drugs to other children.

These two reports highlighted a most dreadful circumstance here in Victoria. At the time the report of the Ombudsman was handed down in 2009 the *Herald Sun* also made a report, and some of the comments from that report again highlighted just how shameful the child protection system was and the crisis it was in. It revealed that almost a quarter of abused children were not given caseworkers. As I said, it also found that children had been put in the care of sex offenders or had even died while in care. It said that some staff manipulated documents to meet performance targets.

Almost 30 reports and reviews had previously been undertaken warning of these failures. What did the government of the time do? Absolutely nothing. It was disturbing reading these reports, and I do acknowledge that the minister at the time — —

Ms Mikakos — That is a very selective reading of history.

Ms CROZIER — These are two reports by independent investigators under Ms Mikakos's watch. She was in that government, and these reports were talking about years of neglect.

Ms Mikakos — What about what happened under your watch last year? Shall we go through that as well?

Ms CROZIER — I am just reading — —

Ms Mikakos — It is nonsense to say that the government at the time did nothing.

Ms CROZIER — As I said, this is the situation the coalition government came to in 2010. These were damning reports, and they are shameful records, revealing a litany of shameful positions that our children were in.

Ms Mikakos interjected.

Ms CROZIER — Perhaps I will read it again, just for Ms Mikakos's benefit. This is what the Ombudsman found,

Ms Mikakos — You are claiming that the government at that time did nothing.

Ms CROZIER — The Ombudsman found, under Ms Mikakos's watch, under her ministry, under her government, a litany of failures.

I will return to the substance of this debate, and I note that government members are very tetchy about this issue, but this is a damning indictment of the previous Labor government. There were 11 years of Labor administration, and this happened under its watch.

It was the coalition government that instigated the Cummins inquiry, which made some deplorable findings. You cannot claim that the coalition government sat on its hands. It undertook that inquiry within the first few months of coming to power, and as I said, it looked at the grossly mismanaged department over a decade, which is why the Cummins inquiry was undertaken. It looked at very difficult issues.

One of the recommendations it made — and I digress slightly from the bill, but it has relevance, and I will come to that — was recommendation 48, which I know extremely well. It recommended that governments look into abuse in religious organisations, and of course we know former Premier Ted Baillieu made the decision for the Parliament to undertake an inquiry into child abuse, which I had the privilege to chair. Of course members know the outcomes of that inquiry, and we have the royal commission that is still undertaking its work into child sexual abuse. What we heard in that inquiry, as the Victorian public knows only too well, was men and women in their 40s, 50s, 60s, 70s and 80s telling how they were abused as children. Their lifelong suffering, inability to maintain relationships and struggles with employment, and their dealings with the mental health system, acute health system, justice system and welfare system, or all of the above, were lifelong ramifications that these men and women had as a result of being abused by people in trusted organisations.

If we know of the lifelong ramifications for the children who were abused by trusted figures within organisations, as has been the finding of the Victorian parliamentary child abuse inquiry and as the royal commission into child sexual abuse is now hearing, what about those children who are neglected or abused by their parents — that is, by those who are supposedly the most trusted figures within a child's life? The lifelong suffering and experiences of children abused by their parents can be similar to or perhaps even worse than those of children who are abused by others. It remains ever so important that our most vulnerable be protected, and as a collective, as all members in this chamber, we have that aim. We all want to see that occur.

As I said, the Cummins inquiry was really a landmark inquiry that led to significant reform in this state. The former minister, Ms Wooldridge, is now in the chamber, and I acknowledge and congratulate her for having the fortitude to enable many of those reforms from the Cummins inquiry to take place during the four years of the coalition government. It is a very strong record that still stands, of which the coalition is very proud and will not shy away from. It is not to say that further improvements do not need to be undertaken, but in those years the reforms undertaken were acknowledged and still need to be maintained.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Agriculture Infrastructure and Jobs Fund

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My question is to the Minister for Agriculture. I refer to the minister's statement in the Ballarat *Courier* of 4 August that the Agriculture Infrastructure and Jobs Fund will be available for programs including:

> … transport, irrigation and energy projects, as well as skills development programs and market access campaigns.

Given that under the government's own legislation the proceeds of the port sale can only be spent on infrastructure, I ask: where will the funds for skills development and market access programs come from?

Ms PULFORD (Minister for Agriculture) — I thank the member for his question about the Agriculture, Infrastructure and Jobs Fund. This is our $200 million fund that will be established following successful passage of the port lease arrangements legislation, which of course is now subject to consideration by a committee of this house. In the event that that occurs and the fund is established, the $200 million will be administered by the agriculture division of the Department of Economic Development, Jobs, Transport and Resources (DEDJTR). It will operate in a similar manner to the Future Industries Fund. It will not be a trust fund in the way that the Regional Jobs Fund is, but they will be funds earmarked for those kinds of projects.

The guidelines will be finalised over the next few months, so that all potential project proponents will be crystal clear on the arrangements. Recommendations will come to me following consideration and evaluation of projects in a manner that is consistent with proper government decision-making, and an interdepartmental committee will support this. For some types of projects the expertise across government will be held in different areas, as it is a fund that will support different kinds of projects, as the member indicated in his substantive question.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for her answer, but it does not go to the substance of the question, which was the source of the funds. The legislation the minister referred to establishes the Victorian Transport Fund and requires that all net proceeds of the sale of the port be paid into the Victorian Transport Fund. It also provides that the Victorian Transport Fund can only be spent on infrastructure.

The minister in her public statement outlined a number of elements of her fund that are not within the scope of infrastructure, and it is not clear to the house or the public what the source of those funds outside the scope of infrastructure is going to be. I ask the minister: will she explain whether it is her intention that that $200 million fund will be sourced entirely from the proceeds of the port sale, which is not allowed for under the government's legislation, or is there another source of funds?

Ms PULFORD (Minister for Agriculture) — I thank the member for his question. The funds would not be coming from the Victorian Transport Fund that is established through the legislation. The appropriation would be made to DEDJTR and administered by the agriculture division.

Questions interrupted.

DISTINGUISHED VISITORS

The PRESIDENT — Order! I take this opportunity to acknowledge some of the visitors in the gallery. Noel Pullen, a former member of this house, is with us today. Former minister Nick Kotsiras is here. My goodness, he looks entirely different. Welcome, Mr Kotsiras. We have Senator Gavin Marshall with us as well, and we also acknowledge his visit to the Parliament and the Legislative Council today.

QUESTIONS WITHOUT NOTICE

Questions resumed.

Early childhood educators enterprise bargaining

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Families and Children. More than 1000 early childhood educators are set to stop work and join the Australian Education Union strike action next Thursday, 13 August. This will cause massive disruption to thousands of Victorian families and young children, and I ask: what actions has the minister taken to prevent another union disruption in Victoria — this time union action that will affect our youngest Victorians?

Ms MIKAKOS (Minister for Families and Children) — This is an extraordinary question, because it comes from a former Parliamentary Secretary for Health, who together with the former Minister for Health oversaw the lengthiest paramedics dispute that we have seen — —

Mrs Peulich — On a point of order, President, the minister has immediately entered into debating the question. I ask you to direct her to come back to the question.

The PRESIDENT — Order! Ms Mikakos is making introductory remarks. I am sure she is about to move on to answering the substantive question posed by Ms Crozier.

Ms MIKAKOS — I have 4 minutes, so I want to utilise my time in responding in a fulsome way to the member's question, because the member has a record here. She was the Parliamentary Secretary for Health when the previous government was staging a full-frontal attack on paramedics in this state. In fact it took a paramedic having to write to Ms Crozier after she was — —

Mr Finn — On a point of order, President, I am aware that you cannot direct a minister how to answer a question, but there is no relevance in the minister's answer to the question asked. I ask you to direct her to at least try to be relevant in some way.

The PRESIDENT — Order! On this occasion a better point of order would have been that the minister was debating the answer. I certainly would have concurred with that. I indicate, though, that the minister had no sooner got to her feet than she was subjected to interjections, and those interjections called on her to respond in a particular way. As I said, she had only just got to her feet and had not had a chance to provide to the house the answer that was sought by Ms Crozier. I am loath to pull up the minister for retaliating, if you like, to interjections. The line that the minister has taken to this point is to debate an entirely different portfolio area that is not relevant to the specific subject matter raised or to the area where she has responsibility.

Ms MIKAKOS — The point I am making is that it is interesting that members on the opposition benches have now taken a road to Damascus interest in speedy resolutions of industrial disputes, when during their time in government we had a protracted paramedics dispute, a protracted nurses dispute, protracted industrial disputes and open warfare with workers in this state.

The PRESIDENT — Order! I suggested that the minister was debating — that was my guidance — but she has continued along the same line of debate. I ask the minister to come back to answering the substantive question.

Ms MIKAKOS — Thank you very much for your guidance, President. The Andrews Labor government respects and values our early childhood teachers and educators and the contribution that they make to children's lifelong learning and futures. It is important to understand the history because this dispute has been running now for two years. The previous government did nothing.

Ms Lovell interjected.

The PRESIDENT — Order! Ms Lovell!

Ms MIKAKOS — Ms Lovell washed her hands of the matter and said she had no interest in the dispute. By contrast, before the election Labor made a promise to help resolve the enterprise bargaining agreement dispute. We have honoured that commitment. Unlike what happened under the previous administration, I have directed the Department of Education and Training to be involved in discussions with the parties, and that is exactly what it has been doing. It has been helping to assist the parties to come to a resolution of

this matter. We will continue to encourage and support the parties to negotiate in good faith and reach a fair agreement. Our government has a commitment and a vision to making Victoria the education state, and a critical part of that is supporting our early years services.

An honourable member — You can't do that if they're out on strike.

Ms MIKAKOS — We respect the right that parties have under industrial laws in our state that enable people to take industrial action. I know Ms Crozier spoke in her inaugural speech about how she was proud that she did not participate in the nurses dispute in the past and that she was proud to be a scab, but we respect — —

Mrs Peulich — On a point of order, President, apart from the minister flouting your ruling again, to call Ms Crozier a scab is unparliamentary and offensive, and the minister ought to apologise and withdraw.

The PRESIDENT — Order! I heard the word 'scab', but I do not think the context Mrs Peulich has picked up on is exactly what the minister put to the house. Again I am concerned about the reflection back on the member who asked the question rather than the minister addressing the substantive matter. In this house we play the ball, not the man. I ask the minister to return to the substantive question.

Ms MIKAKOS — It is on the public record that Ms Crozier said she chose not to take industrial action during the nurses dispute, but I will come to the point. Obviously we are keen for the parties to resolve the dispute. It is our preference that the parties resolve the dispute so that industrial action is not necessary, because we understand that this is an inconvenience to parents and families. I encourage the parties to resolve the dispute. We are assisting the parties in the negotiations, in contrast to the inaction of the previous government, which took absolutely no action for two years whilst this dispute was underway.

Supplementary question

Ms CROZIER (Southern Metropolitan) — I am not sure I can thank the minister for that answer, nor can Victorian families. Nevertheless, my supplementary question to the minister is: at the 2014 annual general meeting of the Early Learning Association Australia the minister gave a rock-solid core commitment that she would sit at the negotiation table to resolve this issue. Can the minister inform the house of the dates that she sat around the negotiation table to resolve the issue?

Ms MIKAKOS (Minister for Families and Children) — Ms Crozier is asking a supplementary question that is prefaced on Ms Lovell's recollection of what I said. I never said that I would personally be at the negotiating table. I cannot recall that ministers have been personally involved at the negotiating table. I said that we would be involved, and that is exactly what we have done. As I explained, the department of education is involved in the discussions. Clearly the member was not listening to the answer I gave in my reply to the first question.

Ms Crozier — On a point of order, President, I ask you to redirect the minister back to the question, which is in relation to the dates the minister has sat down at the negotiation table.

The PRESIDENT — Order! The problem with the supplementary question is that it did have other material in it. The member did get to that point, but she coated it with some commentary, which gives the minister an opportunity to answer the question as she sees fit and to address the commentary, which might be more than the member was seeking in terms of a substantive answer. The minister certainly questioned the premise of the question, and that is a valid response.

Ms Lovell — On a point of order, President, I was present at that meeting, and what the minister said was that the government would sit at the table, not the department.

The PRESIDENT — Order! Ms Lovell — —

Ms Lovell — Not the department, the government.

Questions interrupted.

SUSPENSION OF MEMBER

Ms Lovell

The PRESIDENT — Order! Ms Lovell will leave the chamber for 15 minutes.

Ms Lovell withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Early childhood educators enterprise bargaining

Supplementary question

Questions resumed.

The PRESIDENT — Order! This is not a point of order; this is debating. I am not going to get into a situation in the chair where I am trying to understand who said what at a meeting that I did not attend and at which I have no way of verifying what was said. We all need to be a little bit more mature in that. The minister disputes it, and there is a debate. The opportunity now, if there is a continuing concern as expressed by Ms Lovell by way of debate rather than point of order, is to take note of the minister's answer at its completion. The minister to conclude.

Ms MIKAKOS (Minister for Families and Children) — I do want to conclude, but I think the failed point of order that has been taken shows that Ms Lovell and Ms Crozier have differing versions of events. They are putting questions to the government when they are not even clear what the question is. They have very selective interpretations of events. I want to make it clear that, unlike the previous government, we have been involved in assisting the parties through the Department of Education and Training.

Ordered that answers be considered next day on motion of Ms CROZIER (Southern Metropolitan).

Local government rates

Mr DAVIS (Southern Metropolitan) — My question is for the Minister for Small Business, Innovation and Trade. I refer to Labor's election commitment entitled *Labor's Plan for Small Business*, which says:

> Labor has a plan to support our small and medium enterprises by removing red tape, reducing council rate rises …
>
> …
>
> A Labor government will also cap council rate rises at CPI to discourage wasteful spending.

My question for the minister is how the massive 11 per cent rate hike for businesses in the city of Monash, in his electorate, in 2015–16 is consistent with the Andrews Labor government's pre-election commitment to small and medium enterprises.

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I appreciate the opportunity to answer the member's question, and I thank the member for it. The member would well know that my portfolio does not include the issue of the council cap, as he has referred to it. But the policy that has been brought forward by this government is in relation not just to capping but to allowing the Essential Services Commission, as the member well knows, to review what the councils will do.

However, the substance of the issue goes to what we are doing for small businesses. Let me provide an answer to the member. His question asked what we are doing for small businesses in Victoria. I will tell Mr Davis — and he should probably listen — that we are maintaining the 25 per cent red tape reduction. We are implementing a $100 million payroll tax rebate — —

Mr Davis — On a point of order, President, I did not ask what the government is doing for small business. I asked how is what the government is doing consistent with its promises.

The PRESIDENT — Order! The minister has only just started his response. He has indicated that the question that has been put to him goes across portfolios and he does not have direct responsibility for the issue of rate capping, though it may well have been a government commitment. The minister is fairly early in his response, and therefore I will allow him to continue.

Mr DALIDAKIS — As I was saying, we are implementing a $100 million payroll tax rebate for hiring long-term unemployed people, youth and retrenched workers. I am sure Mr Davis would like to support that. We are making sure that WorkCover surpluses are used to fund benefits, lower premiums and support workplace safety. In terms of capping council rate rises at CPI, we are doing that to discourage wasteful spending by councils and reduce the burden on local businesses. By doing that, we are encouraging local businesses. Beyond that, let me remind the member that he was a minister in the last government, which saw unemployment go from 4.9 per cent to nearly 7 per cent.

Supplementary question

Mr DAVIS (Southern Metropolitan) — I asked the minister's predecessor on 18 March about the government's rate capping policy and whether there would be differential rates for small businesses. He conceded:

> … Mr Davis is right; it is our policy — to cap council rates at CPI, which will relieve the burden on local … businesses.

The CPI for the year to 30 June was 1.1 per cent, yet the Monash rate rise for businesses in this financial year is 11 per cent — 10 times the CPI. Will the minister now concede that the government — —

Honourable members interjecting.

The PRESIDENT — Order! I ask Mr Davis to take his question from the top.

Mr DAVIS — I asked the minister's predecessor on 18 March about the government's rate capping policy and whether there would be differential rates for small businesses. He conceded:

> … Mr Davis is right; it is our policy — to cap council rates at CPI, which will relieve the burden on local … businesses.

The CPI for the year to 30 June was 1.1 per cent, yet the Monash rate rise for businesses in this financial year is 11 per cent — 10 times the CPI. Will the minister now concede that the government has failed to live up to its pre-election commitments to small and medium businesses and that the former Minister for Small Business, Innovation and Trade misled the house on 18 March?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank the member for the question, and on both of those questions the answer is no.

Mr Leane — On a point of order, President — and I wanted to take this point before the minister had a chance to respond to Mr Davis's question — we have a live upper house committee inquiry, where Mr Davis is the chair, that has a standing reference to report on rate capping every six months. My problem is in relation to the committees act. Mr Davis could be — and it is not for me to say — bringing questions into this place that have arisen from hearings in camera or from privileged discussions in the course of deliberations. I do not know if you want to respond straightaway, President, but I do see this as a huge concern.

Mrs Peulich — On the point of order, President, I believe the member is reflecting on Mr Davis. As a member of Parliament also representing the city of Monash, could I say that I am aware of this, and I am not on the committee.

Mr Davis — On the point of order, President, there is clearly no restriction on members asking questions of ministers about policy areas that are relevant. I should be very clear and indicate that it is now a matter of common knowledge in the city of Monash that the rate rise for businesses in Monash this year is 11 per cent. It is 10 times the CPI, and there ought to be no restriction on members asking such a question.

The PRESIDENT — Order! With respect to the point of order, Mr Leane raises a valid point in the sense that where we do have inquiries afoot and particularly where some of those inquiries are of a fairly comprehensive nature, there could well be difficulties at times for the house in having questions posed that have a relationship to information that has been provided to those committees. On this occasion, however, I accept — and in fact I am also personally aware, because of my coverage of part of the Monash council area — that these rate rises for most municipalities and certainly for Monash have been published in the media and that therefore they are a matter of public knowledge. I am assured from my perspective that the member has not had to rely on submissions or evidence put before the committee on this occasion.

Nevertheless, as I said, Mr Leane's point of order relates to the principle and serves as a good warning to members that we need to be careful in terms of not posing questions that come into conflict with or compromise the work of the committees. That can be difficult where there is an ongoing reference that is very broad and where there is a monitoring reference such as the one that is before that committee. I am quite confident on this occasion that the member has not relied on any committee documentation, evidence or suchlike to pose this question, and in that sense it is okay. I just say to Mr Leane and to other members of the house that there will be times when I may well have to exercise some judgement in these matters because of the nature of questions that might come into the context of committee inquiries.

Vocational education and training

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Training and Skills. Given that the interim report on vocational education and training funding is now a watered down issues paper released 57 days late, does the minister still commit to implementing the final report conclusions of the review in time for the 2016 training year?

Mr HERBERT (Minister for Training and Skills) — I reject the premise of Mr Finn's question about the interim report, and in fact all the industry players reject that premise.

Mr Finn — Do they?

Mr HERBERT — Yes. If Mr Finn has read it, he will know that it is quite a substantive piece of work

and one that has been roundly accepted as a good interim step allowing for further discussion, further negotiation and further consultation by the entire training industry and by businesses, industries and enterprises in Victoria.

I start off by congratulating Mr Mackenzie on that report. I know he is going full barrel in determining the final report according to the time frame that was set when we announced the inquiry.

In terms of the implementation of it, I think Mr Finn has verballed me. I have never ever said 2016 would see full implementation. In fact I have made it absolutely clear. We have just done a complete review of quality, which we are implementing in this state. If members have a look at today's paper, they will see why we have needed to — and I hope the commonwealth government does the same thing. As part of that review we will in fact be implementing one of those recommendations — to name providers that have done the wrong thing and have had their contracts withdrawn. This disclosure will be part of the consumer protection element.

On the issue of the implementation, what I have said is that the government will receive the report into the funding for a whole new area. We will have a good look at that later in the year. If we can implement some of those measures in 2016, we will, but 2017 will see the full implementation. There is exceptionally good reason for that, because we have seen the turmoil, the absolute turmoil, across business, which every single industry has criticised, of the rapid introduction and change that occurred in 2012 without consultation by the former government, which decimated training in this state, decimated confidence in the training system in this state and drew industry condemnation from right across Australia.

Supplementary question

Mr FINN (Western Metropolitan) — I thank the minister for his answer, and it is wonderful to see him so animated. Given that the minister has received two differing sets of preliminary recommendations that resulted in the release of a watered-down issues paper, and given that there is constant disagreement between his two reviewers, is it not fair to say that this process, under his watch, is a shambles?

Mr HERBERT (Minister for Training and Skills) — I thank Mr Finn for his question. Nothing could be further from the truth. There has been no conflict. There has been one report. The reason I am delighted that the two are together is that what we have done here is put one of Australia's most esteemed TAFE directors and educators with the former head of the Victorian Employers Chamber of Commerce and Industry — a strong business with strong business links.

It is our premise that our training system should not just be about education, as important as that is, it should also be about productivity of industry and it should be about opportunities for people — young people and all people — to get skills. It should be an opportunity for those skills to lead to real jobs, but it should also add productivity for industry. This is a cycle of success that the former government lost track of. I do not blame the former minister, I must say; I blame the former government at the highest level, which lost track of the basic premise that high-quality skills should link to high-quality jobs and should produce productivity for industry, and the cycle goes around.

Questions interrupted.

DISTINGUISHED VISITORS

The PRESIDENT — Order! I also draw the attention of the house to the fact that Mr Andrew Ronalds, another former member of the house, is with us today.

QUESTIONS WITHOUT NOTICE

Questions resumed.

Government procurement policy

Mr PURCELL (Western Victoria) — My question is to the Minister for Agriculture in her capacity representing the Minister for Industry. On a very serious matter, late last night I was contacted by a rare animal in Victoria at the moment, a Victorian manufacturer. He was desperate in his conclusion that he was about to lose 50 per cent of his business due to dumping of product into the Victorian economy by a Chinese manufacturer.

Recently the City of Melbourne called for expressions of interest to be on the approved tender list for bluestone suppliers. The final list of five suppliers included two Victorian manufacturers and three Chinese manufacturers using inferior product. We see time and again the devastating impact of the dumping of foreign product into Australia. We know it happens. We have seen, we have been told and we believe that the state government tender terms for several of the railway station upgrades are not being adhered to. What

will the government do to support Victorian industry and stop the dumping of foreign products in Victoria?

Ms PULFORD (Minister for Agriculture) — I thank Mr Purcell for his question. I will refer the matter to Minister D'Ambrosio for a detailed response, but what I would say is my heart goes out to that business in the electorate we jointly represent, along with other members in this place. It is of course an incredibly powerful thing that governments can do as significant consumers, and that is why Labor introduced the Victorian industry participation plan and has enhanced it over the years. I know Minister D'Ambrosio is a strong advocate for the need for government purchasing to be as effective as it can be in supporting local industry, and we will continue our journey in making sure that our procurement settings are the best they can be to this end.

I note Mr Purcell asked about a procurement decision made by the City of Melbourne. There are opportunities for our local councils to reflect on the role they can play in supporting local business, and that is 'local' by any measure — within their own community, within their own municipality and indeed across Victoria and nationally. It would be a very good thing.

On the specific nature of the question, I will refer that matter to Ms D'Ambrosio for a response.

Supplementary question

Mr PURCELL (Western Victoria) — In addition, we understand that the state government tender terms on several railway station upgrades have not been adhered to and that cheap imported stone is being used instead of Victorian product. I thank the minister for her reply, and I ask the question: will the government help the two Victorian manufacturers on these approved bluestone tender lists and work with Melbourne City Council to introduce the use of 100 per cent Australian product, which is currently happening in several New South Wales councils?

Ms PULFORD (Minister for Agriculture) — I thank Mr Purcell. Again, this is something I will refer to Minister D'Ambrosio, noting that the procurement decisions of local councils are somewhat beyond our control. I note with interest Mr Purcell's comments about state government tender terms not being complied with, and I am sure Minister D'Ambrosio would welcome further information about that. I invite the member to provide details of that through me or directly to my colleague.

Goulburn Valley Health

Ms LOVELL (Northern Victoria) — I direct my question without notice to the Leader of the Government. I refer him back to Thursday, 25 June, and the committee stage of the Appropriation (2015–2016) Bill 2015 when I asked him for a breakdown of the $1 million line item for Goulburn Valley Health. The minister, on advice from the office of the Minister for Health, confirmed that the funding was across two of its campuses, Shepparton and Rushworth. I also draw the minister's attention to a letter the Minister for Health wrote to constituents of mine on 10 July, in which she stated:

> … we announced $1 million in the recent state budget to progress planning and development for the redevelopment of GV Health's Shepparton campus.

I ask: has the Minister for Health misled my constituents or has Minister Jennings misled the Parliament?

Mr JENNINGS (Special Minister of State) — Members may recall that the committee stage on that bill went for about 4 or 5 hours, and Ms Lovell spent about three of those hours on this item, so I do absolutely remember it. I remember what I was clearly advised by the minister and her office on that day. I stand by what I said and what I reported to the committee. I believe that my answer have been may more complete than the contents of the minister's letter, but there is not necessarily a mutually exclusive position between what the minister has written and what I reported to the house. I refute that there is, by necessity, a mutual exclusivity in what was said in the letter and what I said here.

Supplementary question

Ms LOVELL (Northern Victoria) — I dispute that. I think there is a difference. The minister quite clearly misled my constituents by saying the whole $1 million is for the Shepparton campus. Given that the committee stage was six weeks ago now and the minister agreed to take it on notice that he would get a breakdown of that $1 million, I ask why that information has not been presented to the house.

Mr JENNINGS (Special Minister of State) — It is not for the first time during question time that Ms Lovell's memory of what took place at a certain public event has been brought into question. I can confirm that I gave a very clear expression during the committee stage on advice from the minister's office that the office was unable to distinguish as part of that $1 million allocation how much had been apportioned

to Goulburn Valley Health in Shepparton and how much might have been for Rushworth. I clearly articulated that at the time. I clearly articulated at the time that, whilst I may embark upon my best endeavours to do so, I would not anticipate that that matter would be delineated. That is my recollection of what was said, and I am happy to test it out against what *Hansard*'s record of that item may be.

Commercial netting fishing licences

Mr YOUNG (Northern Victoria) — My question is for the Minister for Agriculture. Could the minister update the house on the status of the netting ban and subsequent buyout of commercial fishing licences in Port Phillip and Corio bays?

Ms PULFORD (Minister for Agriculture) — I thank Mr Young for his question and for his interest in Labor's Target One Million policy and plans to boost recreational fishing in Victoria. One of the key parts of this plan is the cessation of netting in Port Phillip and Corio bays. This is something that was committed to by Labor before the election and indeed committed to by the Liberal-Nationals coalition before the election.

Work is progressing on the delivery of this election commitment. This is not without its challenges. There are 43 licence-holders, and for them this is a big change. I have been meeting with the licence-holders, and I have now done so on three occasions, with a couple more planned. I have met the overwhelming majority of the affected licence-holders, and I certainly plan to keep having these meetings until I have met them all.

As has been discussed in the Parliament before, Craig Ingram has been appointed to the role of special adviser to support this work and to support these families and these businesses through this transition. I am advised that Mr Ingram has met with all but a very small number — almost all — of the affected businesses.

We are taking, through a range of different ways, feedback from industry about this issue, including questions about what the line fishery might look like and about how the catch cap will be implemented. These are matters under active consideration. It is my hope and my expectation that we will be in a position to introduce legislation to the Parliament before the end of the year that will confirm these arrangements and provide certainty both to the 750 000 recreational fishers in Victoria and also to the 43 businesses that are affected by this policy. I will welcome the support of members in the Parliament for that legislation when we get to that point.

I thank the member for the opportunity to provide an update. This is an important, difficult and challenging piece of work, but we are committed to dealing with these affected licence-holders in a respectful way and to supporting them as best we can through what is for them a big transition.

Supplementary question

Mr YOUNG (Northern Victoria) — I thank the minister very much for her answer. Could the minister tell me whether recreational fishermen will cop the bill for this change through the collection of fishing licence revenue or rises in fishing licence prices?

Ms PULFORD (Minister for Agriculture) — I thank the member for his supplementary question. Prior to the election Labor indicated that it would commit $20 million to support the buyouts. This is something that was also proposed by the former government, and at the time the former Premier, Denis Napthine, indicated as I do today that he believed that $20 million will provide a dignified exit from the current arrangements for those 43 businesses.

Mr Ramsay interjected.

Ms PULFORD — I note Mr Ramsay's interjection and suggestion that that is not enough. I am not sure if that indicates a change of position on this question by the Liberal Party, but what I can confirm is that the government has no plans to source this from recreational fishing licence revenue.

Registered training organisations

Ms PENNICUIK (Southern Metropolitan) — My question is for the Minister for Training and Skills, and it relates to something he mentioned in his response to Mr Finn.

The minister is aware of the arrest of three men in Melbourne yesterday in regard to the exploitation of overseas students in their subcontracting business with Australia Post. One of those men, Mr Singh, has been listed as a registered training provider for St Stephen Institute, which has allegedly been set up as a sham registered training organisation (RTO), providing false training qualifications. My question to the minister is: was he aware of what has been occurring in regard to this particular RTO before the arrests yesterday?

Mr HERBERT (Minister for Training and Skills) — I thank the member for her question. It is a good question. No, I was not aware of the federal police activity personally, but I will use this opportunity to

provide a bit of information relevant to the question I have been asked.

I am advised that the alleged fraud relates to the delivery of training of international students, as Ms Pennicuik will know, by St Stephen Institute and Symbiosis. I am also aware of media reports that a third provider, TK Melbourne Education and Training College, may also be the subject of these investigations. I am informed that the charges do not relate to Victorian government-subsidised training. However, I am also advised that my department is working with the Australian Federal Police in its investigation.

Whilst the regulation of education providers and the student visa system is a commonwealth responsibility, we take it seriously. As I have said, we have cracked down on providers that get Victorian Training Guarantee funding. In regard to the first two organisations mentioned, I am advised that they did have a Victorian Training Guarantee contract in 2014 for domestic students but that they do not have a contract this year with the Victorian government.

Supplementary question

Ms PENNICUIK (Southern Metropolitan) — The minister would be aware of the bill that was passed in December 2009, the Education and Training Reform Amendment (Overseas Students) Bill 2009, which was designed to hopefully stamp this practice out. Way back then, five and a half years ago, we had the issue of private colleges operating on the back of exploitation of students. The chief executives of these colleges knew nothing about education, and they were managed by people still in their 20s who did not keep proper records and who threatened to have students deported unless they paid fees in advance of the due date. That was the situation we had five and half years ago, and it is the situation we seem to have now. I understand that this issue has a lot of federal ramifications, but it is all happening here in Victoria, so my question is: what confidence does the minister have that the system operating between the federal and state regulators is actually working to prevent this situation?

Mr HERBERT (Minister for Training and Skills) — I am not quite sure that there is a scale of confidence I could refer to. If there is one, I am happy to do it.

International education is incredibly important to Victoria. It is incredibly important in terms of not just the mix of our society but the $5 billion worth of revenue and the 170 000 students, and their wellbeing, their welfare and the industry rely on us ensuring that they are not exploited. The member will know that in the budget we have just brought forward $4 million for international student welfare grants, which are about to go out, and we have the Study Melbourne Student Centre and a range of other supports. So I take it very seriously.

As to Ms Pennicuik's substantive point, in terms of the domestic provision, with the Victorian Training Guarantee, as she knows, we have cracked down substantially. We have a $9 million blitz going on top of the regular $5 million or $6 million that we fund in compliance activity in Victoria; and we are implementing 19 recommendations which have come through recently from a high-level report on quality provision.

The PRESIDENT — Order! I thank the minister.

Native forests

Ms DUNN (Eastern Metropolitan) — My question is for the Minister for Agriculture. The minister continues to stand by the claim that there are 21 000 jobs in the timber industry in response to every question relating to native forest logging. Native forest logging is just one sector of the broader timber industry. Australian Bureau of Statistics (ABS) data says there are only 559 workers in that sector in Victoria. It is only the native forest logging sector that the Greens are campaigning to be transitioned into commercial plantations. Will the minister provide details of the timber industry's subsectors that the 21 000 figure includes?

Ms PULFORD (Minister for Agriculture) — I thank the member for her question; 14 out of 14, I think, from Ms Dunn on forestry. I do wonder whether her other portfolios might not be getting a bit sad. But it is good to see a shift to a question about the 21 000 jobs. That is 21 000 jobs for real people working in timber and timber product industries. I suggest that Ms Dunn have a look at the ABS data to fully acquaint herself with what is publicly available information to understand the breakdown of the 21 000 jobs. Yesterday Ms Dunn wanted a breakdown by electorate. Next week I am sure there will be some new way to ask the same question.

But the government does support a sustainable timber industry. We are establishing an industry task force to encourage and I hope explore areas where there can be a consensus approach to issues surrounding the management of our timber resources. As I indicated yesterday in answer to a very similar question, there are other accounts of the number of people working in this

industry — some are as high as 23 000; 21 000 is the number that I use. It is what we think is the most robust and contemporary set of numbers on this matter. I look forward to the next question.

Supplementary question

Ms DUNN (Eastern Metropolitan) — I am not sure that I am enlightened as to the subsectors that make up the 21 000 figure. However, I will press on. Will the minister provide a breakdown of how many native forest logging jobs are located in each Victorian electorate?

Ms PULFORD (Minister for Agriculture) — President, as I indicated to you yesterday, I am happy to provide information that exists. I do not know if my data-crunching Excel spreadsheet skills are sufficiently advanced that I could possibly slice and dice ABS data onto electoral maps. But if this data can be provided by electoral maps — —

Mr Jennings — You should have asked John Lenders that question.

Ms PULFORD — Yes. What I will do is ask John Lenders that question and I will provide the member with an answer.

The PRESIDENT — What? Ask John Lenders?

Ms PULFORD — Yes, he can do all sorts of stuff with spreadsheets.

An honourable member — The in-joke has now gone to the world.

The PRESIDENT — Order! It is an in-joke that leaves me in a very difficult position.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) — I have written answers to the following questions on notice: 629, 657, 698, 707, 724, 752, 766, 797, 804 and 805.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT — Order! In respect of today's questions, I have an undertaking from Ms Pulford to obtain further information for Mr Purcell in regard to the supply of Victorian products for infrastructure projects. That is in respect of both the substantive and supplementary questions, and because it involves a minister in another place it has the two-day response requirement.

The reason I am in some difficulty about the minister's throwaway remark on the supplementary question asked by Ms Dunn is that I have to interpret whether or not that is an undertaking by the minister to actually try to dice and splice any figures.

Ms PULFORD (Minister for Agriculture) — I know my department cannot do it.

The PRESIDENT — Order! I am also mindful of the fact that to me that question was almost a repeat of the question asked yesterday. I have not been able in my position to actually distinguish between yesterday's question and today's, so I am not sure, having had an answer yesterday, whether perhaps that is one of the reasons the minister ventured the way that she did about the former Treasurer perhaps having a capacity to work the numbers.

I will ask the minister to consult her department again just to see if there is any sort of record in that respect. The second part of the question was about electorates, and I dare say the minister will come back to me, and I will accept, if that information is unavailable in that form. Nevertheless on the substantive question there was a request for a breakdown of some of the subcategories that make up that 21 000 figure. I think that is actually a relevant question that there may well be further information on.

The minister has directed Ms Dunn to perhaps look at the Australian Bureau of Statistics figures. She was referring to those statistics in her question. Again, I am not in a great position to judge this without the information in front of me, but I dare say she has been unable to find that category breakdown in the publicly available figures, which is why she has sought that other information. As I said, I may well be persuaded that the information cannot be diced and spliced in terms of electorates, and that is a valid answer. In terms of the subcategories that make up the 21 000, if the minister was able to provide further information in that respect, I would be appreciative. I would certainly direct both the substantive and the supplementary questions for further response, but I am particularly mindful of the first question. The response requirement is one day, because it is to come from the minister's department.

Mr Barber — On a point of order, President, perhaps I could be of assistance in clarifying the matter that you have just raised. It was the minister who first

referred to the number of timber jobs in Ms Dunn's electorate, which was an off-the-bat response the minister made. At that time the minister had an awareness of the number of timber jobs in Ms Dunn's electorate. We were not then asking for a breakdown by electorate, but we are now asking for a breakdown by electorate in response to what the minister previously said.

Ms Pulford — On the point of order, President, I have referred to there being timber industry jobs in the Eastern Metropolitan Region. As I imagine the member knows well, they do exist. I have never offered numbers by electorate, but rather the presence of processing businesses.

The PRESIDENT — Order! I do understand the point was made yesterday, so I think we are on the same page.

Mr Davis — On a point of order, President, in the last sitting week in June during the committee stage of the budget legislation, the Leader of the Government gave a commitment and took on notice a number of questions. One of them that I sought information on was reprioritisation of a number of programs. There was an exchange and discussion particularly around the Department of Environment, Land, Water and Planning. It is now six weeks or so since that time and we are at the end of this sitting week, and in that context I am seeking some indication from the Leader of the Government as to when that information might be available.

Mr Jennings — On the point of order, President, I am very happy to double-check with both the Treasurer's office and the relevant minister's office in relation to any outstanding matter about which there may have been an expectation of information being provided by the government. At this minute I will use my best endeavours to go back and check with the relevant ministers where that information may be.

Sitting suspended 12.59 p.m. until 2.02 p.m.

CONSTITUENCY QUESTIONS

Eastern Metropolitan Region

Ms WOOLDRIDGE (Eastern Metropolitan) — My constituency question is for the Minister for Emergency Services. My question is: when will the minister provide the Research Country Fire Authority (CFA) brigade with the new medium pumper that was promised by Labor during the election campaign? Back in November 2014, I was proud that the Napthine government promised a new medium pumper for the Research CFA in recognition of its quality as a volunteer brigade and the work that so many at the brigade do to keep their community safe and assist those around them. At the time, the then candidate for Eltham — now member for Eltham — Vicki Ward, promised to match the coalition's commitment, but as yet there has been no delivery of, or even commitment to, the medium pumper. The fact is this was additional funding — not coming out of existing CFA budgets or out of the local budget's new funding. It was new funding for the Research CFA and the medium pumper that it needs so it can do its job to keep the community safe.

South Eastern Metropolitan Region

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My constituency question is to the Minister for Public Transport. I refer to the Andrews government's promise to remove level crossings along the Frankston rail corridor over its first term of office. I note that since the election many local constituents in the South Eastern Metropolitan Region have voiced concerns over the Andrews government's failure to commit to funding or delivery time lines for the removal of any of the eight level crossing removal projects it committed to deliver between Cheltenham station and Frankston station. The level crossing removals promised include Charman Road in Cheltenham, Balcombe Road in Mentone, Edithvale Road in Edithvale, Station Street in Bonbeach, Station Street in Carrum, Eel Race Road in Seaford, Seaford Road in Seaford, and Skye Road–Overton Road in Frankston.

Given this promise was made by the Premier and the Assembly members for Frankston, Carrum and Mordialloc, Paul Edbrooke, Sonya Kilkenny and Tim Richardson respectively, I ask the minister to advise the house and constituents in the south-east when each of these rail projects will be time-lined and delivered.

Southern Metropolitan Region

Ms FITZHERBERT (Southern Metropolitan) — My question is to the Minister for Planning, and it concerns the Ferrars Street school site for the proposed South Melbourne Primary School. Land was purchased by the Napthine government, and an additional $5 million was allocated for preparing this site, again by the Napthine government. The current government has not allocated any funds to this school but says it will build it — and it certainly is urgently needed.

As the City of Port Phillip correctly identifies, there is a need to direct works in the area around the school site — for example, creating pedestrian access between the school site and nearby public transport and making some changes to the configuration of streets and lanes nearby. When will the minister initiate the work immediately around the site that needs to occur to support the school, and will he provide the $12 million recently sought by Port Phillip Council for this work?

Northern Victoria Region

Ms LOVELL (Northern Victoria) — My question is to the Minister for Regional Development, and it is in regard to the use of Regional Development Victoria (RDV) funding in conjunction with other funding streams. I recently met with Strathbogie Shire Council, and it advised me that it is experiencing confusion as to whether or not it is able to use RDV funding in conjunction with other funding streams or sources. Under the former coalition government, funds from other streams were allowed to be used along with RDV funding.

This happened many times in my early childhood development portfolio when I was minister. Communities building hubs would combine early childhood grants with an RDV grant, a local government grant, a library grant or perhaps several grants, depending on the facility being built. Strathbogie Shire Council has previously used RDV funding in this manner and is now seeking clarification as to whether it can continue this practice. My question to the minister is: will the minister advise if RDV funding can be used in conjunction with other state government funding sources and, if not, why not?

Western Victoria Region

Mr RAMSAY (Western Victoria) — My question is to the Minister for Industry, and it is in relation to some significant announcements made in Geelong yesterday by the Prime Minister and the federal Minister for Industry and Science, Ian Macfarlane. In fact $14 million was announced yesterday for the establishment of an advanced manufacturing growth centre, along with a new jobs connection office and a Geelong regional futures job task force.

My question concerns a response I received from the state Minister for Industry in relation to the Geelong Region Innovation and Investment Fund and the election commitment of $7.5 million as an ongoing contribution to that fund, on top of the federal government's $15 million investment. The response I got back from the minister was:

> The Victorian government has decided to go it alone and assume administrative responsibility for the fund once existing funding has been fully allocated.
>
> We will invest out additional $7.5 million into GRIIF as well as revising the guidelines …

The question is — —

The DEPUTY PRESIDENT — Time!

Western Metropolitan Region

Mr FINN (Western Metropolitan) — My question is to the Minister for Roads and Road Safety. Every day the people of Melbourne's north-west and beyond crawl, bumper to bumper, in traffic gridlock on the Tullamarine Freeway. To make matters worse, this is the first scene that greets visitors to our state after they land at Tullamarine airport — not a great welcome to Melbourne at all. Given that the Andrews government has scrapped the only project offering a solution to the shemozzle — the east–west link — what hope can the minister offer users of the Tullamarine Freeway that the daily mess on the freeway will be removed?

South Eastern Metropolitan Region

Mrs PEULICH (South Eastern Metropolitan) — My constituency question is for Jacinta Allan, the Minister for Employment. Today we learnt the unemployment figure in Victoria has risen from 6 per cent to 6.4 per cent under Labor. Yesterday I had a meeting with the mayor of the City of Frankston and her chief executive officer, and they informed me that the unemployment level in Frankston is 8.4 per cent. My question is: what are the minister and her government doing to generate employment and jobs in the south-east, specifically in Frankston, where the unemployment level needs an immediate response?

Southern Metropolitan Region

Mr DAVIS (Southern Metropolitan) — My constituency question is for the Minister for Public Transport, and it concerns the government's plans for its Metro rail project and the decision of the government to not connect Metro to the South Yarra railway station. The Pakenham-Cranbourne line will not be connected to South Yarra station under this only slightly funded proposal of the government. What I seek from the transport minister is an explanation as to how a passenger in South Yarra who wishes to travel east on the Pakenham-Cranbourne line will be able to connect with that line. Without an underground connection or the line connecting to the station, it seems to me that it will be very difficult for a passenger in South Yarra to travel east on the Pakenham-Cranbourne line. Please explain.

CHILDREN, YOUTH AND FAMILIES AMENDMENT (RESTRICTIONS ON THE MAKING OF PROTECTION ORDERS) BILL 2015

Second reading

Debate resumed.

Ms CROZIER (Southern Metropolitan) — I am pleased to resume my contribution to this important debate. Prior to lunch I was speaking about the very important job governments have in making decisions on behalf of some of the most vulnerable members of our community. I am particularly talking about children, especially those children who are in situations of abuse or neglect that are not of their making. I have reiterated the extraordinary and dreadful situation we found the state in when we came to government, exposed through the report of the Protecting Victoria's Vulnerable Children Inquiry, or the Cummins inquiry.

I will refer to the Cummins inquiry again in relation to some of the findings in its report. It was an extensive and comprehensive review of the child protection system. Finding 4 on page 229 of volume 2 of the *Report of the Protecting Victoria's Vulnerable Children Inquiry* states:

> The inquiry finds that the current average time taken for permanent care orders to be granted, when this is necessary to ensure a child's safety and wellbeing, is too long. On average, it is five years between a child's first report and a permanent care order.

That is really what we are talking about in this bill. It is about time lines, it is about delays and it is about children who are in a system, or potentially in and out of a system, and who through no fault of their own find themselves without the permanency or stability they require.

The Cummins inquiry highlighted the many failings of previous Labor governments to provide the necessary support for children within the Victorian protection system. The report made a number of recommendations, including the simplification of Children's Court orders, having a narrower focus on a range of matters before the Children's Court, simplifying case planning processes and looking at the delays in achieving permanency for children. Why is that important? In the second-reading speech introducing the Children, Youth and Families Amendment (Permanent Care and Other Matters) Bill 2014, Ms Wooldridge, then the Minister for Community Services, noted another conclusion of the inquiry:

> A major finding of the inquiry was that it takes too long to achieve alternate permanent care for children when it is recognised that there is little possibility of family reunification. For children unable to live safely with their parents, the inquiry found it takes, on average, five years to achieve permanent care from the time a child protection report is made to when a child is placed on a permanent care order. This is unacceptable and exposes children to additional and unnecessary trauma caused by uncertainty in their care arrangements.

The bill Ms Wooldridge was putting forward was designed to ensure:

> … that decisions regarding vulnerable children will be made in a timely way, to avoid children being in care without a timely response and to promote permanency of arrangements, as well as stability for the child.

Those are important elements of a child's development because they are an individual's most formative years. It is extremely important that those early years come with some form of stability. As I highlighted in my contribution prior to the lunchbreak, we know the implications of lifelong abuse.

The government's bill returns the Children, Youth and Families Act to its 2005 form. Minister Mikakos stated in May:

> The amendment that was to come into force on 1 March 2016 will no longer be implemented. The court will retain the power to refuse to make a protection order when necessary services have not been provided.

I return to the Cummins inquiry. An initiative that came out of the Cummins inquiry was for the government to undertake the 2013–14 stability planning and permanent care project. The report that came out of that project is a very important report in relation to this important area of child protection. The report details some significant findings. The project looked at our most vulnerable children and at a number of areas around the implications of the additional needs of the child protection system. The project also examined the issue of Aboriginal children and the many issues they face in relation to their unfortunate and overly high representation in our child protection system. Governments of all persuasions are working towards improving those statistics.

There are also important findings in this report regarding siblings, parents, case planning, the workload of child protection workers and court decision-making process. The report states:

> The system encourages negotiated outcomes because the alternative is a lengthy adjournment for a contest during which time little progress or change in the family may be achievable.

That is highlighted in this report, and I think that goes to the heart of what the coalition's bill was trying to address. It was about the lengthy time taken for decisions to be reached in contested hearings and all those elements surrounding how a family might be reunified — what the issues are, what the barriers are and what the concerns are.

The report has many other elements. It talks about contact and permanent care. Contact conditions on permanent care orders are often arrived at through a process of negotiation that is focused on the parents' wishes and the carers' wishes rather than an assessment of the child's best interests.

This report analyses significant data and takes into account all those areas that are involved when making decisions around child protection orders or what is in the best interests of those children who have come into the child protection system. The analysis of the data in this report is very important, and I urge the government to continue to look at those elements of this comprehensive report. The findings, the comments and the recommendations made in this report instigated much of the legislative reform undertaken by the coalition government.

Because we are debating an important area of the bill, I will quote from page 73 of the report in relation to the effects of lengthy decision-making by courts. It states:

> Currently, the system may deliver the worst of all possible worlds, where a child is removed from their parents' care and placed in out-of-home care, but where planning for reunification cannot commence during the many adjournments that result from a contest. It is not uncommon for parents to be advised by their legal representatives to withhold cooperation from the department as cooperation may weaken their position in the contest. This means that children stay in out-of-home care longer than is necessary, and this reduces the likelihood of successful reunification.

Those things are really at the heart of what the many issues are. This is about a process that has to be undertaken. I have great respect for what the courts do. Indeed I have met with members of the Children's Court, and I acknowledge them for the time they have given me in helping me to understand the issues that they deal with on a daily basis and a far too common theme that comes through the courts when they are making those decisions.

From my perspective it was very helpful for me to attend a number of forums to hear the concerns around what this debate is based on, and I would like to again acknowledge the respect that I have for the various representatives and stakeholders I have spoken to and indeed for those stakeholders within agencies who are also dealing with these issues. It is the agencies and the child protection workers who are dealing with these concerns 24 hours a day, seven days a week. They are not 9 to 5; these are not 9-to-5 issues. They are 24-hour, seven-day-a-week issues where child protection workers need to be looking at and supporting what is in the best interests of families and indeed children. Again I think what goes to the heart of our concerns is what is in the best interests of our children.

For too many children in and out of this system it is like a rollercoaster bouncing in and out. They are constantly at the mercy of decisions being made on their behalf, wondering whether their parents can change. Some of these parents have been in very unfortunate and dreadful circumstances. They might have been exposed to abuse themselves, they might have been exposed to homelessness and to drug and alcohol abuse, they might have mental health issues and they might have disabilities. They could have multiple elements of those factors that I have just spoken about, so they are vulnerable in themselves, but can they provide a safe and nurturing environment for these vulnerable children? That is what we need to address.

If a child is at the mercy of the decisions of courts, with all best intentions — everybody has the best intentions — are their needs being met? Sometimes parents realise that their children might be taken off them. We are talking about the extreme cases here. We are not talking about everyday cases, if I can call them that — and I do not want to diminish them or demean them in any way, because every case is important. I am talking about the most extreme cases of abuse and neglect, where child protection is absolutely imperative. If these children are in an unsafe environment and a parent suddenly gets their act together because they are threatened with the prospect of their child being taken away, have we got adequate services to ensure that that stability will remain there, or will that child again be at the mercy of the unfortunate circumstances of those parents and find themselves in child protection care once again?

I am pleased that the legislation was referred to the Standing Committee on Legal and Social Issues for consideration, and I put on the record my acknowledgment of and thanks to the committee members who have produced the *Inquiry into the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015* report which was tabled in the Parliament on Tuesday. I am sure the members of the committee — chair Edward O'Donohue, Nina Springle, Margaret Fitzherbert, Cesar Melhem, Daniel Mulino, Fiona Patten, Inga Peulich and Jaclyn Symes, who all served on the inquiry — have a greater understanding in this debate because of the many areas and the various views that were covered.

I would like to highlight to the chamber an issue that is addressed on page 13 of the report in relation to care orders. The report states:

> At any given time there are a significant number of children subject to interim, protection and permanent care orders in Victoria. The DHHS advised that:
>
> > in Victoria there are approximately 7000 children in out-of-home care, by which I mean placed either with kinship, foster, residential or permanent care, and on 30 June 2014 there were just over 9000 children on interim, protection or permanent care orders in the state of Victoria.

These are alarming figures. There are thousands of Victorian children in this position. I think that is one important point to make. But the report goes on to state:

> The previous government and the DHHS advised that the 2014 amendments were intended to promote permanency of care for children subject to care orders.

The committee received personal accounts from a number of people, including one from a foster carer about a child who had been placed with at least 10 different carers in the first five years of his life. When we are talking about these vulnerable children, these children in their formative years, with 10 carers, bouncing in and out of systems, it is really heartbreaking to think about what their potential is, having been exposed to that irregularity and that instability.

One of the carers from the Foster Care Association of Victoria said:

> I think it is important to know that it is a permanent home, that nobody can ask you to leave, that you can have rows like normal people, that you can be naughty. You could do something really bad but your parents are not going to call social services or say, 'I can't handle him anymore' … In my humble opinion, and I am not the expert, we have got to find permanent homes.

That is a heartfelt statement from someone who understands the situation and is dealing with the day-to-day issues. They are at the coalface. They are not in the system; they are working with these very vulnerable children.

It is those people in the community sector, including child protection workers, who are at the coalface dealing with these issues, and they are very difficult issues; there is no doubt about that. Those who work in our child protection system do a tremendous job. I think we would all like to see a reduction in those numbers I quoted from the report, and I hope that we will all do whatever we can to achieve that reduction.

I will get back to the bill and what the government is introducing today. The former coalition government was looking at these reforms and had in mind all these issues relating to ensuring permanency and stability for children. It was about setting some time frames to give guidelines as to how that might be achieved. Without reform and time frames I ask the government whether it can rule out an increase in the number of children in state care and the length of time they spend in short-term care. Can the government rule out an increase in the demand on the Children's Court, which would have a spiralling effect resulting in more cases awaiting allocation, further delays in the court and further delays in the court's decision-making?

I do not expect anybody to be able to answer these questions today; it is a continual reform process. However, these things really go to the heart of the concerns of the coalition in terms of addressing those drift effects that are spoken about by child protection workers and carers in the out-of-home care system and looking at how they might be prevented in the future. We understand that this is a highly emotive area. We understand that there can be protracted cases where parents want to be given the chance to get their situation right so that they can care for their children, but unfortunately and sadly that is not always possible. The coalition's position was to give children in the most extreme cases some permanency and stability.

As I said in my earlier contribution, when she was shadow minister the Minister for Families and Children highlighted in the debate on the coalition's bill, which was brought into the house last year, that she would repeal section 276. We think, however, that this would not be in the best interests of children. We want to know that children in these situations can have decisions made in a timely fashion. We think it is a shortcoming of the government's legislation not to recognise that. We would like further transparency and

the ability for the courts to indicate what the barriers are and what is happening. That is why the coalition will move some amendments to support those areas. I ask that those amendments be circulated.

The coalition wants to enable greater transparency, data collection and understanding of what is actually happening. We will put forward these amendments today to enable that to occur. The amendments will require the Children's Court of Victoria to publish information relating to its decisions not to make protection orders and to have that information made available on websites on a quarterly basis and to require the Commission for Children and Young People to report on that information, work with the Department of Health and Human Services, collate that information and provide that information in its annual report. The Commission for Children and Young People, including Mr Bernie Geary and Mr Andrew Jackomos, is doing a tremendous job in its role in relation to further protection of children — —

Ms Mikakos — On a point of order, Deputy President, I raise this issue on a technicality. The issue is that we have a proposed motion to provide an instruction to the house, which we are yet to debate and pass, before we are able to even consider Ms Crozier's amendments. Technically Ms Crozier cannot ask for them to be circulated and speak to those amendments until such time as the house has agreed to our considering out-of-scope amendments. I know the amendments have been circulated to members in an informal sense through an email, but I think we need to respect the proper processes of the house, and I cannot see how we can even be considering amendments at this point. I think that needs to occur at a later point in the debate when the house is given the opportunity to consider Ms Crozier's motion on the instruction.

The DEPUTY PRESIDENT — Order! On the point of order, the items are on the notice paper, but they have not been deliberated upon by the house, so technically the minister is correct. At this point in time I myself do not have anything in front of me. My advice to Ms Crozier is that she foreshadow the amendments.

Ms CROZIER — I indicate that I foreshadow the circulation and consideration of the amendments. Can I continue with my debate in terms of speaking broadly about considerations?

The DEPUTY PRESIDENT — Order! Yes.

Ms CROZIER — Thank you, Deputy President, and I thank the house for its consideration. As I said, what we are seeking to achieve through our amendments is greater transparency and an ability for the Victorian community to understand what is occurring with child protection orders and why they are perhaps being delayed. Is it an issue with service provision? Is it an issue with the court system? Is it an issue with the Department of Health and Human Services in relation to not being able to provide assistance or appropriate support when a child protection order is in place or when a decision is being made? Our amendments look at those areas and seek that the Commission for Children and Young People address those concerns in an annual report. We think that gives the community greater confidence in what is going on in the system. We think that will give the community greater transparency to understand exactly the issues that might be indicated throughout the entire process when a child or a family is in this situation.

The community expects our most vulnerable to be protected. Through the various inquiries that have been undertaken, including the child abuse inquiry which was held in Victoria and the royal commission that is now taking place, the community is now aware of the abuse that has happened within trusted organisations. The community expects greater accountability. People want to understand what is happening in our departments and in our governments. The coalition government enabled that to occur, and equally the coalition rightly expects the rights of the child to be preserved. Quite clearly the bill that has been brought into the house today effectively gives greater rights to parents rather than considering what is in the best interest of a child who requires child protection involvement.

As I have said, the opposition has concerns about the government's legislation, which brings back the old section 276 of the Children Youth and Families Act 2005. The coalition believes the amendments that it will, hopefully, move and get through the house will provide greater transparency. That is what the community expects and that is what the community deserves. The amendments will give the community a greater ability to understand the barriers or shortfalls that are being made evident through data collection and through a more transparent process. That is because the coalition believes that our child protection system can and should be working in the best interest of the child. The child protection workers who deal with this issue principally have the child's best interests at heart, and that is what we believe needs to be done.

We will not be supporting the government's legislation. I do not think this bill makes children the priority, and I believe we must make children the priority. I conclude

my remarks by quoting from page 31 of the Cummins inquiry:

> All societies have a fundamental commitment to protecting their children. In most societies there is also an expectation that children will grow up safe, healthy and happy in stable and caring environments.

Vulnerability, however, may prevent this from happening for some children. How long does a vulnerable child need to wait before action is taken? If this means we can address that vulnerability and provide a somewhat safe, secure and certain outcome for a child, then surely as legislators that is our responsibility. Greater transparency, greater accountability and greater reporting will enable that to occur.

Ms SPRINGLE (South Eastern Metropolitan) — The Greens will be voting in favour of this bill. It is a necessary bill but it is also a very brief bill. It is too brief, we think, because we want it to do much more than it does. During the committee stage we will move some amendments and an instruction to committee. I refer to notice of motion 145 on the notice paper in my name, which states:

> That contingent upon the Children, Youth and Families Amendment (Restrictions on the Making of Protection orders) Bill 2015 being committed —
>
> That it be an instruction to the Committee that they have power to consider amendments and new clauses to amend the Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014 that relate to restrictions on the making of protection orders, the duration of family reunification orders, interim accommodation orders and contact between children on permanent care orders and their parents.

This bill will essentially reverse one of the many changes that were made to the child protection legislative framework in 2014. Most of those changes are due to come into effect in March 2016. As it stands now, section 276 of the Children, Youth and Families Act 2005 says that the Children's Court cannot remove a child from his or her parents unless the court is satisfied that the Department of Health and Human Services has taken all responsible steps to provide services necessary to enable the child to remain with his or her parent. That requirement will disappear in March next year if this bill is not passed. That is a really staggering proposition.

Surely before we authorise the state to make one of the greatest imaginable incursions into the private lives of children and their families, we would want to ensure that those families have at least an even chance of turning things around. If it is help with managing finances that the family needs, then surely the state would provide that help before it takes the child away from her or his parent. If it is assistance to address a parent's drug or alcohol problem, surely the state would provide that assistance before it takes a child away from his or her parent. If it is assistance to help a parent with mental health concerns, surely the state should provide that assistance before it takes a child away from his or her parent.

Sometimes providing services does not work, and I realise that, but we are kidding ourselves if we believe that whenever a parent is experiencing problems that affect the health and wellbeing of their child that removing that child is the simple and straightforward answer. That assumes the child is always going to be better off away from their parent. Unfortunately we have seen lots of evidence in recent times where that is not necessarily the case. As the Victorian Ombudsman concluded in 2010:

> Evidence emerging from research into outcomes for children in care has eroded the assumption that simply removing children at risk of harm from their homes and placing them in care will improve their wellbeing.

This is a tremendously difficult area in which to legislate. There is no doubt about that. Child protection workers do an impossibly difficult job day in and day out, but we do have some basic principles to rely on. The child's best interests are paramount in any situation. We all agree on that. We would all agree that it is in the child's best interest to remain with their parent or primary caregiver, even in situations where the parent or primary caregiver is doing a less than optimal job, unless it is absolutely necessary to remove them. In the words of Emeritus Professor Terry Carney, AO, who was the chair of the Carney review held between 1982 and 1984 that resulted in the Children and Young Persons Act 1989:

> … ultimately the intervention of the state into the lives of children must only be to the extent necessary.

But there are more than just principles at stake here. By removing the requirement that the state provide services to assist vulnerable families before it considers removing children, the 2014 amendment to section 276 got the balance wrong. In reaching that conclusion the Greens have relied on the advice of many organisations that practice and conduct research in the child protection sector. That advice was coming thick and fast last year.

My colleague Ms Colleen Hartland attempted to amend the 2014 bill to ensure that the department was required to provide support services to try to keep families

together, but the then government, which at that point controlled the numbers in this place, did not agree that that amendment was necessary. It was left to the new government and the Minister for Families and Children to correct what so many in the sector believe was a very great error. They are very pleased that the minister is making good on one of the promises she made in opposition last year, when she said that a Labor government would reinstate the legal tests in section 276.

If we were to accept the views of the various organisations and experts who work in child protection, then we must also accept that this bill does not go anywhere near far enough. In this regard it is useful to look at the history of what we have been trying to achieve in child protection over the last 30 years. Between 1982 and 1984 Emeritus Professor Terry Carney chaired the wideranging review into Victoria's child protection system that is known simply as the Carney review. The Carney review found that until the 1980s the Victorian state was removing far too many children from their families. There were far too many children in institutional so-called care, there was not enough emphasis on family reunification and the children who were in those institutions were being denied far too many rights. One of those rights was regular contact with their parents. As the Carney report recognised, depriving children of contact with their parents is akin to depriving many of them of their identity. Not surprisingly, the lack of regular contact between children and their parents meant that other violations of their rights were also not picked up.

The Carney report made sweeping recommendations which were eventually legislated for in the Children and Young Persons Act 1989. Significantly, the Children's Court was given quite extensive powers of oversight and scrutiny with respect to departmental decisions. It is important to recall that this was done because — and I am quoting here from the minister's contribution to the second-reading debate on the Children, Youth and Families Amendment (Permanent Care and Other Matters) Bill 2014 last September, when she was still in opposition — 'the department had been shown to be manifestly failing in its duty of care to the children in its care'.

Another major review, in 2003, resulted in a new act, the Children, Youth and Families Act 2005, our current act. It was welcomed by child protection practitioners and experts. It continued to give the Children's Court powers of oversight and scrutiny, because they are needed, but the 2005 act did not solve all the problems in the child protection sector. In 2011 the previous government commissioned the Honourable Philip Cummins, Emeritus Professor Dorothy Scott, OAM, and Bill Scales, AO, to inquire into protecting Victoria's vulnerable children. It was a wideranging inquiry that involved a lot of consultation with various stakeholders. It accepted 225 submissions and conducted 18 public hearings, 126 additional meetings, site visits, direct consultations and an online survey, and five focus groups were involved. The report of that inquiry has become known as the Cummins report, and it expresses a number of concerns.

The Cummins report expresses concern about the number of court visits — —

Ms Crozier — Nine hundred pages.

Ms SPRINGLE — That is a lot of concern! It expresses concern about the number of court visits needed for each child protection case and about the length of time involved — five years between a child's first report to the department and the making of a permanent care order. Cummins thought five years was too long, and I think we would all agree that it is too long.

The Cummins report makes 90 recommendations. One of those recommendations, recommendation 63, is that the current list of protection orders be simplified and consolidated. That was indeed achieved by the 2014 amendments. The Cummins report recommends the creation of a Commission for Children and Young People, and the former minister announced her intention to create the commission in October 2012. The commission came into effect in March 2013, with Bernie Geary, OAM, as its very first principal commissioner, and Andrew Jackomos, PSM, as the first commissioner for Aboriginal children and young people. The commission was met with widespread approval, and the former minister should be commended for getting so quickly onto the front foot with the creation of the commission.

The vast majority of the Cummins recommendations — 65 out of 90 — are directed at improving the work of the Victorian government and its departments, including what is now called the Department of Health and Human Services. This is hardly surprising. That department has come under heavy and sustained criticism time and again for its failure to keep children in its care free from harm. The department was criticised 31 years ago in the Carney report. More recently the department has been criticised in a number of Victorian Ombudsman reports, which highlight a number of deficiencies in the department's risk

assessment and other processes. There are resource constraints, a disturbing lack of transparency and a lack of independent oversight of the out-of-home care system, a lack of basic qualifications among carers, reactive planning and funding decisions, and inadequate management practices.

The Victorian Auditor-General's Office has criticised the department in a number of recent reports. This year's Auditor-General's report entitled *Early Intervention Services for Vulnerable Children and Families* notes that the department's intake services are 'failing'. The Auditor-General concluded that the department has failed to systematically analyse the recent increases in demand and failed to plan for early intervention services that can meet the needs of vulnerable children at different stages, that the current funding structure does not reflect the growth in the number and complexity of cases, and that the department has failed to foster effective communication between and across its different levels and service providers.

Perhaps the department's biggest failures over time can be seen in evidence presented to the previous Parliament's inquiry into the handling of child abuse by religious and other non-government organisations, which resulted in the *Betrayal of Trust* report. That evidence continues to be presented to the Royal Commission into Institutional Responses to Child Sexual Abuse.

I am not just listing the department's failures because I have some inherent dislike of this particular department. To the contrary; the department is tasked with an impossible job — that is, keeping children safe from harm when their parents cannot. That is only one of the many impossible jobs this department is tasked with. I have the utmost respect for the many public servants who work tirelessly and diligently for the Department of Health and Human Services, its child protection division and all of its other divisions.

But no government department is going to get things right all of the time. Even with all of the internal checks and balances imaginable, even with the best data, the best analytics, the best practices and the best decision-making principles, no organisation can be expected to get it right 100 per cent of the time. It is just unrealistic. External checks and balances are the absolute cornerstone of our liberal democratic system. Dividing power and putting in place mechanisms for overseeing this practice is essential to ensuring that no individual, no particular agency and no government department is ever allowed to operate on the basis that it has all of the answers, the best ideas or the one truth.

This brings me to my discussion of the 2014 amendments. In taking away so many of the oversight powers of the Children's Court, it is as if the former government said, 'We know better than the court what's best for vulnerable children'. In refusing to properly or adequately consult with stakeholders, it is as if the former government said, 'We know better than people on the ground, and the people who research in this field, what is best for vulnerable children'. In departing so radically from the Cummins recommendations it is as if the former government said, 'We know better than an expert panel informed by extensive consultations with everyone what is best for vulnerable children'.

Only 19 of the Cummins recommendations relate to legislation, and of them only recommendation 63 goes to the legislative framework for the child protection system. As I have said, that is the recommendation to simplify and consolidate the existing range of protection orders. Despite that, the 2014 amendments made a number of very significant changes to the statutory child protection framework. Both the department and the former minister claimed that these changes were based on both the Cummins recommendations and extensive consultation. But as a Berry Street representative told the Standing Committee on Legal and Social Issues last month:

> … the suggestion that the legislation that was carried was consistent with the Cummins inquiry is a very, very, very difficult suggestion to sustain …

The department and the former minister have said fairly consistently that the changes were all designed to effect permanency, as in the permanency of outcomes for children in the child protection system. Practically every time permanency is spoken about so is the finding in the Cummins report of an average period of five years between first reports and the granting of protection orders, which I reiterate is clearly too long. The 2014 amendments seem to assume that the problem was within the legislative framework. When the Cummins report recommended that the department 'identify and remove barriers to achieving the most appropriate form of permanent placements for children' unable to be reunited with their biological family, the department identified those barriers in the existing statutory framework and removed them via the 2014 amendments.

In the words of the Foster Care Association of Victoria during testimony it gave to the legal and social issues committee's hearing into the current bill:

> … the old 2005 act was fine and … it could give children stability and permanency. The Foster Care Association saw occasions when case planning was not tight, when plans were not made with clear expectations, and if these expectations were not met, recommendations regarding higher orders or plans for permanency in alternative placements or care were not made.

The department has also repeatedly said that the 2014 amendments were also informed by a stability planning and permanent care project that it has been running involving 1000 children. In evidence to the legal and social issues committee the department said that the report of that project is 'still in draft form'. That produced an interesting exchange between the committee chair, Mr O'Donohue, and the department's representative, during which the department's representative confirmed that the department had used the consultation and the work that had contributed to the project to inform the legislation but also that the report had not been finalised and that it still had not been finalised a year after the legislation passed through the Parliament — I am just repeating what was said in the testimony. This is from the transcript.

Further, the department sought preapproval from some of the major organisational stakeholders, including the peak body, the Centre for Excellence in Child and Family Welfare, by telling them that the bill would be part based on Cummins. Many organisations gave their in-principle support on that basis, but when the bill was eventually circulated many of those organisations were shocked. For instance, the bill contains a new provision that gives the secretary of the department the power to revoke the registration of a community service organisation if the secretary considers it appropriate to do so after taking into account any circumstances the secretary considers to be relevant — in other words, a carte blanche provision for the department to deregister any community service organisation for any reason.

This has come during a time when many community organisations are justifiably fearful of losing their funding if they are seen to be critical of government policy or priorities. The department would have known that there was no way that any of the main organisations would support the bill if they knew it contained that or some of the other provisions. The department sought indications of support on the basis of claims that were very difficult to sustain, and then the former government released a bill claiming it had the support of the sector.

I should say at this point that the Greens were not against last year's amending act, with its 173 sections. We did vote against it; indeed we were the only members of the Legislative Council who did. There were some amendments with a solid evidentiary basis, such as that element of division 4 which consolidated the range of protection orders in line with recommendation 63 of the Cummins report. But then there were other amendments without much of a solid basis at all, apparently.

That brings me to interim accommodation orders. When they come into effect in March next year the 2014 amendments will prevent the Children's Court from making an interim accommodation order if it could instead make a protection order or a permanent care order. Currently the court does not have the power to adjourn a child protection matter for the sake of it. The court can only adjourn a child protection matter if that adjournment is in the best interests of the child. The court was heavily critical of the department in one widely reported case in July last year. In that case, which was also mentioned by the minister in her contribution to the second-reading debate on the bill last year, two very young children were tragically sexually abused while in the care of the department. The department applied to the court to make a protection order permanently removing the children from their parents, but the court refused to make the order sought and instead made an interim accommodation order with conditions that required the department to provide 24-hour supervision of the children while they remained in residential care so as to ensure that no further abuse occurred.

Many of the stakeholders who made submissions to the Standing Committee on Legal and Social Issues inquiry pointed out that this remedy will not be available after 1 March 2016. In his submission to the inquiry Terry Carney said he thinks this amendment amounts to the kind of drafting error that was unintended by the previous government. In the end it does not really matter; what matters is that the course of action taken by the court in that case will simply not be available if, God forbid, a similar situation presents itself after March next year. Even accepting for the moment the department's justification that fewer interim accommodation orders will result in greater permanency outcomes for children, there does not appear to be any evidence to support it. Indeed a number of submissions to the legal and social issues committee inquiry expressed concern that the outcomes may be unintended and perverse — there may be fewer settlements out of conciliation conferences and thus even greater court delays.

From March next year there will be only four protection orders available to the court, but three of those orders will confer sole parental responsibilities for children onto the state. In effect this means the department will assume the sole decision-making power in relation to children on those three orders — that is, three out of the four orders that will be available to the court. This seems to take us back to pre-Carney days when children were simply removed from their parents, who were then expected to have very little to do with their own children. Knowing what we know about the importance of children maintaining a sense of identity, why are we about to commence a new regime that works to sever that sense of identity?

Agencies which work with Aboriginal children are especially alarmed by this prospect. We heard on the ABC's *AM* program yesterday that there are genuine fears that last year's amendments will contribute to another stolen generation. Right now the state of Victoria is removing more Koori children from their parents than at any other point in history, including during the period of the stolen generations.

Another of last year's changes that will show up in March next year is that efforts at family reunification will have an arbitrarily imposed time limit of 12 months — or two years in exceptional circumstances. The department describes the 12-month time frame as reasonable, but I have not yet seen or heard it demonstrated why 12 months is more reasonable than 18 months or 36 months or 6 months — or any other arbitrary figure one might like to put on it — especially when surely the most reasonable way of restricting efforts at reunification is to ensure that it is in a particular child's best interests. Every child, and every circumstance, is different. The imposition of an arbitrary one-size-fits-all time limit that overrides what is in the child's best interests in a particular situation is surely a recipe for disaster.

The bill, which restores the departments obligation to provide services to the family before it can get the court to make a protection order, goes some way towards rectifying the problem of time limits, but only some of the way. Yet another of last year's perplexing amendments is that which will, from March 2016, limit the number of times that a court can order contact between children and their parents to no more than four times a year, even in circumstances where the court forms a view that additional contacts would be in a particular child's best interests — the court cannot do it; four times is it.

This would seem to be in stark contrast to the findings of the Cummins report. In chapter 15 of the report, finding 16 states explicitly that it is and should be the role of the Children's Court to determine, among other things, conditions relating to child-parent contact or contact with siblings and other persons who are significant in a child's life. No less than nine of the written submissions to the inquiry expressed concerns that the 2014 amendments seemed to be more about expediting the removal of a child than about finding an outcome that is in the child's best interests.

Another bewildering change to the act will see the Children's Court prohibited from attaching any conditions to a care by secretary order. Parental responsibility will be transferred to the department, to the exclusion of anyone else, and nobody, including the court, will have the capacity to oversee the department's decision-making with respect to children on these orders.

Having read the Cummins report and the submissions to the recent Standing Committee on Legal and Social Issues inquiry I find it very difficult to accept that in this place we would ignore the warnings coming from the overwhelming majority of key stakeholders. As James Campbell wrote in the *Herald Sun* on 22 August 2014, the bill basically wipes out half of the jurisdiction of the Children's Court. Indeed in opposition the minister quoted extensively from James Campbell in her contribution to the second-reading debate. Perhaps this would not be so much of a problem if we could have confidence in the department making every decision correctly.

It did not make the correct decision in relation to the four children it arbitrarily and without any warning removed from their foster mother in March 2011. Those children went into a residential care unit for the next nine months, during which time they begged and pleaded to be allowed to return to their foster mum, with whom they had lived for the previous four years. Apparently the main reason the department took them away was because it did not agree with the foster mother's view on their education. In that case, which went to court in January 2012 and was highly publicised, the court was able to effect reunification with the foster mother. But that outcome will simply not be available after 1 March 2016.

Let me now turn to the minister's stance on this issue. The minister says the bill works to acquit her pre-election promises. It certainly acquits one of them; that is true. In her contribution to the debate last year

Ms Mikakos promised to reinstate section 276 of the principal act, but she also promised to:

> … ensure that the Children's Court properly oversees the Department … because we want to get the system right. We want to ensure that we have proper checks and balances in place to ensure that children are looked after and vulnerable children are protected.

Clearly the bill does not achieve that; it does not acquit that promise.

Over and over again stakeholders are saying that the 2014 amendments create an act that provides for expedited removal of children from their families and that the evidence suggests that it is not likely to achieve outcomes that are in the best interests of the child. Even more significantly, the current minister, then in opposition, went on to say in her contribution to the second-reading debate:

> Labor is concerned that the Napthine government is seeking to restrict the ability of the Children's Court to oversee the actions of the Department of Human Services (DHS) at a time when the department is clearly failing children in out-of-home care.

She went on to say:

> Given … that hundreds of cases have come to light through the media this year —

she was obviously talking about last year, 2014 —

> of children who are being let down by the department and being abused while they are in care … you really have to question why the government would then introduce legislation that would, in effect, seek to gut the role of the Children's Court.

That is what the minister said last year from opposition, and the Greens wholeheartedly supported that criticism. However, we would equally ask now why this new government is prepared to allow this legislation to be rolled out in March — this legislation that none of the stakeholders who provided written submissions to the recent legal and social issues committee inquiry support.

In her speech last year Ms Mikakos made a number of cogent observations about the 2014 amendments. She quoted again from James Campbell:

> The reason the Children's Court was given such a strong power of scrutiny in the groundbreaking Children and Young Persons Act of 1989 was because the department had been shown to be manifestly failing in its duty of care to the children in its care …

She expressed concern that:

> Three of the four new protection orders … take away parental responsibility for a child from the child's parents and vest this instead in the secretary … this would appear to be inherently contradictory and completely at odds with the objective of reunification.

That is what Ms Mikakos said last year, and this current bill does not address that concern. In September last year Ms Mikakos held most, if not all, of the concerns that the overwhelming majority of stakeholders held and continue to hold about the 2014 changes. She made a specific promise: 'We will ensure that the Children's Court properly oversees the department'. As it currently stands, the bill that is now before the house, which Ms Mikakos introduced in her capacity as minister, does not acquit that promise or address those concerns. It is perplexing to me why the minister has not taken this opportunity to address the concerns she raised in the second-reading debate last year and the concerns the vast majority of the sector has been raising since the amendment bill first appeared last year.

The good thing is that she still has time; we in this chamber still have time. We have not yet been asked to vote on this bill. There are a number of amendments afoot. I note that the opposition is circulating an amendment that would require both the commissioner of children and young people and the Children's Court to make regular reports on the operation of section 276. Generally we would be predisposed towards agreeing with periodic reviews, because anything that improves transparency is a good thing in our view, but we have received advice that there are aspects of these provisions that would be detrimental to the court and its privacy requirements and that it would be cumbersome and impractical in terms of compliance. For those reasons, it is unlikely that the Greens can support these amendments.

I also point out that the amendments relate to reviews of one section only, section 276, which is the subject of the current bill. If we are going to have periodic reviews, we should be having periodic reviews of the operation of all the changes made to the child protection framework in September last year. I suppose it would be beneficial, as far as reviews are concerned, to have periodic reviews into how well the child protection framework is working or not working in general. While periodic reviews of bad legislation are sensible, it is even more sensible to prevent bad legislation from coming into effect where possible. It is possible for us to do something about last year's amendments.

The changes I am talking about today — the changes that were made to the act last year — do not come into effect until March next year, so there is still time to head them off. I will circulate some limited amendments on behalf of the Greens. I will talk to them in more detail during the committee of the whole, but they aim to make five discrete changes to last year's amending act in line with the overwhelming concerns that are being raised about the act by stakeholders. The first change is to restore in full the Children's Court's capacity to make interim accommodation orders. The second is to remove the arbitrary 12-month time limit on family reunification orders. The third is to restore the Children's Court's power to attach conditions to care by secretary orders. The fourth is to restore the Children's Court's power to order more than four contact visits per year between children on permanent care orders and their parents. Finally, the fifth is to reorder the list of permanency objectives in section 167 so that adoption appears last.

Child protection is not a matter for party politics. Child protection is not an area where members of the Parliament should stick stubbornly to party political convictions for fear of embarrassing ministers or former ministers. Child protection is certainly not an area where ministers should be heeding the advice of the department above the loud and remarkably unified calls from the sector for change. We have an opportunity right now to reverse the most egregious of the errors that were made last year as a result of a non-consultative process that lacked transparency. I urge members to take this opportunity.

The DEPUTY PRESIDENT — Order! Earlier in proceedings today a point of order was raised by Ms Mikakos in relation to the circulation of an instruction motion by Ms Crozier. At the time I ruled that the instruction motion was not be circulated at that point in the debate, and I did so because I did not want the second-reading debate to be dealing with instruction motions and not the bill. I requested the clerks undertake some research in terms of precedent, and subsequently the clerks have identified a potential precedent. That was found in the proceedings of this chamber in relation to the Justice Legislation Amendment Bill 2015 when there was a motion moved by Mr Bourman and Minister Herbert was dealing with the situation. However, this potential precedent has a different set of circumstances attached to it. Given that the instruction motion and the timing of it being circulated in a second-reading debate may create a precedent for further discussion and debate in this chamber on other issues, I think that at this time it is important that the issue be referred to the President.

Ms SYMES (Northern Victoria) — I rise to make a contribution to the debate on the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015. I have two small children, and I love nothing more than tucking them into bed each night. Sure, I complain about the fact that I get to read a story for the third time in one night and I have to go and get the third glass of water and I have to give 10 cuddles — actually, I do not complain so much about the 10 cuddles. I really do love doing that, and sadly it is shameful and heartbreaking that the experience that my children have every night is not the daily experience of every child across Victoria.

For many children and families this very ordinary and loving daily activity is not a feature in their lives at all. Instead abuse, violence, fear and sadness are their companions, and as such there can be no more important compulsory requirement on every parliamentarian and government than to step in and do whatever they can to provide protection, safety, security and a stable future for those who are most vulnerable.

The bill before the house today introduces substitute provisions of the Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014 and amends the restrictions on the making of protection orders under the Children, Youth and Families Act 2005. The effect will be to retain the Children's Court's oversight of service provision by the Secretary to the Department of Health and Human Services (DHHS) when considering the making of a protection order. In practice this is about ensuring that support is provided to keep families together wherever possible, viable and suitable.

In this year's budget the Andrews Labor government acknowledged that the system was under duress and provided $257 million over four years for child protection and out-of-home care and family services. This is a 17 per cent increase for child protection and family services compared with the budget of the previous government. This translates to 110 new child protection staff. Frontline staff are absolutely non-negotiable in the provision of support to vulnerable families and children. Four specialised child protection workers have been funded to target the sexual exploitation of children in state care. Nineteen additional after-hours workers will extend after-hours outreach capacity, finally acknowledging that abuse does not happen just during business hours. The rollout of a statewide rural after-hours on-call service finally acknowledges for the first time that regional communities have additional levels of complexity and

vulnerability, including their geographical location, isolation and limited services.

Just as important, though, is the government's provision of significant funds and resources for early intervention services to help keep families together. The priority, the objective and the goal must always be to reduce and minimise the number of children entering residential care in the first place. More than simply adding desperately needed money to the overstretched sector, this government has acknowledged the experience and wisdom of those at the coalface and their insights in coming up with better solutions and more effective answers. Hence we have undertaken extensive engagement and begun ongoing conversations across the sector to better understand what people in the sector need and what we can do to ensure that we are moving closer to doing things right and better.

This bill keeps a commitment made by Labor in opposition to retain the Children's Court's oversight of service provision. In fact the current Minister for Families and Children made it clear during the debate on the 2014 bill that this was what she would do if elected. She is delivering on that promise, and I commend her for this action. It is my view that an added layer of protection for vulnerable children can never, under any circumstance, be a bad thing.

Protection orders will still be able to be issued by the Children's Court. However, that will occur only if, in the court's opinion, the Secretary of the Department of Health and Human Services has provided the services needed in the best interests of the child.

There have been many failures in the child protection system and many disturbing and heartbreaking stories — stories that have been exposed in reports under successive governments. I know that this issue has been a priority for governments over many years to respond to. Government members think that the former government got it wrong when it passed legislation to take away the court's oversight of these failures, and that is what we are responding to today.

I wish to take the opportunity to respond to a comment made by Ms Crozier earlier. It was a comment that I found very offensive and an attempt at political pointscoring that has no place in a debate on these sensitive matters. To allege that the former Labor government did nothing to address or respond to child abuse in child protection was completely uncalled for. It was incorrect and without any basis. The fact of the matter is that horrible and unspeakable things happen to our most vulnerable children. That has happened under Labor and under the coalition, irrespective of which minister has had responsibility for children. But I know that every minister in every government and the people in the relevant departments have all along been committed to making a difference and changing the experiences and futures of these kids. I think we now have a government and minister that are going to do this better than we ever have before, but not for a minute would I accuse any former government of doing nothing.

To return to the bill, I reiterate that it is the case that if this bill is passed today, judicial oversight of the secretary's actions in taking all reasonable steps to provide families with the support they need to make changes will be retained.

Putting a child's needs first and supporting their return to their family is fundamental to changing outcomes. When families need to make changes in order to provide an appropriate environment for their child or children to return home, they are going to need support. They cannot do it alone; they absolutely must have the resources they need and they absolutely must have assistance. The sooner reunification can happen, if indeed it is possible, the better it is for all.

That is why alongside this bill the government has also allocated $31.75 million to support keeping families together. As well, $9.2 million has been allocated to fund the family-led decision-making programs; $20.8 million has been allocated to expand placement prevention and family reunification services; and $1.75 million has been provided for the initial response to Taskforce 1000, which will improve support for vulnerable Aboriginal children and their families.

The Andrews government keeps its commitments. Its members do not shy away from the difficult issues. Our concerns, expressed during the previous Parliament about the then government's bill on this very issue, were not forgotten. They were not placed in a drawer marked 'Too hard'. Today in this bill we are addressing an important concern.

Many of the further concerns are well documented in the *Hansard* record of the debate on the 2014 bill and more recently through the submissions made to the Legislative Council's Standing Committee on Legal and Social Issues, whose members conducted an inquiry into this 2015 bill. I am a member of that committee, and I would like to again thank all the stakeholders and individuals who presented material or came along in person to a hearing and answered our questions.

Those who made a submission on the 2015 bill fully support the bill — that is, they support retaining section 276, which requires that the Children's Court be satisfied that all reasonable steps have been taken by the secretary of DHHS to provide services in the best interests of the child before the court can make a protection order. Some of the notable contributions to the inquiry include the following by Berry Street:

> Berry Street supports the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015 and believes it is in the best interests of children that the legislation is passed.

The Victorian Aboriginal Child Care Agency said:

> VACCA supports this recent amendment of restoring oversight powers of the Children's Court and sees this as an important and necessary power to restore to the court. Ensuring independent decision-making of the court affords a level of accountability of DHHS and is fundamental to ensuring the best interests of children in the protection and care systems.

With respect to retaining the all reasonable steps requirement, the child safety commissioner noted:

> I believe this requirement will improve transparency and accountability and better ensure that services reasonably required are offered to parents and that parents are encouraged and supported to access them. The amendment will enhance public confidence in the system.

A member for South Eastern Metropolitan Region, Ms Springle, highlighted the well-publicised case of two siblings who were tragically sexually assaulted while in out-of-home care. The Law Institute of Victoria presented to the committee. If you review its transcript, it highlights the dangers of reducing judicial oversight for department decisions, referencing this highly publicised case and saying that in this case the court declined to make a protection order as the appropriate services had not been provided. It is a fact that if the current bill is not passed, the court will not be able to withhold the making of an order even where it can be shown that there has been a failure in the duty of care.

The inquiry the committee conducted had broad terms of reference and was not confined to the bill. As well as supporting the bill, many stakeholders raised with the committee their concerns regarding the previous government's 2014 bill, both in substance and in process. A large majority of the submissions complained that there was inadequate consultation prior to the introduction of the 2014 bill.

In particular, Liberty Victoria took the opportunity in its submission to make comment on the lack of public consultation afforded in relation to the Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014 and the impact of those legislative amendments, particularly on Victoria's most vulnerable community members.

Berry Street said something similar — that is, that the consultations in relation to this bill:

> … were unnecessarily restricted, secretive and disingenuous in that they did not provide stakeholders with specific details on the legislation. Berry Street's view is that such fundamental reform of our child protection laws should have included the development of a discussion paper and exposure draft legislation prior to the finalisation of a bill to introduce into Parliament.

I know that there is a call from corners of the child protection system, especially the Law Institute of Victoria, to address all of the concerns generated from the former government's bill. I think the Greens will attempt to further prosecute some of these concerns in the committee stage, which the minister will be responding to. However, this government will not act in haste on this issue. There are many experts, but not all of the experts agree. The reasonable approach, which has been announced by the minister, is to review the impact of the amendments six months after their commencement, which will be in March next year.

I would like to conclude by reiterating that this is an important bill. I accept that it is hard for members of the former government to support a bill that repeals its actions, but there is enormous consensus on this bill, and it is the right thing to do. I encourage members to consider their position during the committee stage of this bill, and I truly hope it passes today.

Ms WOOLDRIDGE (Eastern Metropolitan) — I am very pleased to speak on the bill we are debating today because, as everyone in this chamber will know, I am very passionate about acting in the best interests of children and ensuring that we can both invest in and reform the child protection and out-of-home care systems and all of the systems that sit around them and continue to drive improvement to assist young people who have been abused and neglected and provide them with the opportunity to get their lives back on track and achieve the great potential that they have.

I was very proud of the legislation we had passed last year, the Children, Youth and Families Amendment (Permanent Care and Other Matters) Bill 2014. An exceptional amount of work was done over the entire term of the government, the conclusion of which was the bill we put forward. Its genesis was in the exceptionally damning reports from the Ombudsman in

2009 and 2010 in relation to the child protection system and the out-of-home care system under 11 years of Labor governments and their failure to act to protect vulnerable children. That led to a commitment to undertake an inquiry, which was led by Philip Cummins with the support of Bill Scales and Dorothy Scott. They did an exceptional job of talking to everyone, thinking about the issues and making recommendations to the government. Part of that, as has been mentioned, was the development of the important permanent care research: to actually hear from young people themselves about their experiences of the out-of-home care system so that responses could be developed in terms of how to reform and improve the system, in terms of practice, legislation, court processes, decision-making and authorities across a whole range of areas, to work in the best interests of the children, which is of course is the fundamental principle behind the Children, Youth and Families Act 2005.

Over the course of the four-year term of government more than $1 billion was invested for vulnerable children and families. There was very significant reform.

Ms Mikakos interjected.

Ms WOOLDRIDGE — It is very easy to find. I know the current minister claims hers is the biggest ever investment with over $200 million in this budget. I would direct her to the 2012 budget: $336 million for vulnerable children and very significant investments which were made consistently. I particularly want to highlight the over $180 million invested in the out-of-home care system. The current minister is claiming many of those dollars as her own, but they were already invested in the out-of-home care system to ensure that it could provide therapeutic care to every child in out-of-home care, which is a commitment the government seems to have walked away from. The money ensured that permanency planning could happen earlier, and that there would be assistance and support in the transition from out-of-home care and for a range of different issues. Not only was there the very significant investment in out-of-home care along with the reform but there was also the establishment of the Commission for Children and Young People and of Australia's first commissioner for Aboriginal children and young people. There was significant investment in addressing some of the causes of young people ending up in the out-of-home care system.

There was also significant investment in family violence and mental health services, and investment in the collaboration between child protection and mental health services, which was the first time that relationship had ever been formalised and prioritised. We invested in our alcohol and drug system to make sure that parents could access treatment. The coalition government's Family Drug Treatment Court initiative allowed us to work with the courts to ensure that families who have had their children removed from them as a result of alcohol and drug issues can access the treatment and support they need to achieve reunification. These are very significant investments and reforms resulting in a number of initiatives, all focused on delivering better outcomes for vulnerable children in the context of their families.

The bill the coalition brought forward for debate at the end of last year had a number of objectives well beyond the clause we are dealing with today. Improving permanency through an early decision that either the family could be reunified or was unable to provide the safe nurturing environment a child needs was a priority legislative focus, ensuring that young people will have certainty and confidence in their lives rather than the uncertainty that sits around for years without a decision being made. As has been mentioned, the Cummins report found that a permanency order takes an average of five years to be made — which means that many cases take many years longer than that.

The previous bill required birth parents to demonstrate good progress towards reunification within 12 months in order to be granted a further 12-month extension. Two years was a reasonable time frame given that the clock did not start ticking until children had been removed as a result of abuse and neglect, so there would have already been a lot of abuse and neglect up to that point. In fact the system is often criticised for not removing children who are in abusive and neglectful environments. So there has been abuse and neglect before the children get to the point where they are removed. There is then a two-year process for parents, with the support of services, to address their issues before a decision is made in regard to their children.

Interestingly, the *Australian* newspaper published a story over the weekend headed 'Welfare rules give parents less time to reclaim children', which reads:

> Welfare authorities in Western Australia are embarking on a significant policy shift that prioritises a permanent and stable home for children ahead of reunification with parents who cannot address their troubles in a timely way.

The article goes on to say that two years is the time frame in which a decision might be made for children over the age of three. This has very significant support

from the Foster Care Association of Western Australia, which says the focus on permanency is in line with trends in other states and overseas and that, 'In fact WA has been a bit behind in the area'. The fact is that WA, seeing itself as behind in this area, has made legislative amendments to achieve the outcome that we achieved with last year's bill, which the government is now seeking to walk away from. The bill also delivered significant outcomes for foster carers, authorising them to make day-to-day decisions, and it also ensured that the cultural needs of Aboriginal children in care were met by requiring cultural support to be addressed in their care plans.

A very significant number of issues were covered in the earlier bill, but the bill we are dealing with today deals with one particular clause that the government is seeking to have remain. We acknowledge, as I think everyone does, that the issues the government and service providers deal with are highly complex. People have different views as to how they should be addressed and resolved. There are no easy answers to this very complex system. However, what the coalition's bill said was that a decision needs to be made. We have to prioritise the needs and best interests of the child, and if that means stability and permanency in the face of a repeated and ongoing inability of parents to show evidence that they have been able to address the issues that led to the abuse and neglect, then we needed to make decisions about permanency.

The bill in the house today gives the courts discretion at the two-year point to lift the deadline for decision-making. A court could go beyond two years to a potentially undefined period of time — it may only be a month or two more, but it may also be years more, which we have seen happen before. The issue is that we have never believed legislation itself could fix this problem. It is about practice, it is about attitude, it is about service provision and it is about funding, and when last year's bill was being debated I made it very clear that the service provision was not yet satisfactory and needed further investment to ensure that parents got every possible support and every possible chance to address their issues, whether they be violence, abusive behaviours or alcohol and drug abuse. Whatever they needed, the investment needed to be made so that they could get all the support possible — preferably immediately but certainly within the first 12 months and definitely within the first two years — so that by the time the case got to the two-year point, every possible avenue had been pursued.

The other thing we believe the bill would have achieved was that by having a two-year time frame, everyone would know the decision-making deadline. The case planners, the service providers, the courts, the child protection workers and the department would all know that all the work had to be done in a certain time frame. It would be a catalyst for increased activity, for a more timely provision of services and for delivering a good decision in that time frame.

The risk is that by lifting the two-year time frame now there is an assumption that if it does not happen, there is a way out — the court can make a decision and just extend the order beyond the two years and the pressure has gone off the system. The pressure to resolve these issues in a meaningful way for the benefit of the children and their families is now out of the system because the court can continue to extend if those services have not been provided, so we lose that pressure in the system to do the right thing by the families and the children, to make good decisions and have that information.

I believe the minister had a choice here. The minister could have chosen to advocate for more services earlier to make sure that every possible service had been provided to help that family reunify, if it was going to be possible, or she could have chosen to lift the bar at two years and potentially, largely to the detriment of the child, extend that for an undefined period of time. You can invest early or you can lift the barrier at the back end. The minister and the government have chosen to lift this barrier, take the pressure off people to actually provide the services, take the pressure off the government to invest in the services that are needed — alcohol and drug services, mental health services, family violence services; none of which received significant investment in the first budget of this government — and instead create the potential for children to drift in terms of their experiences and the court orders.

Having made that decision, it is the view of the coalition that it would be exceptionally useful to have some oversight in relation to what this means to replace section 276 of the Children, Youth and Families Act 2005. The amendments the opposition has foreshadowed ask the commissioner for children and young people — the independent umpire — to examine what is happening: how many children are not having an order made at that two-year mark, so how many are going over that two-year hurdle? For those who are going over that hurdle, why are they going over that hurdle? What services have not been provided? Having that information will open up a whole debate about what services are lacking for children and families so that good decisions can be made and, if at all possible,

reunification can occur. Is it alcohol and drugs? Is it mental health? Is it family violence? We do not have that information currently; we do not know why these orders are not being made.

The *Stability Planning and Permanent Care Project 2013–14 — Final Report* which has been released and which the coalition government commissioned gives us some insight into this, but going forward we are asking that the court provide information on its website about how many children are going over that time frame and why and what is happening to those children. How long are they then staying on those orders and not having that permanency, which was the original objective of the bill? The Department of Health and Human Services should assist in that process, and the commissioner should report annually. Opposition members think that is about transparency about what is happening to these very vulnerable children who have not got permanency and stability in their lives and will give us some insight into what further needs to be done to make sure that they can receive and access the services they need.

This is a very important bill. Members of the coalition always knew that this issue required more than the legislative reform; it required investment, it required a change of attitude on the part of the department, the government and the people on the front line of the services so that everyone could be focused on the urgency of doing everything possible to make sure good decisions can be made about stability and permanency, because at the heart of this are children who have been abused and neglected to the point where they have had to be removed from their families. It is about how services, the system, the government and support work in their best interests to make good decisions about how they can be assisted and supported to get their lives back on track. Unfortunately opposition members are not able to support the bill, and I recommend the amendments, when they are tabled, for consideration.

Ms BATH (Eastern Victoria) — As I rise to make my contribution to the debate on the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015, I would like to acknowledge the work done by the Parliament's Standing Committee on Legal and Social Issues, in particular Mr Edward O'Donohue and the members of that committee, for its informative report on the inquiry into the Children, Youth and Families (Restrictions on the Making of Protection Orders) Bill 2015, which was tabled on Tuesday of this week. I thank them for the sensitive and articulate questions asked during the hearings, and I will refer to some of those contributions in my contribution this afternoon.

I will open by reflecting upon the rights of children and a child growing up in our country. Children are born as beautiful, helpless, defenceless creatures, and they require care and nurturing to grow into well-balanced, functional individuals in our society. In my opinion their basic needs include a warm bed at night where they are safe to go to sleep without fear of being woken by a violent noise or violence or abuse being perpetrated on them. Adequate clean clothing and a good dose of healthy food, including fruit and vegies, is a recipe for a healthy life. The ability to access education and encouragement to attend school on a regular basis are vital for children. Children need to feel safe, loved, respected and valued.

Sadly, we in this chamber and those elsewhere know this is not always the case, as evidenced by the many reports we see today. Children who live in violent, neglectful or drug-affected homes can be at risk of permanent and long-term damage or even worse. They are our most vulnerable and need protection and legislation that brings about stability as quickly as possible.

During the public hearings the Department of Health and Human Services assistant director, child protection, Ms Beth Allen, spoke about the number of reports received through the child protection program. She said that:

> … in 2013–14 the child protection program received 82 000 reports concerning Victorian children where professionals or members of the community felt children were subject to abuse or neglect.
>
> …
>
> In Victoria there are approximately 7000 children in out-of-home care … on 30 June 2014 there were just over 9000 children on interim, protective or permanent care orders in the state of Victoria.

By way of explanation, out-of-home care can take the form of kinship care where children are placed with relatives or very close friends, and 60 per cent fall into this category, which, as members would agree, would be a preferred option. The vast remaining number of those children are placed in foster care arrangements, with very small numbers placed in residential care. Otherwise they are in a permanent care situation. As I have stated before, we know that children need stability, and being moved from place to place can have a detrimental effect on their mental state.

Today's bill repeals a section of the amendment act which was introduced as a result of the findings of the Protecting Vulnerable Children Inquiry in 2012. I note that Ms Springle referred to this quite a number of times in her contribution as the Cummins report. This inquiry found that children who were subject to drifts in their care arrangements, particularly those who have suffered from trauma as a result of neglect or abuse, are adversely affected through their childhood and later on in life. It is acknowledged that delays in decision-making can be harmful for the children.

I believe this is partly why the coalition's Children, Youth and Families Amendment (Permanent Care and Other Matters) Bill 2014 set a time frame of two years in which to establish permanent care arrangement for a child. This amount of time gives parents a good chance to take some responsibility for their actions and seek or enter rehabilitation so as to make positive changes and therefore be reunited with their children. I believe the bill before the house seeks to remove this time line, which I fear could take away the motivation and timely need for a parent to make these positive changes, as well as leaving the child with the uncertainty of not knowing where their future lies. The other issue is that the two-year time frame was not due to come into effect until March next year, so we are looking at withdrawing something that has not even been tried or tested yet.

As a former secondary teacher I have witnessed a number of children who have been in temporary care arrangements passing through my class over the years. From my own anecdotal observations, these children tend to be more unsettled and disruptive in the classroom and less likely to want to engage with their teacher and peers. Overall their academic standards are below average for the class, and their capacity to concentrate and focus in class is reduced as well. By their transient nature, moving in and out of care programs, their education can be patchy and suffer gaps in content; they can double up on some topics and miss others all together. They tend towards high rates of absenteeism. All of this leads to poor educational outcomes which may compound a lack of self-confidence, self-esteem and emotional wellbeing.

I can relate this to something Ms Crozier commented on in her contribution. There was documented evidence that a child had been placed with 10 different families in 10 different care situations. That would mean that that child attended more than 10 schools. Can members imagine that child having to go into 10 different schools; find 10 different lockers; get used to 10 different sets of teachers, depending on how old they were; and adapt to 10 new sets of faces and friends? It would be horrendously scary for that child, and it needs to be avoided at all costs. That is an extreme example, but there are probably examples of children who have been in eight, seven or six different care situations.

I will put in a plug for our fantastic teachers. Teachers regularly make an extra effort to accommodate the needs of such students, providing stability, positive role models and care in the classroom. However, there is only so much healing that a teacher can do, especially in a secondary school situation when they have a busy class and only 50 minutes in which to conduct it.

By contrast, I have seen the benefits of long-term foster care arrangements where children feel safe, loved, valued and certainly a part of the family. Referring back to Ms Allen's transcript, I note that the Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014 places a great emphasis on the importance of permanency for children. The critical findings of the Cummins report included that it took on average five years from the time a child was first reported to child protection to the time permanent care was achieved for that child where it was determined that the child was not able to return home. We have heard this today on a number of fronts. This is a very long time in a child's life. The long-term ramifications for the welfare of a child moving in and out of the system are serious.

The amendment act, which includes a two-year time frame for permanent care, acknowledges the importance of permanency and stability for the wellbeing of our vulnerable children and acknowledges that where possible it should be provided by the parent. Family unity is of the utmost priority, but where it cannot be achieved and where all attempts to reunite a child with their parents within a reasonable time frame have failed, it is critical to the child's wellbeing and developmental needs that an enduring alternative permanent care arrangement be made to take them into adulthood while maintaining the child's relationship and connection with their birth family and culture if possible.

The amendment act establishes that a total of two years is a reasonable time frame — and I have mentioned this before — in which to achieve reunification between parent and child. The act allows for an extension of time in exceptional circumstances. Two years is a reasonable time for parents to access drug and alcohol rehabilitation services and parenting services to help address the reasons their children are in care in the first place.

The government's Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015 in effect returns us to the position in which the courts have the ability to allow an extension but no requirement to actually make a decision in a reasonable time frame. This can lead to protracted negotiations, and it translates to children being bounced in and out of care for too long.

I believe we need to keep the two-year time limit, and that is why as a representative of The Nationals I will be opposing this bill.

Motion agreed to.

Read second time.

Instruction to committee

The ACTING PRESIDENT (**Ms Dunn**) — Order! I will first ask Ms Crozier to move her instruction motion. After the house has voted on that motion I will call on Ms Springle to move her instruction motion. I remind the house that an instruction to committee is a procedural debate.

Ms CROZIER (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 Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014 that relate to the restrictions on the making of protection orders under the Children, Youth and Families Act 2005 and requiring the Children's Court of Victoria to publish information relating to decisions not to make protection orders and requiring the Commission for Children and Young People to report on that information in the commission's annual report.

The coalition is moving this instruction in relation to what has been broadly discussed in the second-reading debate as the reasons for putting these amendments to the house today. As has been suggested by members of the coalition, we believe there needs to be greater transparency and greater accountability for vulnerable children. Victoria's vulnerable children deserve nothing less, and in relation to understanding what is happening with some of our most vulnerable children — those who have been in abusive or neglectful situations and require court decisions to be made — surely the courts, the community, the Department of Health and Human Services, the agencies and all those involved in looking after those children have a greater understanding of what is actually going on.

We believe it is reasonable that this data be provided on a quarterly basis to the Victorian public and that it be made available to the community through publication on websites. Once that is undertaken on a regular basis I think we will be able to gain a greater understanding of the barriers that prevent the provision of services to those vulnerable children who require the attention of child protection services, their agencies, the department, governments and the courts.

That is what we are broadly asking for, and we are asking the Commission for Children and Young People to review those findings along with information it may need to seek from the department, if required, and to include that data in its annual report. This will not only strengthen the commission's position in terms of understanding what is happening to our most vulnerable children but give the department, the community and everybody involved a far greater understanding of what is actually going on — that is, why children are not being dealt with in a timely fashion, if that is the issue; why services are not being provided to parents, if the provision of drug and alcohol services is the issue; and why there are protracted court proceedings, if that is the issue. All these elements will be made known to the community and can be acted upon. Then as a government and as legislators we can improve in the areas that are required to be improved. As has been said, it is not just about legislation; it is about what is happening, how we can support the provision of services and how we can improve the outcomes for our most vulnerable children.

Ms MIKAKOS (Minister for Families and Children) — In speaking to this particular motion, I want to give a bit of context to it, because we have to remember that we have an unusual situation here in that essentially we have got a very short bill before the house. I remind members that we are focusing here on a bill that has four clauses and runs for three pages. Essentially we had a situation where before the bill was even second read in this house there was a motion to send the bill to an upper house committee, the Standing Committee on Legal and Social Issues Legislation Committee, and that committee had the whole of the winter recess to come up with its report — to conduct public hearings, receive submissions and present its report — which was tabled in this house on Tuesday.

That process gave the opportunity for stakeholders to express their view on the government's legislation, and everyone appearing at the public hearings supported the government's bill. Overwhelmingly everybody putting in submissions to the upper house committee supported the government's bill. In fact most of the evidence in the transcripts included in the report focuses not on this government's bill but on the previous government's legislation, which ran for 173 clauses and 96 pages.

In essence we have a situation here where Ms Crozier has brought to the house proposed amendments not to this bill — which, as I said, has four clauses and runs for three pages — but to the former government's own bill, which it was prepared to move when it introduced the legislation to the Parliament last year. It is interesting that Ms Crozier has brought these out-of-scope amendments to the house today, which is why we are having an instruction debate. The only reason we need to have this debate is for the house to give permission to the Legislative Council to consider out-of-scope amendments. I understand that Ms Springle similarly has an instruction motion to enable us to consider out-of-scope amendments, because none of these amendments relates to the substance of the four-clause, three-page bill that we have before us here today.

In fact in looking through this report — which the upper house had the whole winter recess to prepare, consider and provide advice on to the Legislative Council — it is very instructive to see that there were no recommendations to the Legislative Council for any amendments to this particular bill. So Ms Springle's and Ms Crozier's out-of-scope amendments were not recommendations to the house in this upper house committee process. I think it is important that all members here understand the context in which we are having this very unusual process debate around an instruction motion giving the house the opportunity to consider out-of-scope amendments.

The other important point to make is that there are in fact very significant problems with the amendments that Ms Crozier is seeking to present to the house today. I will go into a lot more detail if the house agrees and we go into committee in relation to these particular issues.

Ms Wooldridge interjected.

Ms MIKAKOS — The point I want to make, Ms Wooldridge, if you would just give me the opportunity — —

Ms Wooldridge interjected.

Ms MIKAKOS — I am going to come to the issues of the problems later on.

Ms Wooldridge interjected.

Ms MIKAKOS — The point I am going to make, Ms Wooldridge, is that we are not going to oppose the instruction motions from either Ms Crozier or from Ms Springle. We are going to enable the house to consider these amendments in an unusual way. It is a very unusual process where we have wideranging out-of-scope amendments before the house.

The ACTING PRESIDENT (**Ms Dunn**) — Order! Ms Mikakos is out of time.

Ms SPRINGLE (South Eastern Metropolitan) — I put to the chamber that we will support the motion on the grounds that we believe there should be afforded every occasion possible for legislation to be amended in the house when people see fit and also on the grounds that this particular legislation, while short, should have been much more robust, in our view. So we will support the motion.

Motion agreed to.

Ms SPRINGLE (South Eastern Metropolitan) — I move:

> That it be an instruction to the committee that they have power to consider amendments and new clauses to amend the Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014 that relate to restrictions on the making of protection orders, the duration of family reunification orders, interim accommodation orders and contact between children on permanent care orders and their parents.

I will keep my contribution on this motion brief because I covered most of the issues in my speech in the second-reading stage. Our amendments essentially cover five points which repeal parts of the 2014 amendments to the Children, Youth and Families Act 2005. In doing so we would restore in full the Children's Court's capacity to make interim accommodation orders, remove the arbitrary 12-month time limit on family reunification orders, restore the Children's Court's power to attach conditions to care by secretary orders, restore the Children's Court's power to order more than four contact visits per year between children on permanent care orders and their parents and reorder the list of permanency objectives in section 167 of the act so that adoption appears last.

I can say that the motivation around these amendments is multifaceted. These are a small group of changes we have been advised by members of the sector are the absolute bare minimum that need to be made to make the child protection legislation framework functional. I do not believe any one of the changes made to these points last year is based on the recommendations provided by Cummins. It is unclear what evidence they are based on, and therefore we see it as of prime importance that at the very minimum the original provisions be reinstated as soon as possible. Given that

the amendments made last year will not be rolled out until March 2016, we see this an opportunity for them to be repealed without too much impact on the child protection sector, so I commend them to the house as part of this motion.

Ms MIKAKOS (Minister for Families and Children) — In speaking to Ms Springle's motion I do not want to recover the ground I covered earlier — the points I made in relation to Ms Crozier's instruction motion I would similarly make in relation to Ms Springle's instruction motion. I would then again point to the fact that the Standing Committee on Legal and Social Issues report makes no recommendations in respect of any of these proposed amendments.

Ms Springle is claiming that her amendments have the support of the sector. I do not believe that that is in fact the case. When we are claiming the support of particular groups and stakeholders it is important to be precise. What I would say, and this applies also for the position we took in respect of Ms Crozier's instruction motion, is that in not opposing these two motions the government is not indicating that this should be taken as a precedent, because I imagine that there may well be other members wishing to similarly propose out-of-scope amendments to bills in the future. The government will make decisions about these kinds of out-of-scope matters on a case-by-case basis in the future.

While we are prepared to enable these members to put these amendments to the house, I certainly hope that members will consider each of the amendments on its merits and that we will vote on these amendments guided by what we all believe is in the best interests of children.

Ms CROZIER (Southern Metropolitan) — I acknowledge the support the Greens have given in relation to the coalition's position in moving its instruction motion, and I indicate that the coalition will be supporting the Greens' motion.

Motion agreed to.

Committed.

Committee

The DEPUTY PRESIDENT — Order! We are now dealing with the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015, a bill for an act to amend the Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014 and for other purposes.

We will be dealing with a process that is a little different to what we have experienced in the past. What I will be doing in a moment is reading out the instructions to the committee from Ms Crozier and then Ms Springle, and then essentially I will be proposing that we postpone dealing with clause 1 and deal with it at the end, in terms of it being potentially more a consequential motion than a substantive motion.

The clerks and I have had a discussion as to how we deal with clause 1. I seek some guidance, particularly from those who are moving the amendments, as to whether you wish to have a general discussion about clause 1 and then have it postponed in terms of the vote.

Ms SPRINGLE (South Eastern Metropolitan) — Yes, that would be fine.

Ms CROZIER (Southern Metropolitan) — Yes.

The DEPUTY PRESIDENT — Order! It is agreed that we will discuss any items and then vote on the purpose clause later. For the purposes of Hansard I would draw the committee's attention to two separate instruction motions agreed to by the house as follows. Firstly, moved by Ms Crozier:

> That it be an instruction to the committee that they have power to consider amendments and new clauses to amend the Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014 that relate to the restrictions on the making of protection orders under the Children, Youth and Families Act 2005 and requiring the Children's Court of Victoria to publish information relating to decisions not to make protection orders and requiring the Commission for Children and Young People to report on that information in the commission's annual report.

Further to that, moved by Ms Springle:

> That it be an instruction to the committee that they have power to consider amendments and new clauses to amend the Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014 that relate to restrictions on the making of protection orders, the duration of family reunification orders, interim accommodation orders and contact between children on permanent care orders and their parents.

These motions enable Ms Crozier and Ms Springle to move their separate amendments which were previously considered to be outside the scope of the bill. In terms of clause 1, as I indicated and got agreement on from both movers, I invite Ms Crozier in the first instance to make comments on the clause.

Ms CROZIER (Southern Metropolitan) — Thank you for your guidance, Deputy President, and thank you for the opportunity to speak on clause 1. I wish to ask the minister for a very basic explanation of the minister's purposes in relation to clause 1, as the minister sees what she has put forward in the house today in this bill around the restrictions relating to the making of protection orders under the existing Children, Youth and Families Act 2005. Could the minister explain, as she sees fit in terms of the provisions, the reason for this purpose?

Ms MIKAKOS (Minister for Families and Children) — If I can assist the member, I think what she is getting at essentially is what the purpose of the bill is, or is the member confining her question just to the purposes clause?

Ms CROZIER (Southern Metropolitan) — The purposes clause.

Ms MIKAKOS — Just the purpose clause, okay. The purpose clause is very clear. The purpose of this bill is to substitute a provision of the Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014. As I made clear during the very brief debate we had on the instruction motions, this is a very short bill. It has only four clauses. Essentially the bill retains the language currently used in section 276 of the Children, Youth and Families Act 2005 as it relates to the oversight role that the Children's Court has over the Department of Health and Human Services, particularly as it relates to the provision of services necessary in the best interests of children before the court considers the making of a protection order.

In essence the purpose of the bill is to retain the status quo because this particular change, contained in clause 17 of last year's legislation, has not taken effect yet. It is due to take effect on 1 March 2016. This clause is retaining the status quo and ensuring that the Children's Court will continue to play that important role of oversight of my department. I make the point that this is a courageous thing for a minister to do. The previous minister may not have been prepared to do it, but I am prepared to subject my department to scrutiny. Where the court finds that the department has not provided the necessary services, the court is able to exercise its judicial discretion as it should in making its orders and having regard to what is in the best interests of children. In essence we are maintaining the status quo as it relates to section 276 of the act.

Ms CROZIER (Southern Metropolitan) — I thank the minister for her answer, and I note her comments in relation to her position on enabling her department to have scrutiny by the courts. My question is: does the minister therefore think that in relation to the concerns that have been raised in the debate the bill provides enough oversight to achieve the best outcomes for vulnerable children? That is potentially what our amendments provide. The minister mentioned the availability of service provision. Does she believe the bill will enable identified areas of concern to be addressed?

Ms MIKAKOS (Minister for Families and Children) — The best way to answer that question is to refer to an example. This provision is not used frequently; however, it is critically important as it relates to the oversight role that the court has over the department. The best example I can give is one that Ms Springle referred to in her contribution — and it may have been raised by other members, including Ms Symes, in the course of the debate as well — and that is the case that received a fair bit of media attention last year concerning two siblings in residential care who were tragically sexually abused while in the state's care.

In that case the court was highly critical of the department and found that the secretary of the department had failed in her duty of care in the provision of necessary services to those children. The court was reluctant to make final orders in respect of the children because of its finding in relation to service provision and in fact made interim orders so that the matter was able to go back to the court. The court was then able to determine whether there had been adequate support provided by the department. That power was exercised during the time of the previous government in that very well publicised case. My contention would be that this is a critically important provision, because it means the court undertakes that oversight role and can examine whether the department has provided the services necessary in the best interests of children.

I make the further point in terms of the question that Ms Crozier put to me that this provision retains a current test. She asked me whether this is adequate, and I make the point that this retains the status quo, the current law. If the bill is not passed, the law will be changed and essentially weakened by virtue of the changes made by the previous government last year so that the court's hands are tied and it is not able to exercise its discretion in these kinds of circumstances.

If the bill does not go through and if we had a similar case to that of the two siblings go before the court, it would be possible that the court would have to make certain orders under the permanency changes that will

take effect, and it will not be able to say to the department, 'You need to come back and provide further information to us about the service provision'. In my view this is a very important safeguard in the current legislation that we are seeking to retain, which would disappear by virtue of the coalition's amendments last year.

Ms CROZIER (Southern Metropolitan) — I thank the minister for her answer. She highlighted last year's case, and certainly in my contribution to the second-reading debate I made note of the many tragic and dreadful circumstances that too many Victorian children had been subject to over many years.

Nevertheless, I am interested in the minister's view on what she thinks is a reasonable time for a child to be in the child protection system following a court order. Does the minister have a view on a time frame, or does she think children can come in and go out of the system?

Ms MIKAKOS (Minister for Families and Children) — I point out to Ms Crozier that the permanency changes that were passed into law last year and will come into effect in March of next year will remain. The amendment we are debating here is one change in a piece of legislation which ran to 173 clauses last year. The vast majority of the clauses relating to permanency will remain in place.

Ms Crozier is asking me to express a personal view, and committee stages are not really about personal views; they are about a factual analysis of proposed legislation. I can inform Ms Crozier, as I made clear in the media release that I issued at the time I announced that the government would be honouring the commitment it made during the debate last year, that we will be conducting a review of these changes next year to ensure that we do not have unintended consequences and that we have a legislative regime that works in the best interests of children. So we will be conducting a review next year to ensure that we do not have unintended consequences or difficulties with the legislation.

I remind Ms Crozier that during the debate last year Labor did not oppose the legislation. We did not vote against it. I made it very clear in my contribution to the debate then, and I reiterate the point now, that we want to see stability for children. We do not want to see children churning through the system. It is important that children, who are very vulnerable, have stability in their lives, and it is concerning that evidence has been brought to light through the Cummins inquiry that children have been churning through the system for a number of years.

It is critically important that we get the legislation right, because the lives of vulnerable children are at stake. It is important that Ms Crozier understand that what we are talking about here is a key provision, a key safeguard, in the current legislation that we are retaining, but the vast majority of the changes made last year will continue into law. We want to ensure that we have the best system in place and the best legislation, which is why I have committed to doing a review next year of these permanency changes.

Ms CROZIER (Southern Metropolitan) — I thank the minister for her answer. The minister has just referred to the provisions. Does the government deem the provisions to be adequate in relation to the safeguards that she spoke about?

Ms MIKAKOS (Minister for Families and Children) — We are retaining the current law. We are keeping the status quo because we believe it is a critically important safeguard. That is why we are keeping that safeguard in law, which would otherwise change if the 2014 legislative changes were unaltered by the course of this debate. It is an important safeguard, but we are going to conduct a review so we are able to examine the impact of the permanency changes, whether they act in the best interests of children and whether they have unintended consequences. We need to look at this in an evidence-based way to see what the facts show in terms of what the impact will be. It is important that we retain an open mind about these issues and that we look at how the legislative regime will operate in practice.

Ms SPRINGLE (South Eastern Metropolitan) — On the topic of the review that the minister has just spoken about, is the minister able to give some more detail about what that review will entail? Who will be driving the review? Will it be an open process? Will the report that will inevitably result from that review be made public?

Ms MIKAKOS (Minister for Families and Children) — I refer the member to the media release I issued on 27 May 2015 in which I announced that we would be bringing this legislation into the house and honouring our election commitment in this regard. I particularly refer to the fact that I said at the time that I had committed to reviewing the new arrangements that were introduced via the Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014 six months after they take effect on 1 March 2016.

In terms of the timing, that is the timing. We want to enable the provisions to operate for a period of time so we can see how they work in practice.

In relation to the issue of process, I assure the member that what I heard last year from a number of stakeholders, which was reinforced again through the upper house committee process — and I think that was valuable for new members who had not heard all the concerns that were raised last year — was that last year's process was inadequate in terms of consultation.

When Labor introduced the Children, Youth and Families Act 2005 there was an extensive process of consultation. In fact if I recall correctly, an exposure draft was issued. People had an opportunity to examine it in detail and have input into a complete rewrite of the child protection legislation for this state. The bill that came to Parliament last year was extensive in nature. It ran for 94 pages and had 173 clauses, and it made wide-sweeping changes to the legislation, particularly in relation to permanent care orders, the role of the court and the oversight of the court. What came through in the evidence before the committee — of which Ms Springle is a member, as are other members in the house — was that some stakeholders had not been consulted at all or had been consulted in a very tokenistic way.

I assure the member that we will be consulting. We will have a process whereby stakeholders and those members of the public who have an interest in these matters will be able to make submissions to our review so that we can actually examine the impact of these changes. I assure the member that we will be listening to the views of the court as well, because I know the court felt that it was not adequately canvassed during the course of the process last year. We will ensure that there is a thorough process and that people have an opportunity to put their views to the government in respect of these changes.

The review will really look to the evidence — the data — because the legislation we are debating is, in my view, one of the most critical pieces of legislation that we have in the state. That is the point I want to stress here. It is about protecting vulnerable children from abuse and neglect. It is absolutely imperative that we get this right. That is why it is my view and the government's view that we will not support amendments that take a piecemeal approach but we will take a considered, thorough look at these matters through the review that will be conducted, starting from next year.

Ms SPRINGLE (South Eastern Metropolitan) — I thank the minister for her answer. There are a few questions I would like to ask, but I will try to do them separately if I can. Firstly, the amendments will come into effect in March 2016, and I am assuming that the six-month review will be six months after that date. The minister has talked about a piecemeal approach to legislation. I am curious to know the rationale behind that time frame, given that we are not quite sure what the effects of the new legislation will be. It is new; it does not appear to be based on all the evidence available. Some of it is; some of it is not.

Given all that, would it not be more sensible to go back to the previous legislation, since we know how it works, and then seek to introduce evidence-based reform, rather than leaving a six-month period or maybe longer, during which detrimental effects on vulnerable families could ensue in ways that we cannot predict right now? I am curious as to the rationale behind leaving legislation that you had so many concerns about the way it is for a lengthy period of time.

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question. We have to remember that these changes are actually law now. They are due to commence from 1 March. As a department, we have had to prepare for these changes. We have funded them in the budget. We have put some extra resources in there for a new team of staff that will deal with the permanency changes, because it is a big change compared to what has happened in the past.

Similarly, the court needs to prepare, and lawyers need to advise their clients. There has been a lengthy process, as I understand it, of Victoria Legal Aid writing to numerous parents around the state who could potentially be affected by these changes.

It was important in my view that there be some legal certainty for all stakeholders, including families, in the lead-up period to this particular change taking effect from 1 March. The point that I make again is that I have committed to this review to ensure that we do consult with stakeholders and that we do take an evidence-based approach to what the impact of the permanency changes will be on children, families and the court. All these issues need to be examined. I do not know if the member has further questions around the review, but this will be an important process to ensure that we get this right.

Ms SPRINGLE (South Eastern Metropolitan) — I have a further question on the review. Earlier I said that the Greens amendments are based on sector feedback. I certainly did not suggest that everyone in the sector agrees unanimously with them — that is, that people from every single community organisation are up on soapboxes. There are some pivotal players in the sector that advocate for the Greens amendments. Some of them are very large organisations that the sector would be lost without, such as Berry Street, and some specialist organisations, such as the Victorian Aboriginal Child Care Agency and the Aboriginal Legal Service. Those organisations have been doing this work for a long, long time. There is a contingent of people who support repealing some of the fundamental parts of the legislative framework of child protection.

I am keen to get an understanding of the time frame of the review. In his evidence in the recent hearings of the Standing Committee on Legal and Social Issues Andrew Jackomos brought up that perhaps six months is too soon to see some of the possible unintended consequences of the 2014 amendments. I understand that the minister does not want a prolonged review that will keep a lot of things in limbo. Is the minister open to incremental reviews, perhaps, or maybe more than one review? I would like to get an understanding of how that could work in the event that, for example, for some families the unintended consequences will not be seen for two or three years down the track. We have all come to this process with the best of intentions, and no families should fall through the gaps.

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question. I will just make a point about the consistency of the argument of saying that the government should act now and support the Greens amendments and not consider potential unintended consequences — that is, the government should act posthaste but then maybe take it slowly next year. I just make the point that there are two positions there.

My view on this issue is that we need to allow time to see the changes in operation. That is why I have said that the review will start six months after the changes come into operation. On how long the review will operate, I am mindful of the fact that Commissioner Jackomos expressed that view before the committee of which Ms Springle is a member, and I am mindful of these issues. We obviously need to ensure that there is adequate data to undertake a proper review. I do not want to set in stone the end date of that review. What I have in mind is that it might run for about six months. But if it is necessary for a proper review that it run a bit longer than that, I am open to that because, as I said earlier, we need to ensure that we get this right, that people have an opportunity to express their views and that we have adequate data to be able to properly assess the impacts and whether there have been unintended consequences. It should not be a rushed thing. It must be done in a considered way so that we can look at the evidence and learn from it and be able to respond accordingly.

I acknowledge that we have had some discussions about these issues, and I thank the member for her input of her views into those discussions. Another point I make is that, as I alluded to earlier, I am mindful of the concerns held last year around process problems with the previous government legislation. I think it is important that this be an open process. I will be making the report of the review available to stakeholders because I think it is important that people are able to be informed from the review. Obviously we will not get consensus on these issues, because they attract very strong views and there are different perspectives on them. I do think it is important that we have a process by which the outcome of the review will be able to be available and that it is reported back to the sector so that people in the sector understand what the findings are.

I thank the member for having had discussions with me around this issue. I am prepared to give that commitment to the house around the outcomes and the process. I hope there is sufficient detail to satisfy the member because, as I said to her in our conversations, it is important that we not set the time in stone if that will mean we have a rushed review process.

Ms WOOLDRIDGE (Eastern Metropolitan) — I am pleased to be able in the first instance to ask the minister a question following on from the questions from Ms Springle in relation to the review. The minister just talked about releasing the report to stakeholders. I am wondering if that will be released more widely also, including to us in the Parliament, who obviously have a lot of interest in it. Will the report from the review, which the minister has committed to release to stakeholders, be released more widely?

Ms MIKAKOS (Minister for Families and Children) — I thank the Leader of the Opposition for her question. I can inform the committee that I will be ensuring that the outcomes of the review are made available. It is most likely that the form that will take will be that the report will be put on the department's website. I make the further point that a report that the previous minister commissioned in relation to these

changes, the report on stability and permanent care, was not similarly made public. In fact I have ensured that that particular report has been made public. In fact the court asked me for it, as have other stakeholders. The report has now been published, and it has been available on the department's website since 1 July.

Ms WOOLDRIDGE (Eastern Metropolitan) — For accuracy, in her contribution Ms Springle said that the department in its submission said that that report was only in draft and not final. In fact when Ms Crozier and I asked for that report in the briefing prior to the debate in the lower house the minister's office declined to provide that report to inform this debate. So I am very pleased that the report has been able to be finalised and released by the minister.

Ms Mikakos — Why didn't you finalise it? Why didn't you finalise it and put it out before your bill came to the Parliament last year?

Ms WOOLDRIDGE — Because it was not finished. But it is good that it is out there.

Can I ask, then: will the review include a review of the utilisation of section 276, which of course is the section under consideration in this bill? Rescinding any changes to section 276 will mean that there will be just the status quo, as the minister has described it. Can the review include consideration of section 276 and the impact that has on issues such as its utilisation, which necessary services have not been provided and what that means for time frames for permanency planning and decision-making?

Ms MIKAKOS (Minister for Families and Children) — The member will be pleased to know that the review will entail all the permanency changes, including section 276 of the Children, Youth and Families Act 2005. In relation to the detail that the member is referring to in terms of services et cetera — and we will come to this when we get to Ms Crozier's amendments — there are some issues around the provisions in the act as it relates to the publication of particulars relating to court proceedings. Obviously we will need to be mindful of those legal parameters in terms of the kinds of information that is able to be published, but the review will be wideranging in the sense of looking at the entirety of the permanency changes.

Ms WOOLDRIDGE (Eastern Metropolitan) — The minister said in her earlier comments that section 276 is not a section that is used too frequently. Is she able to inform the house how often that clause is used — on an annual, quarterly or whatever basis she has that data — by the court in order not to make a protection order?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question. The advice that I have is that section 276 was utilised once in the past 12 months. I do not have data in relation to earlier periods. My view is that if this provision has kept one child safe, then it is certainly worth having it retained in the legislation as a safeguard.

Ms WOOLDRIDGE (Eastern Metropolitan) — I thank the minister. Could the minister advise the house what she means in her second-reading speech, with regard to section 276, where she says this bill will ensure that families and children continue to get the assistance they need. Given her contribution to the debate on the bill in relation to this clause, the minister's concern is in relation to the provision of services, which is a concern we all share. Similarly, in contributions to the committee, which did an excellent job of listening to the issues raised, it was often the provision of services that was of most concern. It is not clear to me, and I would like some advice from the minister, how the court not making an order ensures the provision of services.

Ms MIKAKOS (Minister for Families and Children) — I find that a rather odd question, coming from the former minister. Essentially the court has an oversight role in ensuring that the department has provided adequate services. The court will be able to exercise its judicial discretion in terms of the orders it makes, and ultimately that is one additional reason why the department needs to provide services. I would hope it would do that irrespective of any legislative provision, because that is a role and a duty that it has been entrusted with and that it takes very seriously, as I know the member would be aware.

As a result of retaining section 276 in its current form, there is the continued expectation that services will be provided to families early when a child has been placed in care. I am sure that the member would agree that placing a child in out-of-home care should be a last resort and that we need to ensure that both child protection practitioners and community services staff work towards prevention and family preservation as their first priority when it is safe for the child to stay in its family. When children come into care, every effort is made towards family reunification when this is in the child's best interest. The vast majority of children return home within six months, and most within two years. Child and family support services have a requirement to target services effectively so as to assist

children and their parents when a child is at risk of being removed from home and when they are in care and the case plan is for reunification.

I am happy to take the member through the allocations of the budget this year where the government has made substantial provision for additional funding for services for prevention and the reunification of children with families. We of course provided a lot of detail at the Public Accounts and Estimates Committee hearing as well. However, I am very proud of the fact that the budget this year provides a 17 per cent increase on last year's funding in child protection family services, that we have had the biggest boost in a decade to child protection, that we now have a record budget in child protection — almost $1 billion — and that we have put in the budget funding right across the continuum of care, from prevention and early intervention services through to a boost to the child protection workforce and the rollout of the after-hours outreach service right across the state in areas that have not previously had access to this after-hours service.

There is a boost to out-of-home care and a range of other programs, including the continuation of funding for the Springboard program. There has been a significant investment by this government in our child protection and family services, and we are very committed to ensuring that we can keep children safe and that we can provide adequate services and support for vulnerable children and families.

Ms WOOLDRIDGE (Eastern Metropolitan) — I think the minister was getting to my point at the end. The fact is that in and of itself the issue has been in the past — and the minister mentioned this in her own speech — that people, such as parents, may need access to alcohol and drug services, and there may be waiting lists. I would contend that the issue is the fact that the court can continue to make orders does not in and of itself ensure that the services are provided. The court is making orders when the decision is made. The court is making orders at year one. The fact that the court may now make orders at year two and even years three, four, five, six and seven does not in of itself ensure that services are then provided.

My question to the minister goes to the issue of those services. I would contend that very little of what she has outlined in terms of funding to child protection, family services, after-hours services and even Springboard, which is for children leaving care, not for reunification, goes to the heart of the issue of focusing on reunification when children already been removed. The issues at hand here are alcohol and drug services, which have not received an increase in funding; mental health services, which have not had increases to their funding; and family violence services, which may in the future receive funding increases but are currently in a holding pattern because of the royal commission that is underway. My question to the minister is: can she outline or give any detail of funding from the budget that will ensure that families can receive services as opposed to having the court continue to order their use despite families maybe being unable to access them?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question. A wide variety of services is available to parents to help them address problems that affect their parenting and that may lead to their children being placed in out-of-home care. These include early intervention, placement prevention and family restoration services. There are also services that offer treatment and counselling to support abstinence from or harm reduction in relation to the use of substances.

I point the member to the fact that there is a $48.1 million boost to Child FIRST and family services in the budget this year. That is a much sought after boost to services given how stretched they have been in recent years. There is an allocation in the budget of $31.75 million for placement prevention and family-led decision-making. There is a significant boost in the budget to those services that provide a focus on prevention and early intervention, ensuring that vulnerable families can get access to support, whether it is a referral to drug and alcohol services, family violence services or other services for families in crisis.

Ms SPRINGLE (South Eastern Metropolitan) — As a point of clarification around the stability planning and permanent care project, we have not been able to secure a copy of the report. I note that Ms Crozier has one.

Ms Wooldridge — It is on the website.

Ms SPRINGLE — Is it on the website?

Ms Mikakos — Can I assist?

Ms SPRINGLE — Please do.

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question. It is really quite striking to think about the fact that we had a bill that ran for hundreds of clauses and over 100 pages or so that was supposed to have been developed off the back of the stability report commissioned by the

previous government but members of this house and of the Parliament never got an opportunity to look at that report. The previous minister says it was never completed. I asked the department to publish it, and it is now on the Department of Health and Human Services website. We have provided that information, particularly so stakeholders who have expressed concerns can have a look for themselves at the information in the report. We are committed to being open about this, and that report is now available to the community. Similarly for the review that I will conduct, I have given the member and the house an assurance that it will simply be available to the community.

Ms SPRINGLE (South Eastern Metropolitan) — Could the minister let me know when the report was published on the website?

Ms MIKAKOS (Minister for Families and Children) — I am advised that it was published on 1 July 2015. I am happy to give the member the website link after the debate.

Clause 1 postponed.

New clause AA

The DEPUTY PRESIDENT — Order! We will now move to the new clauses. Both Ms Crozier and Ms Springle have proposed new clauses to be inserted before clause 2. In accordance with custom, I will invite Ms Crozier, as an opposition member, to move her amendment first. I consider this amendment to be a test for Ms Crozier's remaining amendments.

Ms CROZIER (Southern Metropolitan) — I move:

2. Insert the following new clause before clause 2—

"AA Purposes

The main purposes of this Act are to amend the Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014—

(a) in relation to the restrictions on the making of protection orders under the **Children, Youth and Families Act 2005**; and

(b) to require the Children's Court of Victoria to publish information relating to decisions not to make protection orders; and

(c) to require the Commission for Children and Young People to report on that information in the Commission's annual report.".

I will make some brief comments about this new clause. I spoke extensively about this amendment during the second-reading debate and about why the coalition is seeking that the court provide information that might be available to it in relation to not making protection orders by publishing it on its website.

It is interesting to note that in an answer to one of Ms Springle's questions the minister referred to the need to have more data. I think that was in reference to the review being conducted once every six months, but this is clearly what we are talking about — we are asking for data to understand the reasons children are staying in the system. If the Children's Court has made a protection order or if there are barriers or other considerations, we want to know the reasons. We want to know why decisions were made not to grant protection orders. We want to know what the hold-ups are and whether they are happening in the court or whether they are hold-ups with service provision, as has been highlighted in other parts of the debate. The final part of this amendment asks the Commission for Children and Young People to review and report that information in its annual report so the community can have far greater confidence in the system and a greater understanding of the issues and so that there is greater transparency because we will have the data that will enable us to review what is happening. That is why I am moving amendment 2 in my name.

Ms MIKAKOS (Minister for Families and Children) — I indicate to the committee that the government will be opposing Ms Crozier's amendment. I am not sure if Ms Crozier proposes to speak on each of her amendments or whether we are going to deal with them now in one part of the debate.

Ms Crozier interjected.

Ms MIKAKOS — That is helpful to know. I will respond to all of Ms Crozier's amendments in the course of my contribution for brevity's sake, which might assist the committee.

In speaking to her amendments Ms Crozier claims that the amendments are going to look at data around why kids are staying in the system. I point out to Ms Crozier that her amendments do not do that. Her amendments only relate to data in respect of section 276. The coalition is only prepared to ask the court and the Commission for Children and Young People to collect data that relates to the one change that I am making in this four-clause bill that relates to section 276.

I cannot see anything in Ms Crozier's amendments that relates to the wide-sweeping permanency changes that her government introduced. If Ms Crozier was fair dinkum about accountability and wanting this Parliament to be informed about the impact of these

wide-sweeping permanency changes, then these amendments would relate to the whole of the 2013–14 changes rather than just to one particular section. That is the first point.

The second point is that Ms Crozier is putting new reporting requirements on the Children's Court. In her amendments she is not asking that the government or the department provide data to the Parliament or to the community; she is asking that the Children's Court report on these matters, as well as putting new reporting obligations on the Commission for Children and Young People. I find that a very odd thing to do, particularly as I understand there has not been consultation with either of those two organisations around these amendments.

We have a separation of powers arrangement in this country. We have a respect for the independence of the courts, and it is important that when we as a Parliament are seeking to put new obligations on the courts that we have a conversation with them. I forwarded the proposed amendments to the Children's Court, because I thought it was important that I seek its views and inform the house about what its views are in respect of these proposed amendments.

I can advise the committee that the court does not support the amendments being moved by the opposition. I am very happy to read at some length the letter that has been provided to me by Judge Amanda Chambers, president of the Children's Court of Victoria. I thank her for providing this advice to the chamber in such a timely way in order to enable us to have an informed debate about these particular amendments, because the last thing I want, which I have tried to stress during the course of this debate, is for us to be making piecemeal amendments without having regard to the consequences of what we are moving here.

I am happy to read the letter from the president of the Children's Court into *Hansard* so that I can inform members of the court's view about this issue. The letter states:

> I refer to the proposal to amend the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015 (the bill) by the inclusion of section 276D which would impose certain obligations on the Children's Court to report on the operation of section 276 of the bill.
>
> For the reasons outlined in this letter the proposed amendment is not supported by the Children's Court of Victoria. First, it is unprecedented to require a court to report in the manner proposed; that is, to report on the operation of a specific provision or the making of one amongst many available orders by a court. As all courts, the Children's Court reports to the Governor regarding its operations broadly pursuant to section 514 of the Children, Youth and Families Act 2005 (CYFA).
>
> Second, there is uncertainty in the requirements to be imposed by section 276D, such as whether a judicial officer has 'considered' making a protection order.
>
> Moreover, section 534 of the CYFA is an important provision that prohibits the publication of 'a report of a proceeding' that contains any particulars likely to lead to the identification of a child or other party to the proceeding. As you know, written reasons for decisions made by judicial officers in the Children's Court are provided to the parties, but to the parties only. Given that the proposal that section 276D reports be published on the court's website, I am concerned about the potential for conflict with section 534 of the CYFA notwithstanding proposed section 276D(3) of the bill.
>
> Finally, the proposed imposition of these reporting obligations would be a resource-intensive undertaking for the Children's Court, which, it should be noted, is a high-volume court of summary jurisdiction. Without the provision of additional funding to allocate dedicated staff to meet these quarterly reporting obligations on an ongoing basis, the Children's Court does not presently have support capacity to meet this obligation.
>
> I note the commitment given by you to review the operation of the Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014 within the first six months of its operation. The court has welcomed the invitation to be actively involved in this process, a process the court anticipates will consider the impact of section 276 in the context of the overall impact of the permanency reforms.

I thank the committee for its indulgence in letting me read a very lengthy letter into the record, because I think it is critically important that we have regard to the concerns raised by the court in respect of these particular amendments, and the court has made very clear its concerns about this.

I also point out the fact that in her letter the judge welcomes the fact that I am going to conduct a review that will look at section 276 in the context of the whole permanency changes, something that Ms Crozier's amendment does not do. As I said at the outset, Ms Crozier's amendment is confined to one change — one significant change in my view, retaining that oversight role — but it is not looking at all the permanency changes and would impose new obligations on both the court and commissioner without having regard to the fact that these particular bodies are bodies independent of the Parliament and that they have a particular statutory responsibility.

I again point out that Ms Crozier has not done the consultation, has not done the legwork and has brought these amendments to the chamber in a piecemeal fashion without giving them proper regard. I also point out that I cannot see in the report produced by the upper

house committee that there is any recommendation. Was there any evidence around these issues?

The government has committed to review. We are going to look at the permanency changes in their entirety rather than just focus on one particular clause that might suit a political purpose. I have been very restrained in my comments during the course of this debate because I think it is important that we are all guided by the best interests of children in the course of this debate, but I have to question Ms Crozier's motivation in coming in here with an amendment that just focuses on the government's change while those opposite are not prepared to subject their own changes to the same level of scrutiny.

Ms SPRINGLE (South Eastern Metropolitan) — In response to the minister's comments about the lack of recommendations in the report of the Standing Committee on Legal and Social Issues I would like to put on the record that it is my hope that in future inquiries we will see recommendations or at least robust conclusions to these sorts of inquiries, because I too think it is a flaw in the report that there are no recommendations. It limits the report's usefulness, in my view. However, it is a bit of a learning curve for me. As deputy chair of that committee I accept that that might not be an ideal outcome of that report.

I also state that the Greens do not support the opposition's amendments. We have concerns that as a result of subjecting only one small section of the 2014 amendments to scrutiny the data will be skewed and will not reflect what is actually occurring on the ground and in the sector. That would be deeply concerning because we do need a robust, holistic snapshot of what is going on, particularly if there are unintended consequences that pop up over the next two-year period. The advice from the Children's Court, that has just been put on the record by the minister, strengthens our concerns in that regard, so the Greens do not support the amendment.

Ms CROZIER (Southern Metropolitan) — I would like to respond to a couple of points made by Ms Mikakos in relation to the amendments that I have moved. She was waving around the committee report. She has been in this place for much longer than I have, and she well knows that this house is not bound or restricted by committee reports. The report contains the views of the committee. There is no minority report in that committee report, therefore it is only one source of information. It did not need to provide all the things that she asserted. Can I also say that in a number of responses — —

Ms Mikakos — What was the point of doing the inquiry then?

Ms CROZIER — As I said, it is one source of information for this house. I also make the point that as the minister rightly points out, there is separation of powers. The Parliament, not the court, makes laws in this state. Whilst I respect the views of the court — and clearly we all do — I have moved this amendment because it is in the public interest that that information be made available.

Ms MIKAKOS (Minister for Families and Children) — I find it extraordinary that the opposition is saying, in essence, that having been informed about the very strong concerns of the court it chooses to ignore those concerns. We are going back to Jeff Kennett-style tinkering with the courts without having regard to their independence. It is a sad day on which we have got to this point.

Ms WOOLDRIDGE (Eastern Metropolitan) — We knew the minister would resort to her natural predilection for abuse and allegation rather than focusing on the substantial debate. Coming back to the substance, I think this amendment warrants consideration. It is disappointing that there is not support for it. It has been crafted in such a way that it in no way interferes with the independence of the courts; it just seeks some data in relation to the performance of the specific clause we are debating today.

Interestingly, in the last term of government, the coalition, with the support of the Greens, voted for the Magistrates Court to report specifically on the performance of the assessment and referral court (ARC) list. Therefore there is a precedent for the court reporting publicly in relation to the performance of an aspect of a piece of legislation, and this amendment seeks to use that precedent in relation to a specific clause — the utilisation of section 276 of the principal act, not making protection orders.

The court, through the chief justice, has committed to greater transparency. Part of greater transparency is the making available of more data and information in relation to decisions that are made. This is obviously inconsistent with the commitment of the chief justice to transparency in relation to the outcomes of the court.

Finally, I was quite astounded, I have to say, that the minister read in detail the letter to the Parliament, which I ask her to table, because the fact is the coalition has not seen that letter. That was the first we had heard of it.

Ms Mikakos — That is because you did not consult with the court.

Ms WOOLDRIDGE — The fact is that nine months of consultation was undertaken with the court in relation to the development of the bill, as was indicated in the committee report. Not once did anyone seek to utilise the consultation with or comments of the court to politicise the debate in this Parliament. It is totally inappropriate of the government to use correspondence from the court to make a political argument in this place. We very consciously did not do that last time. Despite a whole heap of claims in relation to the views of the court, we did not use the details of the confidential discussions with or the advice provided by the court in the debate. That the minister would politicise the Children's Court to make a political argument, particularly in the absence of having provided the advice from the court in advance, is, I think, a real slip in her performance and the performance of the government. Usually that would be done in a way that was much more respectful of the independence of the court.

Ms MIKAKOS (Minister for Families and Children) — I take great exception to the member's claim that I am seeking to politicise the role of the court. Far from it. The opposition has come to the house with amendments that it has not even had the courtesy to allow the court to see. It is clear that had those opposite gone through that process, the court would have expressed its view to the opposition just as it has sought to express its view to the house to indicate its concerns around these proposed amendments. Judge Amanda Chambers has written to me and indicated — because I specifically asked the president whether she would be happy for me to make this letter available — —

Honourable members interjecting.

Ms MIKAKOS — Given that those opposite have not gone about any consultation, how does the member expect that we would be able to appreciate and understand the views and concerns of the court about this matter? If I as minister were bringing in changes that related to new obligations of the court, I would give the court the courtesy of informing it of that information. I am happy to table the letter. I have read the contents of the letter into the record so that members can be informed of that view. I know we have some technical procedures that we need to go through around tabling. Obviously the easier option is to read it into *Hansard*, but I am happy to table it and to ensure that it is available. We should be mindful of the concerns of the court. The opposition is essentially saying that it is choosing to ignore those concerns that have been articulated today.

Committee divided on amendment:

Ayes, 16

Atkinson, Mr	Lovell, Ms
Bath, Ms	Morris, Mr
Crozier, Ms	O'Donohue, Mr
Dalla-Riva, Mr	Ondarchie, Mr
Davis, Mr	Peulich, Mrs
Drum, Mr (*Teller*)	Ramsay, Mr
Finn, Mr	Rich-Phillips, Mr
Fitzherbert, Ms (*Teller*)	Wooldridge, Ms

Noes, 24

Barber, Mr	Mikakos, Ms
Bourman, Mr	Mulino, Mr
Carling-Jenkins, Dr	Patten, Ms
Dalidakis, Mr	Pennicuik, Ms
Dunn, Ms	Pulford, Ms
Eideh, Mr	Purcell, Mr (*Teller*)
Elasmar, Mr	Shing, Ms
Hartland, Ms	Somyurek, Mr
Herbert, Mr	Springle, Ms
Jennings, Mr	Symes, Ms
Leane, Mr	Tierney, Ms
Melhem, Mr (*Teller*)	Young, Mr

Amendment negatived.

Ms SPRINGLE (South Eastern Metropolitan) — I move:

2. Insert the following New Clause before clause 2—

"**AA Purposes**

The main purpose of this act is to amend the provisions of the **Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014** that relate to—

(a) restrictions on the making of protection orders;

(b) the duration of family reunification orders;

(c) interim accommodation orders;

(d) contact between children on permanent care orders and their parents.".

I have contributed a lot to this debate already. I have prosecuted my case fairly clearly, so I do not have anything to add and will leave it at that.

Ms MIKAKOS (Minister for Families and Children) — I indicate that the government will not be supporting Ms Springle's amendment. As I have made it very clear to the house, the government is going to undertake a review next year. We think it is absolutely

critical that we get this legislation right and that we have a considered review that gives stakeholders an opportunity to be consulted and provide input. Some stakeholders may be aware of these changes coming through the house but others may not be. Given that we received the amendments yesterday, we have not had a proper opportunity in terms of timing to consider the potential consequences of these changes. This is of concern to the government. We think it is important that we do not tinker with such critically important legislation and do not do it in a piecemeal way.

I acknowledge the concerns that Ms Springle has raised during the course of the debate. I know there are wideranging views around these issues, and I also want to acknowledge the concerns that have been put to me by stakeholders directly. I have had a number of one-on-one meetings with individuals and different organisations about these issues, and I have given them particular assurances around the review prior to doing so in the house.

I just want to make one further point, and that relates to the adoption issue in the hierarchy order. Again, I have met with and corresponded with a range of organisations around this issue. I want to thank organisations like Origins Australia, the Association of Relinquishing Mothers, the Independent Regional Mothers and VANISH, a range of groups that represent parents who have been the victims of now discredited adoption practices, including forced adoption practices, and VANISH being an organisation that represents adoptees. I want to advise the house that I have given those organisations the assurance that the review next year, which will look at the permanency changes, will also examine the issue of the placement of adoption in the hierarchy order.

I want to give that assurance to those organisations and to members who have an interest in this very sensitive issue and also explain to them that the intention is not to open up the issue of adoption. Adoption is covered by separate legislation, the Adoption Act 1984, and involves a separate process whereby the Supreme Court and, at the option of the applicant, the County Court, have jurisdiction. It is not the secretary of the department who is empowered by that legislation to dispense with parents' consent for adoption; this can only be done by the Supreme Court or the County Court. I particularly want to make that point because I know this was raised as an issue of concern last year during the course of the previous government's legislation.

I indicate to the house the reasons the government will be opposing Ms Springle's amendments. I do not want that to suggest to stakeholders or to the community the position the government may take in future. It is important that we look at the permanency changes in their entirety in a considered way and at the evidence and then take positions in response to that. I am not indicating that in opposing these amendments we are taking particular views around the merits of any particular amendments. We think they should not be supported at this time, but we will be looking at the permanency changes through that review process next year.

Ms CROZIER (Southern Metropolitan) — The coalition will not be supporting the Greens' amendments.

Committee divided on amendment:

Ayes, 6

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

Noes, 34

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

Amendment negatived.

Postponed clause 1 agreed to; clauses 2 to 4 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

The PRESIDENT — Order! The question is:

That the bill be now read a third time and do pass.

House divided on question:

Ayes, 24

Barber, Mr	Mikakos, Ms
Bourman, Mr	Mulino, Mr
Carling-Jenkins, Dr	Patten, Ms
Dalidakis, Mr	Pennicuik, Ms
Dunn, Ms	Pulford, Ms
Eideh, Mr	Purcell, Mr
Elasmar, Mr	Shing, Ms
Hartland, Ms	Somyurek, Mr
Herbert, Mr	Springle, Ms
Jennings, Mr	Symes, Ms
Leane, Mr (*Teller*)	Tierney, Ms
Melhem, Mr	Young, Mr (*Teller*)

Noes, 16

Atkinson, Mr	Lovell, Ms
Bath, Ms	Morris, Mr (*Teller*)
Crozier, Ms	O'Donohue, Mr
Dalla-Riva, Mr	Ondarchie, Mr
Davis, Mr	Peulich, Mrs
Drum, Mr	Ramsay, Mr
Finn, Mr	Rich-Phillips, Mr
Fitzherbert, Ms (*Teller*)	Wooldridge, Ms

Question agreed to.

Read third time.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) 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 Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2015.

In my opinion, the Classification (Publications, Films and Computer Games) (Enforcement) 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 makes a number of consequential amendments to the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 (Victorian classification act) to complement amendments made to the Classification (Publications, Films and Computer Games) Act 1995 (cth) (commonwealth classification act) to improve the operation of the national classification scheme.

The national classification scheme is a cooperative arrangement between the commonwealth, states and territories, under which the classification board classifies films, computer games and certain publications. The scheme is designed to provide consumers with information about publications, films and computer games to allow them to make informed decisions about appropriate entertainment material.

The national classification scheme is based on the principle that adults should be able to read, hear, see and play what they want while recognising that minors should be protected from material likely to harm them and that everyone should be protected from unsolicited offensive material. The commonwealth classification act sets out procedures for the classification of publications, films and computer games, while the Victorian classification act regulates the sale, demonstration and advertising of publications, films and computer games.

The reforms to the commonwealth classification act enable certain content to be classified using classification tools. They also broaden the scope of existing exemptions to the classification scheme, streamline exemption arrangements for festivals and cultural institutions and expand exceptions to the modifications rule so that films and computer games, which are subject to certain types of modifications, do not require reclassification.

The main purpose of the bill is to amend the Victorian classification act consequent to amendments made to the commonwealth classification act.

Human rights issues

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

The amendments in the bill are consequential in nature and do not in themselves limit any charter rights.

To the extent that the bill amends provisions that restrict freedom of expression protected under section 15 of the charter, those restrictions are permissible in accordance with section 15(3) of the charter. Under section 15(3), freedom of expression may be subject to lawful restrictions reasonably necessary for the protection of public health or public morality. Under the statement of compatibility for the Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2012, restrictions on the classification and public access to certain types of publications, films and computer games were considered permissible under section 15(3) of the charter, as without

appropriate restrictions, children may be exposed to obscene or unsuitable adult content.

The right to freedom of expression is also subject to such limits under section 7(2) of the charter that are reasonable and justifiable in a free and democratic society. The statement of compatibility for the Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2009 provided that restrictions on access to, and use of, certain types of publications, films and computer games are considered reasonable limitations on freedom of expression pursuant to section 7(2) of the charter. These limitations on freedom of expression are in the best interests of the child, protected under section 17(2) of the charter, as the classification scheme shields children from material that is likely to harm or disturb them.

The Hon. Steve Herbert, MLC
Minister for Training and Skills

Second reading

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

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

That the bill be now read a second time.

Incorporated speech as follows:

This bill makes a number of consequential amendments to the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 (Vic.) (Victorian classification act) to complement amendments made to the commonwealth Classification (Publications, Films and Computer Games) Act 1995 (cth) (commonwealth classification act), to improve the operation of the national classification scheme (NCS).

The NCS is a cooperative arrangement between the commonwealth, states and territories, under which the classification board classifies films, computer games and certain publications. The scheme is designed to provide consumers with information about publications, films and computer games to allow them to make informed decisions about appropriate entertainment material. The commonwealth classification act sets out procedures for the classification of publications, films and computer games, while the Victorian classification act regulates the enforcement of the NCS, including the sale, demonstration and advertising of publications, films and computer games.

The Australian Law Reform Commission (ALRC) reviewed the national classification scheme in 2011, taking account of the developments in technology, media convergence and the global availability of media content. The ALRC handed down its report, *Classification: Content Regulation and Convergent Media*, in March 2012 and made 57 recommendations for significant changes to the regulatory framework and structure of the NCS.

In 2014, the commonwealth government made amendments to the commonwealth classification act to implement a first tranche of reforms recommended by the ALRC and agreed to by commonwealth, state and territory classification ministers. A number of commonwealth amendments require consequential amendments to the Victorian classification act, which are the subject matter of this bill.

Classification tools

The commonwealth classification act was amended to enable the commonwealth Minister for Justice to approve classification tools to classify certain content. It is anticipated that classification tools, such as online questionnaires, might be developed by government, industry, or other national classification bodies overseas. These tools will be capable of classifying content cheaply and quickly. These tools will enable producers of content that is currently sold and distributed unclassified to more easily comply with classification legislation, and ensure the NCS can effectively capture the large volume of unclassified online and mobile games that are currently available on the market. The commonwealth government has recently commenced a trial using the international age rating coalition's online classification tool to classify mobile and online games.

The use of classification tools will facilitate innovative and technology-based solutions in line with initiatives being considered by other national classification bodies that are dealing with the same classification difficulties as Australia.

A classification decision made by a classification tool is deemed to be a decision of the classification board (the board) and can also be revoked by the board. The board must reclassify the material if it has revoked the decision made using the classification tool. A number of provisions in the Victorian classification act, which regulate the sale of publications, films or computer games, currently allow for a 'period of grace' where a publication, film or computer game has either been reclassified or had its classification revoked by the board.

The period of grace gives distributors 14 days to adjust the determined markings on the relevant product following a reclassification or revocation by the board, without being subject to a penalty. The bill will amend the Victorian classification act, to provide for a similar 'period of grace' where the board revokes a classification produced by a classification tool and classifies material (with a different determined marking) as provided under the commonwealth classification act.

Exempt films and computer games

Currently, under the Victorian classification act, film or computer games festival promoters or cultural institutions must apply to the director of the Classification Board (the director) for an exemption from the Victorian classification act to publicly exhibit unclassified films, computer games or certain publications at a film or computer games festival or community event. The exhibition of an unclassified film in a public place or the demonstration of an unclassified computer game in a public place is an offence under the Victorian classification act.

The current exemption provisions are outdated, and burdensome for film and computer games festival promoters and cultural institutions, given the mandatory requirement to apply to the director for a formal exemption regardless of the size of the event or circumstances, or the type of film or computer game. There is no flexibility in the current scheme to distinguish between various types of exemption

applications. In addition, the exemption requirements vary across classification legislation in the states and territories.

To address these issues, the commonwealth classification act was amended to simplify exemption arrangements for festivals and cultural institutions by establishing a consolidated set of rules for exemptions in the commonwealth classification act. The commonwealth reforms seek to reduce the regulatory burden on festival organisers and cultural institutions by providing for a system of self-assessment, with appropriate safeguards.

The amendments made to the commonwealth classification act, provide for 'conditional cultural exemptions' which can apply to specific 'registered events' and to an 'approved cultural institution'. Where an event is registered under the commonwealth classification act, and specified conditions and safeguards are met in relation to the relevant material to be exhibited (being a publication, film or computer game), the material will be subject to a conditional cultural exemption, in relation to the specific event.

Safeguards that are similar to those currently in place for film or computer games festivals will continue to apply, to ensure that members of the public, particularly children, are protected. For instance, exemption conditions will: include restrictions on the screening, exhibition or demonstration of unclassified content to particular age groups if the content is moderate, strong or high impact; require that patrons be provided with warnings about the content that they are about to see; and prohibit content likely to be X18+ or refused classification. This is similar to the operation of the current exemption process.

As the process for seeking exemption from classification for film and computer games festivals will in future be regulated solely under the commonwealth classification act, the bill repeals part 8 of the Victorian classification act, which sets out the current exemption process. The bill also makes further consequential amendments to the Victorian classification act to recognise conditional cultural exemptions, so that penalties in the act for exhibiting unclassified films or demonstrating unclassified computer games do not apply for material subject to a conditional cultural exemption for a particular showing.

Modifications

The commonwealth classification act provides that where classified films or classified computer games are modified, they are considered to be declassified and require reclassification. This is known as the modification rule. Exceptions to the modification rule are set out in the commonwealth classification act so that certain changes (such as the addition of different types of navigation functions, or the addition of subtitles or captions) are not considered modifications and do not require reclassification.

The bill makes consequential amendments to the Victorian classification act to recognise a change introduced in the commonwealth classification act which allows the commonwealth minister to prescribe exceptions to the modification rule by legislative instrument.

The amendments contained in the bill are important to ensure that the NCS continues to work effectively, and to provide Victorian content producers and publication, film and computer game event organisers with a more nationally consistent, user-friendly regulatory framework.

I commend the bill to the house.

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

Debate adjourned until Thursday, 13 August.

CORRECTIONS LEGISLATION AMENDMENT BILL 2015

Introduction and first reading

Received from Assembly.

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

Statement of compatibility

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

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

In my opinion, the Corrections 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.

1. Overview of the bill

The purpose of this bill is to make various amendments to the Corrections Act 1986 (the Corrections Act) and to amend the Parole Orders (Transfer) Act 1983 to validate certain past parole order transfers made under the national parole order transfer scheme.

2. Human rights issues

Cancellation of parole

Clause 3 of this bill repeals subsection 77(6A) of the Corrections Act. That subsection currently provides that if a prisoner is sentenced to another prison sentence while on parole, the prisoner's parole is taken to have been cancelled on the sentence being imposed, which reflects the fact that a person cannot practically be on parole while imprisoned. The bill introduces new subsection 77(7A) that is drafted in similar terms to subsection 77(6A) but clarifies that a prisoner's parole will be taken to be cancelled upon being sentenced to any term of imprisonment (except where the sentence is wholly suspended), whether in Victoria or

elsewhere, including for offences committed before the parole period.

The adult parole board is declared by the Charter of Human Rights and Responsibilities (Public Authority) Regulations 2013 not to be a public authority for the purposes of the charter. Accordingly, the obligations imposed by section 38 of the charter do not apply to the board. Nevertheless, the other obligations imposed by the charter, including to interpret statutory provisions, so far as possible consistently with their purpose, in a way that is compatible with human rights, continue to apply.

In my view, new subsection 77(7A) does not limit any rights in the charter. The provision for the cancellation of parole where a person is sentenced to a term of imprisonment for a further offence is compatible with the right to liberty (section 21). Decisions concerning the cancellation of parole may be regarded as decisions resulting in detention or deprivation of liberty. However, the sentence of imprisonment that the person is ultimately required to serve as a result of the cancellation is one that is imposed by a court for purposes including the punishment of the offender and protection of the community. Parole provides some offenders with an opportunity to be reintegrated into the community under strict supervision whilst still serving their sentence of imprisonment. Parole is granted based on the evidence available to the board at the relevant time. In circumstances where a person commits a further offence while on parole, or evidence of further prior offending arises, it is entirely appropriate that parole be cancelled and the prisoner be required to serve the full term of the original sentence.

In my view, these provisions are compatible with the right to liberty. The grounds for cancelling parole are clearly set out in the legislation. They are for the purpose of protecting the integrity of the parole regime and ensuring community safety, and cannot be regarded as arbitrary.

I also consider that the provision is compatible with the right to be presumed innocent (section 25(1)) and the right not to be punished more than once for an offence of which a person has been finally convicted (section 26). The cancellation of parole is not a punishment for the further offence, but a requirement to serve the full sentence imposed by the sentencing court for the original offence.

Powers of adult parole board to take evidence

Clause 6 of the bill introduces a suite of new provisions (new sections 71 to 71K) which facilitate the procedures of the board in relation to taking evidence. These new provisions replace existing section 71 of the Corrections Act, which incorporates a number of now-repealed provisions in the Evidence (Miscellaneous Provisions) Act 1958.

Exclusion of the rules of evidence

New section 71 provides that, in performing its functions, the board is not bound by the rules of evidence or any practices or procedures applicable to courts of record and may inform itself on any matter as it sees fit. This new provision reflects the current practices of the board in line with section 66(6) of the Corrections Act, which already provides for the board to regulate its own procedure, and sits alongside the existing section 69(2), which stipulates that the board is not bound by the rules of natural justice.

Section 24(1) 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.

In my view, the right to a fair hearing in section 24(1) of the charter does not apply to board meetings. Although the board has some characteristics of being a 'tribunal' for the purposes of the charter, a parole decision by the board is not a 'civil proceeding' in the sense of determining or protecting rights or obligations. Rather, when deciding whether to make or vary a parole order, cancel a prisoner's parole or revoke the cancellation of parole, the board is merely exercising discretionary functions on behalf of the executive government to confer or remove a privilege.

Notwithstanding this conclusion, if the right to a fair hearing did apply to the functions exercised by the board, to the extent that the exclusion of the rules of evidence may limit that right, I am of the opinion that this is appropriate and justified given the nature of the particular interests at stake. The board is required to give paramount consideration to the safety and protection of the community, and its decisions should be informed by having access to any material that may affect that consideration. It is important that the board's decision-making processes are not undermined by the application of technical rules that may prevent certain relevant information being considered. For these reasons, I consider that any limitation to the right to a fair hearing would be justified in accordance with section 7(2) of the charter.

Power to require a person to give evidence

New section 71A provides the board with the power to issue a notice to a person, requiring that person to attend and give evidence at a meeting of the board, or produce required documents or things, or both. New section 71G gives the board the express power to require a person attending a meeting of the board to give evidence or answer questions on oath or affirmation.

Pursuant to new section 71H, it is an offence to fail to comply with a notice to produce or attend, without reasonable excuse. New section 71I creates a further offence for a person who, without reasonable excuse, refuses or fails to take an oath or affirmation when requested to do so, or refuses or fails to answer a question.

New section 71D makes clear that the power of the board to issue a notice to attend or to produce does not affect the board's existing power to require prisoners on parole to be available for interview.

Section 13(a): privacy

Section 13(a) of the charter provides that a person has the right not to have his or her privacy unlawfully or arbitrarily interfered with. The right to privacy is relevant where persons may be compelled to provide personal information, documents or things. However, an interference with privacy will not be unlawful if it is permitted by a law that is accessible and precise, and will not be arbitrary if the restrictions it imposes are reasonable, just and proportionate to the end sought. In my view, any interference with privacy occasioned by new section 71A is neither unlawful nor arbitrary.

The ability to compel the giving of evidence by witnesses and the production of documents or other things is a proportionate and appropriate power for the board to have in order to perform its functions. Without being able to call for and receive evidence from a variety of sources, the board would not be properly equipped to fulfil its statutory functions to determine whether to make or vary a parole order, cancel a prisoner's parole or revoke the cancellation of parole. Further, the powers in the bill are subject to exceptions. Under new section 71B, a person served with a notice to produce or attend may claim to the board that they have a 'reasonable excuse' for failing to comply with the notice, or that a document or thing is not relevant to the subject matter of the meeting. Enabling objection on the basis of reasonable excuse and relevance ensures that the powers are proportionate and reasonable in any given case, and is also protective of certain rights and privileges, including the right not to be compelled to testify against oneself.

I consider that the power conferred by new section 71A to issue a notice to produce or attend is therefore compatible with the right to privacy under the charter.

Section 12: freedom of movement

Section 12 of the charter provides that every person lawfully within Victoria has the right to move freely within Victoria. As outlined above, the bill permits the board to compel the attendance of persons at a meeting of the board. The right to freedom of movement is relevant to the extent that a person may be required to attend at a particular place and time. This extends to immediate attendance in circumstances where the board considers on reasonable grounds a delay in the person's attendance is likely to result in evidence being lost or destroyed, the commission of an offence, absconding or otherwise evading attendance by the person on whom the notice is served, or serious prejudice to the conduct of the meeting to which the notice relates.

However, I consider that any interference with the right to freedom of movement is necessary to enable the board to obtain evidence that informs parole decisions directly from relevant sources, and is appropriately circumscribed. Any resulting limitation is therefore justified under section 7(2) of the charter.

Section 25(1): presumption of innocence

Section 25(1) of the charter provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law. As outlined above, new sections 71H and 71I introduced by the bill create criminal offences in relation to a person's refusal or failure to comply with a notice to produce or attend, to take an oath or affirmation, or answer questions.

These offences include a 'reasonable excuse' exception. In my view, these offences therefore place an evidential burden on the accused, in that they require the accused to raise evidence as to a reasonable excuse. However, in so doing, these offences do not transfer the legal burden of proof. This is because, once the defendant has pointed to evidence of a reasonable excuse, the burden shifts back to the prosecution. Courts in other jurisdictions have generally taken the approach that an evidential onus does not limit the presumption of innocence.

For these reasons, I consider that the placing of an evidential burden on a defendant does not constitute a limit on the right in section 25(1) of the charter. Further, even if this were found to limit the right, the limitation would be reasonable and justifiable under section 7(2) of the charter, as evidence as to the existence of a reasonable excuse is most likely to be purely in the knowledge of the defendant.

Disclosure of use of personal or confidential information

The bill makes a minor clarification in relation to the circumstances under which a 'relevant person' within the meaning of the Corrections Act may use or disclose personal or confidential information. Specifically, clause 8 introduces a redrafted section 104ZY(1) to ensure that a relevant person may use or disclose personal or confidential information if the use or disclosure is reasonably necessary for the performance by a relevant person, or another person, of law enforcement functions or duties, the administration of certain orders made by the secretary under the Mental Health Act 2014, or the administration or enforcement of an order of a court or tribunal.

The right to privacy in section 13(1) of the charter is relevant to the redrafted section 104ZY(1) as it relates to the use and disclosure of personal information. However, I am of the opinion that any interference with the right to privacy occasioned by this provision will be neither unlawful nor arbitrary. The circumstances in which use or disclosure may occur are clearly specified, and the authorised disclosures will not be arbitrary as they are directed at specified purposes, relate only to relevant persons, and are reasonable and proportionate.

Electronic monitoring

Clauses 9 and 10 of the bill amend the Corrections Act and the Surveillance Devices Act 1999 to provide an express power for a governor of a prison to order a prisoner to be electronically monitored by way of a device fitted to the prisoner. New section 30 provides that a prisoner may be ordered to be electronically monitored for any period of each day, including 24 hours of each day, where the governor considers it necessary to do so for the security or good order of the prison or the safety and welfare of the prisoner or other persons. New subsections 30(2) and 30(3) set out the conditions that attach to an order and provide for the governor or a prison officer to give any directions necessary for the electronic monitoring of the prisoner. New subsection 30(4) provides that it is an offence for a prisoner who is subject to an order for electronic monitoring to fail to comply with the conditions under subsection (2), unless they have a reasonable excuse.

Section 13: right to privacy

The right to privacy in s 13(a) of the charter is relevant to the proposed provisions with respect to electronic monitoring, as the electronic devices to be worn by prisoners will enable prison officers to monitor the location of individual prisoners within the prison. However, a necessary incident of being imprisoned is that prisoners have a reduced expectation of privacy. Further, any interference with the privacy of relevant prisoners will not be arbitrary, as the governor must have formed a view that the electronic monitoring of an individual prisoner is necessary for the security or good order of the prison, or the safety and welfare of the prisoner or other persons. The conditions that will apply to electronic

monitoring, including that a prisoner must not tamper with an electronic device, and must comply with necessary directions, are appropriately targeted at ensuring the effectiveness and integrity of the electronic monitoring regime. Importantly, new section 30(4) makes provision for a prisoner to fail to comply with these conditions on the basis of 'reasonable excuse'. Moreover, the electronic monitoring regime is directed at ensuring security and good order within prisons — for example, by reducing risk of escape in minimum security contexts, and enabling individual movement to be monitored to ensure appropriate separation of certain prisoners. Finally, any interference with privacy will not be unlawful because the provisions are clear and the circumstances in which the power may be exercised are confined and sufficiently precise.

Section 25(1): presumption of innocence

New section 30(4) makes it an offence for a prisoner to fail to comply with conditions attached to an order for electronic monitoring, unless the prisoner has a reasonable excuse. The right to be presumed innocent in section 25(1) of the charter is therefore relevant to the offence, to the extent that it requires an accused to point to evidence of having a reasonable excuse. However, for the reasons outlined above in relation to the offence provisions relating to notices issued by the adult parole board, in my view this provision does not limit the presumption of innocence and if it did, any such limitation would be clearly justified.

The right to freedom of movement, the right to liberty and the right to humane treatment when deprived of liberty

The charter provides for the rights to freedom of movement (section 12) and liberty (section 21(1)). In my opinion, these rights are not relevant to the provisions inserted by the bill in relation to electronic monitoring of prisoners, because they do not impose any further restriction on liberty or movement distinct from the offender's existing imprisonment.

Similarly, the requirement for a prisoner to wear an electronic monitoring device does not meet the threshold of 'inhumane treatment' so as to limit the charter right to humane treatment when deprived of liberty (section 22(1)). The requirement to wear an electronic monitoring device does not constitute a deliberate infliction of mental or physical suffering, nor does it involve any debasement or humiliation of the prisoner. The 'reasonable excuse' exception to the offence of failing to comply with relevant conditions and directions supports this conclusion (for example, it may enable a prisoner to adjust a device in circumstances where the device causes pain or severe discomfort).

Prisoners' letters

Clauses 14 and 15 of the bill amend section 47(1)(m) and 47B of the Corrections Act in relation to the bodies or persons ('correspondents') whose letters to and from a prisoner must not be opened by prison staff. The amended provisions add other persons or bodies such as the Independent Broad-based Anti-corruption Commission (IBAC), Victorian Inspectorate, the Freedom of Information Commissioner, the legal services commissioner, mental health complaints commissioner, commissioner for privacy and data protection, and Victorian Equal Opportunity and Human Rights Commission (VEOHRC). The amended provisions also provide for the prescribing of further correspondents, in addition to existing specified correspondents (such as a lawyer, ombudsman, the health services commissioner and the human rights commissioner or their agents). This correspondence to or from a prisoner may not be opened, except where the governor reasonably suspects that a letter to or from a prisoner contains any unauthorised article or substance.

Section 13(a): right to privacy

The right to privacy is relevant to these provisions, in that they contemplate the inspection of personal mail in some circumstances. However, the circumstances in which the governor may inspect a letter in section 47B are limited. Before such a power may be exercised, the governor must have formed a reasonable suspicion that a letter contains an unauthorised article or substance.

Further, the governor may only open and inspect the letter in the presence of the prisoner and a representative of the correspondent (whether the sender or recipient), or in accordance with any alternative arrangement agreed with the correspondent. Any interference with privacy is therefore not arbitrary, since it is limited in scope, based on identified criteria and aimed at ensuring the safety and security of the prison. Similarly, the power in section 47B is not unlawful because it is expressed in clear terms and the circumstances in which it may be exercised are confined and sufficiently precise.

Section 15(2): right to freedom of expression

The right to freedom of expression in section 15(2) of the charter encompasses the right to receive and impart information. This right is relevant to stopping and inspecting prisoners' letters. However, the right to freedom of expression may be subject to lawful restrictions reasonably necessary for the protection of public order or to respect the rights of other persons (section 15(3) of the charter). In my view, section 47B constitutes such a lawful restriction, and so does not limit section 15 of the charter.

The Hon. Steve Herbert, MLC
Minister for Training and Skills

Second reading

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

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

That the bill be now read a second time.

Incorporated speech as follows:

In summary, the bill will amend the Corrections Act 1986 to:

clarify the conditions for the automatic cancellation of parole due to reimprisonment in or outside Victoria for offences committed either before or during a parole period;

update the powers and procedures of the adult parole board (the board) in relation to taking evidence including at parole hearings;

clarify prosecution procedures including increasing the time limit for Victoria Police to lay a charge for breach of parole from within one year to two years, from the date of an alleged offence;

permit the Secretary to the Department of Justice and Regulation to authorise departmental officers to exercise the statutory powers and functions of a community corrections officer or regional manager and confirm the new position of parole officer;

permit the Secretary to the Department of Justice and Regulation to authorise departmental officers to fulfil the position of a secretary and acting secretary of the board;

provide an explicit power for a prison governor to require a prisoner to be electronically monitored (with a consequential amendment to the Surveillance Devices Act 1999);

clarify provisions authorising information use or disclosure including for law enforcement purposes;

update the list of bodies and persons whose correspondence may not be read or censored by prison staff (subject to inspection or disposal on safety grounds by a prison governor) by amendments and by a regulation-making power. The amendments add independent oversight bodies: the Independent Broad-based Anti-corruption Commission (IBAC) and Victorian Inspectorate, the Freedom of Information Commissioner, the legal services commissioner, mental health complaints commissioner, commissioner for privacy and data protection, and Victorian Equal Opportunity and Human Rights Commission (VEOHRC) and persons acting on their behalf. Proposed regulations will add other persons or bodies such as some royal commissions from time to time and some equivalent interstate bodies to IBAC;

make a technical amendment to clarify the minimum quorum for meetings of the board when deciding questions;

make a range of housekeeping amendments including removing obsolete references to the repealed Serious Sex Offenders Monitoring Act 2005.

Part 3 of the bill also amends the Parole Orders (Transfer) Act 1983 to validate certain past parole order transfers made under the national scheme.

Key parole-related amendments

The bill contains parole amendments that were developed in consultation with Victoria Police and the adult parole board (the board).

Automatic cancellation of parole due to reimprisonment in or outside Victoria

Section 77(6A) of the Corrections Act currently provides that if a prisoner is sentenced to another prison sentence while on parole, the prisoner's parole is taken to have been cancelled on the sentence being imposed. In February this year, a Supreme Court judgement held that this provision did not encompass prison sentences imposed outside of Victoria, and queried whether it applied to offences committed before the parole period.

Division 1 of part 2 of the bill amends section 77 of the Corrections Act to make clear that any prison term imposed by an Australian court requiring a Victorian prisoner on parole to be returned to prison automatically cancels their Victorian parole. Parole is automatically cancelled if a court in or outside Victoria imposes a term of imprisonment for offences committed either before or during the parole period. Reimprisonment includes a partially suspended sentence as it entails time in prison, unlike a wholly suspended sentence which is fully served in the community.

For example, a sentencing court in New South Wales (NSW) which imprisons a Victorian prisoner on parole for a threat to kill committed before or during their Victorian parole period will automatically cancel that parole.

The amendments confirm that a person cannot be in prison under another sentence and be on parole at the same time. This is because a prisoner cannot comply with parole conditions such as a residence curfew or community treatment conditions while in prison. If the offender completes the period in prison under the sentence, is bailed or is otherwise released from prison, the Corrections Act empowers the board to revoke the cancellation and re-grant parole, but after giving paramount consideration to community safety and protection.

Procedures for prosecuting breach of parole — extension of time limit to prosecute

Since 1 July 2014 it has been an offence punishable by up to three months imprisonment to breach parole conditions. Currently, the charge must be filed within 12 months of the date of the alleged offence. Division 9 of part 2 of the bill increases the time limit to two years.

The new time limit is not expected to delay prosecutions and the amendment was developed in consultation with Victoria Police. A police officer can still immediately lay a charge and at the same time as any alleged further offending.

The amendment aims to ensure prosecutions are not barred simply by being out of time, particularly in serious or complex cases of breach of parole. Some breaches may be more difficult to detect than others and a criminal investigation may evolve over time. In some cases police informants may first await the court outcome of a charge for further offending.

There is no change to current parole laws empowering police officers and the board to respond to risks to community safety. Police officers may arrest and detain prisoners on parole reasonably suspected of a breach offence. If reasonably satisfied that a breach offence has occurred, the board may cancel parole. Under the Corrections Act, a charge for this offence and any further offending require the board, at a minimum, to review parole in each case (if it is not already cancelled).

Powers and procedures of the adult parole board in relation to taking evidence

Section 71 of the Corrections Act deals with the powers and procedures of the board in relation to taking evidence by incorporating a number of sections of the Evidence (Miscellaneous Provisions) Act 1958. These sections of the Evidence (Miscellaneous Provisions) Act were repealed on 15 October 2014 as a consequence of the Inquiries Act 2014

but the Corrections Act preserves those evidence laws and hence they continue to apply to the board.

Those laws are difficult to locate and have become outdated. Division 2 of part 2 of the bill therefore updates the current evidentiary tools that may be used by the board at parole hearings. These powers also complement existing powers the board has for supervision order hearings under the Serious Sex Offender (Detention and Supervision) Order Act 2009 (the SSODSA) without changing any powers under the SSODSA.

The new provisions, for example, confirm that the board in performing its functions is not bound by the rules of evidence and is not a court. The bill also provides that the board may require production of documents and other things, attendance of witnesses and obtaining evidence. The board may require evidence to be provided on oath or affirmation and may use video link. Protections and immunities for the board and other persons who give evidence are re-enacted. Expenses and allowances are permitted for certain persons, excluding prisoners and prisoners on parole, who attend or give information to the board. It continues to be an offence for certain persons to fail to comply, without a reasonable excuse, with an evidentiary requirement of the board (punishable by up to three months imprisonment).

The bill does not change existing powers of the board to direct prisoners and prisoners on parole to attend before the board including for interview (including by video link).

The amendments largely re-enact, codify, consolidate or update existing practices of the board. These reforms improve the accessibility and transparency of the board's evidentiary powers and procedures.

Secretary and acting secretary of the adult parole board

Section 12 of the Corrections Act currently provides that there may be employed under part 3 of the Public Administration Act 2004 a secretary of the board. Due to recent changes in the structure of the board including the role of the chief administrative officer fulfilling the position of secretary, division 7 of part 2 of the bill provides that the Secretary to the Department of Justice and Regulation may authorise a Department of Justice and Regulation employee to perform the functions of secretary of the board. If the secretary of the board is absent or vacant, an acting secretary fulfils that position for that period. There is no change to the power, functions and duties of the secretary.

Departmental employees exercising functions of a community corrections officer or a regional manager

Recent significant parole reforms and other community correctional reforms have resulted in position titles in the Department of Justice and Regulation employees that do not uniformly correspond to the statutory titles of 'community corrections officer' and 'regional manager'. Division 5 of part 2 of the bill amends the Corrections Act to explicitly enable the Secretary to the Department of Justice and Regulation to authorise any departmental employee to exercise any or all statutory powers, functions and duties of a community corrections officer or a regional manager.

Parole officers

Division 5 of part 2 of the bill amends the Corrections Act to insert the new position of parole officer. A specialist parole stream within Community Correctional Services was established in April this year. A parole officer may transition an offender from imprisonment on to parole which could then be followed by a community correction order. This reflects the important role and responsibility parole officers have in the parole system.

The bill also makes other minor and technical changes including to clarify the minimum quorum for meetings of the board when deciding questions.

Electronic monitoring of prisoners in prisons

Currently, a prison governor can require any prisoner to be electronically monitored in reliance on the general powers of officers under section 23 of the Corrections Act to give an order to a prisoner for the security or good order of the prison or the safety or welfare of the prisoner or other persons.

However, other potential uses for electronic monitoring include to monitor the movements of selected prisoners from certain areas of the prison or to remain separated. It may also be used to monitor the health of prisoners, irrespective of their security rating, to assist in a medical response if the electronic monitoring indicates that they are not moving.

To make clear the use of this technology in prisons, division 4 of part 2 of the bill inserts an explicit power for a prison governor to require any prisoner to be electronically monitored for the security or good order of the prison or the safety or welfare of the prisoner or other persons. In line with similar provisions for electronic monitoring of parole and community correction orders, it is an offence punishable by up to three months imprisonment to fail to comply with conditions such as tampering with the device or equipment. A consequential amendment is made to the Surveillance Devices Act to exempt persons, such as Corrections Victoria staff, from liability for installing a tracking device for electronic monitoring.

Disclosure of information

The bill also clarifies provisions in part 9E of the Corrections Act which authorise information use or disclosure of personal and confidential information about a prisoner or an offender, including use and disclosure for law enforcement purposes. One effect of the amendments is that authorised persons, such as Corrections Victoria staff, can share such information about a prisoner or offender to a police officer in Australia to investigate a possible crime.

The bill also allows for authorised use or disclosure to administer an order under the Mental Health Act 2014 which replaced the Mental Health Act 1986; and to administer or enforce an order of a court or tribunal, such as a community correction order. To align with language in the Sentencing Act 1991 concerning the use and disclosure of electronic monitoring information under a community correction order, the bill also makes reference to information regarding a journey made by a person.

Protected correspondence to and from prisoners

The current category of independent persons with oversight of prisons whose correspondence is protected needs updating. The bill amends the Corrections Act and inserts a regulation-making power to update the list of bodies and persons whose correspondence may not be read or censored by a prison staff (but can be subject to inspection or disposal

on safety grounds by a prison governor). The amendments reflect the creation of oversight bodies (such as the IBAC, Victorian Inspectorate, the Freedom of Information Commissioner, the legal services commissioner, mental health complaints commissioner, commissioner for privacy and data protection, and Victorian Equal Opportunity and Human Rights Commission (VEOHRC)). The proposed regulations made under this power would add other persons and bodies including relevant royal commissions such as the Victorian Royal Commission into Family Violence and some equivalent bodies to IBAC; and persons acting on behalf of these bodies.

These letters can still be inspected and disposed of due to safety grounds by a prison governor per current law (such as suspected contraband).

The bill also notes corresponding laws already in force for the IBAC and Victorian Inspectorate to align with the Victorian Ombudsman.

Parole order transfer amendments

The bill also amends the Parole Orders (Transfer) Act to validate certain past parole order transfers made under the national scheme. Part 3 of the bill retrospectively validates, from 1 May 1984 to 21 October 2014, parole transfer orders made by Victoria to another state or territory that was inadvertently not declared by Victoria, such as the Australian Capital Territory and Western Australia.

A national audit (instigated by Victoria) identified a failure by some participating jurisdictions to do so. Last year, NSW Parliament also passed validating legislation. It is not possible to determine the number of parole transfers that may (potentially) be validated by part 3 of the bill. Records dating back to the 1980s are either no longer available or the records were not or are not kept in a manner that enables such numbers to be determined. The period of the validation is therefore from the commencement of the Parole Orders (Transfer) Act in Victoria to until the date last year that the then Minister for Corrections declared all corresponding laws under the scheme.

Part 3 of the bill validation gives continued effect to the transfer of parole that was made including any consequences arising from that transfer (such as reimprisonment due to a cancellation of parole in the receiving jurisdiction). It also validates anything done or omitted to be done despite the failure to declare the other jurisdiction as a corresponding law. The bill also inserts a definition of 'corresponding law' to mean not only a law declared by the minister but also a law of another state or territory that corresponds or substantially corresponds with the Victorian parole transfer legislation, even if the corresponding law is not declared.

Housekeeping amendments

The bill also contains a range of consequential, other minor and technical amendments.

One consequential amendment is to remove references in the Corrections Act to the Serious Sex Offenders Monitoring Act 2005 (SOMA) which was replaced on 1 January 2010 by the SSODSA. On 16 April 2014, the last offender subject to a SOMA order was placed on a SSODSA detention order. Consequently, the SOMA scheme has ceased operation. Division 10 of part 2 of the bill therefore removes from the Corrections Act obsolete references to the SOMA.

The bill also updates the references in the Corrections Act as a consequence of the Premier's order on 1 January 2015 which changed names and structures of Victorian government departments.

The bill delivers a range of improvements to ensure the smooth operation of the corrections system including to the operation of prisons, parole and the national parole order transfer scheme.

I commend the bill to the house.

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

Debate adjourned until Thursday, 13 August.

INFRASTRUCTURE VICTORIA BILL 2015

Introduction and first reading

Received from Assembly.

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

Statement of compatibility

Mr JENNINGS (Special Minister of State) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006.

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

In my opinion, the Infrastructure Victoria 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 establishes Infrastructure Victoria to provide independent and expert advice about Victoria's current and future infrastructure needs, to support improved social, economic and environmental outcomes for the state. The bill also establishes a new strategic infrastructure planning process for Victoria.

To enable Infrastructure Victoria to undertake its functions, as described in clause 23, the bill confers a power to Infrastructure Victoria to require by written notice a public entity or public service body to provide information. The bill also envisages circumstances where any person or body may provide Infrastructure Victoria with information or a document which may be confidential.

Human rights issues

Right to privacy

Section 13(a) of the charter provides that all persons have the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

The right to privacy is relevant to clause 23 of the Infrastructure Victoria Bill 2015. This clause provides that Infrastructure Victoria may request a public entity or public service body (by written notice) to provide it with information. This power will enable Infrastructure Victoria to undertake its functions relating to expert advice and strategic planning.

While clause 23 is broadly framed, when read in conjunction with the object and functions of Infrastructure Victoria, it is unlikely that Infrastructure Victoria's requests would relate to identifiable personal information and therefore interfere with a person's right to privacy.

In addition, clause 25 envisages circumstances where Infrastructure Victoria is provided information or a document willingly by any person or body, but where that person or body indicates that the information or document is of a confidential nature. Again, read in conjunction with the object and functions of Infrastructure Victoria, it is unlikely that such information or documents would relate to identifiable personal information and therefore interfere with a person's right to privacy.

Further, in circumstances where the right to privacy may be impacted upon by clauses 23 and 25, clauses 23(2) and 25 provide additional protection in the form of a safeguard with respect to the provision of personal information.

Clause 23(2) provides that Infrastructure Victoria must not disclose documents under a freedom of information request if the same document would be exempt in the hands of the agency or minister that provided the document to Infrastructure Victoria. This will cover documents that are exempt from freedom of information requests under section 33 of the Freedom of Information Act 1982 because they affect personal privacy.

Clause 25(2) provides that Infrastructure Victoria must seek consent before disclosing confidential information or a document that it has been provided in a manner described in clause 25(1). That is, where the person or body giving the document or information states that it is of a confidential nature.

These provisions will safeguard against the disclosure of information or documents provided to Infrastructure Victoria that contain any information that is exempt under freedom of information laws, and any information that is identified to Infrastructure Victoria as confidential, where disclosure may interfere with a person's right to privacy. The provisions mean that any potential impact on the right to privacy is both circumscribed in the legislation and reasonable in the circumstances of the important public work in which Infrastructure Victoria will engage.

As the information and documents that Infrastructure Victoria deals with will be related to its object and functions, and as safeguards are in place to protect against the disclosure of confidential information, it is unlikely that the right to privacy will be limited by this bill in an unlawful or arbitrary manner.

For these reasons, it is my view that the Infrastructure Victoria Bill 2015 is compatible with the Charter of Human Rights and Responsibilities Act 2006.

Gavin Jennings, MLC
Special Minister of State

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:

Governing is about planning and preparing for the future, helping to shape an economy and society that is prosperous, livable and sustainable.

Well-planned and high-quality infrastructure is essential to securing this future.

Efficient transport and utility networks, accessible health, education and justice services, civic spaces, sports and cultural facilities — all bring economic opportunity and wellbeing.

Victoria's success, with its strong and diverse economy and renowned livability, has been built in part on the decisions and investments in infrastructure made by previous generations.

The legacy of good infrastructure decisions has served us well, but with that success comes challenges.

Victoria has become Australia's fastest growing state. In the past 15 years, Melbourne's population has grown by a third, adding more than a million people. The city's population is now 4.5 million, and on current growth rates will reach 5 million by 2020 and 8 million by 2050.

Victorians know the cost of not having the right infrastructure to support this rapid population growth.

The need for infrastructure is clear but there are many worthy projects, far more than the budget capacity or the private sector could fund. Government must prioritise and select the projects and reforms that deliver the highest public net benefit. These decisions are not easy, but they should always be based on evidence and robust, transparent analysis.

Transparency must underpin infrastructure decision-making because the community cannot, and should not, accept such decisions without being properly informed and involved. The Infrastructure Victoria Bill will put evidence and transparency front and centre to reshape the way strategic infrastructure planning occurs in the state. This bill delivers the Andrews Labor government's election commitment to establish Infrastructure Victoria, a new statutory authority that will provide independent and expert advice about Victoria's infrastructure needs and priorities.

Independence, expertise, transparency and consensus have been sorely lacking in Victoria's recent infrastructure debate. Victorians know too well that some infrastructure decisions have been rushed, haphazard, and without any ability for the community to scrutinise the often grandiose claims of the governments that make them. These are decisions that spend taxpayers money, and which hold the potential to shape our state for decades to come. Planning the future of our state without an enduring, strategic and evidence-based plan is to the detriment of us all.

Infrastructure Victoria will end this. It will elevate the role of independent and expert infrastructure advice to guide better decision-making, hold government decision-makers to account and enhance public debate about Victoria's future.

Functions of Infrastructure Victoria

Infrastructure Victoria will have two primary functions: strategic planning and advice.

Strategic planning

Infrastructure Victoria's immediate task will be to develop a 30-year infrastructure strategy. The strategy will advise government on the state's immediate and long-term infrastructure needs and strategic priorities.

To identify these needs and priorities, Infrastructure Victoria will be driven by its key objective, outlined in the bill, to improve social, economic and environmental outcomes for the state. This triple-bottom-line approach will motivate all of Infrastructure Victoria's activities.

The bill outlines a number of important features of the strategy.

First, a 30-year time frame will ensure a long-term holistic approach to strategic infrastructure planning. Commitment to a long-term strategy is the foundation of good infrastructure policy. It enables coordination across the state and between different infrastructure systems, such as transport connections to ports or demand induced by new roads. An evidence-based long-term strategy with strong community support is vital to getting things done, especially when many years are required to plan and deliver major infrastructure projects.

Second, Infrastructure Victoria will have a broad remit to consider infrastructure needs across all sectors. The strategy may make recommendations on economic, social, civic and cultural infrastructure. The strategy must respond to emerging needs and pressures across our economy and society if it is to help maintain and enhance the quality of life of all Victorians.

Third, the strategy must include an assessment of the current state of infrastructure in Victoria and identify short, medium and long-term infrastructure needs on the basis of detailed, objective and quantitative evidence, including land use plans, population projections and economic data. Sectoral infrastructure strategies and transport policies will also be key inputs into the strategy. Over time, it is expected that all government strategic infrastructure planning will complement and reflect Infrastructure Victoria's strategy.

Fourth, the strategy will identify the infrastructure projects that should be prioritised to meet the infrastructure needs of the state and will also provide advice on funding and financing options. The existence of a pipeline of priority projects, aligned to the identified needs, will provide valuable guidance to government but will also generate much needed certainty among the private sector to invest and mobilise its resources to help deliver an infrastructure program.

To inform its work, Infrastructure Victoria will undertake extensive research and modelling. Infrastructure Victoria cannot do its job without drawing from information held across government, universities and the private sector. Infrastructure Victoria will be able to request information from departments and agencies but, where necessary, the confidentiality of this information must be preserved. Similarly, Infrastructure Victoria will not be able to publish confidential information without first receiving the consent of those who provided it.

Infrastructure Victoria is also expected to consult with a range of experts, receive written and oral submissions, hold public seminars and workshops, and issue draft reports and discussion papers. The bill in fact mandates that Infrastructure Victoria will release a draft of the 30-year infrastructure strategy for public consultation before finalising and publishing the strategy.

Finally, Infrastructure Victoria will publicly release the strategy without government approval and will self-initiate any updates. These updates may occur no earlier than three and no later than five years after the latest release. Under this bill, no government will be able to influence the content or timing of Infrastructure Victoria's strategy.

Government response and five-year infrastructure plan

Once Infrastructure Victoria has publicly released the strategy, the bill will require the government to provide a public response within 12 months. In responding to the recommendations contained in the strategy, the government will be required to provide a detailed rationale for the projects, policies or reforms that the government intends to pursue.

As part of this response, government will be required to prepare a five-year infrastructure plan which responds to the strategy and the projects identified as a priority, including any funding commitments. To provide further rigour to the process, Infrastructure Victoria will publish an annual assessment of the government's progress against this five-year infrastructure plan.

Infrastructure Victoria will not take over government's role in decision-making. Elected governments — which are ultimately accountable to the Parliament and the public — should always retain responsibility for making the final decisions.

Under this bill, governments will be able to make better informed decisions, decisions that are evidence-based, transparent and subject to rigorous public debate.

Expert advice requested by government

The bill provides that the minister may request advice from Infrastructure Victoria at any time on a range of infrastructure matters. This could include specific major projects, the government's five-year infrastructure plan, sectoral infrastructure strategies and Victoria's intergovernmental submissions about infrastructure.

This will be a key role for Infrastructure Victoria.

Infrastructure Victoria will provide independent scrutiny, especially for strategically important, complex and high-value projects. Infrastructure Victoria will assess the economic, social and environmental objectives of these projects against its infrastructure strategy. It will also advise on the business case's assumptions, modelling and other relevant matters in a manner complementary to the important advice provided by the Department of Treasury and Finance.

The bill makes clear that the publication of Infrastructure Victoria's advice requested by the minister will be determined by government consistent with broader policies around transparency, preserving cabinet confidentiality during decision-making processes.

Infrastructure Victoria will however be required to publish the details of each request for advice in its annual report.

This bill is about restoring trust in government decision-making. Victorians need to be assured that independent and expert advice underpins the decisions that shape our state.

Infrastructure Victoria may also be requested to provide advice on intergovernmental submissions, most commonly to the commonwealth government for funding. This will further strengthen Victoria's case for a fairer share of commonwealth support for our infrastructure needs.

Other functions

The bill also outlines that Infrastructure Victoria will on its own initiative develop and publish research on a range of matters relating to infrastructure, such as impediments to project delivery and improving the measurement of costs and benefits. Infrastructure Victoria will have the ability to release this research without prior approval from the government.

Governance

The bill establishes Infrastructure Victoria as an independent statutory authority, subject to limited direction or control by the minister.

Its board of directors will comprise of seven members. The chair, deputy chair and two other board members will be appointed from the private or non-government sectors. The Secretary of the Department of Premier and Cabinet, the Secretary of the Department of Treasury and Finance and the secretary responsible to the Minister for Planning will also serve as unpaid ex-officio directors. This balance ensures Infrastructure Victoria's independence while also supporting coordination with government.

To ensure the proceedings of the board meet the highest standards, the bill requires conflict-of-interest policies as per the Public Administration Act and any members' declared conflicts must be made public.

All appointments and removals will be made by the Governor in Council upon the recommendation of the minister. Importantly, in the event the chair is removed from the board, the minister's reasons for this must be outlined and tabled for public scrutiny in Parliament.

The CEO will be responsible for the day-to-day operation of the organisation, in accordance with the general policies and strategic direction determined by the board.

Conclusion

The Infrastructure Victoria Bill is a bill for all Victorians.

For the families getting to work and school in congested traffic or crowded public transport. For the young couple starting a family in Melbourne's west. For the commuter from Ballarat travelling to the CBD each day. For the farmer irrigating their crops and getting produce to market. For sports and culture lovers. For the investor looking to invest with confidence. For industry looking for certainty from an infrastructure pipeline.

All Victorians will benefit from a fresh approach to planning, evaluating, selecting, funding and delivering infrastructure. This bill deserves to enjoy the support of all members of the Parliament.

Victoria is at a turning point and our choices today will either preserve our standard of living or undermine it. Infrastructure must be at the centre of any government's plan for Victoria's future.

The Andrews government is determined to take short-term politics out of infrastructure. We are determined to restore Victorians' trust in government decisions. We are determined to get on with building and managing infrastructure so that it continues to support this great state into the future.

I commend the bill to the house.

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

Debate adjourned until Thursday, 13 August.

LOCAL GOVERNMENT LEGISLATION AMENDMENT (ENVIRONMENTAL UPGRADE AGREEMENTS) 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 act), I make this statement of compatibility with respect to the Local Government Legislation Amendment (Environmental Upgrade Agreements) Bill 2015.

In my opinion, the Local Government Legislation Amendment (Environmental Upgrade Agreements) Bill 2015, as introduced to the Legislative Council, is compatible

with human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

Human rights issues

There are no human rights protected under the charter act that are relevant to this bill. I therefore consider that this bill is compatible with the charter act.

The Hon. Jaala Pulford, MP
Minister for 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 Local Government Legislation Amendment (Environmental Upgrade Agreements) Bill 2015 will amend the Local Government Act 1989 to allow all Victorian councils to offer 'environmental upgrade agreements'.

Environmental upgrade agreements have been available through the City of Melbourne since April 2011. This was enabled by amendments to the City of Melbourne Act 2001, made in 2010 under the previous Labor government. This bill will build on that scheme by enabling all Victorian local councils to offer environmental upgrade agreements.

An environmental upgrade agreement is a three-way agreement between a local council, the owner of a non-residential building, and a lender. Environmental upgrade agreements can be used for works to improve the energy, water or environmental efficiency or sustainability of existing non-residential buildings on rateable land.

Under an environmental upgrade agreement, the financer provides a loan to the building owner to fund environmental upgrades. Repayments are collected by the local council, in a property charge levied through the rates system. This property charge is then passed on to the lender. The use of the rates system means that environmental upgrade charges are a first charge on the land, taking priority over all other mortgages, charges on, or interests in the land. This increased security enables the lender to offer more competitive loan terms.

The bill provides that where tenants provide consent, they can contribute to the repayment of the environmental upgrade charges. This might occur where tenants receive benefits from the funded works, such as reduced utility bills and more comfortable working conditions. Where not all building tenants consent to contribute to the repayments, an environmental upgrade agreement may provide for only some of the building tenants to contribute.

The bill largely replicates provisions in part 4B of the City of Melbourne Act 2001. The bill differs from the City of Melbourne Act only in that it strengthens protections against council liability and provides for the Minister for Energy and Resources to make guidelines relating to environmental upgrade agreements.

The Andrews Labor government is committed to making Victoria a leader in energy efficiency. We believe by transitioning Victoria to an energy efficient, low emissions economy, we can reduce costs and boost productivity.

Improving the efficiency of our state's building stock is critical in facilitating this transition. And through this bill, we are providing a mechanism to improve the energy efficiency of non-residential buildings.

This is good news for the state and, in particular, for the commercial sector. By use of this tool to enable businesses to retrofit their buildings, the commercial sector can reduce energy costs, improve asset values, and increase profitability. It can also reduce greenhouse gas emissions, given commercial buildings account for about 10 per cent of Australia's total greenhouse gas emissions.

This bill makes sense, not only for the environment, but for Victoria's economy.

I commend the bill to the house.

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

Debate adjourned until Thursday, 13 August.

ROAD SAFETY 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 Road Safety Amendment Bill 2015.

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

Overview

The bill will amend the Road Safety Act 1986 (the act) to require drivers involved in a motor vehicle accident where serious injury or fatality has occurred to submit to the taking of a blood sample upon request by Victoria Police.

The bill will also make amendments to part 6A of the act to improve the effectiveness of the impoundment, immobilisation and forfeiture of motor vehicle regulatory scheme.

Human rights issues

Blood testing of drivers

Clause 5 of the bill will insert a new section 55BA into the act which provides for blood testing of drivers in an accident that has resulted in a serious injury or fatality, if requested by police. If a police officer attends an accident and believes on reasonable grounds that the accident has resulted in death or serious injury, he/she may require the driver of a vehicle involved in the accident to submit to a blood sample analysis conducted by a registered medical practitioner or approved health practitioner (new section 55BA(2)). A police officer may also require the person to accompany a police officer to a place where the sample is to be taken, and to remain there until it has been taken or until 3 hours after the accident, whichever is sooner (new section 55BA(3)). A police officer must not require a person to submit to a compulsory blood sample analysis if the person needs to be taken to a place for examination or treatment.

Clause 3 of the bill amends section 49(1)(ea), which will provide that a range of consequences will flow if a person is charged with and/or convicted or found guilty of the new offence under the amended section 49(1)(ea), including: suspension of driver licence/permit if a person is charged with the offence; mandatory cancellation and disqualification of driver licence/permit if a person is convicted or found guilty of the offence; and various reporting requirements before a person may reapply for their licence/permit if the person has been convicted of, or found guilty of, the offence. The penalty for the offence ranges from a fine of 12 penalty units to a term of imprisonment of up to 18 months depending on whether it is a first, second or subsequent offence.

A sample provided under new section 55BA may provide the basis for existing offences under the act if the sample indicates that the prescribed concentration of alcohol (or more) was present in the sample, or a prescribed illicit drug was present in the sample (sections 49(1)(g) and 49(1)(i)).

Clauses 3 and 5 of the bill are relevant to the right to privacy, the right not to be subject to medical treatment without consent and the right to liberty.

Right to privacy and right not to be subjected to medical treatment without consent

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

Requesting a person to submit to blood testing is relevant to a person's right to privacy. Privacy covers the physical and moral integrity of a person, and includes the freedom from compulsory blood, breath or urine tests. In my view, the tests will not be unlawful or arbitrary. The request to submit to testing is clear and appropriately circumscribed, and consequently not unlawful. The requirement will also not be arbitrary. A police officer may only request testing in limited circumstances, namely if he or she believes on reasonable grounds that an accident has resulted in death or serious injury. Furthermore, there is a pressing public need to ensure that evidence of potential breaches of the act is collected in the case of serious accidents resulting in death or serious injury. The current regime of mandatory testing under the act applies if a person who is involved in a motor vehicle accident is brought to a place for examination or treatment due to the accident, which may mean that a person is not tested if he or she is not injured as a result of the accident. While other forms of testing, such as breath testing, may be less invasive than a blood sample analysis, blood samples are the most accurate samples for collection and analysis, and accuracy of evidence collected is particularly important in the investigation of serious motor vehicle accidents.

Section 10(c) of the charter act provides, relevantly, that a person has the right not to be subjected to medical treatment without his or her full, free and informed consent. The term 'medical treatment' is not defined in the charter act. In my view, it is unlikely that a blood test under new section 55BA(2) would constitute 'medical treatment'. In any event, even if the testing did constitute medical treatment, in my view, any limitation on the right not to be subjected to medical treatment without consent is reasonable and demonstrably justified under s 7(2) of the charter act. This is because the testing is conducted in limited circumstances, and for the important public purpose of ensuring that accurate evidence is collected in the case of serious accidents, as outlined above. Therefore I do not consider the right to privacy or the right to not be subjected to medical treatment without consent to be limited by the bill.

Right to liberty

Section 21(3) of the charter act provides that a person must not be deprived of his or her liberty except on grounds, and in accordance with procedures, established by law. Section 21(2) provides that a person must not be subjected to arbitrary arrest or detention.

Under new section 55BA(3), a person may be required by a police officer to accompany the officer to a place for the taking of the sample and to remain there until it has been taken or until 3 hours after the accident, whichever is sooner. The Court of Appeal has found that requiring a motorist to accompany a police officer or to remain at a place for the purposes of testing involves some degree of restraint on liberty (although not a detention). This is because the refusal to comply with the requirement constitutes an offence which carries penalties (see *DPP v. Piscopo* [2011] VSCA 275). In this situation, any deprivation of liberty, will occur on grounds, and in accordance with procedures, provided for in new section 55BA as described above, and in light of the important purposes of part 5 of the act, which are set out in s 47. Furthermore, the power to require a person to remain at a place is temporally limited to 3 hours. Accordingly, I do not consider that section 21(3) of the charter act is limited.

Clause 7 of the bill amends section 63, which provides that a police officer, or protective services officer where relevant, may, for the purpose of establishing the identity of a driver of a motor vehicle, arresting, or carrying out the provisions of section 53, 54, 55 or 55A, enter the motor vehicle using, if necessary, reasonable force, if the driver refuses or fails to obey any lawful direction given to him or her by the police officer or the protective services officer. Clause 7 of the bill will include new section 55BA so that a police officer may enter the motor vehicle for the purpose of carrying out the request for a blood sample.

The prohibition on 'arbitrary' interferences has been said to require that a lawful interference must be reasonable or proportionate in all the circumstances. The power provided in section 63 is not considered to be arbitrary, they are powers to achieve legitimate public purposes, and are therefore compatible with the charter act. In addition, the test of requiring belief on reasonable grounds that a death or serious injury has occurred provides an objective test that guards against any arbitrariness. There is no limitation on the right to liberty by this provision.

Right not to be tried or punished more than once

Section 26 of the charter act provides that a person must not be punished more than once for an offence in respect of which they have already been convicted or acquitted in accordance with law.

Clause 3 of the bill introduces an offence if a person refuses to submit to a blood sample being taken when requested to provide one by a police officer. The bill will also cause section 50A to include that if a person has been found guilty of the offence to refuse to submit to a blood sample being taken when requested to provide one by a police officer, they must complete an accredited driver education program before they can apply for a driver licence or permit, if it has been cancelled or disqualified. These provisions may entail that a person is punished more than once for an offence, such as dangerous driving.

The additional punishments would all be valid once the offence has led to a charge being laid, and in my view, it is properly regarded as part of the final punishment, directly related to the offence, and not a separate penalty arising from the offence. In my view, the right not to be punished more than once is therefore not limited by the bill.

Right to equality

Section 8(3) of the charter act provides protection against discrimination.

Clause 3 of the bill amends section 49(1)(ea) to include the offence to refuse to comply with a requirement made under new section 55BA(2), which will in effect amend 50A(1A) of the act to include the new offence in the list of offences to which section 50A(1A) applies. Section 50A(1A) currently provides that VicRoads must not issue a driver licence or permit to a person if their driver licence or permit was cancelled or they were disqualified from obtaining a licence or permit, following conviction or being found guilty of certain prescribed offences under section 49(1) of the act, and they were under 25 years at the time of the offence and the offence was a first offence, unless it is satisfied that the person has completed an accredited driver education program.

Section 50A(1A) may limit the right to equality in s 8 of the charter act, to the extent that it discriminates against persons under 25 years of age on the basis of age. Clause 3 may consequently limit section 8 of the charter act by extending the application of section 50A(1A). It is arguable that the requirement to undertake a driver education program is not unfavourable treatment, and therefore that the requirement is not discriminatory. In my view, the course fees for these education programs are generally reasonable, and drivers who attend these programs will receive education to help them become better drivers, which is to their benefit, as well as to the benefit of the larger community. However, even if the requirement was a detriment and consequently discriminatory in nature, I consider that any limitation to the right to equality is reasonable and justifiable within the meaning of section 7(2) of the charter act. There is ample research available that demonstrates that drivers under 25 years old are at particular risk of being involved in motor vehicle accidents. Section 50A(1A) recognises this, and seeks to address it by ensuring that drivers under 25 years old receive education following being found guilty of particular offences. This is a proportionate response to the risk posed by those drivers and is necessary to protect other road users.

Freedom of movement

Section 12 of the charter act provides that every person has the right to move freely within Victoria.

Clause 7 of the bill amends section 63, which provides that a police officer, or protective services officer where relevant, may, for the purpose of establishing the identity of a driver of a motor vehicle, arresting, or carrying out the provisions of section 53, 54, 55 or 55A, enter the motor vehicle using, if necessary, reasonable force, if the driver refuses or fails to obey any lawful direction given to him or her by the police officer or the protective services officer. Clause 7 of the bill will include new section 55BA so that a police officer may enter the motor vehicle for the purpose of carrying out the request for a blood sample.

I consider the limit on the person's movement to be reasonable and justified, as it is necessary to achieve the important purpose of the provision (to prevent a potentially incapable person from driving away from an accident, and gain evidence to show that they were driving while incapable, and protect the public). Accordingly, I consider the provision compatible with the right to free movement.

Hoon driving offences

Right to a fair hearing

Section 24 of the charter act provides that a person charged with a criminal offence or 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 12 of the bill sets out circumstances when the court cannot take grounds of exceptional hardship into account when making an impoundment, immobilisation or forfeiture order. It provides that the court must not decline to make an impoundment or immobilisation order on the grounds of exceptional hardship caused to the offender if either the offender is disqualified from obtaining a driver licence or permit or the offender's driver licence or permit is suspended for more than three months. In cases of forfeiture orders, the court must not decline to make an impoundment or immobilisation order on the grounds of exceptional hardship caused to the offender if either the offender is disqualified from obtaining a driver licence or permit or the offender's driver licence or permit is suspended for any period of time. This is because the circumstances leading to the application of a forfeiture order involve being convicted of a greater level of road safety offence prior to Victoria Police making the application.

The intention of the provision is to ensure that applications for exceptional hardship — to avoid an order for the immobilisation, impoundment or forfeiture of a motor

vehicle — are granted only in appropriate cases. While the provision may limit the right to a fair hearing by imposing restrictions on the court, which may lead to the court not being able to be impartial or independent, the purpose is public safety and discouraging recidivist dangerous driving. The restriction only applies to those drivers who have already committed hoon driving offences that are subject to a licence suspension or disqualification at the time of the determination by the court of an application by the chief commissioner for an impoundment or immobilisation order or a forfeiture order. Any limitation on a fair hearing is reasonable and justified, as it is necessary to find a punishment for those people who choose to commit hoon driving offences, and any limitation is directly linked with the primary purpose of protecting the public from unsafe drivers.

Right to property

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

Clauses 8 and 11 of the bill provide that Victoria Police may issue a notice requiring the surrender of a person's motor vehicle. The intent of this provision does remove property from a person; however, I am satisfied that this does not limit clause 20 of the charter act as the deprivation of property will occur in confined and controlled circumstances for the purpose of enforcing compliance with the Road Safety Act, with the intention of protecting the community from unsafe drivers. In addition, persons deprived of their property have the ability to appeal against the decision under section 84O of the Road Safety Act, ensuring that the law has been applied appropriately and justly. In my view the right to property has not been limited by the bill.

The Hon. Steve Herbert, MLC
Minister for Training and Skills

Second reading

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

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

That the bill be now read a second time.

Incorporated speech as follows:

Victorians driving under the influence of drugs is a key cause of road trauma. It is becoming increasingly important to find new ways to try to deter and detect drivers who persist in driving while under the influence of illegal substances. This government is working hard to reduce the effect of illegal drugs on our community. The *Ice Action Plan* was released in March 2015, and includes a commitment of $45.5 million in new investment, focusing on priority initiatives to reduce the supply, demand and harm of the drug ice. The funding will include greater resources for Victoria Police to take drug-affected drivers off our roads. This bill will also provide Victoria Police with the means to gather evidence necessary to hold those drivers involved in serious vehicle accidents while under the influence of drugs properly accountable for their actions.

For people like the families of the couple involved in the tragic crash in Docklands in early 2014, it is clear that there is a loophole that needs to be closed in order to give the courts and police greater powers in dealing with drivers with drugs in their system when involved in serious motor vehicle accidents. In February 2014, a passenger was killed and her partner seriously injured when their car was hit by the driver of a ute that ran a red light in Docklands. A swab sample was taken from the driver, which was positive for ice and amphetamines; however, he refused to provide a blood sample. The current legislation did not allow the driver to be compelled to take a drug test and, as he was not injured himself, he was not admitted to hospital, where a mandatory blood sample would have been taken. A blood test would have provided evidence of the quantity of drugs in his system. Police discovered 50 grams of ice in the driver's vehicle; however, there was no evidence available to show that drug use contributed to his driving at the time. The driver was therefore convicted of dangerous driving causing death, whereas if a blood test had been available to support the contention that he was under the influence of drugs, he would have been charged with culpable driving causing death, which has a maximum penalty of 20 years imprisonment. If released on parole, that driver may be back on the streets in 20 months.

The bill will allow police to request a blood sample from persons in charge of motor vehicles that have been involved in an accident causing serious injury or fatality. Police need to be able to make this request to obtain evidence of drug impairment or influence, so they can hold people properly accountable for their actions on our roads. The proposed amendment will also provide evidence to establish a driver was not drug affected when involved in a collision, proving that they had only prescription medicine in their system, or recommended amounts of over-the-counter pharmaceuticals. This can be an important issue in some investigations and will assist the police and the courts to make the best decision about which charges are appropriate to be laid against the offender. Victoria Police will be closely monitoring the amendment to ensure its effectiveness.

As further advances in technology are created, allowing for new and better ways of drug testing, with greater accuracy of drug levels and impairment caused to people, further amendments may be made to this legislation to ensure the intent of stopping people from driving while impaired by drugs is preserved.

In addition to the $15 million provided in the 2015–16 state budget for new booze and drug buses, the Transport Accident Commission has committed a further $2.7 million for further drug testing.

The bill will also make amendments to the hoon driving regime. A primary focus of road policing is to reduce fatal collisions and trauma. The economic, social, and environmental cost of road trauma to the community is enormous. Hoon activities are a major contributor to road trauma, as they are intentional high-risk driving activities. The risk of death and serious injury is significantly increased by this dangerous driving, and innocent spectators or bystanders are placed at risk. The sanctions must be effective and severe to deter these dangerous drivers and to protect the community.

The bill will assist Victoria Police by ensuring that the impoundment regime is able to function as intended where an offence is detected by a road safety camera. This will assist in deterring high-risk, antisocial and irresponsible 'hoon' driving behaviour, when captured on a road safety camera.

The bill will also allow Victoria Police to recoup costs from immobilisation and impoundment by amending the definition of 'designated costs' in accordance with Treasury guidelines.

An important aspect of the hoon driving regime is discouraging recidivist offenders. If a person is convicted of a second offence under the scheme, it may result in up to three months vehicle impoundment or immobilisation and a third offence may result in forfeiture of the vehicle. The bill provides clear direction as to when the courts should not consider exceptional hardship as grounds for declining to make an impoundment, immobilisation or forfeiture order — for example, when a driver is suspended or disqualified from driving, and persists in driving so dangerously as to be convicted of an offence under the hoon driving scheme. It is appropriate that those people who have shown that they are a serious risk to our community if allowed on the roads be sanctioned in such a way.

I commend the bill to the house.

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

Debate adjourned until Thursday, 13 August.

ADJOURNMENT

Ms PULFORD (Minister for Agriculture) — I move:

That the house do now adjourn.

Foetal organ trading

Mr FINN (Western Metropolitan) — I raise a matter for the attention of the Minister for Health. It follows a question asked on Tuesday by Dr Carling-Jenkins of Ms Mikakos in her capacity as the minister representing the Minister for Health in this house. On that day Dr Carling-Jenkins asked if the bodies of babies killed in abortions were being sold for spare parts in this state. It is no reflection on Ms Mikakos — none at all. She replied that to her knowledge it had not happened. My personal view is that that is not good enough. I think we need a far more definitive answer on that particular matter.

Ms Shing — On a point of order, President, I take great issue with Mr Finn's referral to the issue which Dr Carling-Jenkins raised as the selling of babies' organs for spare parts. I ask you to seek that he rephrase it in less offensive terms.

The PRESIDENT — Order! I am not an editor of people's contributions. Whilst I might from time to time also have concerns about terminology and indeed the misphrasing we all do at times, there is certainly nothing unparliamentary as such in what Mr Finn has said. Whilst it might be a matter of concern to some members, I am not in a position to ask him to withdraw that sort of comment.

Ms Shing — On a point of clarification, President — not as a misrepresentation of what I understand Dr Carling-Jenkins's initial contribution was on that issue?

The PRESIDENT — Order! It would be a point of order if it was outside the scope of things. I am also advised that Dr Carling-Jenkins is in the chamber — if she felt she was misrepresented. Obviously Mr Finn is also able to paraphrase as there is limited time available to us to raise adjournment matters. As I said, the words might be raw for some members, but they are not unparliamentary.

Mr FINN — As I said, we need a definitive answer on this matter. It follows the appalling revelations in the United States in recent weeks that Planned Parenthood has been found to be selling for profit the body parts of babies killed in abortions. If the abortion industry is making money this way in the United States, it would very much surprise me if that industry is not doing the same thing here in Australia.

Victoria is the abortion capital of Australia. The law allows babies to be killed right up until the moment they would otherwise be born, and the annual death toll from abortion is over 20 000 babies per year. We know that some babies are born alive as a result of what are called failed abortions, and they do not survive. There is ample opportunity for abortionists to sell the body parts of these babies.

Ms Mikakos made it clear on Tuesday that this particular practice is illegal in Victoria. Still, we have no definitive answer as to whether this is going on. As I said, there is ample scope for this to happen. In my view there is a distinct possibility, if not a probability, that this is occurring. I think we as a Parliament have a responsibility to ensure that the law is being followed and that the appalling practices we have seen in the United States are not repeated here in Australia and in particular in Victoria.

What I am asking the Minister for Health to do is to institute a full, independent inquiry to ascertain whether this practice of selling the body parts of aborted babies is occurring in Victoria in either the private abortion industry or public hospitals. I hope the minister will set that up as a matter of urgency so that this matter can be

resolved and people can either rest assured that it is not occurring or, if it is, actually do something to stop it.

Eltham ambulance station

Ms WOOLDRIDGE (Eastern Metropolitan) — My adjournment matter tonight is for the Minister for Ambulance Services, and I seek from the minister that funding be provided to the Eltham ambulance station so there can be necessary upgrades to its facility.

Back before the election I was very proud that the coalition government made the election promise that $1.4 million would be provided to the Eltham ambulance station in order to upgrade its facilities. There is no doubt that the work the paramedics do, there and right across the state, is exceptional in terms of the difference it makes in the lives of so many. But there is a particular need at the Eltham ambulance station to address issues like window seals, heating, lighting and other elements. Before the election the then coalition government's assessment was that $1.4 million was needed to upgrade that ambulance facility, and that is why tonight I am calling on the government to utilise some of the $20 million that was provided in the budget in May this year for upgrades of ambulance stations to be provided to the Eltham ambulance station.

At the time that commitment was made there were some comments in the media in relation to it. Local Eltham paramedic Jason Montfort said:

> … there are far more urgent issues that need addressing — response times have never been so poor, hospital ramping has become a chronic issue …

Clearly there are other issues as well. I must say in that context I was very concerned to read in the *Age* of 9 July an article headed 'Ambulance queues getting worse at Victorian hospitals', which reported:

> The worst performing hospitals for ramping last month were the Royal Melbourne, St Vincent's, the Northern, Sunshine and the Austin in Heidelberg where 20–25 per cent of patients waited longer than 40 minutes.

The report card six months into the term of this new government shows that patients are waiting longer. It is very disappointing that the promised ambulance Response Time Rescue Fund — always such good names — once again has not been delivered. There is no funding in this budget for the Response Time Rescue Fund, and particularly at hospitals to which ambulance officers would take people from the Eltham community — the Austin and the Northern — ramping times are up. That makes it hard for paramedics to do the job and be back out on the road making sure that they respond to the health needs and concerns of the community. I call on the minister to provide this money for the Eltham ambulance station.

Maribyrnong planning application

Ms HARTLAND (Western Metropolitan) — My adjournment matter is for the Minister for Planning. The Greens are deeply concerned by revelations that Prizac Investments has put in a late application for housing above a pokies venue at the Edgewater Club development in Maribyrnong. There has already been a huge amount of community concern about this project, with more than 2500 residents speaking up against it in 2010. The project was challenged in the Victorian Civil and Administrative Tribunal by Maribyrnong City Council at a huge cost. Given this level of community and council opposition and concern, this late change to the planning application is particularly galling and I believe underhanded.

The changes proposed include creating housing above the pokies venue — 12 apartments. As I understand it this is a precedent; it has not happened anywhere else in Victoria or Australia. There were to have been hotel rooms where the apartments are proposed to be built. To have housing above the pokies venue would provide residents with unique and unprecedented access to pokie machines as part of their daily lives. We know pokie machines can be addictive. There are a number of features of pokie machines, such as losses disguised as wins, near misses and jackpots that have been recognised internationally and in Australia as being potentially addictive. To be exposed to this addictive influence day in and day out in your home environment is a strange social experiment that I do not think we should countenance.

We understand it is not just adults who will be impacted upon; children will also move into this housing. It needs to be said that one of the reasons the Bulldogs needed to move to another venue was that there was a childcare centre at their ground and it was not allowed to be near a pokies venue, yet somehow having children living above a pokies venue is quite acceptable. I do not think this is a path we should go down in Victoria.

Problem gambling costs this state $2.8 billion a year. Adding the daily exposure to pokies that comes with mixing gambling venues with housing developments is only going to make the matter worse. I have outlined my concerns. I really believe that the government needs to act on this very quickly. We do not want a precedent set, so I ask that the government investigate to make

sure that housing is not in the same development as a pokies venue.

Cobden sports hub

Mr PURCELL (Western Victoria) — The matter I raise tonight is for the Minister for Regional Development. The small Cobden community would like to create a community sports hub where all the community groups can come together and work from one location rather than competing with each other for funding and other forms of support.

The Cobden community action group's proposal is supported by no less than nine community groups whose members would like to relocate to the vicinity of the Cobden Golf Club and Cobden Technical School, bringing the town's three main recreational sports facilities into one hub. Such an arrangement would allow the members of the many and varied community groups of the town to work together to source funding and sponsorship as well as membership.

The members of that very small community have already raised $20 000, and they are looking for a contribution towards the next stage, which would be in the order of $30 000, for the development of plans. I urge the minister to support this fantastic initiative and to visit and work with this local community.

Public holidays

Mr RAMSAY (Western Victoria) — My adjournment matter is for the Minister for Small Business, Innovation and Trade, the Honourable Philip Dalidakis. I am disappointed that he is not in the chamber because I would have liked to have congratulated him personally on his new appointment. The action I seek from him is that he note the cost to small businesses of the proposed new gazetted holidays to fall on grand final eve and Easter Sunday and that he respond to the concerns of small businesses by reconsidering Labor's election commitment, which was made with absolutely no consultation with those who would be most impacted by it.

In the case of the proposed grand final eve holiday, the CEO of the Geelong Chamber of Commerce, Bernadette Uzelac, is quoted as saying that Geelong employers 'would pay heavily for the pre-election commitment'. The chamber estimates costs to local employers just for this public holiday alone at $12 million through lost productivity and paying employees who are not working, with penalty rates costing an additional $2 million. The financial burden facing Geelong employers is that they will be forced to pay penalty rates, which means that many small businesses will instead choose not to open at all on grand final eve. Ms Uzelac went on to say that the decision does not make sense and that it will inhibit business and employment growth in Geelong.

Ballarat franchisees tell me they also will lose business, given that most of the arcades will be closed and pedestrian traffic will be reduced.

The Victorian Employers Chamber of Commerce and Industry says that the cost to pay almost 2 million full-time workers not to come to work on the grand final eve holiday will be more than $543 million. It is estimated that the additional wages for retail, accommodation, food services and recreational industries will cost small business owners more than $105 million for the two holidays.

The previous minister, Mr Somyurek, could never explain to this chamber why you would make a decision to gazette two new holidays without waiting for the regulatory impact statement and its triple-bottom-line outcomes. Even now, PricewaterhouseCoopers is still going through the public consultation process — but for what purpose? Even more curious is that the Andrews government did not consult with the AFL to find out what impact the holiday would have on pre-match day activities.

There is no sensible reason why Victoria should have two more public holidays. Victoria already has more holidays than any other state in Australia. We know what the cost will be to small business, and we know the AFL did not want a holiday the day before the grand final. We can only take it for what it is — political opportunism.

The action I really seek from the minister, who does have some sense of small business and understands that he has been handed a poisoned chalice, is that given the strong resistance from employer groups and significant costs I have outlined he readdress and rescind the decision to declare the two public holidays as proposed. If not, I invite him down to address the Geelong Chamber of Commerce so he can explain the government's decision, which will cost Geelong over $16 million.

Gippsland ambulance services

Ms SHING (Eastern Victoria) — My adjournment matter is for the Minister for Ambulance Services. The action I seek is that the minister upgrade the ambulance branches in the Eastern Victoria Region and specifically in Gippsland. There are a number of

branches in the Gippsland area that are in urgent need of upgrade, as they are outdated, not fit for purpose and dangerous to the hardworking paramedics who work with the community to keep the people of Gippsland safe and respond to critical incidents as required.

In this regard I highlight the particular needs of the Orbost, Sale and Traralgon branches of the ambulance service. In the first instance, the Orbost station is a small building that lacks appropriate space and facilities and has no room for training or paramedic rest spaces. In this regard it is no longer fit for purpose and not fit to accommodate any extraordinary demands or imposts upon its existing footprint.

The Sale ambulance service faces similar problems to the Orbost facility, as it is too small to appropriately accommodate paramedics who are undertaking training or seeking to have a little bit of rest and it lacks adequate space for vehicles. This station has also been the subject of an industrial complaint in relation to the working conditions within the building and attendant occupational health and safety risks that result from the physical and ambient environment.

Similarly, in relation to the needs of ambulance branches in Gippsland, the Traralgon station has a range of occupational health and safety issues. I draw these to the minister's attention and ask the minister to take into account the needs of these ambulance branches in her deliberations around ambulance facility upgrades and advise accordingly of the course of action that she proposes to take.

Northern Victoria Region ambulance services

Ms LOVELL (Northern Victoria) — My adjournment debate issue is also for the Minister for Ambulance Services, and it concerns the need for new ambulance stations and mobile intensive care ambulance (MICA) single responder units in my electorate of Northern Victoria Region. The action I seek from the minister is that the government match the commitments made to my electorate by the coalition during the election campaign to build new ambulance stations in Mansfield and Mernda and also to invest in new MICA single responder units for Echuca, Mansfield, Seymour and Wallan.

During the coalition's term of government David Davis as the then Minister for Health made significant investments in the ambulance service both in infrastructure and in additional paramedics. This investment has benefitted many communities throughout Victoria, but the coalition acknowledged there was still more to be done. During the election campaign the coalition promised an additional $92.7 million for ambulance services, which included a commitment to deliver an additional 150 full-time paramedics. This commitment would have seen a permanent ambulance service located in Nagambie for the first time, which is a matter I raised on the adjournment last night.

Our commitment also extended to six new MICA single responder units, with four of those to be located in Northern Victoria Region at Echuca, Wallan, Mansfield and Seymour. We also committed to build eight new ambulance stations, of which two were to be located in northern Victoria at Mansfield and Mernda. The member for Eildon in the Legislative Assembly, Cindy McLeish, has been particularly active in advocating for the Mansfield station and MICA single responder unit.

In contrast to the coalition's well-researched and evidence-based commitments to locate services in areas of greatest need, the Labor Party's election policy was just a vague commitment to establish a fund of $20 million for ambulance stations and $20 million for vehicles and equipment. An important component of delivering quality services is to ensure that our paramedics are supported with appropriate infrastructure and resources. The government has now been in power for more than eight months, and it is time the minister got on with the job of allocating funds that were actually included in this year's budget to ensure that communities are supported with quality ambulance services.

As the coalition's commitments were well researched and based on areas of greatest need, the minister should allocate funding to these communities first. The action I seek from the minister is that the government match the commitments made to my electorate by the coalition during the election campaign to build new ambulance stations in Mansfield and Mernda and also to invest in new MICA single responder units for Echuca, Mansfield, Seymour and Wallan.

National Ice Taskforce

Ms BATH (Eastern Victoria) — I wish to raise a matter for the Minister for the Health, the Honourable Jill Hennessy. My adjournment matter this evening is to highlight the groundswell of public concern about the increased use of the drug methamphetamine, or ice. I recently attended a public forum in the lovely East Gippsland town of Bairnsdale. My colleague the Honourable Tim Bull, the member for Gippsland East in the Assembly, organised for the federal coalition's National Ice Taskforce chair,

Mr Ken Lay, to speak to concerned community members. On a cold evening, 300 people attended.

Mr Lay identified six areas for action, on which he and the task force believe more work needs to be done by all governments. These areas of greatest benefit can help ice users, their families, local communities and the workforce to tackle this complex problem. The six areas he identified are as follows: target primary prevention; improve access to early intervention, treatment and support services; support local communities to empower them to help their own people; improve tools for frontline workers; focus law enforcement actions; and improve and consolidate research and data, which we are sadly lacking.

A wonderful representative from the Ice Meltdown Project, Janice Ablett, spoke passionately about how a Drouin-based community group volunteers to support addicts and their families as they battle the debilitating effects of ice. The project offers a 10-day detox program that supports the addict and their family or loved ones who help them in their own environment. The group uses doctors and professional counsellors, and its simple philosophy is one of unconditional love and support. In one year the group has detoxed 150 clients, and it is currently dealing with 35 families. Janice said the group's motto is that it does not turn anyone away. The project is largely funded through the generous support of local Rotary and Lions clubs and community donations, but it requires more funding to establish a rehabilitation centre. The group has the house, but it needs money to establish it as a centre.

Evidence in general suggests that there is a shortage of residential rehabilitation in our regional areas for people affected by ice and other similar drugs. I call on the minister to fund this type of assistance in Gippsland and other rural centres to take the pressure off these hardworking volunteers and our public health system.

Ballarat electricity supply

Mr MORRIS (Western Victoria) — My adjournment matter is for the attention of the Minister for Energy and Resources. It concerns one of the two major electricity transformers, which are located in Ballarat. Unfortunately since early July one of those transformers has been offline. Some might say that is okay — we still have one to spare. Unfortunately if that other transformer were to go offline, what we would see is a city of over 100 000 people without electricity for what could be up to a month. We are rather concerned about what this could mean for us. We regularly hear jokes about the weather in Ballarat. It would certainly be no laughing matter if we were without electricity in Ballarat.

More seriously, though, the impact of Ballarat being without electricity for a number of weeks, and up to a month, could be significant. I was pleased to hear that our hospitals have back-up generators, which would ensure the safety of the people in those places, but there are obviously many people in their homes who are reliant upon specialty medical equipment that requires electricity or to warm homes. Indeed for businesses to continue to operate in Ballarat it is critically important that electricity remains online in our great city. At this point, I call on the minister to investigate this issue and take action to ensure that Ballarat is not left in the dark.

McKinnon Road, McKinnon, level crossing

Ms CROZIER (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Roads and Road Safety, who is responsible for the removal of level crossings. A constituent of mine in the Assembly electorate of Bentleigh has a business close to the McKinnon Road level crossing in McKinnon, which is one of the level crossings highlighted for removal by the government. My constituent is a landlord and one of her tenants spoke to her about being approached by government authorities about the public acquisition of the land on which their business stands. As members will imagine, this has caused great concern to both the landlord and the tenant because it was the first time they had heard that that land was going to be targeted. My constituent attended the public meeting held last week in Bentleigh, and the public acquisition of land was also news to some people at that meeting.

The uncertainty has caused great concern amongst a number of businesses around the level crossing that is slated for removal. What has made it even more confusing is that the information given suggests that people should approach the local council for advice and guidance, yet the local council also seems confused. It does not seem to have anyone who knows much about it and so far it has not appointed anyone to undertake that work. As members will appreciate, there is much consternation amongst the community. The action I seek from the minister is that he provide clarification as to where people should go to seek advice or guidance about the future impacts land acquisition may have on business owners and operators, landlords and tenants. There needs to be a clear direction about the intention of the public land acquisition, and clearly my constituents in Bentleigh need to have their fears and concerns allayed.

Responses

Ms PULFORD (Minister for Agriculture) — I thank all members for their contributions to this evening's adjournment debate. There are a number of matters for the attention of Ms Hennessy in her role as the Minister for Health and Minister for Ambulance Services.

Ms Shing raised a matter for the Minister for Ambulance Services. She sought the minister's consideration of ambulance services in Gippsland in her deliberations about upgrades, and I will ask the minister to advise Ms Shing.

Ms Lovell raised a matter around ambulance services in a number of locations in her electorate of Northern Victoria Region, including issues relating to possible new stations and also mobile intensive care ambulance services.

Ms Wooldridge also raised a matter around ambulance services for Ms Hennessy, and her matter was in relation to funding for the Eltham ambulance service.

Ms Bath raised a matter for the Minister for Health in relation to what sounds like an innovative and wonderful volunteer and community-led response to the challenge around ice in her electorate of Eastern Victoria Region. I will pass that on to Ms Hennessy and seek a response for Ms Bath.

Mr Finn also raised a matter for the Minister for Health. I might choose a slightly different turn of phrase. It is obviously an issue about which people hold very strong views. Mr Finn sought an inquiry into the arrangements and practice relating to the treatment of foetal tissue arising from abortions. I note that that is a lawful medical procedure in Victoria, but I will ask Ms Hennessy to provide a response to Mr Finn.

Mr Ramsay raised a matter for our new Minister for Small Business, Innovation and Trade in relation to Labor's commitments around public holidays. Mr Ramsay was keen for us to do other than what we said we would do before the election in relation to this issue. He had some specific concerns arising from some discussions he has had with small business representatives in Geelong. I will pass that on to Minister Dalidakis, including Mr Ramsay's congratulations offered at the beginning of his adjournment matter.

Ms Hartland raised a matter for the Minister for Planning in relation to housing in close proximity to gaming venues. She sought an investigation into the coexistence of those two things. I will pass that on to Minister Wynne for a response.

Mr Morris raised a matter for the Minister for Energy and Resources in relation to the issue of transformers and backup capacity for Ballarat residents — all year round, really. It has been a topic of some local news coverage and of local interest. We do cop a lot for our weather, but it does get pretty cold. I can assure Mr Morris that this matter has been investigated and is being responded to by the government, but Minister D'Ambrosio will be able to provide a more fulsome response to Mr Morris on that question.

Ms Crozier raised a matter for the Minister for Roads and Road Safety, but I suggest that perhaps the Minister for Public Transport is the lead minister on the level crossings project.

Ms Crozier — I was not sure if it was Minister Donnellan or Minister Allan.

Ms PULFORD — The removal of the level crossings and a project of this scale does have intersections with road issues, and Ms Crozier's issue was particularly around land acquisition, which would naturally sit with another minister. I suggest that if Ms Crozier is happy, I will refer that to the Minister for Public Transport as the lead minister on the level crossings removal project. I will seek a response for her.

Finally, Mr Purcell raised a matter for my attention in relation to nine community groups in Cobden seeking some support for a planning study so that further consideration can be given to the development of an integrated sporting and community hub. I will ask Regional Development Victoria to contact Mr Purcell to identify an appropriate contact person with whom he can meet to discuss this project, to discuss the proposition that funding be provided through the Regional Jobs and Infrastructure Fund for a feasibility study for what sounds like a project that has a great level of support in Cobden and to invite the community representatives who are leading this issue to liaise with Regional Development Victoria. We will see what we can do.

I also have one written response to an adjournment debate matter raised by Ms Tierney on 11 June.

The PRESIDENT — Order! The house now stands adjourned.

House adjourned 6.33 p.m. until Tuesday, 18 August.

WRITTEN RESPONSES TO QUESTIONS WITHOUT NOTICE

Responses have been incorporated in the form supplied to Hansard.

Public holidays

Question asked by: **Mrs Peulich**
Directed to: **Special Minister of State**
Asked on: **25 June 2015**

RESPONSE:

The Regulatory Impact Statement was released on 8 July 2015 and is available on the Department of Economic Development, Jobs, Transport and Resources website. The RIS process will be concluded and publically reported before the 2015 Grand Final Eve public holiday.

Former Minister for Small Business, Innovation and Trade

Question asked by: **Mr O'Donohue**
Directed to: **Special Minister of State**
Asked on: **4 August 2015**

RESPONSE:

I am advised that, as at 6 August, the Department of Premier and Cabinet (DPC) has not yet received all final invoices in connection with the inquiry.

As such it is not possible to provide the total cost of these items at this time, but the government will release the value of expenses incurred when they are finally compiled.

Foetal organ trading

Question asked by: **Dr Carling-Jenkins**
Directed to: **The Minister for Health**
Asked on: **4 August 215**

RESPONSE:

Hospitals have Human Research Ethics Committees and these committees examine each research proposal using the National Statement for guidance and may in some cases place caveats on the research regarding the foetal gestational period. Researchers need to demonstrate to the Committee that there are no suitable alternatives by which the aims of research using the separated human foetus or foetal tissue can be achieved.

Aviation skills training

Question asked by: **Mr Rich-Phillips**
Directed to: **Minister for Training and Skills**
Asked on: **5 August 2015**

RESPONSE:

The then Kangan Institute purchased a disused Boeing 737 in 2008 through a tender process, to provide students in their Certificate IV in Aeroskills (Avionics), Certificate IV in Aeroskills (Mechanical) and Certificate IV in Aeroskills (Structures) with practical aviation skills training. A hangar in Broadmeadows was leased to locate the aeroplane and undertake the training.

Victorian TAFE Institutes make their own decisions in relation to training delivery and the purchase or sale of assets to support that training.

Under the previous government training activity at TAFE Institutes Victoria declined significantly due to the constant changes in eligibility and subsidy rates. In addition, the rapid introduction of competitive neutrality across all training providers in 2012, and Government policy that TAFEs adopt a more commercial focus, meant that TAFEs increasingly delivered training courses that were most profitable, not training that delivered the needs of industry and the community.

Following the former government's funding cuts to TAFE in 2012, Kangan Institute merged with Bendigo TAFE to form Bendigo Kangan Institute (BKI).

After an independent strategic review of its aviation training provision in 2014, and based on market analysis and declining aviation enrolments, BKI made a commercial decision to close their aviation program.

BKI makes its own decisions in relation to the disposal of assets and has not received any instruction from the Department of Education and Training in this regard.

SUPPLEMENTARY RESPONSE:

BKI and all other TAFEs have responsibility for making their own business decisions around equipment for training needs.

Since making the decision to withdraw from aviation training in Victoria in 2014, BKI determined that the equipment used for this specific training was no longer needed. As such, and as $30,000 per month was being paid to accommodate the aircraft, BKI has negotiated the disposal of the aircraft.

Federation Training now delivers aviation training to the remaining students in Victoria, at locations across metropolitan Melbourne and Gippsland. The aircraft was not suitable for the needs of Federation Training as the Institute offers on-the-job training and uses local and often more modern equipment to deliver the necessary training. Consequently this was surplus to their requirements.