PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Tuesday, 14 April 2015

(Extract from book 5)

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By authority of the Victorian Government Printer

The Governor

The Honourable ALEX CHERNOV, AC, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

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Minister for Local Government, Minister for Aboriginal Affairs and Minister for Industrial Relations	The Hon. N. M. Hutchins, MP
Special Minister of State	The Hon. G. Jennings, MLC
Minister for Families and Children, and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
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Attorney-General and Minister for Racing	The Hon. M. P. Pakula, MP
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Minister for Finance and Minister for Multicultural Affairs	The Hon. R. D. Scott, MP
Minister for Small Business, Innovation and Trade	The Hon. A. Somyurek, MLC
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms M. Kairouz, MP

Legislative Council committees

Priveliges 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

Economy Infrastructure Legislation Committee — Dr Carling-Jenkins, Mr Dalidakis, Mr Eideh, Mr Elasmar, Mr Finn, Ms Hartland, Mr Morris and Mr Ondarchie.

Economy Infrastructure References Committee — Dr Carling-Jenkins, Mr Dalidakis, Mr Eideh, Mr Elasmar, Mr Finn, Ms Hartland, Mr Morris and Mr Ondarchie.

Environment and Planning Legislation Committee — Ms Bath, Mr Dalla-Riva, Mr Davis, Ms Dunn, Mr Leane, Ms Shing, Ms Tierney and Mr Young.

Environment and Planning References Committee — Ms Bath, Mr Dalla-Riva, Mr Davis, Ms Dunn, Mr Leane, Ms Shing, Ms Tierney and Mr Young.

Legal and Social Issues Legislation Committee — Ms Fitzherbert, Mr Melhem, Mr Mulino, Mr O'Donohue, Ms Patten, Mrs Peulich, Ms Springle and Ms Symes.

Legal and Social Issues References Committee — Ms Fitzherbert, Mr Melhem, Mr Mulino, Mr O'Donohue, Ms Patten, Mrs Peulich, Ms Springle and Ms Symes.

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, Mr Perera and Ms Ryall.

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

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

Family and Community Development Committee — (*Council*): Ms Lovell. (*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*): Mrs Fyffe, Mr Hibbins, Mr D. O'Brien, Mr Richardson, Ms Thomson and Mr Wells.

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

President: The Hon. B. N. ATKINSON

Deputy President: Ms G. TIERNEY

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

Leader of the Government:
The Hon. G. JENNINGS

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

Leader of the Opposition:
The Hon. M. WOOLDRIDGE

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

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

Leader of the Greens:
Mr G. BARBER

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Bath, Ms Melina [2]	Eastern Victoria	Nats	Morris, Mr Joshua	Western Victoria	LP
Barber, Mr Gregory John	Northern Metropolitan	Greens	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

TUESDAY, 14 APRIL 2015

Tuesday, 14 April 2015

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 2.08 p.m. and read the prayer.

ROYAL ASSENT

Message read advising royal assent on 25 March to:

Back to Work Act 2015
Cemeteries and Crematoria Amendment (Veterans Reform) Act 2015
Interpretation of Legislation Amendment Act 2015
Summary Offences Amendment (Move-on Laws) Act 2015.

JOINT SITTING OF PARLIAMENT

Legislative Council vacancy

The PRESIDENT — Order! I have been informed by The Nationals that they have selected a person to be nominated to fill the seat in the Legislative Council rendered vacant by the resignation of Mr Danny O'Brien as a member for Eastern Victoria Region.

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

> That this house meets the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Mr Danny O'Brien and proposes that the time and place of such a meeting be the Legislative Assembly chamber on Wednesday, 15 April 2015, at 6.15 p.m.

Motion agreed to.

Ordered that message be sent to Assembly informing them of resolution.

QUESTIONS WITHOUT NOTICE

Public Accounts and Estimates Committee

Ms WOOLDRIDGE (Eastern Metropolitan) — My question is to the Leader of the Government, and I ask: will the Andrews government abolish Dorothy Dix questions during the upcoming Public Accounts and Estimates Committee (PAEC) hearings?

Mr JENNINGS (Special Minister of State) — I thank the member for her question and for the opportunity to talk about the importance of introducing reform to the way in which parliamentary committees undertake their responsibilities to the Parliament. As she will be aware, the Labor Party committed to a number of reforms coming into the last election, which included some reforms in relation to Dorothy Dixers and whether they should be asked in question time.

The matter the member raised is whether Dorothy Dixers will be asked as part of the considerations of the Public Accounts and Estimates Committee. She will also be aware that we have made commitments about the accountability and integrity systems more broadly than that in terms of the responsiveness of ministers to questions, which is a matter that has been the subject of a lot of consternation and consideration not only in the running of question time in the chamber but also in the considerations of the Procedure Committee. There has been much commentary throughout the Parliament about the ways in which those obligations could be committed to and given effect to. There are a variety of ways, and even when you introduce significant reforms, their effectiveness or the way they may be enacted may be a disputable issue in its own right.

At this point I am not in a position to confirm or deny whether government members of the Public Accounts and Estimates Committee may be asking questions of ministers. As the member will be aware, because the Parliament of Victoria has not at this stage passed the Parliamentary Committees and Inquiries Acts Amendment Bill 2015 and has not established the — —

Ms Wooldridge — That doesn't matter.

Mr JENNINGS — It does matter. It may well be a matter that the opposition says is not a relevant issue. President, I put it to you that it is pretty clear that the sooner the Parliament of Victoria resolves the issue of passing the parliamentary committees legislation the sooner those committees can be populated, and then those committees can meet and work out the methods and the way in which they will undertake their work. If this question is a contrivance to indicate that the government has not been willing, able and prepared to negotiate the passage of the parliamentary committees bill and to establish those committees by agreement, then that contrivance will not succeed.

Ms Wooldridge — On a point of order in relation to the minister's answer in terms of relevance, President, this is not a debate about the committees bill, it is a question in relation to the Public Accounts and Estimates Committee. The fact is that two committees have been established. Similarly PAEC could be established, and I ask you to return the minister to answering the question about Dorothy Dix questions at the upcoming Public Accounts and Estimates Committee hearings.

The PRESIDENT — Order! In respect of the point of order, as members would know, I am not in a position to direct a minister on exactly how to answer, and I certainly think that most of the minister's answer has been apposite to the question. He has indicated that he is not in a position to discuss or to put that position yet, and he has gone on to give one explanation as to why, which I took to mean that in many ways the drafting of questions will depend on the membership of those committees and the attitudes that those members might adopt as much as the attitudes that a government might adopt. I think that was the point he was making. The minister, to conclude.

Mr JENNINGS — In a very dispassionate way, President, you have summarised my contribution. I thank you for that summary. I will stick with it.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) — Given that last year the current Minister for Families and Children said the lack of opposition questions in PAEC was due to Dorothy Dixers, the current Minister for Regional Development said, 'Dorothy Dixers don't really add much to the public discourse', and that ministers avoid scrutiny with Dorothy Dixers, and the current Attorney-General said Dorothy Dixers during PAEC were pathetic, had nothing probative, had no scrutiny involved and were a clear case for PAEC estimates reform, I ask: how does Labor's lack of PAEC reform reconcile with the Premier's statement since the election, 'We're not wasting a single minute'?

The PRESIDENT — Order! I will allow the minister to deal with the supplementary question, but I indicate that it is rather speculative. As I understand it, there is no suggestion of reform for PAEC in the context of an actual reform of that process. Whether or not the government's commitment on Dorothy Dix questions in the house does extend to the committees is the point at issue, but I do not know that that is reform as such as touted in the question.

Mr JENNINGS (Special Minister of State) — I will clarify that the government does not resile from a commitment to undertake reform of the Public Accounts and Estimates Committee. In fact a proposal has been shared by the government with all non-government parties in this chamber — a reference to the appropriate procedure and standing orders committees of the Parliament to enable the effect of those reforms to be considered by those standing orders and procedure committees. The real issue at heart about whether time is wasted in PAEC is not a problem of asking a question; it is in fact the prepared contributions by ministers that waste the time of the committee. That has always been the case. Let us be honest. It is the set-piece presentations that take up a considerable amount of the Public Accounts and Estimates Committee's time. We actually have to do that in practice, and we can do that without reform.

Public Accounts and Estimates Committee

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My question is to the Special Minister of State. I refer to section 7A of the Audit Act 1994, which requires the Auditor-General to consult with and consider feedback from the Public Accounts and Estimates Committee (PAEC) in the preparation of his annual plan. Given that the statutory deadline for the annual plan is approaching and that after 130 days of government the PAEC is yet to be established, I ask: is the minister aware of concerns from the Auditor-General about the government's failure to establish PAEC?

Mr JENNINGS (Special Minister of State) — I thank the member for the opportunity to confirm to the house that last week I met with the Auditor-General. I discussed a range of issues that were of interest to him. At no stage did the Auditor-General elevate his comments beyond identifying his preference for a Public Accounts and Estimates Committee to be established at the earliest opportunity — something that I confirm was the intention of the government to undertake this week. When we embarked upon that conversation, that seemed to be to the satisfaction of the Auditor-General. If he has made any comments to Mr Rich-Phillips privately or publicly that are contrary to that, then I would be very happy to consider those and respond to them.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Can I take it from the minister's answer that the Auditor-General was in fact concerned that PAEC had not been established?

Mr JENNINGS (Special Minister of State) — I stand by my substantive answer. It is Mr Rich-Phillips who is trying to put words into the mouth of the Auditor-General. I am not; I am living by what I said. I discussed this matter with the Auditor-General. The Auditor-General is extremely clear that it is the intention of the government to establish the Public Accounts and Estimates Committee by the end of this week. I would think that rather than asking these questions it would be a good idea for us to get on and create the circumstances by which those committees

could be populated. From the government's perspective, it has been waiting to do that for quite some time.

East–west link

Mr ONDARCHIE (Northern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade. I refer the minister to today's edition of the *Australian*, which talks about the French and Spanish governments having made direct complaints to the Victorian government over its treatment of international tenderers for the east–west link project. What advice did the minister provide to the Premier in his capacity as the Minister for Small Business, Innovation and Trade when he advised the minister of these complaints?

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — I am not sure that I completely understood the question. There seemed to be about three or four different questions in there. It is within their democratic rights to make representations to the Victorian government, as it is to make representations to any government throughout the world. I speak of the governments in question. I did not give the Premier any advice.

Supplementary question

Mr ONDARCHIE (Northern Metropolitan) — Well, there you go. Obviously the Premier has a lot of confidence in the minister. What advice has the minister received from his department and international Victorian government business offices about the damage to Victoria's international financial reputation from this reckless east–west link decision?

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — I seek clarification, President. It seems to me to be a double-barrelled supplementary question. I seek a ruling from you as to whether that is actually in order as a supplementary question.

The PRESIDENT — Order! Drawing on someone's title is not sufficient to be a supplementary question. I agree with the minister that the supplementary question was substantive and that it went well beyond the original question, and therefore I rule it out as a supplementary question. I give Mr Ondarchie a chance to rephrase.

Mr ONDARCHIE (Northern Metropolitan) — Given my substantive question, I ask what advice the minister has received from his department and international Victorian government business offices about Victoria's reputation for trade and investment.

The PRESIDENT — Order! I do not think we are going to get there because, as I said, this is beyond the scope of whether or not the minister had provided advice to the Premier, which was the original question I took from Mr Ondarchie. This goes well beyond that and might well be a new question.

Easter trading

Mr MORRIS (Western Victoria) — My question is to the Minister for Small Business, Innovation and Trade. Many small businesses were subjected to an abusive union campaign of intimidation as a result of closing over the Easter holiday period. This included personal attacks, such as calling small business owners absolute scum, antiworker establishments and incompetent greedy businesses. What support has the minister and his department provided small business owners who have been under attack from this union campaign?

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — That was a diatribe masquerading as a question. I invite the member who asked the question to give me specifics, and I will make sure those claims are investigated.

Supplementary question

Mr MORRIS (Western Victoria) — As a number of businesses continue to be subjected to coordinated attacks, intimidation and aggressive behaviour from Trades Hall, including from Ballarat Trades Hall, what will the minister do to stop this?

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — These are very serious allegations the member is making. It is very difficult without being provided with specifics. I ask the member, through you, President, to give me specifics, and I will have those investigated.

Mr Morris — I would be more than happy to provide the minister with the details of this intimidation, which has happened on Facebook over the last couple of days.

The PRESIDENT — Order! There are many things that happen on Facebook. I agree with the minister that it is unacceptable to expect ministers to understand what campaigns might be running on Facebook and to take those up without substantiation and without putting a particular line to the minister. I thank Mr Morris for being able to provide some clarification of the matters he asked about today, and the minister has indicated that, once that clarification is provided, he will be

happy to look into it. I will not be asking the minister to respond in writing to this question at this time.

Homesafe

Mr O'DONOHUE (Eastern Victoria) — My question is to the Deputy Leader of the Government in her capacity as representing the Minister for Public Transport, and I ask: can the minister outline whether the $50 million Homesafe commitment from the government includes wages and costs associated with protective services officers, train drivers and premium railway station staff?

Ms PULFORD (Minister for Agriculture) — I thank the member for his detailed question directed to the Minister for Public Transport, and I will seek an answer from the minister in the appropriate time line, as was discussed in the last sitting week.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) — I thank the minister for her undertaking to provide a response from the Minister for Public Transport in the appropriate time frame, by Thursday. I ask, by way of supplementary question: can the minister also provide a breakdown of the full cost identified since the election of the complete Homesafe policy, including a breakdown of wages for various staff — including, as I said, protective services officers — and infrastructure?

Ms PULFORD (Minister for Agriculture) — Again that is a detailed question on a matter that is the responsibility of the Minister for Public Transport, and I will also refer the supplementary question to her for a response.

East Gippsland timber industry

Ms DUNN (Eastern Metropolitan) — My question is to the Minister for Agriculture. I refer to recent media reports of illegal logging of 1 hectare of rainforest on the Errinundra Plateau in East Gippsland. Will the minister guarantee that all logging operations will cease in the Errinundra Plateau area of East Gippsland while this matter is being investigated and until preventive action is taken to ensure that the causes of any unlawful logging have been addressed?

Ms PULFORD (Minister for Agriculture) — I thank the member for her question. I indicate that a report of what was believed to be illegal logging was made to the Goongerah Environment Centre on Wednesday, 8 April. The government expects all timber production in Victoria to meet with world standard forestry management practices, and I advise the member that a formal investigation, including site visits, is currently underway and that VicForests has advised that harvesting will not occur in the areas in dispute and will also be undertaking its own investigation.

Supplementary question

Ms DUNN (Eastern Metropolitan) — I thank the minister for her response. My supplementary question is: why is logging still continuing in the region before further protected areas of rainforest have been properly identified, and what action will the minister take to ensure that that identification is undertaken?

Ms PULFORD (Minister for Agriculture) — My advice is that harvesting is not occurring in the area in dispute. If the member has information to the contrary, I would be happy to receive it and respond to her.

Wine industry smoke taint

Ms DUNN (Eastern Metropolitan) — My question is to the Minister for Agriculture. Is the impact of smoke taint on nearby grape harvesting operations considered prior to the planning and conduct of regenerative burning within logging coupes?

Ms PULFORD (Minister for Agriculture) — The Victorian government is working to support our wine industry, an important industry, in a number of ways in responding to a range of issues of concern to the industry. I am currently in the process of establishing a ministerial advisory council on wine. From conversations I have had with industry, I can certainly indicate to the member that this is of concern to industry. On the member's specific question, I am happy to undertake to provide an answer to the member in accordance with the standing orders.

Supplementary question

Ms DUNN (Eastern Metropolitan) — My supplementary question to the minister is: given the potential impact on the quality of the harvest, the concern indicated and the fact that at the moment the harvest in the Yarra Valley is blanketed with smoke from regeneration burns, will the minister insist that the impact of smoke taint be part of the regeneration burn planning and assessment process?

Ms PULFORD (Minister for Agriculture) — I seek a clarification from the member. Is the member referring to burns in plantation areas or on public land in native forests?

Ms Dunn — On public land, and I am referring to regeneration burns that are undertaken as part of a logging coupe operation.

Ms PULFORD — I thank the member for that clarification. The Andrews government supports a sustainable timber industry. I had the opportunity, along with many other members — including Mr O'Donohue, Mr Dalidakis, Mr Blackwood, a member in the other place, and the President — at a function at lunchtime earlier today to express bipartisan, in fact multipartisan, support for the Victorian timber industry. I told the assembled industry representatives that we are very supportive of the timber industry. It employs 21 000 people in Victorian towns and in suburbs across Melbourne.

In many instances in my portfolio, particularly in agriculture but also across regional development, we need to carefully balance the competing needs of industry and indeed the occasionally competing interests of community and industry which arise from time to time and to do so in a way that continues to create jobs and provide economic opportunities.

Firearms

Mr BOURMAN (Eastern Victoria) — My question is to the Premier through the Special Minister of State, Mr Jennings. We have been led to believe that a federal government committee will shortly make recommendations to the Council of Australian Governments (COAG) regarding changes to some technical aspects of the National Firearms Agreement. What is the Victorian government's intention regarding future restrictions of firearms ownership of the licensed and law-abiding shooters of the state?

Mr JENNINGS (Special Minister of State) — I thank Mr Bourman for his question. As he is aware — or he sounds like he is aware — later this week the Council of Australian Governments will consider a range of issues, including approaches taken across the nation to mitigate the risk of terrorism activity. A number of interlocking strategies will be discussed at COAG, where jurisdictions will be asked for their views on a range of matters, which may include firearms reform, programs of counterintelligence or programs of social inclusion for generating harmonious communities across this nation, which together will form a suite of measures and community momentum designed to make us a stronger, more resilient and more harmonious community.

Judging by the spirit of the question that Mr Bourman has asked me to answer on behalf of the Premier, it is pretty clear that he wants governments around Australia, including Victoria, to be well informed and sophisticated in their knowledge about the appropriate balance to be struck in relation to firearms regulation so that there is not a burden placed inappropriately on legitimate firearms users when a threat is generated through fringe or volatile elements in our community that not only jeopardise the lives of our citizens here and potentially abroad but also jeopardise the quality of our relationships and creates fear and apprehension in our community.

I think that on behalf of his constituents Mr Bourman is hoping the government of Victoria will indicate that it will be considered in its response, that it will not make any precipitous judgement about what might be an inappropriate balance to be struck in firearms regulation and that it will be mindful of the breadth of the Victorian community in terms of the aspirations of his constituents to use firearms in an appropriate regulated fashion. The government of Victoria will do its best to acquit its obligations to all its citizens in terms of making sure that their lives are protected, that it does create harmonious relations within our community and that no section of our community feels adversely affected by the impact of national and state regulation.

Supplementary question

Mr BOURMAN (Eastern Victoria) — Will the government acknowledge that law-abiding and licensed individuals should not be punished for the actions of criminals?

The PRESIDENT — Order! I will again allow the minister to answer, but as a supplementary question it is somewhat at a tangent to the substantive question.

Mr JENNINGS (Special Minister of State) — President, I am sure you know, as you will have listened to my substantive answer, in one sense I have been mindful of the concern Mr Bourman has expressed in that law-abiding citizens of Victoria and indeed Australia should feel a degree of confidence about being able to go about their lives in a law-abiding fashion without being punished for the intrusion committed by, and subjected to sanctions that may apply to, people who are not as responsible and as law abiding as they are. Philosophically the government of Victoria recognises that when it designs regulations, sanctions and enforcements now and in the future it should not punish those who are innocent by presuming they are guilty as a matter of course; rather it should strike an appropriate balance in the way in which it regulates firearms.

Homeschooling

Dr CARLING-JENKINS (Western Metropolitan) — My question is to the Minister for Training and Skills, Mr Herbert, representing the Minister for Education. The Department of Education and Training website states:

> In Victoria, homeschooling your child during their compulsory school years is a recognised alternative to attending government or registered non-government schools.

It also states that when parents decide to educate their child from a home base, they assume overall responsibility for the planning, implementation and assessment of their child's education.

I ask the minister: in light of the government's recognition of the role played by homeschooling in the education of Victorian children, does the government accept that the financial cost normally associated with the government funding of education for each Victorian child has, in the case of homeschooled children, been removed from the government and is being borne by the parents of those children?

Mr HERBERT (Minister for Training and Skills) — I thank the member for her question and acknowledge her interest in and commitment to this area of education and equality within this area of education. Essentially the Victorian government funds schools to offer children high-quality education and support the needs of individual students. However, we acknowledge that there is a small number of parents in Victoria — and I have had experience in a past life with that, playing a role in the ministerial advisory committee on homeschooling for a former education minister way back — —

Mr Jennings interjected.

Mr HERBERT — Not in the 1880s, but in the early 2000s. I know of the passion that people have about this issue. We acknowledge that some parents prefer to homeschool their children for a wide range of reasons. That is quite a commitment from those parents in terms of the time, energy and resources they put into that schooling. It is an area that is often misunderstood in the community, so I would like to acknowledge that.

The member asked about costs being borne by homeschooling parents. I can advise her that while homeschooling is a matter of parental choice, the government supports it in a variety of ways. Parents who choose to homeschool their children can access a broad range of curriculum resources from the Department of Education and Training to assist them with that homeschooling. Children who are homeschooled can be partially enrolled in neighbourhood government schools for specific activities. Although vocational education and training in schools is a key area that is often difficult for homeschooled children to access because of a lack of equipment or specialised skills, they can enrol in these specialist areas. In fact children can and do often move between being educated at home and attending school. At any time during a school year students can commence or finish primary or secondary school.

The government's view is that homeschooling also involves an obligation in terms of the breadth of education that young people get. The Victorian Registration and Qualifications Authority has a role in ensuring that the eight key learning areas we expect all children's education to address are incorporated into homeschooling. Further, we encourage parents who homeschool to have their children participate in the national assessment program — literacy and numeracy testing and a range of other monitoring measures.

In answer to the member, while I cannot give specifics, I can say that homeschooling is a parent's choice. The state government believes there are obligations in terms of the breadth of education that homeschooled children receive, and it supports them through providing curriculum resources, access to schools and a range of other measures.

Supplementary question

Dr CARLING-JENKINS (Western Metropolitan) — I thank the minister for his acknowledgement, commentary and obviously in-depth knowledge of this area. As any responsible government knows, adequate funding is vital for each child to reach their full potential within our education system. Will the government consider committing to provide the approximately 3500 Victorian students who are homeschooled each year with a guaranteed basic level of funding to ensure that they are better able to afford the resources such as reading materials, internet access and the like which are necessary for an adequate level of education?

Mr HERBERT (Minister for Training and Skills) — I thank the member for her supplementary question. The issue of funding is complex. The Victorian government has inherited a school system which was dramatically underfunded; in fact funds were cut by the previous government. It has inherited a system whereby promises made with regard to the Gonski reforms were not there in the funding. It has

inherited a system where the federal government has walked away from substantial funding of schooling.

To the principal point of funding for homeschooling, that is an area that is way beyond my humble capacity to give a commitment to. However, I will refer the matter to the Minister for Education.

The PRESIDENT — Order! In the context of questions asked today, I indicate that Ms Pulford has undertaken to obtain responses from her colleague Ms Allan, who is a member in the other place, in respect of Mr O'Donohue's questions to the house today. I request that those answers be provided in the 48-hour time frame. In respect of Dr Carling-Jenkins's supplementary question, Mr Herbert has undertaken that the Minister for Education, Mr Merlino, will provide a response to the member.

Mr O'Donohue — On a point of order, President, if I could just clarify the timeliness of the response. My understanding — —

The PRESIDENT — Order! It is two sitting days.

Mr O'Donohue — It is 48 hours, but my understanding of the agreement is that the time was 11.45 a.m.

The PRESIDENT — Order! Yes; for this house. I have established that where we are asking for a minister in another house to provide the answer, we will give them two days.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) — I have answers to the following questions on notice: 416, 421, 429–37, 441, 447–54, 458–63, 468, 469, 474–87, 491.

BUSINESS OF THE HOUSE

Filming of proceedings

The PRESIDENT — Order! I take this opportunity to advise the house that I have given permission for a photographer to take some footage in the house in respect of contributions that Mr Dalidakis will make during this week as part of a documentary. I am satisfied that the material that is being produced is in order and is relevant to Mr Dalidakis's contribution to the Parliament. I have agreed to the filming, which will, in essence, only involve Mr Dalidakis.

Honourable members interjecting.

The PRESIDENT — Order! It is actually about a very significant matter on which members of this house have previously expressed great concern. I do not think it is a matter of jocularity at all.

Ms Fitzherbert — Can we know what it is?

The PRESIDENT — It is about child protection. It is about your inquiry and is in respect of the responses of some organisations within the Jewish community.

CONSTITUENCY QUESTIONS

Northern Victoria Region

Ms LOVELL (Northern Victoria) — My constituency question is to the Minister for Health. The coalition made a fully costed election commitment of $75 million for stage 1 of urgent redevelopment works to Goulburn Valley Health. The minister is well aware that Goulburn Valley Health is operating beyond its capacity and is in dire need of expansion and redevelopment. My electorate office is contacted regularly by constituents from the city of Greater Shepparton who are greatly concerned by the inability of Goulburn Valley Health to meet the growing health needs of the community with its current facilities. The people of Greater Shepparton deserve the same level of health care as those in Melbourne. I ask: will the minister demonstrate a show of good faith to the Shepparton community by committing to match or better the coalition's election commitment in this year's budget?

South Eastern Metropolitan Region

Ms SPRINGLE (South Eastern Metropolitan) — My question is to the Minister for Public Transport, who is also the Minister for Employment, Jacinta Allan. The Labor Party has rightly taken credit for having ordered 50 new trams to be built at the Bombardier factory in Dandenong during its previous term in government. Will the minister confirm that the government is now going to order additional trams, using its option to order up to 100 more on the existing contract, so as to provide much-needed certainty for the 500 people employed at Bombardier and the 90 other businesses in and around Dandenong that supply parts to Bombardier?

South Eastern Metropolitan Region

Mrs PEULICH (South Eastern Metropolitan) — My constituency question is to the Minister for Public Transport. Given the funding by the coalition

government of the Clayton Road-Centre Road level crossing, which will stop ambulances being stuck behind boom gates on Clayton Road and give unrestricted and unimpeded road access to the Monash Medical Centre, why has the Andrews government put more lives at risk by delaying this project and restarting the tender process when this key project was ready to go? Why does the Labor government ignore the impact that delaying this project will have on human lives? Is this just another example of an irresponsible and incompetent government putting lives at risk?

Southern Metropolitan Region

Ms CROZIER (Southern Metropolitan) — My constituency question is to the Minister for Roads and Road Safety. Several concerned residents and traders in Centre Road, Bentleigh, have recently raised with me their concerns about pedestrian safety at the Bentleigh rail crossing. During January some minor works were undertaken at that rail crossing. I note that the member for Bentleigh in the other place, Nick Staikos, has said that while awaiting removal the crossings need to be as safe as possible.

It has become evident that the electronic sign indicator which indicated that a train was coming is now no longer in operation. I know we do not yet have a timetable for level crossing removals, but too many pedestrians have lost their lives crossing rail lines throughout our state. The successful and tremendous online campaign created in Victoria, 'Dumb Ways to Die', highlighted this issue. I call on the minister to investigate why the electronic sign indicator has been removed and ask that it be reinstated as soon as possible.

The PRESIDENT — Order! I take it that the member is asking the minister why it cannot be done in that time frame. The purpose of a constituency question is to ask a question, not request an action. An action is for an adjournment matter, so could the member restate the last phrase.

Ms CROZIER — I ask the minister: why has the electronic indicator sign been removed and could it be replaced as soon as possible?

Western Metropolitan Region

Mr FINN (Western Metropolitan) — I direct my constituency question to the Minister for Public Transport. I refer to the ongoing need to address the problems associated with the railway crossing at Cottrell Street in Werribee. I have raised this matter before, and I can assure the minister that I will continue to push for a satisfactory resolution to it. This has been a nightmare for locals in the Werribee area for many years, and I ask: will the minister disclose when work will begin to remove this level crossing?

Southern Metropolitan Region

Mr DAVIS (Southern Metropolitan) — My question is to the Minister for Planning. It concerns Maling Road, a very important heritage shopping centre in Canterbury, in my electorate. Maling Road, as many members will know, is a significant tourist destination, not only for Victorians but also for people around Australia and abroad. It is a quaint street in every sense of the word, and has a remarkable facade that deserves protection.

I was fortunate to attend the Boroondara City Council planning meeting the other day, along with many members of the public who are concerned about the future of Maling Road. The council is preparing a design and development overlay. I commend the willingness of the council to listen to the community. After due process and an opportunity for those involved to comment, I seek that the council presents the design and development overlay and options around it and ensures that the Minister for Planning takes the appropriate steps to protect Maling Road.

The PRESIDENT — Order! Again, the question needs 'will'.

Mr DAVIS — Will the minister take appropriate steps to protect Maling Road?

The PRESIDENT — Order! Members need to be clear on exactly what constituency questions are compared to adjournment items.

Western Victoria Region

Mr MORRIS (Western Victoria) — My question is directed to the Minister for Planning and relates to the proposed Lal Lal wind farm just outside Ballarat. I have been approached by residents who are seeking clarity on the planning permit related to this wind farm proposal. More specifically, these residents are seeking clarity around any extension to the permit. Can the minister provide certainty to these residents by confirming whether or not the permit for this proposal will be extended beyond its current completion date in 2017?

Eastern Victoria Region

Mr O'DONOHUE (Eastern Victoria) — I raise a constituency issue for the Minister for Police. I have

been contacted by a number of residents of the Western Port community, particularly people in and around Somerville. The Somerville community has been very excited about the impending opening of the new Somerville police station, but there is growing concern that there will be no actual counter service at this police station. After a $16.3 million capital investment by the former coalition government, delivering on a commitment by the member for Hastings, there might be no counter service provided. That is most concerning.

I ask the minister to clarify whether the media reports are correct and whether the minister will commit to additional police. The Labor government has stopped the ongoing growth and expansion of Victoria Police. Will the government commit to providing additional police to the Chief Commissioner of Police so that he has the resources he requires as the Victorian population grows?

The PRESIDENT — Order! Another thing about constituency questions is that I have the view that they should contain only one question, not a series of questions with parts A, B, C and D — take your pick.

PETITIONS

Following petitions presented to house:

Goulburn Valley Health

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that:

1. the Andrews Labor government failed to make any election commitments to the Shepparton district; and

2. this failure has put the future redevelopment of Goulburn Valley Health at risk.

The people of Shepparton petition the Legislative Council to call on the Andrews government to match or better the coalition's election commitment of $75 million for stage 1 of the redevelopment.

The petitioners therefore request that funding is allocated in the 2015–16 budget to commence the redevelopment of Goulburn Valley Health, Shepparton.

By Ms LOVELL (Northern Victoria) (1568 signatures).

Laid on table.

Ordered to be considered next day on motion of Ms LOVELL (Northern Victoria).

Shepparton rail services

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that:

1. the Andrews Labor government failed to make any election commitments to the Shepparton district; and

2. this failure has put the future of improved rail services to Shepparton at risk.

The people of Shepparton petition the Legislative Council to call on the Andrews Labor government to match or better the coalition's election commitment of $178.1 million to improve long-distance V/Line train frequencies.

The petitioners therefore request that funding is allocated in the 2015–16 budget to improve long-distance V/Line train frequencies on the Shepparton line.

By Ms LOVELL (Northern Victoria) (1388 signatures).

Laid on table.

Ordered to be considered next day on motion of Ms LOVELL (Northern Victoria).

TOBACCO AMENDMENT (SMOKING IN OUTDOOR AREAS) BILL 2015

Introduction and first reading

Ms HARTLAND (Western Metropolitan) introduced a bill for an act to amend the Tobacco Act 1987 to prohibit smoking in public outdoor dining and drinking areas and for other purposes.

Read first time.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 3

Mr DALLA-RIVA (Eastern Metropolitan) presented *Alert Digest* No. 3 of 2015, including appendices.

Laid on table.

Ordered to be published.

PAPERS

Laid on table by Acting Clerk:

Australian Crime Commission — Report 2013–14.

Commissioner for Environmental Sustainability — Strategic Audit of Victorian Government Agencies' Environmental Management Systems 2013–14.

Crimes Act 1958 — Acting Chief Commissioner of Police forensic sampling authorisations, pursuant to section 464Z(2) of the Act.

Crown Land (Reserves) Act 1978 —

Minister's Orders of 27 February 2015 giving approval to the granting of licences at Gasworks Park Reserve and Lynch's Bridge Historical Precinct Reserve.

Minister's Order of 2 March 2015 giving approval to the granting of licence at St Kilda Botanical Gardens Reserve.

Minister's Order of 3 March 2015 giving approval to the granting of lease at Gasworks Park Reserve.

Minister's Order of 11 March 2015 giving approval to the granting of lease at Mitchell Park Reserve, Hamilton.

Drugs, Poisons and Controlled Substances Act 1981 — Report pursuant to section 96 by the Chief Commissioner, Victoria Police for 2014.

Parliamentary Committees Act 2003 —

Government Response to the Family and Community Development Committee's Report on Social Inclusion and Victorians with Disability.

Government Response to the Public Accounts and Estimates Committee's Report on the Review of Auditor-General Reports 2009–11.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Bayside Planning Scheme — Amendment C135.

Boroondara Planning Scheme — Amendment C108.

Casey Planning Scheme — Amendment C157.

Frankston Planning Scheme — Amendment C108.

Greater Geelong Planning Scheme — Amendment C323.

Greater Shepparton Planning Scheme — Amendment C165.

Maribyrnong Planning Scheme — Amendment C125.

Melton Planning Scheme — Amendment C70.

Mooney Valley Planning Scheme — Amendments C100 and C155.

Mornington Peninsula Planning Scheme — Amendment C174 (Part 1).

South Gippsland Planning Scheme — Amendment C83 (Part 2).

Stonnington Planning Scheme — Amendment C192.

Victoria Planning Provisions — Amendment VC124.

Whitehorse Planning Scheme — Amendment C163.

Whittlesea Planning Scheme — Amendment C130.

Wodonga Planning Scheme — Amendment C108.

Wyndham Planning Scheme — Amendment C150 (Part 1).

Yarra Planning Scheme — Amendment C182.

Statutory Rules under the following Acts of Parliament —

Building Act 1993 — No. 21.

Forests Act 1958 — No. 17.

Heritage Act 1995 — No. 20.

Inquiries Act 2014 — No. 22.

National Parks Act 1975 — No. 18.

Racing Act 1958 — No. 19.

Wildlife Act 1975 — No. 16.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 16 to 21.

Legislative Instruments and related documents under section 16B in respect of —

Notice of 9 March 2015 fixing the value of the supervision charge under the Gambling Regulation Act 2003.

Victorian Pre-Commitment System Requirements Standard under the Gambling Regulation Act 2003.

Victorian Energy Efficiency Target Act 2007 — Independent Review of Operation of Act.

Proclamations of the Governor in Council fixing operative dates in respect of the following acts:

Primary Industries Legislation Amendment Act 2014 — Whole Act (except section 15 and Parts 4, 5 and 6) — 11 April 2015 *(Gazette No. S66, 31 March 2015).*

Tobacco Amendment Act 2014 — 13 April 2015 *(Gazette No. S66, 31 March 2015).*

PRODUCTION OF DOCUMENTS

The Acting Clerk — I have received a letter dated 10 April from the Minister for Planning headed 'Order for documents — Residential Zones (stage 2) Standing

Advisory Committee report — Bayside draft amendment C125'. It states:

> I refer to the Legislative Council's resolution of 25 February 2015 seeking:
>
> > That in accordance with standing order 11.01, there be tabled in the Council, by 12 noon on Wednesday, 11 March 2015, a copy of the report prepared for the Minister for Planning by the Residential Zones Standing Advisory Committee concerning draft amendment C125 relating to the City of Bayside.
>
> In response to the resolution I have attached the report. In accordance with the usual practice, I have published the report on my department's website www.delwp.vic.gov.au.

Letter and report laid on table.

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

The Acting Clerk — I have received a letter from the Attorney-General headed 'Production of documents — Cranbourne-Pakenham rail corridor project'. It states:

> I refer to the Legislative Council's resolution of 25 February 2015 seeking the production of certain documents in relation to the Cranbourne-Pakenham rail corridor project.
>
> There are long-established principles governing the release of government documents to a house of Parliament. Similar principles apply in Victoria, the commonwealth and other jurisdictions whose powers are based on historical transfer from the United Kingdom. Central to these principles is the protection of the public interest.
>
> Pursuant to section 19(1) of the Constitution Act 1975, the powers of the Legislative Council to call for the production of documents are determined by reference to those powers held by the United Kingdom House of Commons in 1855 (subject to any inconsistent act).
>
> In 1855, the House of Commons power to call for the production of documents was subject to clearly established exceptions. One of those exceptions was Crown privilege (now known as executive privilege). If the government asserted that documents were the subject of executive privilege, this was a sufficient reason for refusing production to the House of Commons.
>
> Accordingly, section 19(1) of the Constitution Act 1975 provides that this exception represents a limit on the Legislative Council's power to call for the production of documents and that it is for the executive government to determine the application of the privilege to documents subject to a call for production.
>
> In considering a claim of executive privilege, the government must assess whether release of the information in question would be prejudicial to the public interest. In doing so, the government considers whether disclosure would:
>
> > reveal, directly or indirectly, the deliberative processes of cabinet;
> >
> > reveal high-level confidential deliberative processes of the executive government, or otherwise genuinely jeopardise the necessary relationship of trust and confidence between a minister and public officials;
> >
> > reveal information obtained by the executive government on the basis that it would be kept confidential, including because the documents are subject to statutory confidentiality provisions that apply to Parliament;
> >
> > reveal confidential legal advice to the executive government;
> >
> > otherwise jeopardise the public interest on an established basis, in particular where disclosure would:
> >
> > > prejudice national security or public safety;
> > >
> > > prejudice law enforcement investigations;
> > >
> > > materially damage the state's financial or commercial interests (such as ongoing tender processes, or changes in taxation policy);
> > >
> > > prejudice intergovernmental and diplomatic relations; or
> > >
> > > prejudice legal proceedings.
>
> These principles are consistent with the obligations imposed on the public sector under the *Code of Conduct for Victorian Public Sector Employees* (which is binding under the Public Administration Act 2004).
>
> These principles exist to protect the Westminster system, including the confidentiality of the cabinet process and the proper functioning of the public service, as well as to protect the interests of the state more broadly, including the integrity of its dealings with the private sector. They are not an unfettered power granted to the executive government — they are recognised, appropriate and limited exceptions to Parliament's ability to obtain documents.
>
> The executive government has now assessed the documents sought by the Council against the factors listed above. The government has determined that the release of one of the documents would be prejudicial to the public interest, as it would reveal the deliberative processes of cabinet. Accordingly, the government, on behalf of the Crown, makes a claim of executive privilege in relation to the document described, and on the ground set out, in the attached schedule.
>
> The remaining documents sought by the Council's resolution have been produced by the government. One of the documents contains the names of individuals, which have been excluded in the interests of personal privacy.
>
> I have informed the Secretary of the Department of Premier and Cabinet of the government's position in relation to executive privilege.

Letter and documents laid on table.

Ordered to be considered next day on motion of Mr BARBER (Northern Metropolitan).

BUSINESS OF THE HOUSE

General business

Ms WOOLDRIDGE (Eastern Metropolitan) — By leave, I move:

> That precedence be given to the following general business on Wednesday, 15 April 2015:
>
> (1) notice of motion given this day by Mr Rich-Phillips in relation to sessional orders and self-referencing committees;
>
> (2) notice of motion 5 standing in the name of Ms Hartland in relation to voluntary euthanasia; and
>
> (3) notice of motion given this day by Mrs Peulich in relation to the Andrews government's first months in office.

Motion agreed to.

MEMBERS STATEMENTS

Health system performance

Ms WOOLDRIDGE (Eastern Metropolitan) — With no fanfare or publicity the government released the health performance data for the final quarter of 2014. It shows the support and outcomes delivered by the coalition's significant achievements and commitment of funding and reform in relation to the health portfolio, and I just want to run through some of the details of what has been delivered.

The key performance measure for the total number of patients admitted to hospital shows that 22 000 more patients were admitted in the final quarter of 2014 than in the final quarter of 2010 when the current Premier, Daniel Andrews, was the Minister for Health. Figures for patients admitted for same day treatment show there were 16 800 more in that category in comparison to the last quarter of the previous Labor government. There were 24 000 more emergency department patients treated in that quarter alone. The measure for median time to treatment in all emergency departments for patients shows a 13 per cent improvement in the time patients accessed treatment. The measure for all elective surgery patients treated within the time allocated showed, once again, an improvement in that area. The figures for the median time to treatment for all elective patients improved by over 20 per cent. These were very significant improvements under the former coalition government in the health portfolio that obviously have not been given any fanfare by the Labor government.

Luke Shambrook rescue

Ms SYMES (Northern Victoria) — I wish to thank each and every member of our emergency services and the hundreds of volunteers for the heartwarming rescue of 11-year-old Luke Shambrook at Lake Eildon in my electorate. This amazing five-day search and rescue effort showed what heart Victorians have as they dropped holiday plans and took time off work to head to Lake Eildon to assist in the search led by our amazing emergency services personnel. Despite the elements and the deteriorating odds, they dared to believe in a miracle. Like so many in Victoria and beyond I was overwhelmed at the community response to this rescue effort and shed a tear when Luke was located. I acknowledge the local residents and those who travelled from far afield who scoured bush tracks on motorbikes, on horses and on foot, took to the skies in helicopters and used jetskis and canoes on Lake Eildon to search for any sign of Luke.

Specifically I thank Victoria Police; staff of the Department of Environment, Land, Water and Planning; Ambulance Victoria; Parks Victoria; and the State Emergency Service, the Country Fire Authority and Bush Search and Rescue Victoria, including members and volunteers from Cobram, Wangaratta, Mount Beauty, Mansfield, Yea, Seymour, Alexandra, Eildon, Marysville, Benalla, Euroa, Wallan, Nagambie, Kilmore and Shepparton. I also thank the specialist response divisions of Victoria Police, including the Attwood mounted branch, the dog squad, the police air wing, the search and rescue squad, the water police and the Brunswick transport branch. What a fantastic outcome! I wish Luke and the Shambrook family every happiness for the future.

The ACTING PRESIDENT (**Mr Elasmar**) — Time!

Daryl McClure

Ms LOVELL (Northern Victoria) — I rise to pay tribute to the life of Daryl McClure, a former mayor of the City of Greater Bendigo and a former state member for Bendigo. Daryl's was a strong voice for the community — as the state Liberal member for Bendigo from 1973 until 1982, as a City of Bendigo councillor from 1969 to 1970 and as mayor of the City of Greater Bendigo from 1999 to 2000. He was a fierce advocate for the preservation of Bendigo's heritage, fighting for the preservation of such local heritage icons as the Bendigo Tramways, the Central Deborah Gold Mine, the Hotel Shamrock and the Capital theatre. His loss will be felt deeply, and I extend my sympathies to his family and friends.

Eva Burrows

Ms LOVELL — It is with much sadness that I acknowledge the passing of a decorated former Salvation Army general, Eva Burrows. In 1986 Eva Burrows rose to the rank of general, the worldwide head of the Salvation Army, a post in which she served for seven years with great merit. Known affectionately as the People's General, she has left a lasting legacy and will be fondly remembered.

Dr Alf Bamblett

Ms LOVELL — I wish to extend my condolences to the friends and family of Aboriginal community leader Uncle Alf Bamblett. Uncle Alf will be remembered as a strong and committed advocate for the advancement of Victoria's Indigenous community and someone with a passion for education. Uncle Alf was recognised in 1994 as Victorian Aboriginal of the Year, and in 2011 he was inducted into the Victorian Indigenous Honour Roll for his service and dedication to the Victorian Indigenous community. His contribution to Aboriginal affairs in Victoria will be greatly missed by the Indigenous and non-Indigenous communities alike.

Healthy Living Victoria

Ms HARTLAND (Western Metropolitan) — I take this opportunity to draw attention to the fantastic work of Healthy Living Victoria. This program provides healthy eating advice and support in schools, workplaces and the community, including in local government areas with poor public health indicators such as high rates of obesity, diabetes and heart disease. Healthy Living Victoria has been recognised nationally as a flagship program that others should seek to replicate. It is a model example of how the state might tackle the growing obesity crisis. Over the past three years, Healthy Together communities have worked directly with over 600 000 Victorians. They have worked with 725 workplaces, 625 primary and secondary schools and 1265 early childhood centres in Victorian communities most in need.

Despite this incredible success, the funding for this program is not secure. For reasons beyond my understanding, the Abbott government cut the funding to the national partnership agreement on preventive health, through which this program was originally funded. Under the Napthine government there was a commitment to continue funding for the program for at least a year. Now, under the Andrews government, there has been no such commitment as yet, and this is deeply concerning. Without such programs, how will the government address the obesity crisis? I call on the Andrews government to re-fund the Healthy Together Victoria program in the forthcoming budget.

Yeshivah school governance

Mr DALIDAKIS (Southern Metropolitan) — Jewish schools in Australia are generously funded by both federal and state governments, and I support this arrangement. During my time in Parliament I will be active in seeking more funding for them. However, I do not believe that the Jewish community, of which I am both a member and a representative, can ask governments for taxpayers money for our schools unless we demonstrate that we can operate those schools and protect students from sexual abuse.

I was shocked and angered by the revelations made at the recent hearings of the Royal Commission into Institutional Responses to Child Sexual Abuse. To learn that repeated sexual abuse of students by staff of Yeshivah College had taken place over many years was bad enough, but to learn that senior figures in the school and in the management of the Yeshivah Centre were made aware of this abuse and did nothing to stop it, but rather shielded and protected the perpetrators, was even worse. Worst of all was to learn that these same people — respected and learned rabbis of our community — had engaged in slander and abuse of former Yeshivah students who had had the courage to speak up in relation to themselves and other people who they knew had been offended against. Those victims who have come forward deserve our praise.

I have written to the Premier and to the Prime Minister requesting that the continuation of public funds to the Yeshivah schools in Melbourne be made contingent on the following: the resignation of those responsible, the production of all documents, the design and implementation of specific and enforceable rules to prevent and detect abuse going forward and the establishment of a compensatory fund for victims. This is an important issue that the community needs to address.

Western suburbs

Mr FINN (Western Metropolitan) — Why does Daniel Andrews hate Melbourne's west? As I travel around the western suburbs I hear that question on a daily basis. As I crawled down the Tullamarine Freeway this morning at the speed of a snail, I asked myself the same question: why does Daniel Andrews hate Melbourne's west? As I thought about the thousands of motorists stuck on the West Gate and Princes freeways, queued as they were from the other

side of Werribee, I knew the question they would be asking would be: why does Daniel Andrews hate Melbourne's west? Equally, the thousands of people backed up on the Western Ring Road were undoubtedly demanding to know the same thing: why does Daniel Andrews hate Melbourne's west?

It is a damned good question and one that the people of Melbourne's west deserve an answer to. They know that anybody who continues to condemn them to daily traffic gridlock must really have it in for them. They also know that anyone who says Melbourne does not need the east–west link is certifiable. How could anyone possibly disagree with that thought? Labor's neglect of the west is a disgrace, and it is deplorable. It has been going on for far too long, and it is a total betrayal of those whose support Labor members so readily take for granted. Daniel Andrews has no reason to hate Melbourne's west, but in the immortal words of that great scientist of long ago, why then is it so?

Victoria Police

Mr PURCELL (Western Victoria) — It gives me great pleasure to rise today to congratulate and recognise Victoria Police on their hard work and tireless dedication in relation to solving a double murder that occurred in Portland in 1991. The murder of Margaret Penny and Claire Acocks in a Portland hair salon on a Friday afternoon in May 1991 terrified the community and the broader district. Despite the length of time, the perseverance of investigators led to charges being laid yesterday. I would like to thank all involved.

Lilydale High School

Mr MULINO (Eastern Victoria) — I rise today to congratulate the students of Lilydale High School, who recently completed after some time and much work a mural in honour of Mr Ralph Goode, the first person from the Lilydale area to volunteer for the Anzac forces. His two daughters were present, and it was a very poignant and moving ceremony. The mural, which was completed with the assistance of a local artist, Mr Brad Colling, shows a particular maturity and breadth of vision.

The mural shows all the various theatres of war in which Mr Goode served, including Egypt, Gallipoli — he was present at the landings — and the Western Front. It also importantly recognises that there were many Indigenous volunteers who served in that war, something which is all too often forgotten. It is telling that those people volunteered for service notwithstanding the fact that they would not be granted citizenship for over half a century. The mural also recognises the work of many nurses and other people who supported the war effort.

I believe this is just one of many very positive ways in which young people are connecting with our history, and not in a way that glorifies war but rather in a way that recognises sacrifice and remembers our history and in a way that, if anything, might make this current generation and future generations more cautious about future wars.

Seeds of Friendship

Ms CROZIER (Southern Metropolitan) — Yesterday I had the pleasure, along with colleagues in this house the President, Bruce Atkinson, the shadow Minister for Veterans, Damian Drum, the shadow Minister for Multicultural Affairs, Inga Peulich, and the Minister for Small Business, Innovation and Trade, Adem Somyurek, to attend the opening of the magnificent Australian-Turkish memorial sculpture *Seeds of Friendship*. Also in attendance were a former Premier, the Honourable Ted Baillieu, and a former Minister for Veterans' Affairs, the Honourable Hugh Delahunty, both of whom were instrumental in securing funding and support for the project when the idea was first raised. The Victorian RSL president, Major General David McLachlan, AO, spoke eloquently of the project and highlighted the commitment by the members of the Turkish sub-branch of the Victorian Returned and Services League. The Premier, Senator Connie Fierravanti-Wells and leading members of the Turkish community all spoke at the opening.

As we commemorate the centenary of Anzac, this memorial honours the strong and close relationship between Australia and Turkey. I am reminded of my travels to Gallipoli in 2000 and the following powerful and moving words of reconciliation by Ataturk on a headstone at Anzac Cove that I and so many others have read:

> Those heroes that shed their blood and lost their lives … You are now lying in the soil of a friendly country. Therefore rest in peace. There is no difference between the Johnnies and the Mehmets to us where they lie side by side now here in this country of ours … You, the mothers, who sent their sons from faraway countries wipe away your tears; your sons are now lying in our bosom and are in peace. After having lost their lives on this land they have become our sons as well.

This sculpture represents a binding friendship between both our countries and hopefully a peaceful future for us all.

Friends of the Leadbeater's Possum

Ms DUNN (Eastern Metropolitan) — I recently attended a community event hosted by the Friends of Leadbeater's Possum in Cambarville, near Marysville, where the famous Leadbeater's possum, our state emblem, was rediscovered in 1961. I rise to commend the continuing efforts of this dedicated group and draw attention to the plight of the Leadbeater's possum.

I was delighted to receive letters from the students of Mountain Gate Primary School, who know we need to stand up for the Leadbeater's possum wherever possible. I thank the children of class 6W for writing to me last week about their concerns. They know about the impact of logging on the habitat of Victoria's faunal emblem. They know the only way to guarantee its survival is to create the Great Forest National Park. The tree hollows that provide a home to the Leadbeater's possum and many other animals are only found in old mountain ash forests. They are forests that are unique assets to the people of Victoria. They filter our water, protect biodiversity and provide an incredible asset for tourism and public health. They are assets for future generations that deserve protection. These grade sixers have an impressive knowledge of the Leadbeater's possum and the forest it lives in.

The reports last week of illegal logging of rainforests distressed many Victorians. We must ensure that there is an end to logging in high conservation forests now. I thank the Friends of the Leadbeater's Possum for their continuing work in raising awareness in this area.

National League for Democracy

Mr ELASMAR (Northern Metropolitan) — On Thursday evening, 19 March, following an invitation by the federal Department of Foreign Affairs and Trade, along with the President, the Honourable Bruce Atkinson, and the Speaker, the Honourable Telmo Languiller, I met with Mr Win, a dynamic young Burmese member of the National League for Democracy. The National League for Democracy is the main opposition party in Burma and is led by the world-famous gracious lady Aung San Suu Kyi. It was a fascinating evening, and it was my pleasure to learn much about what is happening today in Burma.

Saeed Matar Alsiri Qemzi

Mr ELASMAR — On Monday, 30 March, along with the Honourable Bruce Atkinson, President of the Legislative Council, I attended a celebration to welcome the arrival of the new Consul General of the United Arab Emirates, His Excellency Saeed Matar Alsiri Qemzi. The event was hosted by the Consul General of Oman, His Excellency Dr Hamad Al Alawi. It was a friendly and cordial occasion, and it was my pleasure to see all the Arab consuls general extending a warm welcoming hand to a new consul general newly arrived from the Middle East.

Ballarat Avenue of Honour

Mr RAMSAY (Western Victoria) — I rise to congratulate Bruce Price, OAM, president of the Ballarat Arch of Victory/Avenue of Honour committee, and his committee members for finally achieving their aim, after six years of advocacy and persistence, to connect the Ballarat Avenue of Honour from the arch to the township of Learmonth. I also congratulate the City of Ballarat; VicRoads; Paul Jenkins, a former member of this house; and Noel Perry, who came to see me four years ago seeking assistance to have VicTrack support the rail crossing as part of that reconnection. This important milestone last Sunday, given that it is the Anzac centenary year, was the first time in 22 years that the historic avenue was reconnected. I was accompanied at the official opening by my parliamentary colleague Josh Morris; the Minister for Roads and Road Safety, Luke Donnellan; the federal member for Ballarat, Catherine King; and Senator Michael Ronaldson.

The Ballarat Avenue of Honour is the longest commemorative avenue in Australia, stretching 22 kilometres, and the trees and plaques honour 3801 Ballarat and district service men and women who served in World War I. In 1917 the Lucas family, particularly the Lucas girls, wanted to memorialise the service of those who enlisted, and they raised money for the trees and the arch by selling thousands of dolls, running garden parties, selling miniature bricks and the like. The girls planted the trees between 1917 and 1919, and the avenue was officially opened by the Prince of Wales on 3 June 1920.

Braybrook Community Hub

Mr MELHEM (Western Metropolitan) — I rise to speak on the importance of high-quality community services for families and children in Melbourne's west. I was glad to join with the Minister for Families and Children, Jenny Mikakos, the member for Footscray in the Assembly, Marsha Thomson, Bernie Finn and the City of Maribyrnong mayor, Nam Quach, for the opening of a brand-new community hub in Braybrook.

The new $12.5 million complex brings together vital community services and will give the families and children of the Braybrook community access to the

programs and facilities they deserve. The hub offers kindergarten and occasional care, consulting rooms for maternal and child health services and a multipurpose room for playgroups and other community activities. It also features a new library and learning centre, a sports pavilion and community health services like paediatric care and counselling.

It is integrated facilities like this one at Braybrook that ensure that children's services have the space and flexibility they need to deliver 15 hours of kindergarten. The value of this centre is further enhanced because it is connected with other vital early childhood education and health services. It is a one-stop shop. We are proud to deliver this facility, but unfortunately its potential may not be reached beyond this year unless Tony Abbott and his federal Liberal government restore certainty to families in Melbourne's west by guaranteeing access to 15 hours of kindergarten beyond 2015.

Richie Benaud

Mr ONDARCHIE (Northern Metropolitan) — As an International Cricket Council medallist, it is my duty — no, my honour — to pay tribute to the life of Richie Benaud. Richie passed from us on 10 April. He was a right-handed batsman, a right-arm leg spinner, a great all-rounder and a commentator. Richie Benaud, possibly next to Sir Donald Bradman, was one of the greatest cricketing personalities, as player, researcher, writer, critic, author, organiser, adviser and student of the game. He played 259 first-class matches, including 63 tests, and took 945 wickets. His highest score at test level was 122. Benaud hit 100 runs against the West Indies in the fast time of 78 minutes. He was a great cricketer. He was in charge of the inaugural 1960–61 Frank Worrell Trophy series against the West Indies, which included the famous tied test. How we will miss the commentary — those famous calls of '2 for 22', 'marvellous', 'super effort that' and 'what a catch'. Richie Benaud will be missed by all Australians. He was never beige; he was always colourful. At some level, with some spirit, I would like to say to Richie Benaud, when he can spiritually make it, welcome back to the MCG.

Peter MacCallum Cancer Centre

Mr DAVIS (Southern Metropolitan) — Today I comment on the recent controversy at the Peter MacCallum Cancer Centre, our pre-eminent cancer centre. It is an important centre that the previous government built, and I think the new government will deliver a less than optimal solution. There has been $1.02 billion of government money and private sector money as well as support from community and elsewhere provided to our major cancer hospital.

This cancer hospital, which is loved by Victorians, had the option of additional capacity, including a whole floor that was not in the original scope but was provided in a deal with the tenderers and would have enabled the addition of a private hospital. The community wants pre-eminent cancer services, and it wants research mixed with treatment, but that does not mean there cannot be some private involvement as well.

I particularly pay tribute to Wendy Harris, QC, the board chair, who resigned after a breakdown in relationship with this government. I note that she has provided exemplary service to the community of Victoria. We can be proud of her, the board, the staff, the patients and the remarkable clinicians at Peter Mac, but Premier Andrews, ideologue to the core, wants to see a lesser solution. It is nasty, and it is wrong.

VETERANS AND OTHER ACTS AMENDMENT BILL 2015

Second reading

Debate resumed from 19 March; motion of Mr HERBERT (Minister for Training and Skills).

Mr O'DONOHUE (Eastern Victoria) — I am pleased to rise and make a contribution to the debate on the Veterans and Other Acts Amendment Bill 2015 on behalf of the opposition. I indicate that the opposition will not be opposing the bill. It is an omnibus bill, as the Parliament sees frequently, that amends a number of acts. It amends the Veterans Act 2005 to aid the administration of patriotic funds in Victoria. It amends the Sale of Land Act 1962 to address some concerns that the current definition of 'terms contract' no longer catches all forms of terms contracts by amending the definition. I understand from advice from the government that those concerns have principally come from the Law Institute of Victoria.

The bill amends the Australian Consumer Law and Fair Trading Act 2012, and I will have some things to say about those particular amendments in due course. It amends the Residential Tenancies Act 1997 to make it an offence for a rooming house owner not to keep records of gas and electrical safety checks.

The bill amends the Motor Car Traders Act 1986 to clarify that a person who was but is no longer a licensed motor car trader is still subject to disciplinary action in relation to their conduct while licensed and to enable

the Governor in Council to appoint a deputy chairperson for the Motor Car Traders Claims Committee. It amends the Co-operatives National Law Application Act 2013. It amends the Associations Incorporation Reform Act 2012 to allow the registrar of incorporated associations to exempt an incorporated association from the requirement to provide access to its register of members. It also amends various consumer acts within the meaning of section 3 of the Australian Consumer Law and Fair Trading Act 2012.

It would be remiss of me not to acknowledge — as speakers in the Legislative Assembly have, including my colleague Russell Northe, who is the member for Morwell in the other place and was the lead speaker for the opposition on this bill, and as the Minister for Consumer Affairs, Gaming and Liquor Regulation, Ms Garrett, has in her second-reading speech — that this year is the centenary of the Gallipoli landings.

This bill amends various pieces of legislation but principally deals with veterans, patriotic funds and other issues associated with our veterans. With my parliamentary colleagues, I acknowledge the service of the ex-service community here in Victoria and the work of the RSL. I hope some of the amendments to this legislation will assist the RSL and others who provide support to our veterans to do their jobs in a more expeditious and efficient way.

As Russell Northe has acknowledged, I also acknowledge that a number of issues the opposition had have been clarified through engagement in the bill briefing process and by subsequent engagement with the minister's office to raise various issues. The opposition appreciates the opportunity to clarify and engage with particular matters.

Let me further digress to talk about some of the veterans in my electorate of Eastern Victoria Region and to acknowledge the work of the 39th Australian Infantry Battalion in particular in organising the Harold Bould (Cardinia) Kokoda Award, a fantastic award that sends two Cardinia shire residents up the Kokoda Track every year. Funded by generous local businesses in and around Pakenham and the Cardinia shire, it is a way to support up-and-coming young leaders in a young and growing community while at the same time honouring the service of those who fought on the Kokoda Track. This was a concept that, with the 39th Australian Infantry Battalion, I copied from my colleague Gary Blackwood, the member for Narracan in the Assembly, who runs a similar award for young people in his electorate.

The Veterans and Other Acts Amendment Bill 2015 speaks in some detail about patriotic funds. It is worthwhile reminding the house, and those who are interested, just what patriotic funds do. The Consumer Affairs Victoria website says:

> Patriotic funds are used to provide welfare for needy ex-service veterans, needy serving members of Australia's military and peacekeeping forces, their dependants and dependants of deceased veterans.
>
> Patriotic funds can also pay for building or maintaining club or meeting rooms used by veterans, serving members and/or their dependants.

Members of the Victorian Veterans Council also have a role under this legislation — for example, the amendment to the Veterans Act set out under part 2 of the bill. I take this opportunity to acknowledge the work of the members of the Victorian Veterans Council, particularly the chair, Rear Admiral John Lord, who has held that position since 1 January 2014, the deputy chair, Mr Stuart Dodds, and other members of the Victorian Veterans Council for the work they do with the veterans community.

Through the consultation process Mr Northe sought feedback from the RSL about some of the changes to the legislation. I quote from the state president, Major General David McLachlan, AO. He said:

> The bill provides the mechanism for us to improve our corporate governance arrangements, particularly when sub-branches come together and there will be more of them doing so in the future. This comes about primarily from membership changes and, more importantly, the availability of volunteers with the requisite experience to run organisations of this nature. These sub-branches are essential to the provision of welfare and commemorative support in communities and we certainly don't wish to see them close altogether hence amalgamation becomes desirable.

The opposition welcomes that feedback from the RSL and its support for the changes, which gives us a significant degree of comfort. As Major General McLachlan highlights, as the veterans community and the membership of RSLs change over time some RSL sub-branches are seeking to merge or amalgamate. The bill before the house will allow those sub-branches with patriotic funds to merge those funds, which I think makes good sense.

Mr Northe raised a couple of points of concern for clarification. For the house's benefit, I will put some of those concerns on the record. Part 2 amends the Veterans Act 2005. It inserts section 26(4), which says:

> The Minister may seek the advice of the Victorian Veterans Council in relation to the transfer outside the State of assets forming part of a patriotic fund that may be approved by the Minister under section 36(5)(b).

It does not give any guidance as to when the minister may provide that advice. That may be the intention of the legislation, but I ask government members whether they could respond with some advice about whether there is anticipated to be any guidance around when and in what sorts of circumstances the minister may seek the advice of the Victorian Veterans Council.

In relation to the transfer of patriotic funds outside the state, there are figures in clause 5(a)(ii) of the bill, which reads:

> if no amount is prescribed, $1000 in any 6 month period …

Further, clause 5(b)(ii) reads:

> if no amount is prescribed, $5000 in any 6 month period.

We understand from the government that these figures — the $1000 figure and the $5000 figure — have been arrived at in consultation with and on the advice of the Victorian Veterans Council. On that basis we accept those figures, but there is no further explanation as to the basis or rationale upon which those figures have been arrived at. If government members could provide any further advice on this, it would be appreciated.

As I said earlier, part 3 of the bill, which amends the Sale of Land Act 1962, clarifies when terms contracts come into force and removes some potential ambiguity. These matters have been raised by the Law Institute of Victoria and principally deal with the terms 'possession' and 'deposit'. The amendments made by parts 5 and 6 are relatively straightforward, and we advise that the amendments to the Motor Car Traders Act 1986 principally flow from a Victorian Civil and Administrative Tribunal case and clarify that a person who was but is no longer a licensed motor car trader is still able to be subjected to disciplinary action relating to their conduct while licensed.

I will now take the house through some concerns raised by the Consumer Action Law Centre about clause 8 of the bill. I understand that Mr David Leermakers of the Consumer Action Law Centre has circulated the concerns of his organisation to Ms Pennicuik of the Greens, to the government and to the opposition through Mr Northe, the member for Morwell in the Legislative Assembly. The Consumer Action Law Centre raises what, on its face, appears to be a reasonable concern. The correspondence received from Mr Leermakers states:

> The proposed amendment seeks to clarify a creditor's contact obligations to be clear that they may still contact debtors after receiving a cease contact letter if that contact is required under the National Credit Code (NCC). We broadly support this change. However, this amendment as currently drafted will create problems when applied to the hardship provisions under the NCC. When debtors give notice that they are 'unable to meet [their] obligations' under a credit contract or lease, the NCC hardship provisions require creditors to take certain steps, including sending the debtor a number of notices.
>
> Should clause 8 be amended as proposed, a creditor may construe a cease contact letter as an indication that a debtor is 'unable to meet their obligations'. This will oblige the creditor to send the debtor notices required by the NCC hardship provision even though it is clear no hardship variation has been requested. This is a perverse outcome. It encourages creditors to send unnecessary notices to a debtor who has specifically requested not to be contacted.

Without usurping the contribution the Greens member will make to this debate, I understand that the Greens may be considering moving an amendment to the bill along the lines suggested by Mr Leermakers. The position of the opposition is that we have further consulted with the government about these concerns and have received advice from the minister's office which, in summary, makes the following points: consumers will not lose any protections, and the protections given by the Australian Consumer Law and Fair Trading Act 2012 will continue; the proposed amendment will raise confusion for businesses trying to operate nationally and will add another layer of red tape; the Australian Finance Conference requested this amendment to allow legal operation under the NCC; and no other state in Australia makes it an offence to comply with the NCC, and this is not the appropriate way to address this issue.

I seek confirmation from the minister responsible that the position put to us by the minister's adviser is actually correct. I have had a discussion with the minister responsible in this place, Mr Jennings, the Special Minister of State, and we will listen with interest to Minister Jennings's position on this matter. The opposition will form a view on any amendments to this clause after hearing from the minister either when summing up the second-reading debate or, if required, at the committee stage.

In summary, the opposition does not oppose this legislation. We take this opportunity to acknowledge the service of our veterans. We hope that the amendments, particularly those to the Veterans Act 2005, will enable changes to patriotic funds and other proposed changes to relieve some of the administrative burden so that services can be provided to veterans in an efficient way while still having the regulatory integrity we all expect and want. With those words, I indicate that the opposition will not be opposing this bill.

Ms TIERNEY (Western Victoria) — I rise to speak on the Veterans and Other Acts Amendment Bill 2015. I am very pleased to make a contribution, particularly given the timely nature of the passage of this bill in the lead-up to the remembrance activities that will occur in relation to Gallipoli later this month. I also take this opportunity to pay tribute to all service personnel who have served this country here and overseas over many years. I thank all the people who are involved in support organisations to make sure that the families of service personnel have their interests met and are supported by both the government and by members of the community.

The bill makes a number of small but significant changes across a number of acts. Some have referred to it as an omnibus bill. It is a wideranging bill, and I intend to speak only to a number of aspects of it. I will comment on clause 8, as I understand it has drawn some attention from various members of the house. I will begin by talking about part 2 of the bill, the amendments to the Veterans Act 2005, which covers some 600 patriotic funds that are administered by the RSL, branches of Legacy, the Victorian branch of the Vietnam Veterans Association of Australia, the Victorian branch of the War Widows Guild of Australia and other organisations. All these patriotic funds were established under the Veterans Act 2005 to raise money for veterans and their dependants.

Many of us have grown up with the fact that on Remembrance Day we wear the Flanders poppy on our lapels, or on our cardigans or jumpers, as a mark of remembrance and respect for those who fought for our freedom. The Flanders poppy is symbolic because it was one of the first plants to grow on the devastated battlefields of northern France and Belgium. On Anzac Day we wear the rising sun badge, which has become an integral part of the digger tradition. The badge, with its distinctive shape, is worn by many of our armed forces personnel on the upturned brim of a slouch hat, and it is commonly identified as the spirit of Anzac. The moneys raised by the sale of these important symbols go to the very funds we are dealing with here today. These are just two examples of the monetary support that so many Australians give to patriotic funds each year to assist the families of war veterans.

Along with this support, I am always proud to see the thousands upon thousands of people of all ages attending Anzac ceremonies here and overseas. I am also particularly pleased to see an increasing number of young people coming to a range of these ceremonies — not just the dawn service but also the predawn service in Geelong; it is quite awe inspiring to see young children sitting down and participating in that 4.00 a.m. ceremony. These ceremonies are an important way of connecting with what has happened in our past and engaging in the effort to ensure that there is greater peace in this world.

With that in mind, I commend the Minister for Consumer Affairs, Gaming and Liquor Regulation for bringing this important legislation forward. The amendments outlined will go a long way towards ensuring that veterans and their dependants are supported more easily. The bill essentially means that greater flexibility will be built into the system. It will be easier for the trustees of the funds to provide important support to veterans and their dependants. Presently trustees of patriotic funds are required to seek the approval of the Governor in Council to transfer patriotic fund assets to charitable organisations interstate, which can be a drawn-out process. The bill seeks to change this provision to make it possible for the director of Consumer Affairs Victoria to approve transfers of up to $1000 and for the consumer affairs minister to approve the transfer of up to $5000.

Importantly the bill also enables two or more patriotic funds to be amalgamated. This is especially important today, when we are taking enormous steps to ensure the ongoing financial viability of RSL sub-branches. However, under the Veterans Act 2005 there is no way to enable the amalgamation of two patriotic funds. This has meant that the amalgamated sub-branches are required to keep separate accounts for patriotic funds, imposing unnecessary and challenging burdens on those organisations.

A number of Assembly members and Mr O'Donohue, just prior to my rising to my feet, indicated that there is support across the chamber. A considerable number of contributions in the other place exemplified the pride and support of the Victorian community in relation to our war heroes and their families. It is important that we take time to talk about the infrastructure that is there and how it can be improved. Greater flexibility will make it easier for those close to the situation to do what they are charged with the responsibility for doing.

The second area I want to touch on is the Residential Tenancies Act 1997. This is a section that deals with rooming house owners who fail to comply with record-keeping obligations. Proper record keeping by rooming house operators is essential to ensuring the safety of rooming house occupants and Consumer Affairs Victoria's ability to monitor the owner's compliance with safety standards.

At present the only way Consumer Affairs Victoria can verify that the appropriate safety checks have been

done at rooming houses is by examining the owner's records. However, as the law stands today, whilst it is an offence for rooming house operators to fail to conduct safety checks, it is not an offence for them to fail to keep records. This, of course, makes it difficult for Consumer Affairs Victoria to independently verify whether proper safety checks have been conducted. These safety checks include testing of electrical and gas appliances. As we move into the winter months it is important that gas heaters are checked to avoid carbon monoxide poisoning and potential fire risks. The amendment will allow Consumer Affairs Victoria to take enforcement action against operators who fail to comply with these record-keeping obligations.

I am pleased that this amendment is making its way through Parliament and into law, as occupants of rooming houses are some of the most vulnerable people in our community. People in rooming houses are often waiting to access public housing or are experiencing difficult times in their lives. Therefore it is vital that we ensure their safety. The proper keeping and retainment of gas and electrical check records will allow Consumer Affairs Victoria to monitor the safety of all rooming house occupants.

I move now to comments that have been made in respect of clause 8 of this bill. It is the position of the government that consumer protections in the Australian Consumer Law and Fair Trading Act 2012 will not be undermined by clause 8. It was just prior to the bells ringing to signal question time today that I was able to establish some understanding of the discussion that has started to occur amongst the parties. I also had an opportunity to look at the correspondence from the Consumer Action Law Centre and to speak to the Leader of the Government in this house, Mr Jennings.

The position that was read out by Mr O'Donohue earlier today is correct. That information came from the office of the Minister for Consumer Affairs, Gaming and Liquor Regulation, Ms Garrett. I understand that Mr O'Donohue is seeking written confirmation from the minister in respect of those aspects. The discussion that Minister Jennings and I had this afternoon focused on the fact that where the bill deals with the subsequent development of the exemption, the National Credit Code has been further amended to include an additional notice that must be served before legal action can be commenced to recover amounts owed under a consumer lease.

We believe there is potential for further protection of the debtor prior to the matter going to the courts. There is potentially another step to be provided before legal proceedings can commence. This is particularly important if we are dealing with people who are in a highly vulnerable situation and are facing very difficult circumstances.

I look forward to hearing contributions that will be made by other members of the chamber, and I think we will be able to see our way clear to clarify this particular section of the bill. I commend the bill to the house.

Mr DRUM (Northern Victoria) — The Veterans and Other Acts Amendment Bill 2015 is an opportunity for the Parliament to clean up a range of small issues and at the same time deal with the main aspect of the bill, which is the issue of patriotic funds that have been causing the RSL a fair degree of grief in terms of administrative processes over the last few years.

This bill deals with the Sale of Land Act 1962 by addressing stakeholder concerns that the current definition of 'terms contract' no longer catches the meaning that it should. The bill also amends the Australian Consumer Law and Fair Trading Act 2012 to clarify issues surrounding prohibited debt collection practices. I want to talk a bit about that, but I will come back to it.

The bill amends the Residential Tenancies Act 1997 to make it an offence for a rooming house owner not to keep correct records of gas and electricity and not to have safety checks done. It also amends the Motor Car Traders Act 1986 to clarify that a person who was formerly a licensed dealer and is no longer acting as a licensed dealer but still has that licence will be subject to disciplinary action should they need to be. The bill also contains a provision in relation to the Governor in Council being able to appoint deputy chairs for the Motor Car Traders Claims Committee.

Another aspect of this bill relates to the Co-operatives National Law Application Act 2013 in relation to the jurisdiction of the Magistrates Court for some sections under that act. The bill also amends the Association Incorporation Reform Act 2012, which will allow the registrar of incorporated associations to exempt an incorporated association from the requirement to provide access to its register of members.

I want to quickly touch on this aspect in relation to debt collection. Debt collection has been a controversial issue for a number of years now. On 26 October last year the previous government made a very strong statement, with the prompting and support of Victoria Police, which had identified the need for the proper regulation of debt collectors. It was put to the Napthine government — the government of the day — that a

criminal element had infiltrated the debt collection industry for quite some time. The Attorney-General at the time, Robert Clark, the member for Box Hill in the Legislative Assembly, put together some very strong legislation. He clearly stated that he was going to give Victoria Police the support it needed to help clean up this industry; he made some very clear statements outlining what he intended to do.

It has been somewhat disappointing that some five months into the new Labor government's term nothing has been done on this front. Not only has nothing been done, but there is no will on the government side of the chamber to go anywhere near the debt collection industry. It is as if it is quite happy for the criminal element to infiltrate the debt collection industry and introduce a range of very suspect practices. The government does not have any urgency, desire or will to do anything about the situation in which we now find ourselves.

As I said earlier, the main aim of this bill is to amend the Veterans Act 2005 to aid the administration of patriotic funds in Victoria. During my brief term as Minister for Veterans' Affairs, I was able to see firsthand the type of work undertaken by patriotic funds around the state. I saw members of various RSL branches who were seeking to upgrade a memorial or a hall apply for grants totalling, say, $19 682. If they were successful in winning that grant, you could bet your life on the fact that the bill for that project would be for that exact amount. They would not ask for $30 000 to complete a $28 000 project; they would ask for the exact amount of money needed and spend it to the exact dollar. They are incredibly conscious that the memorials around the state are for the people of Victoria, not just for returned servicemen and women, and are incredibly appreciative of every bit of support they are given.

This is one area for which patriotic funds are used. They are also used to support needy ex-servicemen and women. We started a project late last year in relation to setting up emergency mid-term accommodation for returned servicemen and women who were struggling and in need of temporary accommodation. The units to be built in Richmond will be managed by the RSL and the Victorian Veterans Council, headed by John Lord. This is a great example that enables people who may be struggling in their day-to-day lives to be taken out of their home environment if they pose a threat to their families. Alternatively families can be taken from the environment that is causing them so much trouble and brought together to work through their issues in a better environment, one close to public transport and the river in Richmond. There we are able to assist and support these returned servicemen and women and get them back to a point where they can be independent and go about their lives again.

Patriotic funds have existed for many years now, but in areas along the Murray River, RSL branches in Echuca, Moama, Cobram, and Barooga are getting smaller and smaller as people pass on. Some of these branches and patriotic funds have sought to either amalgamate or transfer over what is left in their patriotic fund to a branch in another state across the river. This has proven to be very cumbersome and has caused one RSL a fair degree of grief. It has had to go through a very cumbersome process as it tries to take a common-sense approach and make sure that these moneys remain available for the purposes they were intended and at the same time ensure that the funds are not wasted and can still be used for the betterment of returned servicemen and women who are in need.

This is an incredibly important time in Australian history. We are about to commemorate the 100-year anniversary of the First World War. Whilst the big event is coming up in a couple of weeks, I have been at pains in the Parliament to make sure that we commemorate the entire World War I conflict, which began on 4 August 1914 when the first shot was fired. There have already been big town hall meetings and commemorative events to make sure that people understand what an incredible impact this conflict had on our community 100 years ago. The commemorations will continue for the next four years so that everyone becomes aware that it is not just about commemorating 25 April 2015 but the entire duration of World War I. In fact after the final battles around Villers-Bretonneux and the western front it took many years for some diggers to find their way back home. We still had some diggers making their way home to their families and loved ones right up to 1921.

This also gives us a great opportunity to think about the relationship we have with other countries. For instance, the Greek national day was about three weeks ago, and it was a great opportunity for us to think about the relationship we had with Greece in the lead-up to World War I and the lead-up to Gallipoli, because Greece could have gone either way with its allegiances. For Greece to be able to offer us respite and training facilities on the island of Lemnos and for Greece to then be able to set up military hospitals on Lemnos to help our injured people repatriate and find their way back home to their families has built up this very strong relationship with the Greek people.

Yesterday we had the opportunity to open the *Seeds of Friendship* memorial in the Royal Botanic Gardens in

relation to Turkey and the fact that we have effectively been able to take on board the words of General Atatürk, who said that it did not matter who your son was fighting for, if they have fallen, if they are slain and laying on our soil, then they are our people and we will take care of them. His words have effectively stood the test of 100 years. Many families have received tremendous comfort in the knowledge that once the conflict was over we had our former adversaries making all the right signals and sounds, with grieving families in Australia hearing the right words from a general whom we were fighting against only years earlier. That bond has gone on through another great series of friendships with the Turkish people, and on it has gone with many of our relationships that were forged. And that is not to mention how we have been able to survive what happened in World War I as a country. How on earth has Australia survived and prospered, having lost so many of its finest men and women in World War I? It is a matter of absolute befuddlement that we have been able to develop into a leading country in so many ways. If you look at what we have been able to achieve, how on earth were we able to achieve that, having lost so many people in these conflicts?

The whole purpose of commemoration is that we reflect on how senseless it all was. We reflect on our contribution. When we talk about the number of people who did not return we must immediately think about those tens of thousands of damaged families and all those communities that were never the same. It is an incredibly poignant issue and something we should take this opportunity to commemorate. We should reflect on what it means and do our utmost in every endeavour to make sure that we never put ourselves back into a similar situation. We must give true respect to those men and women of Victoria and Australia who are continuing to fight for the freedoms we all enjoy today.

It is with great pleasure that I say that this bill was effectively put together while the coalition was still in government. Most of these recommendations and aspects of the bill were ready to go; we just did not get around to having the debate we are having here today. We are very proud of this. It is going to be a common-sense approach to add further support to and make it simpler and easier for the RSLs and governance bodies which look after these patriotic funds to be able to continue to service and look after our ex-servicemen. We are hoping that this small piece of legislation can make their lives a little bit easier. With those few words I wish this bill a speedy passage and hope that we have less need for patriotic funds in the future.

Ms SPRINGLE (South Eastern Metropolitan) — The Greens broadly support this bill. Most of the bill contains sensible reform that is in line with stakeholders' concerns. As has been explored by several of my colleagues here, amending the Veterans Act 2005, for instance, to make it easier and simpler for trustees to administer patriotic funds to provide support to veterans and their dependants is a necessary modernisation and has our support. It is likewise with the Sale of Land Act 1962 amendments, the Motor Car Traders Act 1986 amendments and the amendments giving the Magistrates Court certain limited powers with respect to cooperatives.

We also support the amendments to the Residential Tenancies Act 1997 that aim to further protect tenants of rooming houses by authorising Consumer Affairs Victoria to take action against rooming house owners who do not comply with their obligations to keep and produce records of gas and electrical safety checks. This is a reform that is particularly important to me as a representative of the south-east. Rooming houses are an issue in Dandenong and surrounds, as they are in many other parts of the city. They are an issue in large part because in this state we have run down our public housing stocks to such an extent that rooming houses are now seen as part of the public housing mix.

We know that the real reform in this area will come when we begin to reverse the decline in public housing, but in the meantime tenants in rooming houses need much more protection than they are getting now. We know that rooming houses, certainly in my own region, are often far from adequate to satisfy the needs of their tenants, who are very often the victims of structural disadvantage, so of course the Greens support the changes to the Residential Tenancies Act this bill makes. We would only urge the government to go further.

We have regular contact with the Tenants Union of Victoria and other agencies and stakeholders, and it would be remiss of me if I did not take the opportunity to remind the Council of the Labor Party's election commitments on tenancy matters. In particular the Labor Party committed itself to a much-improved licensing regime for rooming house operators, which includes a fit and proper person test. The tenants union and other groups welcomed this commitment at the time, as did the Greens. We anticipate that the government is shortly about to release draft proposals on this much-needed reform, and we look forward to those proposals. The Greens will work constructively with the government on those reforms.

We should also note that the Labor Party took to last year's election a broad commitment to review the Residential Tenancies Act in full. The Greens welcome that commitment and look forward to seeing the terms of reference. The Greens also support clause 20 of the current bill, which amends the Associations Incorporation Reform Act 2012 to allow the registrar of incorporated associations to exempt an incorporated association from the requirement to provide access to its register of members.

I refer to one point that has been raised with us by Justice Connect. Section 57 of the act requires that a member of an incorporated association be permitted to inspect the register of members. Clause 20 of the current bill adds a new section 59A, which allows the secretary of an incorporated association to apply to the registrar for the association to be exempt from section 57. New section 59A requires the secretary's application to set out the special circumstances that apply to the organisation that justify not permitting members of the organisation to inspect the members register.

As we understand it, there is currently no guidance as to what would constitute special circumstances. Those words have a specific meaning — for instance, in the Infringements Act 2006 they mean mental illness, addiction to drugs or alcohol, or homeless. It is obvious that is not the meaning we intend those words to have in this bill. Justice Connect has said it would be useful for obvious reasons for guidance material to be provided on what will be considered special circumstances warranting the granting and revocation of an exemption under section 57 of the act. The Greens understand that Justice Connect has been in contact with Consumer Affairs Victoria, which has expressed a willingness to publish guidance on its website of the policy intent behind the new provisions, especially in relation to what constitutes special circumstances.

I now turn to clause 8 of the bill. Concerns have been raised with us also by the Consumer Action Law Centre that clause 8 will broaden the exemption contained in section 45(2)(m)(iii) of the Australian Consumer Law and Fair Trading Act 2012. We are concerned that clause 8 would broaden the exemption too far. I have prepared proposed amendments to the bill, which I now circulate.

Greens amendments circulated by Ms SPRINGLE (South Eastern Metropolitan) pursuant to standing orders.

Ms SPRINGLE — The Consumer Action Law Centre has raised the following concerns, which have already been noted:

> … this amendment as currently drafted will create problems when applied to the hardship provisions under the NCC. When debtors give notice that they are 'unable to meet [their] obligations' under a credit contract or lease, the NCC hardship provisions require creditors to take certain steps, including sending the debtor a number of notices.
>
> Should clause 8 be amended as proposed, a creditor may construe a cease contact letter as an indication that the debtor is 'unable to meet their obligations'. This will oblige the creditor to send the debtor notices required by the NCC hardship provisions even though it is clear no hardship variation has been requested. This is a perverse outcome. It encourages creditors to send unnecessary notices to a debtor who has specifically requested not to be contacted.

We also had discussions with Consumer Affairs Victoria. It disagrees with the Consumer Action Law Centre about provisions of the bill causing those problems. I thank Ms Tierney for her answers to the concerns that have been raised. However, we would still like to put some brief questions to the minister in committee.

Mr JENNINGS (Special Minister of State) — I understand that Ms Springle has asked if a number of issues that she and her colleagues have raised in this debate could be considered in committee. I will do my best to answer those questions now, which may mean we do not require a committee stage, but I will leave it to the member to make that assessment. I appreciate the contributions to the debate on this bill. They have been made with the intention to ensure that Victoria has appropriate consumer protection. Members have been clear in their determination to make sure that when we make these changes, there are not any unintended or adverse effects for Victorian consumers, particularly vulnerable consumers. That has been a feature of the debate and the concerns that have been raised by a number of stakeholders.

The Victorian government is respectful and mindful of the needs of vulnerable consumers. We want to ensure that businesses comply with National Credit Code and consumer law schemes and also that there are adequate and appropriate protections for vulnerable consumers who may have limited financial ability to undertake and acquit their legal liabilities for a schedule of repayments that they entered into willingly but may subsequently have difficulty complying with.

The issue that has been raised in a number of contributions has been the interlocking nature between the new legal framework in Victoria and the National Credit Code. Members are concerned that this may

have the detrimental impact of an additional requirement in terms of disclosures for consumers in validating their degree of financial difficulty.

It is the considered view of the Victorian government that whilst the current practice may in a simplistic way be read down to say that if a consumer is unable to meet their obligations, that they issue a notice to their debtor that they may wish not to be contacted in the future, that does not provide certainty and confidence in terms of the relationship that has been entered into. It does not provide closure, confidence or a regulated environment by which this transaction may be concluded, and in fact it may lead to an open-ended and unresolved relationship.

In terms of the net effect of Victoria's actions, we believe the imposition of disclosures and hardship justification may provide an additional framework of protection, because that would provide some basis by which a new structure of payments may be made or decisions may be made by companies that do not wish to inappropriately pursue those costs, such as in circumstances where there may be diminishing returns or unintended or bad outcomes for vulnerable consumers. It creates the documentary evidence by which that decision may be able to be validated where those companies do not pursue in a vexatious way consumers who may be vulnerable.

Despite the initial impression that this may be an onerous or unwanted intrusion, it may ultimately act in the interests of vulnerable consumers. The government would say it is something that should be recognised within the scope of what we have introduced in the net effect of our amendments and the adoption of a National Credit Code, because the provisions in the Australian Consumer Law and Fair Trading Act 2012 were out of date. Unless the government acted with this set of reforms, there may have been a lack of compliance with the National Credit Code.

At this point in time the government is not in a position to support the amendment circulated by the Greens. We believe it is unnecessary in the bill because the government argues that consumers will not lose any protections given by the Australian Consumer Law and Fair Trading Act 2012, which will continue. We believe the proposed amendment raises confusion for businesses trying to operate nationally and puts them at odds with another layer of red tape. We believe that debtors and creditors seek consistency in the marketplace across Australia.

The Australian Finance Conference requested this amendment to allow for legal operation under the National Credit Code. Businesses should not suffer penalties when acting in good faith and trying to comply with the National Credit Code. No other state in Australia makes it an offence to comply with the National Credit Code. If our friends in the chamber have a residual concern with the National Credit Code, we do not think this amendment is the best way to address that issue. We think the net effect of the amendment as it is proposed may add to confusion within the interlocking nature of the code and the Australian Consumer Law and Fair Trading Act.

These are the net arguments the government believes, on balance, mean that our proposed legislation should be supported. I hope I have addressed the concerns that have been raised. That is a test that will probably be put within the next few minutes, but we will see whether the second-reading debate is concluded and whether we then proceed on to other forms of consideration. I await the support of the chamber, because the government believes on balance that the bill should not be amended and should proceed to be supported in the form in which it has currently been tabled in the Parliament.

Mr FINN (Western Metropolitan) — I rise to speak on the Veterans and Other Acts Amendment Bill 2015 with interest, because it is not joking when it says 'veterans and other acts amendment bill'. The bill has a wide variety of subjects. I do not wish to dwell on many of them, but I will make some comments on part 5 of the bill, about which Ms Springle has made some comments and expressed some concerns. That part of the bill will amend the Residential Tenancies Act 1997 to enable Consumer Affairs Victoria to take action against rooming house owners who fail to comply with record-keeping obligations regarding the safety checks that rooming houses are required to conduct.

Anything that makes rooming house owners comply with their obligations is a very good thing. Not too much shocks me anymore, but shortly after I was elected to this place I was taken on a tour of rooming houses through the western suburbs. That really did shock me. It set me back on my heels that people could be living in such appalling conditions. When I saw basically empty rooms with mattresses on the floor that some people called home and in which some people were actually raising children, I thought there was something desperately wrong with a society that allows that to happen. I would like to think that no longer goes on, but anything that makes boarding house owners more aware of their obligations is a very good thing indeed.

This bill is predominantly about veterans and the patriotic funds of the RSL, and it makes life easier for many of our ex-servicemen. I commend Mr Drum for the work he did as Minister for Veterans' Affairs in the previous government. It is a pity he is not in a position now to take the bill through the house, because he is largely responsible for it and he deserves every congratulation for his stance and for the work he did.

It is appropriate that the bill goes through in the shadows of Anzac Day and the 100th anniversary of the landing at Gallipoli. I want to make the important point that on Saturday week — 25 April — we will not be celebrating anything. We will not be celebrating the landing at Gallipoli and we will not be celebrating the First World War; we will be commemorating, and there is a very big difference. There is nothing to celebrate in war. There was nothing that happened at Gallipoli that we can celebrate. Many men on both sides died at Gallipoli — —

Ms Crozier — And brave nurses.

Mr FINN — And brave nurses, as Ms Crozier points out. That is true in all wars, and I will get to that in just a moment. The bottom line is that wars are not something we should celebrate. We have Anzac Day, Remembrance Day and the Shrine, and we have war memorials scattered around the suburbs and country towns and even along tracks — in travelling you will see war memorials. They are not things that are about celebration; they are about a memory and great gratitude for those who paid a huge price for our freedom. Freedom is such an important part of our lives. Freedom is not free, and the bottom line is that many of those who went overseas and fought in years gone by paid for our freedom with their lives, and for that we should show our eternal gratitude.

Just last week I spoke at a dinner at the Altona RSL and introduced the federal Minister for Veterans' Affairs, Senator Michael Ronaldson, who is very much involved in the events leading up to the commemoration of the landings at Gallipoli. The dinner was organised by the Altona Liberal Party and was very well attended. I was delighted to stand amongst the memorabilia and among those who have made sacrifices in order for us to be free. I always regard it as a very great privilege to mingle amongst them and to thank them for the work they have done. My gratitude is unending because without them we would not have the Australia we know and love right now. I take this opportunity to wish Senator Ronaldson and his team all the very best for the work they are doing. It is going to be a big effort to pull it all together over the next couple of weeks. They are a little nervous, and I can fully understand that, but I wish them all the very best. They do us proud.

I do not know if any members of the house saw in the newspaper yesterday the 10 war widows who will be at Gallipoli next week. Apparently they are the only 10 who are fit enough to take on the journey, and it is wonderful that the federal government has seen fit to take them to Gallipoli for the commemoration events next week. I congratulate the Abbott government for doing that.

While the highlight next week will be on the 100th anniversary of the landing at Gallipoli, Anzac Day is not just about the events of World War I and Gallipoli. It commemorates those who fought and died for this country in all conflicts. When you think about it, in Australia we have a very proud legacy because wherever freedom has been threatened throughout the world Australians have been there to defend it and Australians have paid with their blood throughout the world. We do not just commemorate World War I on Anzac Day, we commemorate World War II and the conflicts in Borneo, in Malaya, in Korea and in Vietnam.

We all know what happened to the veterans from Vietnam when they returned. What a despicable display that was. The way Vietnam veterans were treated on their return is something that Australia should genuinely be ashamed of because they too were doing their duty in fighting for this country as every other soldier has done throughout the last 100-odd years. They did not deserve the condemnation, the abuse and the disgraceful behaviour they were subjected to on their return. I have done it many times before and I would like once again to publicly apologise to those Vietnam veterans for the way they were treated upon their return and to reinforce my very strong view that what they did is on a parallel with what was done by every other fighting man and woman that this country has produced. I thank the Vietnam veterans again.

On Saturday week we will also remember the veterans from the Gulf War and from conflicts in East Timor, the Solomon Islands, Iraq and Afghanistan. Australian soldiers are still fighting abroad, and those soldiers will have their own Anzac Day services and commemorations wherever they may be.

A couple of years ago I was overseas on Anzac Day, which perhaps made it a bit more special than it might normally have been. A small group of us, including Mrs Peulich, laid a wreath at the war memorial in Baton Rouge in Louisiana. I am sure that to begin with the Americans did not quite understand what we were up

to, but we were happy to inform them that it was Australia's Anzac Day and that perhaps the commemoration meant a bit more to us than it would normally because we were so far away from home. I am sure it also means so much more for those who are fighting overseas as they remember those who have fought and gone before them.

I am pleased to support this bill. I place on the record my very deep gratitude to those veterans — soldiers or nurses, whatever role they played. Whether those people were on the front line or active in backing up those who were on the front line, I express my warm gratitude and the gratitude of my family and many other families throughout Australia whose members know that Australia would not be the same if those service personnel had not done what they did. As Mr Drum expressed it, let us hope that we will not have another conflict. However, human beings being what we are, that probably is inevitable, and we can be guaranteed that if freedom is threatened, then Australia will be there to defend it, because freedom and Australia are inseparable. Australians probably love freedom more than anything else, and we will defend it as we have so often defended it before.

I support this bill and wish it a speedy passage. Once again, I show my respect and gratitude to those who have fought for this nation over the last 114 years.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 4 agreed to.

Clause 5

Mr O'DONOHUE (Eastern Victoria) — I ask the minister to clarify or confirm the basis upon which the figures for the transfer of patriotic fund assets — of $1000 and $5000 respectively — have been arrived at.

Mr JENNINGS (Special Minister of State) — I thank Mr O'Donohue for his question. The first line of the clause notes that have been prepared by the department and the minister to facilitate my contribution to the committee says that the amounts of $1000 and $5000 were selected on the advice of the Victorian Veterans Council.

Clause agreed to; clauses 6 and 7 agreed to.

Clause 8

Ms PENNICUIK (Southern Metropolitan) — Clause 8 is a very simple clause. All it does is omit the words 'section 88 of' from section 45(2)(m)(iii) of the Australian Consumer Law and Fair Trading Act 2012. My reading of that — and I am wondering if the minister can help clarify this — is that that would in effect mean that the obligation on the creditor is to apply to the full code and not to section 88 of the code.

Mr JENNINGS (Special Minister of State) — Yes, it is the intention of it to apply to the full code. The member is operating on the assumption that that diminishes the rights of a consumer, whereas that is not the interpretation or understanding of the government. If you have a look at the aspect of the act that is amended by this amendment, which is to take out section 88, you see that the effect of it is to make the communication comply with the entire code. The government is saying that any communication can only be made under certain circumstances, which are through an action issued through a court or the Victorian Civil and Administrative Tribunal (VCAT); through the threat of an action that the person to whom the debt is owed is entitled to pursue through the court or VCAT and where the person intends to take that action; or through this third provision, where a communication with the person is made for the purposes of complying with section 88 of the National Credit Code.

If you take out section 88, which is the effect of what the government is intending to do with this bill, it means that that communication has to comply with the entire National Credit Code, which continues to include section 88. So that does not diminish protection; in fact protections are unaffected.

Ms PENNICUIK (Southern Metropolitan) — Given the concerns raised by the Consumer Action Law Centre with the Greens and with other members as well — and Mr O'Donohue mentioned this in his contribution — we are seeking clarity with regard to this particular clause. We have had ongoing to-and-fro conversations with Consumer Affairs Victoria and the Consumer Action Law Centre. Clarification is what is needed here, and I am seeking that clarification. One of the issues that the Consumer Action Law Centre raised was that it should be clear this does not include communication in relation to hardship notices. Once a hardship notice has been sent from the debtor to the creditor, the Consumer Action Law Centre is saying that that should not result in further communication. In the minister's and Ms Tierney's contributions in the chamber there was mention of other forms and changes

to the national code with regard to that, which in the government's opinion were better protections for consumers. I am trying to clarify that the concerns raised by the Consumer Action Law Centre are addressed by the amendment put forward by the government, in particular with regard to changes to the code and the form the minster mentioned.

Mr JENNINGS (Special Minister of State) — One of the reasons why we tend to act at cross-purposes — when I say 'we' I mean governments, people who draft legislation, stakeholders and advocates — is that at first blush it may seem that if you take out the words 'section 88' it means that section 88 does not apply. That is not the case here. You need to go back and read the full effect of not only the bill but also the act to which it relates and then the act which relates to the national code.

If you go back to section 88 of the national code, which is the way in which the enforcement of credit contracts, mortgages and guarantees are acquitted, you see that this section is about the requirements to be met before a credit provider can enforce credit contracts or mortgages against a defaulting debtor or mortgagor. It runs through the obligations that have to be met before a credit provider can enter into communication with the creditor or pursue them.

Section 88 is actually quite prescriptive in that there are eight clauses that outline what those protections might be. Effectively it is a process that has to be complied with before communication can be undertaken. Because the code includes section 88, those protections have not been altered by this amendment and they continue to apply. In the current form in the current act it is limiting it to these provisions rather than including this provision and others.

Ms PENNICUIK (Southern Metropolitan) — I thank the minister for his answer. It would perhaps have been more helpful if a little more detail with regard to this had been provided in the second-reading speech, which was very vague as to what the intention here is. I think that is where the concerns have come from.

Mr JENNINGS (Special Minister of State) — I take that in the spirit of continual learning that all of us are embarking upon at this point in time.

Ms SPRINGLE (South Eastern Metropolitan) — We are happy with the answers, so we will not proceed with the amendments.

Mr O'DONOHUE (Eastern Victoria) — For completeness, the opposition thanks the government for providing that explanation and clarity around clause 8 and is comforted by the explanation that has been provided. Again I put on the record our thanks to the Consumer Action Law Centre for helping to tease out this debate and clarify what the outcome will be with this section.

Clause agreed to; clauses 9 to 22 agreed to; schedule agreed to.

Reported to house without amendment.

Report adopted.

Third reading

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

That the bill be now read a third time.

I thank members not only for their contributions to the debate but also for the spirit of the debate, for the concerns they expressed for the interests of veterans and, most recently during the committee stage, for their concerns for vulnerable consumers and the ways in which their rights can be protected into the future. The government will be pleased to enact this legislation at the earliest opportunity.

Motion agreed to.

Read third time.

LIMITATION OF ACTIONS AMENDMENT (CHILD ABUSE) BILL 2015

Second reading

Debate resumed from 19 March; motion of Mr HERBERT (Minister for Training and Skills).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to speak in the debate on the Limitation of Actions Amendment (Child Abuse) Bill 2015. The genesis of this piece of legislation was the inquiry undertaken in the previous Parliament by the Family and Community Development Committee with respect to the abuse of children in institutional care. The inquiry was established by the previous government using the mechanism of that bipartisan joint parliamentary committee to investigate circumstances that in many cases dated back decades around the ways in which children had been treated in state and institutional care and the consequences thereof. At the time the parliamentary inquiry was established, it was the subject of substantial criticism. Many commentators said that a parliamentary

committee would not be able to discharge those responsibilities effectively, that the mechanism was not appropriate and that it should be a royal commission or some other board of inquiry.

Some three years after the establishment of that parliamentary inquiry of the Family and Community Development Committee, we know the committee did an outstanding job and has been recognised as having done an outstanding job on what was incredibly difficult subject matter. Under the leadership of Georgie Crozier, members of this place and of the other place from across party lines discharged that inquiry with great diligence and compassion, having regard to the circumstances of the people giving evidence and the complexity around those circumstances.

The committee produced a worthy report which has had wideranging consequences in the child protection — for want of a better term — area. The previous government implemented many of the recommendations arising from that inquiry, and the legislation before the house continues the implementation of those recommendations.

One of the strengths of the Betrayal of Trust inquiry was the way the committee was able to hear firsthand evidence of child abuse that had happened decades ago. The committee allowed people to appear at public hearings, and in some circumstances in camera, to tell their stories. One of the limitations of other mechanisms — and we see this with the consequential at the commonwealth level and potentially with the Royal Commission into Family Violence at state level — is not having the opportunity to the same extent for victims and people directly affected to tell their story in such an environment. That was one of the great strengths of that parliamentary inquiry, chaired so ably by my colleague Georgie Crozier.

As a consequence of that very well-received report the Parliament received a number of recommendations. One of the recommendations in the *Betrayal of Trust* report relates to the Limitation of Actions Act 1958. This is a long-established piece of legislation in Victoria which upholds the legal principle of finality — basically that parties to an action should be able to expect that there will be an end point to that action; that sophisticated parties participating in a matter can expect an action to come to an end. In the situation explored by the parliamentary inquiry and which is sought to be addressed by this legislation, that principle has the perverse outcome in many cases of preventing victims of abuse from bringing actions a long time after the abuse occurred.

While the Limitation of Actions Act was put in place expecting parties to actions to be sophisticated, engaged parties, the reality is that in the environment and the circumstances highlighted in the Betrayal of Trust inquiry the victims were children. They were not in a position to bring any sort of action at the time the abuse occurred, and for many of them the trauma of that abuse has meant that for decades they have not been in a situation where they could take action against the perpetrators. Be they direct victims or dependants of victims who have either died or taken their life as a consequence of the abuse, because they have not been able to take action due to the impact of the abuse on them they have been caught by the Limitation of Actions Act and prevented by that legal mechanism from taking action for damages against the perpetrators.

This legislation removes that restriction through the Limitation of Actions Act as it applies to certain child abuse matters as defined in the legislation. This is something the previous government had introduced at the end of the previous Parliament. It had introduced a bill which is similar to the legislation before us today, which gives effect to the intent of the Napthine government and reflects the intent of the parliamentary inquiry.

It is important to note that removing this restriction does not change the basis on which an action can succeed. Obviously an action brought still needs to be carried on its merits, but it does allow an action to be brought in a court. It also does not remove the discretion of the judiciary in respect of accepting an action. Where an action is vexatious, frivolous or an abuse of process, the judiciary will still have the option to strike out that matter. It means that victims of abuse, whether direct victims or dependants of direct victims, will not be constrained from bringing actions simply by virtue of the existing provisions of the Limitation of Actions Act.

The coalition is very pleased to support this legislation. It delivers on an important recommendation of the *Betrayal of Trust* report, and it reflects the previous government's intent in the legislation it introduced at the end of last year. The coalition wishes this legislation a speedy passage.

Ms SPRINGLE (South Eastern Metropolitan) — The Greens strongly support the intention behind the Limitation of Actions Amendment (Child Abuse) Bill 2015. We support the intention of removing any limitation period for civil actions relating to harm that results from child abuse. This bill is one of the very important bills this Parliament will consider as part of its responsibility to bring into effect the

recommendations of the *Betrayal of Trust* report. My colleagues have acknowledged the substantial contributions of all members in this house and in the Legislative Assembly to the debates on these bills, and I add my voice to that acknowledgement.

It is vitally important, as the Family and Community Development Committee found, to acknowledge that the harm caused to a child when he or she is abused by an adult while under that adult's care or responsibility can be and often is experienced for decades, for lifetimes and for the lifetimes of family members and descendants. In the words of one victim of child abuse who gave evidence at the Betrayal of Trust inquiry:

> The wrongs of the present also include the multiple legal barriers for survivors and victims in finding justice …

The present bill will remove one of those barriers, and for that reason it must be commended. This bill removes all limitation periods for damages found on the death or personal injury of a person resulting from child abuse. Currently the long-stop limitation period in the Wrongs Act 1958 is 12 years.

We should be clear that the Greens are not against the notion of limitation periods per se, and I do not get the sense that anyone here would be. Limitation periods are in many cases necessary to protect the basic rights of defendants in many areas, but where the defendant is a religious or other non-governmental organisation or indeed a government agency that had responsibility for the care of a child and where the defendant breached that responsibility in the most heartbreaking way imaginable, it is absolutely not appropriate to set an arbitrary time limit in which a victim or a victim's family member can launch a civil action.

This bill does not ride roughshod over all the rights of defendants. It will not undermine the right to a fair hearing because it will not limit the court's inherent power to restrict or dismiss an action where a fair hearing is impossible because of the passage of time. All it does is remove the arbitrary time limit that has been imposed by statute to prevent these kinds of cases ever being contemplated. The Law Institute of Victoria says:

> … civil litigation is an important avenue for legal redress, providing not only access to compensation, but acknowledgement and accountability for the harm victims of abuse have suffered. Court judgements also provide a valuable form of public condemnation of child abuse, and create a powerful incentive for organisations to change their practices to prevent child abuse.

This is why the Greens are disappointed to see that this bill is restricted to death or personal injury that results from physical or sexual abuse, or psychological abuse that arises from physical or sexual abuse. In other words, the bill will not allow a person who was psychologically and/or emotionally abused as a child and who has suffered psychological and/or emotional harm as a consequence to launch an action more than 12 years after the abuse occurred. To put it more clearly, this bill appears to assume that physical and sexual abuse are always necessarily more significant than psychological or emotional abuse.

It is as if the bill is saying, 'Sticks and stones will break my bones, but names will never hurt me — or at least they will not hurt me as much'. If that is what the bill is saying, this aspect of the bill really is stuck in the dark ages. We know that psychological and emotional abuse can cause just as much harm as physical or sexual abuse — sometimes more. I find it strange that I am even emphasising this point in the year 2015 in a Parliament that has already prohibited such abuse, as it has in section 161B and section 493 of the Children, Youth and Families Act 2005.

The Greens understand the Law Institute of Victoria has written to the Attorney-General asking him to amend the bill to include psychological abuse without it having to arise from an act or omission in relation to the physical or sexual abuse of a child. I propose an amendment that has been developed in consultation with the Law Institute of Victoria, among other agencies. I move that in clause 4, lines 20 to 27, all words are omitted and a new paragraph (b) is inserted as follows:

> "(b) is founded on the death or personal injury of a person resulting from an act or omission in relation to the person when the person is a minor that is physical abuse, sexual abuse or psychological abuse.".

I ask for the amendment to be circulated.

Greens amendment circulated by Ms SPRINGLE (South Eastern Metropolitan) pursuant to standing orders.

Ms SPRINGLE — We have been advised that the courts have generally taken a conservative approach in applications for compensation arising from emotional or psychological harm, so it is highly unlikely that the inclusion of emotional or psychological harm in this way would per se open any floodgates to compensation. The courts would retain their inherent jurisdiction to restrict or dismiss an action when the hearing of it would undermine the administration of justice.

More than this though the Greens urge the government to implement all the remaining recommendations of the

Betrayal of Trust report as soon as possible. What we desperately need in particular, as my colleague Colleen Hartland has already highlighted, is legislation requiring religious organisations and other institutions to become incorporated legal structures capable of both having insurance and being sued by victims. It is untenable to continue to allow some organisations to use the Ellis defence simply because they are associated with the Catholic Church. It is untenable to continue to say to victims of the Catholic Church: 'Just because you were harmed by the Catholic Church, the only redress available to you is through the Catholic Church's own internal schemes, Towards Healing and the Melbourne Response'. We do not really understand why these reforms and others recommended by the *Betrayal of Trust* report have not been included in this bill, as they directly complement the reforms in the bill.

Before I finish I will make one final point on the removal of time limitations. More cases will likely arise that involve situations where organisations no longer exist or have merged with others and so on, so in the committee stage I will be seeking some clarity around the redress available to victims with respect to those situations.

Ms SYMES (Northern Victoria) — I am humbled to speak on the Limitation of Actions Amendment (Child Abuse) Bill 2015. It is an important bill to Victorians and a breakthrough moment for victims of abuse. I am proud to be a member of a government that is able to implement this change. This is legislation that really means something to so many, and it is what modern-day, connected and in-touch parliaments should be doing.

The Family and Community Development Committee's significant report, *Betrayal of Trust — Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations*, was tabled on 13 November 2013. At that time I listened to some of the most moving and compassionate contributions I have heard in my time following the Victorian Parliament. I joined with the many others who, since November 2013, have been congratulating the bipartisan committee on the significant *Betrayal of Trust* report. It is a truly important report. I commend the committee members, especially the chair, Ms Crozier, for their work, and I also note the contributions of Mr Rich-Phillips and Ms Springle to the debate on this bill today.

As we know, the former government commenced the implementation of some of the report's recommendations, which received the support of the Labor opposition. Last year, in the lead-up to the election, the then Labor opposition committed to implementing all the outstanding recommendations of the *Betrayal of Trust* report. It is pleasing to see that further recommendations are provided for in bills on this week's Legislative Council notice paper.

The report highlights the difficulties that survivors of child abuse face in recovering civil damages for the devastating effects of their abuse. One such hurdle is the existence of time limits on civil actions. In most, if not all, common law jurisdictions people who have been injured by the actions or negligence of another have a general right to bring a claim for compensation and for that claim to be determined by a court. It is commonplace for these jurisdictions to have statutes that restrict the maximum time after an event that a legal proceeding may be initiated.

The rationale underlying limitation periods is that delay undermines the course of justice. This was discussed in the 1996 High Court case *Brisbane South Regional Health Authority v. Taylor*. Reasons for time limits include that facts and evidence may be forgotten or lost; time will diminish the significance of a known fact or circumstance; people have a right to a speedy hearing of an action that had been commenced; it may be unfair to allow an action to be brought long after the circumstances which gave rise to it have passed; people should be able to arrange their affairs and utilise their resources on the basis that claims can no longer be made against them; it may be oppressive or cruel to a defendant to allow an action to be brought; and public interest requires that disputes be settled as quickly as possible.

These are, of course, well-founded and accepted principles. I studied them at length during my time at Deakin University. However, it is undeniable that there are situations where it is simply unfair to apply a statutory limitation period on the commencement of a civil claim. It is universally accepted that claims for compensation in cases of asbestos-related disease should not be barred simply by the passage of time. This is because diseases characteristically develop after a long time; the first symptoms may take 10 to 50 years to manifest. We are perhaps more readily able to accept the lifting of the time limit for something tangible like a physical illness or injury. A bill to remove all limitation periods that apply to civil actions for damages founded on child abuse is overdue, but I am pleased that we are catching up.

This bill has been guided in no small part by the survivors of child abuse and their families — their stories and their courage — and in particular by those who made contributions to the Family and Community

Development Committee inquiry. Their strength has led to meaningful change. The committee examined statute limitation periods and concluded that they are inappropriate for survivors of child abuse, who, due to the injuries inflicted upon them by their abusers, often take decades to fully understand and act upon the harm arising from their abuse. Further, the interim report of the commonwealth government royal commission states that based on its inquiries the average time for a victim to disclose sexual abuse was 22 years, with men taking longer than women. We know many victims experience feelings of shame, embarrassment and guilt, and that these feelings can encourage suppression.

The Goulburn Valley Centre Against Sexual Assault, which is in my electorate, has welcomed the legislation, with centre manager Dr Judy McHugh saying, 'It takes people a long time to understand what was done to them and the impact it had on them'. She reports that the centre is dealing with an increasing number of child abuse victims who are coming forward in their 60s, 70s and 80s. It is shameful that perpetrators and any organisations where abuse has taken place are able to escape liability simply because of the calendar.

An anomaly currently exists in that while there is a time restriction on commencing a civil claim against a person or organisation, there is no such time limit for charging the same person or organisation with a serious indictable offence. It is difficult to justify the fact that when someone is found guilty beyond reasonable doubt the evidence that led to that conviction is barred from being heard in a civil case to allow the victim to claim compensation. Sadly, we have also heard examples of organisations utilising the Limitation of Actions Act 1958 to prevent child abuse victims from coming forward or indeed using it as a bargaining chip to encourage lesser settlements in their negotiations. The bill seeks to address this unfairness.

In practice the bill will change the current system, which features a complex set of rules around limitations. Under current laws, claims must be brought within either 6 years from the date upon which the victim realises they have been abused or 12 years from the date of the alleged abuse, whichever is earlier, but if the alleged abuser is a parent, guardian or close associate of the parent there is a longer time frame, including up until the victim turns 37. I am extremely happy to see all of this go. The bill is uniform in its operation and treats all child abuse claimants equally and fairly, meaning that these victims face one less barrier to accessing justice.

The bill also addresses actions for wrongful death by removing the 12-year long-stop limitation period that currently applies to these actions to recognise the effects that child abuse can have on dependants. For instance, there may be circumstances where a victim of child abuse commits suicide due to the abuse, having been unwilling to disclose the abuse during his or her lifetime. In such circumstances the dependants of the deceased may not learn of the abuse until after the 12-year long-stop period has expired. The bill removes the long stop to address this situation.

It is also important to note that the removal of limitation periods will apply retrospectively. Generally as law-makers we do not apply legislation retrospectively, but importantly the *Betrayal of Trust* report and this bill recognise that there are many claims that would no longer satisfy the relevant limitation period. While the bill will not reopen cases that have previously settled or been subject to final judgement, it will allow many historical victims of abuse the opportunity to have their day in court. The courts will retain the inherent jurisdiction to permanently stay or dismiss proceedings if they feel a defendant will not receive a fair trial and the standard of proof that plaintiffs are required to satisfy in order to obtain damages is unchanged, so the bill gets the balance right.

The definition of child abuse used in the bill encompasses the physical or sexual abuse of people who were minors at the time of the abuse, as well as any psychological abuse that arises in connection with that physical or sexual abuse. The bill allows a court to determine the meaning of physical abuse and sexual abuse on a case-by-case basis. The Attorney-General notes in his second-reading speech in the other place that the bill does not seek to define the exact boundaries of what constitutes 'abuse', as that task is fraught with difficulty and may inadvertently exclude valid claims. Instead courts will be able to define abuse by reference to its ordinary meaning, taking guidance from material such as the work from the parliamentary inquiry and the royal commission.

The bill acknowledges that there are psychological elements to the physical or sexual abuse of children. In fact following the exposure draft the bill's scope was expanded to include psychological abuse where that form of abuse arises from an instance of physical or sexual abuse. Some stakeholders have suggested that the bill should include instances of child psychological abuse that is not connected to an instance of sexual or physical abuse within the same claim. I have had the benefit of reading the Greens' amendment which, as we know, aims to provide for psychological abuse as a stand-alone injury that should also be exempt from civil litigation time limits.

In relation to this it is worth considering the breadth of the bill. This is what the exposure draft was for. There was considerable interest in this bill, and throughout its consultation stage a wide variety of submissions were received from a range of stakeholders, including legal bodies, courts, survivor advocacy groups, religious and non-religious institutions and peak bodies in government. While some stakeholders suggested that the bill should treat psychological abuse in isolation, others emphasised the importance of recognising psychological abuse that is related to instances of sexual or physical child abuse. The bill has balanced the arguments, recognising that the key issue agreed on by almost all who were consulted is that physical and sexual abuse can have serious psychological impacts.

Let us see how this goes. It is a significant step. It allows victims who have been denied redress for so long an opportunity to seek justice and hopefully something that resembles closure. It is also worth noting that in its current form the bill is more favourable to survivors of child abuse than limitation regimes in Canada, the US, Ireland and the UK. The bill's explicit mention of psychological abuse is a step that has not been taken in these overseas reforms.

The bill is a world leader. It substantially reforms Victoria's limitation laws in a prospective and retrospective manner. The passage of this bill will see Victoria as the first Australian jurisdiction to remove time limits for claims for child abuse victims. Other states are beginning to see the need for reform. New South Wales recently released a public discussion paper canvassing options for limitation reform with respect to abuse victims. The royal commission has expressed interest in how Victoria is responding to the civil law recommendations in the report, *Betrayal of Trust*, and is likely to make recommendations for the removal and/or lengthening of limitation periods.

This government has promised to implement all outstanding recommendations of *Betrayal of Trust*. The introduction of this bill, which excludes child abuse from the operation of the Limitation of Actions Act, delivers on recommendation 26.3. It brings me much sadness to ponder the childhoods that were taken away from victims of abuse. No child should ever be abused. I commend all members as we stand united in seeking to stamp out child abuse. This work continues, and I welcome this bill and commend it to the house.

Ms CROZIER (Southern Metropolitan) — It is a great pleasure for me to be in the chamber this evening to hear the debate and to speak to this very important piece of legislation, the Limitation of Actions Amendment (Child Abuse) Bill 2015. Speakers in this house and in the other place have acknowledged the work of the members of the Family and Community Development Committee, and I also place on the record my acknowledgement of the committee's work. I also recognise the bipartisan approach the Parliament took to this difficult task. The Parliament was absolutely magnificent in assisting with the *Betrayal of Trust* report. Not a week goes by in which I do not get some form of acknowledgement of the work we did. I am incredibly proud of that piece of work.

I am also proud that the former government undertook the initiative and led the way in implementing the recommendations contained in the *Betrayal of Trust* report. During this debate it is important to remind members of what has been undertaken since I tabled the report on 13 November 2013.

Reforms previously introduced into the Parliament include new criminal offences for grooming, failure to protect and failure to disclose; legislating for a course of conduct charge to make it easier for repeated and systematic sexual offending to be prosecuted; removing inappropriate time limits on the prosecution of a range of sexual offences against children committed prior to 1991; minimum child-safe standards for organisations that have direct and regular contact with children; allowing the Commission for Children and Young People to scrutinise organisations' systems for keeping children safe; and requiring ministers of religion to hold a current working with children check if they have contact with children as part of their duties.

This legislation is another step in the implementation of the recommendations. I am pleased that the government is undertaking this step, because at a public forum in August last year the then shadow Minister for Community Services, Ms Mikakos, confirmed that a Daniel Andrews Labor government would wait for the commonwealth royal commission to report before deciding whether to implement the *Betrayal of Trust* recommendations on civil claims and redress.

I am very pleased that the government is not waiting for the royal commission. It is my understanding that there are significant numbers of people who want to come before the royal commission, and that will take some time. As other members have said, it is very important that we have this legislation in the house today. I take up the comments of those who have said we are leading the way; Victoria is leading the way in this.

Just a few weeks ago there were people in the Parliament listening to the debate in the other place. They came up to me and proudly spoke of where our report has been. I note that one of our former

parliamentary colleagues in this place, David O'Brien, presented this report to the Vatican. Some fabulous victims who came before the committee and put so much effort into giving important evidence came up to me in Queen's Hall to tell me that our report was with the United Nations. This is an incredible achievement for this Parliament.

I want to again place on the record my acknowledgement of the enormous contribution made by so many victims who came before the committee to tell their stories. From those stories we heard that the average length of time it took to come before the inquiry and tell of abuse was 22 years on average, and sometimes 30 years. An 80-year-old woman gave evidence. She had not told anyone about her abuse, which happened when she was seven years old. It took seven and a half decades before she told anyone about her abuse.

The people who came forward highlighted to the community the extensive impact of their abuse. That is why this bill is so important. Because the reporting of cases of criminal child abuse is typically delayed for several decades, the committee found it necessary to suggest an amendment to the Limitation of Actions Act 1958 Victoria to allow victims of criminal child abuse sufficient time to initiate civil legal action. That was the committee's finding. Recommendation 26.3 of the report suggested that the Victorian government consider amending the Limitation of Actions Act 1958 to exclude criminal child abuse from the operation of the limitations period under the act. As has already been said, the judiciary retains discretion in applying the statute of limitations.

Some comments have also been made in relation to the legal principle of finality in relation to the statute of limitations. These are all important elements of this bill. The bill fundamentally implements recommendation 26.3, as highlighted by the explanatory memorandum.

Clause 1 provides that the purpose of the bill is to amend the Limitation of Actions Act 1958 to remove limitation periods that apply to actions in respect of causes of action that relate to death or personal injury resulting from child abuse. As I have said, this is important.

Clause 4 inserts a new division 5 into part IIA of the Limitation of Actions Act 1958 which applies to actions resulting from child abuse. New section 27O provides that division 5 applies to an action if the action is an action to which part IIA of the Limitation of Actions Act 1958 applies and if the action is founded on the death or personal injury of a person resulting from an act or omission in relation to a person when the person is a minor that is physical abuse or sexual abuse; and psychological abuse, if any, that arises out of that act or omission. This section allows a court to determine what is physical abuse or sexual abuse by reference to the ordinary meaning of those words. That is an important element to note. I know other members have raised concerns in relation to it.

The meaning of psychological abuse is also to be determined by the court in the same manner. As I have said, the court can apply discretion to the issues that come before it. Psychological abuse is included in the section to avoid doubt.

When victims of abuse came before our committee, it was very evident that the abuse they had suffered and the time frames it took for them to come before us had been extensive. Again it is worth noting that our inquiry had 578 submissions and held 162 hearings. As I said at the outset of my contribution, in many instances there were life-altering implications for those individuals who made submissions, and I commend them on coming before us. It is very important that we hear firsthand from victims and others who have been subject to abuse in order to fully appreciate and understand the extent of what occurred.

Mr Rich-Phillips mentioned the Royal Commission into Institutional Responses to Child Sexual Abuse. I expressed my wish that as many people who come forward to give evidence at our inquiry would come forward to give their evidence to the royal commission. The experience I had as chair of the Victorian inquiry has furthered my understanding of the depth of abuse suffered by those people who came before us. I do not think this would be fully understood through written submissions alone. I am pleased that there are people who want to be heard, and I hope they will be heard.

As I have said, this is an important piece of legislation. There is no doubt that our inquiry led the way in Australia. This issue is being further investigated by the royal commission. I am pleased that the royal commission is looking at the *Betrayal of Trust* report's findings and recommendations. I look forward to the conclusion of the royal commission.

This is an important day for this piece of legislation because of the impact the removal of the limitation period will have on the number of victims coming forward. Many people's memories of their abuse would no doubt have faded as the decades passed. Any number of circumstances could have arisen due to the limitation period imposed by the act. These arbitrary

time frames no longer apply. That is a very significant move.

Finally, I place on the record my appreciation of the former Attorney-General, Robert Clark, who did an extraordinary amount of work in relation to assisting those victims who had been subjected to criminal child abuse. He acted in his capacity as Attorney-General to push through various reforms and legislation in the last Parliament, alongside other members of the previous government. We can all be very proud of our work.

As the former chair of the Family and Community Development Committee that conducted the inquiry and made these recommendations, I am very pleased to be able to speak on this legislation this evening. This is a significant piece of legislation, and I wish it a very speedy passage.

Mr DALIDAKIS (Southern Metropolitan) — I rise to speak in support of the bill for a range of reasons. Most certainly the key issue deals with ensuring that those people who, sadly, have been so grossly abused have an opportunity to seek recompense and support not just from their friends and family and not just from their community but in the form of restitution from those who committed the atrocity.

The *Betrayal of Trust* report, which was tabled by the last Parliament's Family and Community Development Committee some 17 months ago, was both an explanation of the past and a guide to the future. The committee's work under the leadership of its chair, Ms Georgie Crozier, was undertaken in a bipartisan spirit. It was very challenging, very difficult work that at times would have been emotionally harrowing and largely thankless. The committee was chaired very ably by Ms Crozier. The members who heard the evidence obviously investigated the physical, emotional and sexual abuse of children who had been in the care of non-government institutions in Victoria.

The committee made a series of important recommendations that were aimed at safeguarding children, some of which have already been implemented by the previous government. This government has pledged to implement all the outstanding recommendations from the *Betrayal of Trust* report. The bill before the house is a very important step along that journey towards providing justice to survivors of child abuse. The objective is to support survivors of child abuse in overcoming hurdles they may face in receiving compensation for the devastating effects of the abuse — restitution for the crimes that were committed against them.

For many survivors the hurt and pain of the abuse that was suffered by them takes many years to abide; indeed it can take decades for some survivors to come to terms with the heinous nature of the crimes committed against them. It takes a great deal of support for those people to feel comfortable enough within themselves, within their families and within their communities to seek support to enable them to talk about it publicly, and of course talking about it publicly includes going through the court system to seek some sort of legal recompense for the actions committed against them. The bill before the Parliament recognises that we should not put barriers in their way to seek remedy. It recognises that we need to deal with their pain and allow their healing to continue.

As I have already said, the *Betrayal of Trust* report received bipartisan support, and I again acknowledge the efforts of all committee members, specifically pointing out the work Ms Crozier undertook in chairing that committee. As some would be aware, I have a great personal interest in this matter in relation to members of the Jewish community, to which obviously I belong, and the Yeshivah community within the electorate I represent. The great majority of the Jewish community in Victoria falls within the electorate of the Southern Metropolitan Region, and I would do a disservice to the victims within the Yeshivah Centre and the Yeshivah College to fail to mention the varied issues they are facing currently. These are being investigated by the royal commission into child abuse set up by the former Gillard government. It gives identification and personal meaning to the victims and the issues we are debating today.

There are victims within the Yeshivah Centre who recently testified before the royal commission about matters that occurred some 25 years ago. Prior to us attempting to change this legislation, the ability for them to seek a degree of financial compensation for the very sad, illegal abuse they suffered would otherwise not be forthcoming. Changing the legislation — in effect, removing the time limitation on their ability to seek financial compensation — enables them to seek closure. As I said, it could take months, it could take years or it could take decades for survivors to be able to appropriately deal with the transgressions against them.

Within the Yeshivah community we have recently discovered that leaders within that specific religious community, within the Chabad-Lubavitch movement, were made aware of this abuse and chose to either do nothing about it or, worse, cover it up. By definition, if you do not do something about an issue but instead cover it up, you potentially limit the amount of time people have to deal with that issue. We are talking about people who are the most vulnerable in our

community. These are children who do not have a sense of self-identity or sufficient strength of character at that point of their lives to be able to stand up and speak out about what is occurring. That is why, again, removing this limitation means that people who have been affected can go forward on their own pathway without having to fear that they have missed the opportunity to seek criminal punishment for, or financial compensation from, those who have acted against them.

The students who I am specifically talking about within the confines of the Yeshiva-Beth Rivka Colleges, at the Yeshivah Centre, have had the courage to come forward and testify about the abuse that they suffered. Their families have subsequently suffered a degree of ostracism from their community for coming forward and trying to deal with these issues. I do not talk about the Yeshivah Centre to try to besmirch the Jewish community. This is an issue that covers the length and breadth of our community. Darkness and horrors lurk within, and they lurk everywhere. But discussing these issues in terms of a community that I belong to and represent hopefully gives members on both sides, as well as those on the crossbench, an opportunity to understand in a real, practical and current way how this legislation will help, and, more importantly, how it will positively impact on people's ability to deal with the issues at hand and seek closure for themselves and their families.

Financial compensation does not redress the ills of the crimes, but it does help to hold people accountable and provide a level of support to those who have suffered abuse, which they can then use to rebuild their lives, regardless of what stage their lives are at — regardless of whether it has been days, months, years or decades since the abuse occurred.

The victims, survivors and their families who have come forward through the *Betrayal of Trust* report by the Family and Community Development Committee and the Royal Commission into Institutional Responses to Child Sexual Abuse deserve nothing but praise and support. This bill in no small way goes to supporting them in a financial sense, enabling them to seek financial compensation that otherwise would have been denied them through a limitation of the time available to seek financial redress. We owe it to the victims, their families and all those who have been affected by the crimes, either privately or publically, to remain committed to ensuring that it is as difficult as possible for these crimes to be committed in the future, but also that it is as easy as possible for survivors to seek restitution.

I am not for a moment suggesting that we can stop child abuse by amending this legislation. As I said, we can hold people to account from a criminal perspective and, as is being debated with regard to this bill, from a civil perspective. With that, I commend this bill to the chamber.

Mr FINN (Western Metropolitan) — I rise to support the Limitation of Actions Amendment (Child Abuse) Bill 2015. It is fair to say that there is nothing more evil on this earth than to do harm to a child — those who are the most innocent of human beings. Children need our protection always. Unfortunately, as we have seen over an extended period of time, there are some people around who will do them harm. There have been revelations of some of the most despicable, appalling acts against young people, going back decades. We might think some of those who are responsible for these crimes have escaped justice by departing this world. Some of us of a different view will think they have not escaped justice at all but will be getting a justice that is far more severe than anything that we could dish up here on this earth.

I want to compliment Ms Crozier and her parliamentary committee — I have done it before and I am happy to do it again — on the work they did. How they did it I do not know, because I have no doubt it would have been one of the most harrowing experiences imaginable. It is not something that I could have done. When I see children being harmed and children subject to cruelty or abuse, it often leaves me without a degree of control that I might otherwise have. Had I been on that committee and heard about some of those evil crimes, I am not sure what I would have done. I am speaking not just as a father but also as somebody who has always felt this way. Whether children are little babies in the womb or much older, I get very distressed when they are harmed, and I will do everything I can to protect them. That is why I am on my feet and speaking on the bill.

What we owe victims of child abuse is justice; justice is all we owe them. Whether that justice is in some form of monetary compensation or just an ability to see the perpetrator of the crime against them exposed for what they are and locked up, that is what we owe victims. For far too long many of us — me included — denied that these crimes were occurring. We did not want to believe they were occurring. The Family and Community Development Committee's *Betrayal of Trust* report pretty much sums up everything that has happened over the years, particularly in some schools and some religious orders.

We know that some pretty dreadful things were committed by priests and people involved in various religious organisations. We also know that it is not just religious organisations that have been involved in child abuse. Logic tells us that it is not just non-government organisations where child abuse has occurred, and at some stage I would like to see an extension of the committee's inquiry, and hopefully the royal commission that is currently underway will extend its terms of reference to cover much more than just non-government organisations.

I cannot help but feel more than just a little bit of guilt about the way I refused to believe what was going on when so much evidence was brought to the attention of the community. I refused to believe that priests, brothers, people I knew — people I know — and people who are now in jail had committed the crimes they were accused of. It is very difficult for me now to look back on that time and to think of those people. One in particular who is now in prison I regarded as a friend. When he was charged the first time and went to jail I stood up and defended him. I said that it was not something he would ever do. When he was charged a second and third time I had to accept reality. That is something I have to live with.

We have to ensure as much as is humanly possible that we provide justice for those who have been so grievously hurt by what has occurred, but we also have to ensure that it is never allowed to happen again. Unfortunately that means that a lot of the trust we have had in a lot of authority figures has now gone and will never be replaced. That is very sad, because there are a lot of very good men and women who are doing some wonderful things for children, whether they be in church groups, in police groups or in a whole range of community groups. For example, there are an enormous number of volunteers in the scouts who are doing a tremendous job to help young people, particularly troubled young people who do not have much of an idea of what we would call a normal life. They are brought into the scouts and similar organisations and given a chance at a normal life. But now as a result of the disclosures of recent years our trust for those volunteers is diminished. We have a situation where we look at scoutmasters differently, we look at priests differently and we look at ministers of religion differently. It is almost as if they have all been condemned as a result of the crimes of those who have gone before them, and that is a very great pity because there are an enormous number of very good people, men and women, who are doing an enormous amount of good work for children in our community.

Sporting groups are another prime example of the work that is being put into providing a future for young people. When I was a lad playing for the Warrion under-14s — I was not exactly Royce Hart it has to be said — I remember only too well the camaraderie at the football club. That has been repeated and continues to be repeated many times all over Australia. That sort of thing is to be encouraged, and we should never allow that distrust of people in authority to destroy the good that is being done in our community.

Having said that, I have to accept that child abuse was going on at the school I attended as a boarder. I did not know about it at the time, and it was not something that I wanted to know about when it was brought to my attention many years later, after I had left school. Nevertheless, at the end of the day it is something that we all have to face. Those who were in such close proximity to such evil really struggle to understand why we did not know about it and why we did not notice. Was there something that we missed? Was there a hint of this evil around that we missed whilst our classmates were being abused in this way? Was there some way that we might have been able to help them? I have often thought about that since. I cannot say that there was some way to help them, but at the same time I cannot say that there was not; many of us will have to live with that.

I am very happy to support this legislation. To remove the limitations clause is very good indeed because, as has been said in this debate, many of these crimes go back a long time. Many of these crimes are now only just coming to light after people have carried with them, sometimes for decades, the guilt — for whatever reason — of having been subject to these crimes; we have all seen that. Whilst some have had their lives destroyed figuratively, some have committed suicide, and I know of that.

Others have had to carry the abuse with them for a very long time, and it must have been extremely difficult for them to do so. I cannot begin to imagine how difficult it must have been for some of those victims, particularly when they went home and told their parents of what had happened only to be told that they were liars and to pull their heads in. I cannot begin to imagine how tough that must have been for them. We owe justice to those people, many of whom were young at the time and are now much older. If it is not too passé to say so these days, we owe them an apology for not believing them. We owe them an apology for having put them in a situation where that abuse continued.

It is very difficult for those of us who were close to abuse and did not know about it, but I am very glad that

now we do know so we can ensure that it does not happen again. I am very pleased that we are passing this legislation today so that we can get the perpetrators and put them where they belong — behind bars. No matter how far back it is that they committed these appalling and despicable crimes, we will now be able to reach back into the past and lock these people up. We can remove this scum from society, because that is what we need to do.

As I have often said in this house and more broadly in the community, my view of this Parliament is that its first priority is to protect the innocent — children in particular. Over the years members of this Parliament and parliaments before us have failed to a very large degree. This bill brings in a degree of justice that we have not had before, which has to be a very good thing.

I commend this government and the former government. I think we are as one — bipartisan, tripartisan; I am not sure what we are beyond that — in supporting legislation which provides support and most importantly justice for those who have been so grievously harmed by such evil in years gone by.

Ms SHING (Eastern Victoria) — I rise to speak on the Limitation of Actions Amendment (Child Abuse) Bill 2015. At the outset I echo the statements made by members around the chamber who have acknowledged the excellent work — the tireless and very difficult work — undertaken in the course of the process that led to the issuing of the *Betrayal of Trust* report.

Child abuse is about a fundamental abuse of power to undermine and to destroy the sense of self of young people, and it occurs in the context of physical and sexual actions and may result in psychological abuse which can last a lifetime. Abuse does not simply affect an individual who is a survivor of child abuse; it has a ripple effect, with the symptoms of the trauma being seen throughout a survivor's lifetime and causing their own resonance in that survivor's life and that survivor's family and their own children.

To that end it is crucially important that wherever a system can improve the way in which such gross imbalances and abuses of power are addressed it should do so as expeditiously as possible and in as united a fashion as possible. I am pleased to see that there is a very united front in relation to this particular bill and in relation to the substance of what it seeks to achieve in removing obstacles that might otherwise exist for survivors of abuse and for their families or dependants in the situation of a wrongful death where they might otherwise be required to overcome certain hurdles in relation to establishing a prima facie case before being allowed to press for a civil remedy.

In removing the limitation periods that apply to civil actions for damages — the changes to the Limitation of Actions Act 1958 and the long-stop limitation periods for action under part III of the Wrongs Act 1958 — these amendments will hopefully provide some systemic recognition of the practical circumstances in which the effect of child abuse comes to the fore. They do not simply operate over a 6-year or 12-year period. They do not neatly fit into a box that might otherwise be shut after a certain amount of time has passed.

We are talking about very human elements of damage here; we are talking about matters which were brought out and brought to bear in the course of the examination of evidence in the Betrayal of Trust inquiry. These are matters that are currently being dealt with in various forums and schemata around Australia that are considering extremely harrowing material. In hearing that material, we are constantly reminded of the incredible burden survivors face. We are reminded of the damage to their sense of self, the damage to their development, the damage to their relationships and the damage to their prospects and resilience. It is the telling, naming and giving voice to abuse which is a part of the ability to begin to heal. It is part and parcel of a responsible system and part and parcel of the obligations of a responsible government.

These reforms were necessary because the effects of child abuse were often felt throughout an entire lifetime. Ms Crozier made a contribution earlier this evening in relation to evidence given as part of the committee process of the Betrayal of Trust inquiry indicating that one survivor had endured more than seven decades of silence before finding the courage to name that abuse, before being able to come forward and own the damage that had been sustained to her seven-year-old self. There is great power in the capacity to say what has happened early in life, to take the hand of the smaller self — a younger and a comparatively powerless self — and to walk into a system that might otherwise be incredibly complex, fraught with technicality and a process that is mystifying, difficult to understand and may often result in statutes applying that limit or bar a claimant from taking action. As such, removing these barriers and statute of limitations obstacles is necessary and appropriate, and that takes us one step further in fulfilling our responsibility as a government. We have a positive obligation to take the difficult and necessary steps to make it easier for survivors to tackle what has happened to them and, in doing so, to ensure that survivors receive the full support of the system.

The bill refers to child abuse of a physical or sexual nature of persons who were minors at the time of the abuse, as well as any psychological abuse that arises in connection with that physical or sexual abuse. It is careful to safeguard the fundamental rights of parties before a court, including the right to a fair and balanced trial. One component of that came about as a consequence of the stakeholder consultation process. The requirement in the earlier draft that the alleged abuse could at the time of the act or omission constitute a criminal offence under the law of Victoria was removed. It was removed because the inclusion of criminality was confusing, counterproductive and unhelpful to the victims of abuse. In essence it added another layer of technical challenge of having to overcome a criminal barrier in order to establish the groundwork and foundation for a civil claim.

To that end I am pleased that the bill currently before the house does not include that specific reference to criminality. I am pleased to see that we have in effect a system which focuses purely on the civil elements of the claim and which focuses purely on empowering survivors to be able to take action, seeking the redress that Mr Finn has referred to and establishing the basis upon which survivors can have their stories told and have what has happened to them benchmarked against a system which recognises fundamental breaches of power and fundamental breaches of relationships of trust.

It is a system which for a long time has had a long way to go. The system has begun to be reformed through the implementation of the recommendations of the *Betrayal of Trust* report and the Premier's commitment to implement all outstanding key recommendations, including the one we have before us now — the removal of the statute of limitations. The bill strikes an appropriate balance between the rights of parties to have a fair and balanced trial and the rights of applicants and plaintiffs to seek remedy or redress in relation to the capacity for their grievances to be heard and, where the grievances are made out, for remedies to be awarded. There is a lot of power in that. There is a lot of power that survivors of child abuse can take back by being able to access a process that prior to the laying of this bill before the house was not available to them once the clock had ticked beyond a certain time.

Currently the Limitation of Actions Act 1958 provides that child abuse civil claims must be brought by the earlier of 6 years from the date upon which the cause of action is discoverable by the plaintiff or 12 years from the date of the alleged abuse, known as the long-stop period. There are more generous limitation periods applied if the alleged abuser is a parent or guardian or a close associate of a parent or guardian. This amendment changes that by removing the limitation of actions period and removing the requirement that certain factors, such as the identity of the abuser or the circumstances in which the abuse occurred, be factored into the time that is otherwise available.

It is retrospective, which means survivors of child abuse have dignity irrespective of when such abuse occurred, of the time that might otherwise have passed and of the way in which a wrongful death may have occurred. We recognise the trauma and the need to heal and recover, whether a person is a survivor themselves or they are a family member or dependant of a survivor who has died, and we recognise the need for access to a system that applies rules and regulations in a uniform manner and does not fetter access to that system.

This bill was the subject of extensive consultation. It is something the former government and this government take extremely seriously. It is of enormously broad scope. It abolishes limitation periods for civil claims based on child sexual and physical abuse, and its explicit mention of psychological abuse is a further step that has not previously been taken in overseas reforms, such as those in place in Canada, the US, Ireland and the UK.

The bill goes further than the scope of *Betrayal of Trust* in extending the scope of reform beyond institutional settings to include abuse in all settings. To that end it is not inconsistent with the work being undertaken by the royal commission, which will make recommendations on limitation periods in its final report on redress and civil litigation, due in the middle of this year.

The recommendation regarding limitation periods in *Betrayal of Trust* is clear. It came about from an extensive and exhaustive process of hearing about the trauma, the pain and the injury sustained by survivors and their families. The Family and Community Development Committee made the recommendation following considerable evidence from survivors, legal practitioners and legal groups as well as institutions and academics. The government's commitment to implement the recommendation retrospectively and without delay is commendable. It is commendable because of the work that preceded the bill being brought before the house and because it follows an effort that spans the political spectrum.

This government supports the work of the royal commission and has made sure to keep the royal commission abreast of Victoria's work in relation to *Betrayal of Trust*. Whether there is or is not a flood of claims flowing from this bill and this change is a matter

to be determined. However, similar reforms have taken place overseas without any observable flood of claims. Even if there is an increase in claims, that in and of itself is not, to my mind, sufficient to displace the importance of this bill. The benefits of this bill outweigh any administrative or legal impost that might otherwise occur because survivors are empowered to seek a remedy.

I commend the bill to the house. I note the extensive work that has been undertaken by committees, by community groups and, most importantly, by survivors of child abuse in being courageous enough to tell their stories, to name what happened to them and to name the consequences throughout their lives of surviving abuse, whether it be of a physical or sexual nature. I pay tribute to every single person who has been affected by abuse in the state of Victoria. They deserve more. They deserve a system that better supports the right to seek remedy, and to that end I wish the bill a speedy passage through the house.

Sitting suspended 6.27 p.m. until 8.02 p.m.

Ms FITZHERBERT (Southern Metropolitan) — I am pleased to rise and add my voice to those who have already spoken on the Limitation of Actions Amendment (Child Abuse) Bill 2015. In my view the work that led to this bill is among the most important that the Parliament undertakes. It acknowledges the appalling treatment of some particularly vulnerable people within our community, and it is an attempt to right some of the wrongs of the past in relation to those people and the behaviour they were subjected to.

Previous speakers have spoken about how this bill originated with the work of the previous government. I will take a moment to add my comments to those that have already been made on the work of the committee that led to the recommendations that form the basis of this bill. The Family and Community Development Committee was given the role — I think quite bravely — of dealing with the issue of institutional responses to child abuse. While we all see it now as a great success, a very good piece of work and something that quite rightly has had bipartisan support, at the time there were quite a few naysayers, those who said it was an inappropriate forum, it could not be done or it was simply too hard, particularly after the passing of many years, to do anything meaningful on this front. But the work that was done by the committee showed otherwise.

I want to acknowledge the work of everybody on that committee and in particular the work of Ms Crozier as chair and Andrea Coote, one of the former members for Southern Metropolitan Region, who was also instrumental in that committee. Ms Crozier had a very delicate task. She was dealing with heightened emotion, perhaps heightened expectations, and above all an awareness that it could all go badly wrong, although no-one wanted that to happen or to in any way exacerbate the hurt and unhappiness that had already been experienced by the victims at the heart of this inquiry.

The committee eventually issued the *Betrayal of Trust* report, which was tabled in this Parliament in November 2013. A range of recommendations were made, and the bill we are debating this evening focuses on one significant element of those recommendations — that is, the period of limitations on when civil actions can be taken in relation to abuse of children that has been experienced in the past. The committee listened to many harrowing — that is the word other speakers have used — and deeply personal accounts of abuse. One of the common themes was that it sometimes took people years to acknowledge even to themselves the extent of what had happened.

This is an effect of this particular crime in two key ways that I will dwell on briefly. One is that many people who have been victims of abuse as children have been threatened by those who abused them. They were threatened with all sorts of consequences if they went to their parents, a teacher or some other trusted person and explained what was happening. Of course some of those who did go to adults were not believed, which is a terrible thing as well.

The second aspect of this that the bill responds to is the practice of grooming of children and young adults by those who are seeking to abuse them. This may lead to feelings of confusion and guilt in the subject of the grooming or a sense of feeling complicit in what is in fact a crime against very vulnerable young people.

This bill takes into account the fact that the specific nature of the crimes committed has an impact on the ability or willingness of people to report those crimes. It attempts to respond in a way that is appropriate in terms of the person who has been a victim of abuse and is making the accusation, and it takes into account the rights that remain with people who have been the source of the abuse.

I will now make a few comments on some of the features of the bill while remaining conscious that the house has quite a bit of work to get through this evening and that other speakers have already taken us through some of these aspects. I will single out a few points and make some comments about each of them.

One area in which this bill changes the system that has existed to date in relation to when civil matters can be the subject of action is that it makes no distinction between when and where abuse may have occurred. The current legislation is quite confusing because of the array of different limitations that exist. Sometimes the identity of the alleged perpetrator is relevant. Often the process depends on the time or context of the abuse. This bill seeks to simplify those confusing elements that make a difficult situation even worse by creating a system that is easier for people to use.

The bill also takes a very broad definition of child abuse. It specifies physical, sexual and psychological abuse, and it notes the interlinked nature of these in many instances. The bill recognises — and I think this is important — the impacts of abuse well beyond the primary victim. It feels very formal to be using a term like 'primary victim', but the point I am trying to make is that when people have been subjected to these sorts of crimes it impacts on their families in different ways. I think one of the earlier speakers referred to the ripple effect of abuse, which painted a very good picture of what can happen. As others have already pointed out, it often happens over many decades. I think it was Ms Crozier who referred to one victim of abuse who addressed the committee and very bravely explained her story. It was some 70 years since she had experienced the abuse she was subjected to.

What this comes down to is the creation of a simpler system for victims of child abuse to take civil action. This means we are talking about attempting to put some kind of price on what it is they experienced. I do not think it is really possible for that to be done, so the best way I can describe this bill is to say it cannot correct all the evil acts of the past against children and young people, so it focuses on one point in particular: the disconnect between when these events happened, when people became aware of them and when they were capable of taking action on their own behalf or on behalf of another to address the crime that had been committed. It tries to bring that into a more sensible package that addresses the inconsistencies and difficulties of the legal path to justice that victims were previously obliged to attempt.

I hope this bill goes some way towards easing the pain and suffering that many people have felt and that was so visibly on display during the committee hearings conducted by the Family and Community Development Committee. As other speakers have done, I wish the bill a speedy passage.

Mr HERBERT (Minister for Training and Skills) — I will say just a few words to sum up this bill before we go to the committee stage. I thank all members for contributing to this debate. I have listened to the vast majority of contributions, which have made it clear that amongst all parties and all groupings — the crossbench, the Greens and the coalition — there is a genuine sense of oneness on this issue. We need to support greater justice in this area, and we need to support greater justice for the victims of sexual or physical abuse.

I will not go into the history of the bill, as many have already done that for this particular issue. However, we need to acknowledge the great work of the committee, the community, MPs and other activists in bringing this whole sorry tale to the forefront of our minds. Their support has led to the sort of legislation we have here today. It is clear that there is widespread community support for implementing the recommendations of the *Betrayal of Trust* report, and this legislation is one of a number of pieces of legislation that will implement those recommendations.

It is essential that everybody who speaks on this legislation in this chamber acknowledges that for far too long child abuse was swept under the carpet and that for far too long victims of abuse lived in the shadows without feeling confident enough to come forward to speak out about their horrendous experiences. Thanks to the royal commission and public community figures and the media continuing to raise this issue, that is no longer the case. Having said that, it is often decades before people acknowledge the impact of abuse on their lives and then possibly come forward to seek compensation. For families of the abused it may take even longer; they might not even know the abuse ever happened until after the person dies.

This bill helps to address that issue. In essence it removes the limitations that apply to civil action for people who have been affected by child abuse, whether that is sexual abuse or physical abuse, or psychological abuse. Regarding the amendment that has been circulated by the Greens, I acknowledge it is a genuine issue and a genuine amendment — that is for sure — however, the government will not be supporting it. We have a view that the amendment broadens the issue of psychological abuse beyond the scope of the *Betrayal of Trust* recommendations. It is our contention that this bill already goes further than the *Betrayal of Trust* inquiry recommendations in that it extends the scope beyond institutional settings to include abuse in all settings. That is a good thing, and it is a justifiable extension of that recommendation.

The bill in its current form is more favourable to survivors of child abuse than legislation that exists in Canada, the US, Ireland and the UK. Whilst that is good, we hope maybe in the future those jurisdictions will look to some of the measures we are introducing here in this Parliament and revise their legislation to broaden its scope. I will say more about that matter in the committee stage.

I thank everyone for contributing. It is an important issue. It is great that on issues such as this we can have some sort of unanimity in terms of the desire to make up for some of the wrongs of the past.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

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

Mr DRUM (Northern Victoria) — In relation to clause 1, I have just come across an incredibly sad case in my electorate where a 48-year-old who has suffered severe depression all his life has finally cracked. Unfortunately he only has about six months left to live. He has been in effect housebound all his adult life because a priest got to him when he was 13. Where does this chap sit in relation to trying to seek any sort of compensation for himself and his family? They have had no explanation as to why he has been housebound and in effect confined to his room for 30 years; now it all makes sense. This family lost another sibling who was an altar boy at the same time. He took his own life as a 22-year-old. Maybe the priest got to him as well. This family has been through a very tough time. I wonder where this family sits in relation to clause 1.

Mr HERBERT (Minister for Training and Skills) — I thank the member for his question. It sometimes takes a fair bit for people to speak about their experiences or to go to their elected representatives to speak about their experiences. I am pleased that Mr Drum and the family have had the courage to raise this. It is an important part of the whole process of bringing the abuse of children out into the open, but it is difficult for people.

I also acknowledge that while we may be talking about the end event, there is often a lifetime of misery and ruined lives that are the result of these actions. In response to the specific question, this act removes limitation. It should enable the constituent or friend the member is talking about, along with his family, to take civil action in terms of their hardship.

Mr DRUM (Northern Victoria) — Whilst I have no idea as to this family's intention, in the event that this chap passes on in the next few months, is there any recourse available to his family for a life ruined?

Mr HERBERT (Minister for Training and Skills) — Yes, as I understand it there is. In fact that is one of the main issues. Often families have lived through the suffering that comes from abuse, and they do not know it. The victim passes on, and after they pass on it often becomes evident what has happened. Obviously it is an issue for the courts, but as a result of the lifting of limitations by this bill, the family should be able to seek civil redress.

Ms HARTLAND (Western Metropolitan) — I have a question pertaining to recommendation 26.1, which recommends requiring religious organisations and other institutions to become incorporated legal structures capable of both having insurance and being sued by victims. Such provisions are not in this legislation, and so the question I ask is: when can we expect to see that legislation come into the house?

Mr HERBERT (Minister for Training and Skills) — I thank the member for her question. It is a very complex issue. I also thank the member for discussing this issue with me earlier and enabling me to provide a more sensible response. The government is aware of the issues raised in the *Betrayal of Trust* report in relation to barriers accessing justice presented by unincorporated organisations. That is at the centre of the question. We have committed to implementing all the recommendations of the *Betrayal of Trust* report. The legal issues to be resolved in implementing the recommendations in relation to unincorporated organisations, however, are very complex. Work is currently underway within the Department of Justice and Regulation to resolve these issues and prepare an appropriate response. I am advised that the Royal Commission into Institutional Responses to Child Sexual Abuse is also considering this issue and in the middle of this year will release a final report on civil law reform. As well as undertaking the work it is doing right now in terms of complex legal issues, the government will take into account any recommendations made by the royal commission.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I have one quick question for the minister. The *Betrayal of Trust* report referred to the

removal of the limitation on actions in respect of matters of criminal child abuse. This bill refers only to child abuse. I am wondering if the minister can elaborate on whether there is a distinction between the reference to criminal child abuse in the report and what is in the bill and on whether there is an intent to make a distinction with the legislation.

Mr HERBERT (Minister for Training and Skills) — That is an excellent point. In the exposure draft of the bill released last year criminality was included in the definitions. I understand the majority of stakeholders who provided submissions on the exposure draft criticised the use of criminal standards in a civil claim. The submissions noted that it was generally confusing and ultimately unhelpful to victims of abuse to require a civil claim to be examined under criminal law. That being the case, we believe requiring this examination of relevant criminal law created a barrier to accessing justice when the intention of *Betrayal of Trust* was to remove such barriers. Therefore the government accepted the thrust of many of those submissions and removed the requirement of criminality.

Ms HARTLAND (Western Metropolitan) — During our consultation on this bill it came to our attention that several organisations have absorbed smaller organisations over the last 20 years — as we know, there is a long lead time on a number of these issues — and it is unclear as to whether these larger organisations will find that an organisation they have absorbed has liability when people come forward to make claims. As we understand it, there is an insurance policy that was effective as of 1989 to protect organisations around this. Some organisations are concerned about their liability prior to that date, however. I am wondering whether the government has looked at that issue and whether there is something the government can do to assure those organisations that if they have to deal with another organisation's liability, they will be protected.

Mr HERBERT (Minister for Training and Skills) — That is another excellent point, and another complex area of the law. There is no doubt that survivors of abuse are often faced with numerous barriers to justice, and while a victim of abuse is able to directly sue a perpetrator — that is pretty straightforward, and this bill gets rid of the limitations in terms of time — some victims may wish to sue an institution or organisation they believe is responsible. This is pretty difficult at all times. As the member points out, many organisations may no longer exist or may have merged with other organisations, and there may be circumstances in which the legal liabilities of past organisations are unclear. It is a complex, murky area. Even when a responsible authority can be identified, there are stringent legal principles that must be satisfied if an organisation is to be held responsible for the abusive and wrongful acts of its personnel.

I will just give an example. As I understand it the High Court of Australia has to date not clearly indicated that organisations can be liable for seriously wrongful acts such as child abuse that were perpetrated by their personnel. It goes to that sort of level of question in terms of the law.

These issues were canvassed in the *Betrayal of Trust* report as areas for potential law reform. The government has committed to implementing the *Betrayal of Trust* report recommendations. To that end the department is currently working on these issues and trying to develop an appropriate response, but it is very complex.

We will also pay attention to what comes out of the Royal Commission into Institutional Responses to Child Sexual Abuse, which is also examining this issue. It will hopefully make its recommendations by mid-2015. That may make it easier to clarify these responsibilities.

Clause agreed to; clauses 2 and 3 agreed to.

Clause 4

Ms SPRINGLE (South Eastern Metropolitan) — I move:

> Clause 4, lines 20 to 27, omit all words and expressions on these lines and insert —
>
> "(b) is founded on the death or personal injury of a person resulting from an act or omission in relation to the person when the person is a minor that is physical abuse, sexual abuse or psychological abuse.".

I would firstly like to acknowledge all the contributions we have heard tonight and also congratulate everyone who has worked on this issue over the long months since the *Betrayal of Trust* report was tabled and its recommendations debated.

This amendment certainly does not seek to decry the work that has been done; in fact it seeks to strengthen that work, because as has been pointed out numerous times this evening some outstanding recommendations have been and are being implemented from this report. It goes further than any past legislation. The Greens would like to acknowledge and celebrate that, but we also believe that there is a small thing that could make the legislation even stronger.

Our amendment seeks to make the issue of psychological abuse even clearer. We feel that the way the bill stands now too many people will be excluded from eligibility to claim for the harm that has been caused by the abuse that has been perpetrated on them. We believe the advice from the Law Institute of Victoria confirms our belief. It said that this amendment would allow the victims of physical or sexual abuse to claim for the harm caused by any additional psychological abuse that occurred. Deleting the words 'that arises out of that act or omission' would remove the requirement for there to be a causal nexus between the types of abuse and would remove limitation periods for claims for psychological abuse where there was also physical or sexual abuse. In our view this amendment would make the provision clearer and fairer for victims. I recommend this amendment to the house for that reason. We are simply seeking to improve the bill and not decry it.

Mr HERBERT (Minister for Training and Skills) — I absolutely understand the genuine nature of Ms Springle's amendment, but we hold a different view. When we put the exposure draft out we received a number of comments and submissions on this. For that reason we expanded the bill to include psychological abuse, where that form of abuse arises from instances of sexual and physical abuse. We believe that we have the balance right and that it is appropriately reflected in the bill. We will not be supporting the Greens amendment because we think it goes outside the scope of the *Betrayal of Trust* report recommendations.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — The coalition recognises what Ms Springle is seeking to achieve with her amendment this evening. With respect to the existing provision in the bill, proposed section 27O, the coalition believes the nexus that is created between psychological abuse and a requirement for that to arise out of an act or an omission is an appropriate one, and therefore on balance we will not be supporting the amendment.

Committee divided on amendment:

Ayes, 5

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

Noes, 34

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

Amendment negatived.

Clause agreed to; clause 5 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

JOINT SITTING OF PARLIAMENT

Legislative Council vacancy

Message received from Assembly informing Council that they have agreed to joint sitting to choose Legislative Council member.

EDUCATION AND TRAINING REFORM AMENDMENT (CHILD SAFE SCHOOLS) BILL 2015

Second reading

Debate resumed from 19 March; motion of Mr HERBERT (Minister for Training and Skills).

Mrs PEULICH (South Eastern Metropolitan) — I have pleasure in rising to speak in support of the Education and Training Reform Amendment (Child Safe Schools) Bill 2015, which proposes amendments to the Education and Training Reform Act 2006 to enable the implementation in Victorian schools of the government's response to certain recommendations made by the Family and Community Development Committee in the *Betrayal of Trust* report tabled during the previous Parliament. That report has certainly had a lot of coverage and been the subject of a lot of discussion, and a lot of very good work was undertaken by the Family and Community Development Committee during that inquiry into the handling of child abuse by religious and other non-government institutions. I commend all of those committee

members, led by Georgie Crozier, who did an outstanding job.

The inquiry found that child abuse does not discriminate on the basis of race, religion, ethnicity or socio-economic status and that it affects many, far and wide across the community. Coming out of that report was a range of recommendations for change that responded to the issues, many of which are still there, in particular for the victims and for the secondary victims as well. It is clear that schools across the state, be they government, non-government or independent, did not always operate in a way that is viewed as child safe, particularly in this context.

The bill before the house seeks to provide some solutions. As I said, the committee dealt with a range of issues through the inquiry and made a range of recommendations. Some of these pertain to legislation and reforming criminal law, including issues to do with concealing criminal child abuse and the compulsory reporting of child abuse to police. The committee looked at the opening up of access through civil avenues to justice, the many complex legal issues involved with addressing the legal identity of non-government organisations and the removal of limitations on the capacity of victims of child abuse to make a claim, because many victims do not come forward until well into adult life, as we have learnt. The committee also dealt with issues such as vicarious liability and duty of care, and it attempted to take a different approach, providing an independent, alternative pathway for achieving justice. This was assisted by the work of the Victims of Crime Assistance Tribunal system. The idea was to have a separate body that could administer this in a manner acceptable to the Victorian community.

The committee also looked at improving the response of organisations to allegations of criminal child abuse. It proposed authorising an independent statutory body with relevant powers and legal and operational resources to undertake this important monitoring. Not only did it look at legislation and achieving justice with respect to child justice, it also looked at the very complex issue of how we can improve the prevention of criminal child abuse within organisations, including in terms of an organisation's duty of care to children. This includes issues such as the selection of personnel, especially in relation to the need for working with children checks. It addressed managing situations or risks in terms of the way organisations structure themselves and also in terms of prevention systems to provide support through the Victorian government to assist various peak bodies to provide support to other organisations.

The report provided a considered road map for government to implement change, of which this bill is one element. On receiving the report, the government of the day, of which I was a part, tabled a response, welcoming all of the committee's recommendations, and it supported those recommendations in principle. The former government took action with respect to implementing amongst other things changes to the Crimes Act 1958 to create a new offence which provides that an adult must not fail to disclose to police a sexual offence reasonably believed to have been committed. Work was also done with respect to legislating on issues concerning child endangerment and implementing a new anti-grooming offence. A Commission for Children and Young People was established. Also, $10 million was committed for the provision of a range of new measures, including the capacity to introduce minimum child-safe standards for organisations that have direct and regular contact with children. Fortunately support for that change was bipartisan.

In the last Parliament the former Minister for Education, the member for Nepean in the Assembly, introduced the Education and Training Reform Amendment (Miscellaneous) Bill 2014, and the bill before us has most of the components of that bill. I note that bill's title contained the word 'miscellaneous', and two or three other items have been removed in the current bill, but essentially this is a bill that was drafted by the previous government. The provisions that have been removed include those pertaining to the Victorian Registration and Qualifications Authority (VRQA) which empowered it with greater opportunity to provide for the protection of students as consumers in the operation of non-government schools. There were references in the previous bill to the centre for further education and the facility for regional councils to have greater autonomy and flexibility. The shadow Minister for Education is seeking advice from the government as to what is happening about the matters that have been left out of this piece of legislation.

This bill seeks to reflect parts of chapters 16.1 and 12.1 of the *Betrayal of Trust* report. It deals with the government's reviewing procedures for responding to allegations of criminal child abuse in Victorian schools and with identifying a benchmark to apply to non-government schools.

Chapter 12.1 of the report proposes that the government implement minimum standards for maintaining child-safe environments for all organisations with direct and regular contact with children, including schools. The bill seeks to implement a number of changes. The minimum standard for school registration will ensure

that in the future all Victorian schools are required to take action to better manage and reduce the risk of child abuse, including through their responses to allegations of child abuse. This will apply to all schools — government, Catholic and independent.

The Minister for Education will be able to make a ministerial order under the Education and Training Reform Act 2006 that specifies the actions schools must take to create a child-safe environment in order to meet the newly proposed minimum standard for school registration. This includes school policies and procedures dealing with recruitment and staff management, policies and guidance for people occupying positions of trust, and complaint management and resolution procedures.

The bill also enhances the range of compliance and enforcement actions the Victorian Registration and Qualifications Authority can take to uphold the minimum standard for registration, including ensuring the non-registration of a school that does not comply with the minimum standard for registration. The VRQA may suspend or cancel a school registration if it finds after a review of operations that a school has failed to comply with the minimum standard for registration. The VRQA will be able to enforce an undertaking on a school that is the subject of a review, plus the VRQA will be able to collect and share information with a wider class of Victorian government agencies and regulators in other jurisdictions.

There has been significant consultation on, and obviously there has been significant discussion of, the report tabled in the previous Parliament. I am advised that no concerns have been raised by the key stakeholders in relation to this bill. As I said, the Liberal-Nationals coalition supports the legislation. It is a product of a lot of the work that was undertaken when we were in government, including the drafting of the majority of this bill. The legislation before us implements part of the recommendations of the Family and Community Development Committee's *Betrayal of Trust* report. I believe the move will be supported by the community and builds on the work undertaken by that committee.

Obviously much remains to be done, but this is a necessary step to ensure that all of our organisations have all of the necessary requirements for providing child-safe environments in schools, whether they be public or private schools. With those few words, we support the bill and commend it to the house.

Ms SYMES (Northern Victoria) — I rise to speak on the Education and Training Reform Amendment (Child Safe Schools) Bill 2015. This is the second opportunity I have had today to speak on the implementation of the recommendations of the *Betrayal of Trust* report, and I again put on the record my admiration for the many survivors of abuse and their families for their courage in participating in the parliamentary inquiry into the handling of child abuse by religious and other non-government organisations. I again acknowledge the significant work of the parliamentary committee and its subsequent report.

The government is committed to implementing all the *Betrayal of Trust* recommendations and is progressing this work. I am pleased that the Legislative Council looks well placed to pass these two bills this week. The Family and Community Development Committee made a number of findings and recommendations about monitoring organisations' responses to child abuse and preventing child abuse from occurring in organisations. The Education and Training Reform Amendment (Child Safe Schools) Bill is the first step in the implementation of recommendations 12.1 and 16.1 of the *Betrayal of Trust* report.

Recommendation 12.1 goes to implementing minimum standards for maintaining child-safe environments for organisations with regular direct contact with children. The government is developing the minimum standards for child-safe environments for organisations that work closely with children, and the bill will enable these standards to be implemented at all Victorian schools. The new standard will also act as the prescribed minimum standard for registration.

Recommendation 16.1 asks that the government review the procedures followed by Victorian government schools for reporting and responding to allegations of all forms of criminal child abuse and that it identify a benchmark that could apply to non-government schools.

From the written submissions received by the *Betrayal of Trust* inquiry, it is apparent that 39 per cent of reported abuse occurred in schools, with most of the abuse occurring between 1950 and 1980. According to the report, less than 1 per cent of the reported abuse has occurred since the 1990s; however, as we know, abuse — wherever it occurs — is chronically under-reported, with many victims not disclosing their personal experiences of abuse until many years after the event. Regardless of how low the percentage is, we are talking about child abuse victims, and one child abused in a school environment — an environment where children should be safe — is one too many. There is no greater abuse of trust than when those charged with the

care of children use their relationships with and access to them to exploit and abuse them.

This bill is in effect a lifting of the bar in relation to the care of our kids, and that is a very good thing. It will ensure that in future all Victorian schools are required to take action to better manage the risk of child abuse, including through their response to allegations of child abuse. It proposes to do this by amending the Education and Training Reform Act 2006 to establish a framework that empowers the Minister for Education to make a ministerial order under the act that specifies the actions that schools must take to manage the risk of child abuse and the actions they must take to create a child-safe environment and to meet the new minimum standards for registration. Importantly this will apply to all registered schools — government, Catholic and independent.

The *Betrayal of Trust* report found that Catholic and independent schools are not expected to meet the same requirements as government schools in responding to suspected sexual assault, and there is no clear guidance for any schools regarding other forms of criminal abuse. The Royal Commission into Institutional Responses to Child Sexual Abuse has identified that the highest prevalence of historical abuse allegations has been at faith-based educational institutions. I am not saying that there are not Catholic and independent schools that have stringent, comprehensive procedures, but the system will be improved if it is mandatory that best practice be applied to all schools universally.

The committee found that the education department's guiding document for government schools, entitled *Responding to Allegations of Student Sexual Assault — Procedures for Victorian Government Schools*, offers a set of instructions that clearly outlines the process for dealing with allegations of sexual assault in schools. For example, the guideline states clearly and unambiguously that schools have an immediate responsibility to report allegations of child sexual abuse to the police. Any allegation that a teacher or school employee has committed a sexual assault must be reported directly to the Victoria Police sexual offences and child abuse unit and the conduct and ethics branch of the education department, which deals with serious misconduct. The committee considered that the department's procedures for government schools should be extended to apply to criminal child abuse other than sexual assault and that the procedures should apply to all schools, regardless of whether they are government, independent or Catholic.

Whilst the government has further work to do to fully implement recommendations 12.1 and 16.1, this bill ensures that in future all Victorian schools will be required to take action to better manage and reduce the risk of child abuse, including through their responses to allegations of such abuse. The bill focuses on the conduct of registered schools and aims to improve the ways in which all schools assess, manage and mitigate the risks of child abuse and respond to abuse allegations.

The bill does not alter any obligations that schools, principals, teachers or other school staff have under other laws. The Education and Training Reform Act and regulations already include a prescribed minimum standard regarding student welfare, care and safety. Similarly, an existing minimum standard obliges schools to ensure that staff comply with the Working with Children Act 2005, including working with children check cards. While these other minimum standards go some way towards covering a school's obligation to take reasonable steps to care for and protect students from abuse, this bill is welcome in that it ensures that there will be more specific and explicit minimum standards that address the risk of child abuse in connection with Victorian schools.

It is also the government's view that the specific and explicit minimum standards to address the risk of child abuse in connection with Victorian schools should not be limited to within the school boundary. If the child concerned is enrolled at the school and the alleged perpetrator is connected to the school in a material way, the school has a responsibility. The bill promotes the adoption by schools of better preventive measures to minimise the risk of child abuse in both the school context and in the broader community. It is anticipated that the ministerial order will require schools to complete comprehensive reference and character checks when they hire people to work with students and also be required to improve their people management capabilities to ensure that all people behave appropriately when working with children. I understand that the Department of Education and Training will soon begin consulting with stakeholders over the content of the ministerial order.

Clause 5 authorises the making of the ministerial order. Consistent with the government's policy for child-safe standards, a future ministerial order may require schools to do things such as publically commit to the zero tolerance of child abuse; develop principles to guide decisions about managing the risk of child abuse; develop procedures on the employment of new personnel, including reference checks; develop a risk management strategy that will improve the identification of suspected child abuse and appropriate treatments for the risk; develop practices that empower

children and take appropriate account of a child's cultural safety; and develop clear and integrated processes for reporting and responding to allegations of child abuse.

The bill further strengthens the regulation of schools by enhancing the compliance and enforcement powers of the Victorian Registration and Qualifications Authority. Importantly, that authority will be able to undertake a specific review of a school's compliance with one or more of the standards and take a combination of compliance actions after finding a school is non-compliant with a minimum standard for registration. These changes will help keep the next generation, the generation that includes my children, in safe hands by ensuring that schools are better equipped to prevent and respond appropriately to allegations of child abuse. I commend the bill to the house, and I wish it a speedy passage.

Ms CROZIER (Southern Metropolitan) — I am pleased to rise to speak on the Education and Training Reform Amendment (Child Safe Schools) Bill 2015. I have been listening to the contributions to the debate that have highlighted the importance of the bill. We have heard speeches on a number of pieces of legislation that relate to the *Betrayal of Trust* report that I had the privilege of tabling in 2013, and this bill covers another area that will be legislated when it goes through the house this evening. Teachers and those who look after our children have a huge responsibility when children are entrusted into their care. They are in a unique position of responsibility when conducting themselves as teachers and others looking after children and early childhood settings.

Currently Victorian schools and early childhood services are required to report criminal child abuse to police under a joint protocol with the Department of Health and Human Services and the Department of Education and Training to protect the safety and wellbeing of children and young people. The committee of which I was a part found that in other areas, in some of the independent schools, the same processes and the same guidelines and procedures were not followed. The committee identified that, for instance, in the Catholic Education Office procedures do not require allegations of criminal child abuse by a staff member to be referred immediately to police.

We were quite concerned about that considering what was being applied in the state system, and we wondered why it was not being applied in the independent school system. Our finding was that Catholic and independent schools were not expected to meet the same requirements as government schools in responding to suspected sexual assault of children and that there was no clear guidance for any schools regarding other forms of criminal abuse. That was a significant finding.

The committee felt that the procedures applied under the guidance of the then Department of Education and Early Childhood Development to government schools should be extended and applied to all schools throughout Victoria. Hence recommendation 16.1 that the Victorian government review the department's procedures for responding to allegations of all forms of criminal child abuse within all Victorian schools and identify a benchmark that could be applied more broadly to non-government schools.

The bill before us this evening partly addresses those concerns and a number of other things. Firstly, it amends the Education and Training Reform Act 2006 to establish a regulatory framework for schools to implement in future the Victorian government's response to recommendations 12.1 and 16.1 of the *Betrayal of Trust* report. The bill also enhances the Victorian Registration and Qualifications Authority regulatory powers with respect to schools. Lastly, the bill makes a number of technical statute law revision amendments to rectify incorrect references to provisions and other errors.

As others have stated, the bill strengthens the statutory powers and responsibilities of the Victorian Registration and Qualifications Authority, which will strengthen schools regulation. That will be a good thing because it will enhance the protection of children within our school system. I think the bill reflects the findings in our report and applies it to those recommendations.

In relation to funded organisations and prescribed minimum standards, our findings went to standards for teachers and how funded organisations and registered professionals are expected to meet the standards relating to child-safe practices that vary considerably across sectors such as early education teaching and community services. As I said earlier, it goes to the point that teachers and those who have responsibility for and care of our children hold a unique position where they are responsible for ensuring that the requirement to maintain safe environments for children is adhered to.

As I have said, stemming from recommendation 12.1, the new standard will require schools to develop, in accordance with a ministerial order, policies, procedures, measures and practices for managing risks associated with child abuse. The requirements may include implementing minimum standards for child-safe environments in schools and developing policies

and procedures for responding to allegations of child abuse that arise in a schools context.

Recommendation 12.1 recommends that the Victorian government review its contractual and funding arrangements with education and community service organisations that work with children and young people to ensure that they have a minimum standard for ensuring a child-safe environment, including the following principles. They include a statement of zero tolerance of criminal child abuse, principles to guide decisions, procedures on the employment of new personnel, a risk management approach and processes for reporting and responding to allegations of criminal child abuse. These principles are significant because they highlight the minimum standards that the community expects. Furthermore, it recommends that the Victorian government consider the potential for extending a standard for child-safe environments to other organisations or sectors that have direct and regular contact with children.

As I have already highlighted to the chamber, this bill makes reforms in relation to recommendations 12.1 and 16.1 of the report which will strengthen existing powers. The bill will give greater protection to children and will give greater confidence to the Victorian community in relation to how our children are cared for while under the care of teachers or childcare workers or within other community services organisations that care for our children.

I will not say too much more because I think everybody is supportive of this bill, and I am very pleased that is the case. Today I have made two contributions, and in both of them I have referred to the *Betrayal of Trust* report. I again acknowledge all the people who came before our inquiry. However, I will highlight one particular submission and one particular individual who came before us — a very brave woman who was a teacher. I will quote part of her submission. She faced great difficulty and is an extraordinary woman. She had great care for the children she had responsibility for, and this is how she explained her experience to us:

> I was a teacher … and teaching years 5/6 for the first time. I discovered that the parish priest … was sexually assaulting students who begged me for protection. When I reported this, I was subjected to significant covert bullying and subversive alienation and lost my job and teaching career as I was excluded from further teaching posts … A previous principal, and another teacher who had both objected to —

the priest's —

> behaviours with the children prior to me coming to the school, also lost their careers, six years before I did, for speaking out and fighting for the safety of the children.

I think that highlights the commitment by teachers who really want to make those environments safer places for the children they have responsibility for and the difficulties that come up. These standards and greater powers will give teachers and our education and childcare facilities greater comfort knowing that there is a reporting mechanism, there are obligations and there are community expectations.

After I tabled the committee's report, the same witness to whom I have referred sent me a wonderful email, and I will conclude my contribution by reading part of it:

> Emotions were very close to the surface as survivors, supporters and committee members came together. Tears spilled from reddened eyes, heartfelt handclasps and hugs were shared. To witness the gentlemen committee members so visibly overcome moved us deeply in our shared pain and sorrow at the unnecessary suffering mingled with relief of laying down our burdens. Momentarily held united as if suspended, a watershed moment, a moment in history, sighs of relief could be heard. The years and decades as each lone voice, silenced, or crying in the wilderness, working hard in small action groups, gathered momentum, till our voices were heard, have paid off.
>
> Today our voices have been truly heard. We lay down our burdens.
>
> Tomorrow is a new day. A new era has arrived.

I think this bill partly supports what our witness was saying.

Ms PENNICUIK (Southern Metropolitan) — The Greens will be supporting the Education and Training Reform Amendment (Child Safe Schools) Bill 2015, which enacts two recommendations from the report of the Family and Community Development Committee entitled *Betrayal of Trust* on its inquiry into the handling of child abuse by religious and other non-government organisations.

The inquiry by the Family and Community Development Committee and its report were seminal achievements of the last Parliament. The committee was very ably chaired by Ms Crozier, who has just made a contribution on this bill. All members of the committee faced a difficult task, which I think they carried out with great dignity, compassion and diligence, and they produced a report that is very important to the community of Victoria.

The bill is derived from recommendation 12.1 of the *Betrayal of Trust* report:

> That the Victorian government review its contractual and funding arrangements with education and community service organisations that work with children and young people to

> ensure they have a minimum standard for ensuring a child-safe environment …

And recommendation 16.1:

> That the Victorian government review the current Department of Education and Early Childhood Development (DEECD) procedures for responding to allegations of all forms of criminal child abuse within all Victorian schools and identifies a benchmark that could be applied more broadly to non-government schools.

As Ms Crozier mentioned in her contribution, it was concerning to find that Catholic and independent schools were not necessarily held to the same standards as government schools in this regard. The bill enables the Minister for Education to make a ministerial order setting child-safe standards as a requirement of the registration of a school. In his second-reading speech for the bill the minister acknowledged that further consultation with schools needs to be done to fully implement this recommendation and to develop the ministerial order, but it was anticipated that the order will require schools to have in place appropriate recruitment and staff management policies, guidance for people occupying positions of trust and complaint management and resolution procedures.

The bill will restore the power of the Victorian Registration and Qualifications Authority (VRQA) to issue binding guidelines to registered schools. These guidelines may incorporate one or more of the minimum standards required for registration, including the new child-safe school standards. The bill will empower the VRQA to register and enforce an undertaking that is given voluntarily by a school that is the subject of a review. An enforceable undertaking can secure a school's future compliance with minimum standards, including child-safe standards for registration, and can be a practical way for the VRQA to ensure compliance and enforcements. The VRQA can still suspend or cancel registration of a school that does not comply. These are very important safeguards given that allegations of child sexual abuse occurring in independent schools have come out recently in the media through the commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse.

The sexual abuse of children, the neglect, the cover-up and the inadequate responses of individuals and organisations trusted to care for children and which were uncovered by the Victorian inquiry and documented in the report were truly appalling. Of course all members of Parliament and members of the community were appalled by those findings. The actions taken by organisations that allowed this abuse to occur, the covering up and protecting of individuals within those organisations in the interests of the organisation and the failure to uphold the rights of the victims have damaged lives, have damaged families and have damaged society. We should never allow this to happen again.

The implementation of these particular recommendations of the *Betrayal of Trust* report and the enactment of laws to protect children from sexual and physical abuse — as well as psychological abuse, which was the subject of the previous bill which the Greens attempted to amend in order to highlight the damaging effects of psychological abuse of children — will go a long way to ensuring that systemic abuse does not occur again and that the protection and safety of children is made paramount.

Schools should be places where children are safe, but we know this has not always been the case. The committee found that 39 per cent of reported cases of abuse occurred in schools. It heard accounts of appalling physical and psychological abuse perpetrated by members of a number of religious orders in Catholic schools. Victims reported abuse to members of the religious organisation, but more often than not no action was taken or the perpetrator was just moved elsewhere. The victims were often then physically or in other ways punished for raising the issue, and the abusers were able to continue to abuse without being held to account.

This bill recognises that all schools must have policies in place to protect children from abuse and abusers. All schools have a duty of care to protect children. Currently in Victoria there is no legislative requirement for non-government organisations to comply with their duty of care to protect children by establishing preventive policies and standards. This bill goes a long way to remedying this situation. The bill also addresses the importance of recognising child abuse and reporting allegations to authorities. Currently we have an unacceptable situation whereby Catholic or independent schools could internally investigate an allegation of child abuse but be under no obligation to inform the police or to handle the allegation in a way that is consistent with best practice or community standards.

A key way the government can ensure that independent and Catholic schools, indeed all schools, safeguard children is through registration. This is a vital safeguard and check on school standards. This bill will assist in ensuring that all schools are required to act in the best interest of children and the community. As with previous bills that have come before this Parliament in response to the recommendations contained in the *Betrayal of Trust* report, in both the previous

Parliament and this Parliament, these changes to the law will go a long way towards ensuring that children within our community are safer, that widespread sexual and physical abuse does not occur again and that organisations are not able to cover up, dismiss or enable such abuse. Once again the Greens acknowledge the victims and their families who came forward to tell their stories, often for the first time. It took a lot of courage to do that, and they often spoke for many others who could not come forward or were unable to because unfortunately they were no longer with us. In doing so they have helped to change the law in Victoria to better protect children from abuse now and in the future.

Ms TIERNEY (Western Victoria) — I rise to speak on the Education and Training Reform Amendment (Child Safe Schools) Bill 2015. I take the opportunity in my introductory remarks to congratulate the members of Parliament on the Family and Community Development Committee in the previous Parliament who inquired into and reported to the Parliament on this very important issue. I also take this opportunity to acknowledge the work of the support staff to that committee — the clerks, the secretarial support and of course the team who provided legal support to the committee. It must have been quite harrowing at times to hear so many horrific stories that have impacted on the lives of so many — not only those who were victims and survivors but also their families and friends.

Having said that, the work of the committee put the real issues that have confronted many people in many institutions for a long time on the table for the first time. It has given us not only the stories but hard evidence and a narrative that demonstrates that child abuse in our society is systemic. That is a fact; it is a frightening fact, but it is a fact. Therefore it is now a matter not only for parliamentarians but for members of our community to do what we can to make sure that we can rid ourselves of this practice that has been going on for far too long. The legislation we have before us tonight is a start in implementing the recommendations of that report.

As previous speakers have alluded to, there are two specific recommendations that are dealt with in the bill before us this evening. Every time legislation like this comes before us and we make advances towards eradicating such outrageous practices it is important that we give the history and honour those who were involved in that inquiry. We should honour those who had the fortitude to appear before the inquiry and give that important evidence.

The bill before us tonight firstly amends the Education and Training Reform Act 2006 to add a minimum standard for registration of government and non-government schools in ensuring child safety and responding to suspected child abuse within Victorian schools. Secondly, it empowers the minister to make a ministerial order to prescribe the policies, procedures, codes and other measures that schools are required to develop and implement to manage the risks of child abuse. Thirdly, it enhances the powers of the Victorian Registration and Qualifications Authority to monitor and ensure that schools comply with the prescribed minimum standards for registration. Fourthly, it makes a number of statute law revision amendments to fix typographical errors and incorrect numerical and technical references.

The bill recognises that children are vulnerable and in need of special protection by the state. The implementation of this bill is crucial in protecting the rights of children in our government and non-government schools and protecting them from child abuse. The bill will ensure that allegations of child abuse are properly dealt with and that the risks are minimised.

Recommendation 12.1 of the *Betrayal of Trust* report recommends that the government establish minimum standards for maintaining child-safe environments at organisations that have contact with children. Today we are dealing with amendments to the education and training area and therefore we are implementing this recommendation in our government and non-government schools.

Recommendation 16.1 of the *Betrayal of Trust* report recommended a review of the procedures used by Victorian government schools for reporting and responding to allegations of criminal child abuse, as well as identifying a benchmark for non-government schools. Under this amended legislation it will be mandatory for registered schools to satisfy their regulator, the Victorian Registration and Qualifications Authority, that they have taken action to manage the risk of child abuse, including their response to child abuse.

This bill also provides more power to the Minister for Education in respect of making ministerial orders to guide schools in how they can achieve a child-safe environment. More powers are also provided to the Victorian Registration and Qualifications Authority to monitor and ensure school compliance with the minimum standards, including those to protect children from abuse within schools. Members who are familiar with recommendations 12.1 and 16.1 of the *Betrayal of*

Trust report will know that the amendments in this bill do not fully cover what the recommendations aim to cover; however, they are an important step, and the government is working on amendments to other legislation to achieve this.

At the beginning of my contribution I alluded to the Betrayal of Trust inquiry and mentioned the important work its members did. I have no doubt they would consider that the work that was done to produce that report was probably one of the most confronting but satisfying elements of their working lives. That has certainly been the case when I have been able to talk to committee members on a one-on-one basis.

The committee provided us with 15 important recommendations, each and every one of which will be implemented by the Andrews government. The recommendations cover five areas to improve the responsibility of religious and other non-government organisations for the abuse of children in their care. These areas include criminal law reform, improving access to civil justice, improving organisational capacity to respond appropriately to allegations of abuse, improving organisational capacity to prevent child abuse and alternative avenues to justice and redress.

Consistent with other crimes of a similar nature, wherever child abuse occurs it is chronically under-reported. We have seen, particularly through the Victorian government's inquiry, as well as through the royal commission set up by the Gillard federal Labor government, that many victims do not disclose their personal experiences until many years, sometimes decades, later. Page 54 of the *Betrayal of Trust* report states that 39 per cent of written submissions to the inquiry detailed abuse that occurred in schools, with most of that occurring within a 30-year period between the 1950s and the 1980s. With those figures in mind, it is clear why the bill we are debating is crucial. The inquiry also found that less than 1 per cent of the reported abuse happened after the 1990s. Whilst this might be good to hear, we all know that child abuse, tragically, still occurs and, as stated, is chronically under-reported, so it is absolutely necessary to implement these amendments.

Page 51 of the report details that almost half of the abuse reported to the inquiry was of a sexual nature, with just under a quarter being of a physical nature and just over a quarter being a combination of both. I have no doubt that those who have read the report feel the same sense of disturbance, anger, sadness and other emotions whilst reading in more detail about these practices that went on in our state. As the report states:

> The criminal abuse of children represents a departure of the gravest kind from the standards of decency fundamental to any civilised society.

No-one could possibly disagree with that statement. It is the responsibility of each and every Victorian to do everything we possibly can to make sure that our children are safe and protected and that there is justice for victims, and it is the responsibility of the government of the day to ensure that frameworks and policies are in place to give our government and non-government organisations the best environment to keep Victorian children safe.

Again I congratulate members of the Family and Community Development Committee on this report, and I congratulate the minister on bringing this bill to the Parliament. I also acknowledge a number of members of the previous Parliament who gave speeches in relation to the report, which will stand us in good stead not just now but well into the future. I commend the work of that committee and its chair, Ms Crozier.

Mr RAMSAY (Western Victoria) — I will make my contribution to the debate on this bill reasonably short given the lateness of the hour and the fact that other contributions have gone into significant detail, which is something I do not wish to do. I want to take the opportunity to make some comments in relation to the work completed by the Family and Community Development Committee in its inquiry into the handling of child abuse by religious and other organisations. I did not have the opportunity to do that in the previous Parliament, so I thought I would briefly take this opportunity to do so today. I will also refer to the bill itself, the Education and Training Reform Amendment (Child Safe Schools) Bill 2015.

As has been said, the bill proposes amendments to the Education and Training Reform Act 2006 to require registered government and non-government schools to take appropriate action to manage child safety and respond to allegations of child abuse. The bill refers to two recommendations of the report of the Family and Community Development Committee on its inquiry into the handling of child abuse by religious and other organisations, 12.1 and 16.1. Recommendation 16.1 of the committee's report recommends that the government review procedures for responding to allegations of criminal child abuse in schools and identify a benchmark to apply to non-government schools. Recommendation 12.1 of the *Betrayal of Trust* report is that the government implement minimum standards for maintaining child-safe environments for all organisations with direct and regular contact with children.

From the outset I would like to offer my thanks and commendations to the Family and Community Development Committee for the work it did. I want to thank a previous Premier, Ted Baillieu, for initiating the inquiry. I do not wish to heap too much more praise on the chair of the committee, Georgie Crozier, because she has had a fair go both today and in past contributions. However, it would be remiss of me not to acknowledge two of the committee's members and former members of the Legislative Council who cannot speak for themselves, and they are Andrea Coote, who made a significant contribution to the deliberations of the committee and who supported the chair, and a parliamentary colleague who sadly is not here any longer, David O'Brien, who also supported the chair and the committee as a whole.

In the previous Parliament I was a chair of a parliamentary committee myself, and I understand the contribution committee staff make to the success of any inquiry. I am sure Ms Crozier would support me in saying that the staff, the contractors and other staff who played supporting roles during the inquiry are to be commended as well for their dedication and work. As has been said, the report that was presented was a truly outstanding piece of work.

I wish to make mention of and thank the people who had been abused by the clergy who came to my Ballarat office seeking guidance in relation to how they might tell their story. I directed them to the committee, and I suggested that they make a submission and then attend the public hearings. I was pleased to see that the committee saw fit to have not just one public hearing in Ballarat but in fact two. The people who came to my office attended those public hearings and told their stories, and those stories were included in the report. I played a small part in encouraging those who had been abused to come forward, to tell their story to the committee and to be part of the committee's process of forming recommendations.

I attended the public hearings in Melbourne, including those at which Archbishop George Pell and Archbishop Denis Hart appeared as witnesses. I came away almost in disbelief that the cover-up by the high echelons of the clergy was still being undertaken in front of a joint parliamentary public hearing that was being televised. Still there was that denial in relation to the part the clergy played in the cover-ups and their non-action in relation to protecting those who were impacted by those abusive activities. I have lost a bit of faith, as Mr Finn also admitted in his very emotive contribution. It is important for those in this chamber to draw from personal experiences and personal views. I have lost faith in the Church as a result of its continuing denial of activities that have happened within its own sector and its response to those activities.

I do not wish to go on any further. I note that there is support from both sides of this chamber and the crossbenches for the passage of this bill. Hopefully we will pass the bill before the adjournment tonight. Again I would like to congratulate the committee on its work, the previous government on initiating the inquiry and also this government on its full support of the recommendations of the report.

Ms FITZHERBERT (Southern Metropolitan) — I rise to speak on the Education and Training Reform Amendment (Child Safe Schools) Bill 2015. As the preceding speaker has said, many of the issues are common from speaker to speaker, and I do not intend at this late hour to revisit all of those. I will spare the house that.

The bill adds a minimum standard for registration of Victorian government and non-government schools for managing child safety and responding to allegations of child abuse within schools. This of course emerged from the *Betrayal of Trust* report, which showed that schools and other organisations that deal with children and young people vary enormously in how they respond to allegations and findings of child abuse and how they have managed those responses.

These are complex and difficult issues, very hurtful and very emotional, and for almost any organisation confronting one of these issues, it is a crisis that affects individuals very deeply. We have seen how all manner of schools — independent schools and faith-based schools of all kinds — and other organisations that deal with children and young people have grappled with these issues. The results of these periodically emerge in public and painful ways, regularly in newspapers and also graphically and memorably in the *Betrayal of Trust* report prepared and issued by the Family and Community Development Committee.

The bottom line is that we need to ensure a safer environment for children and young people in organisations where they go to be educated and otherwise participate. It is reasonable for Victorians to expect a basic standard in responding to allegations and that this will be common across all schools in Victoria, be they government or non-government.

I note there is going to be consultation with schools about some of the inclusions in these standards, such as issues of appropriate recruitment and staff management policies, guidance for people occupying positions of trust, complaint management, resolution procedures

et cetera, and this is reasonable. I look forward to seeing some really constructive and usable guidelines come out of that consultation process.

I again note the contribution of the committee I referred to earlier and in particular the deft chairmanship of Ms Crozier, whose work has steered us to this bill today. Ms Crozier noted the survivors who had bravely told very personal, quite torturous stories. It is appropriate for us to have meaningful responses through the Parliament to the stories they told us. I see this as a very practical way of trying to improve the environment in which our children will be participating. It is regrettable that we have to put in place such a system, but it is owed to the people who told their stories and to children and young people in Victoria today. I join with others in commending this bill to the house.

Mr HERBERT (Minister for Training and Skills) — I shall sum up very briefly. There have been some excellent contributions to the debate. Many before me, particularly Mr Ramsay, have acknowledged the hard work of the Family and Community Development Committee and the hard work that was put in by the former government and former members to get this legislation introduced to implement the *Betrayal of Trust* recommendations.

As has been noted, this bill is basically about setting minimum standards in mandating how schools protect students from child abuse. They are based on minimum standards that currently exist in government schools, which will be transferred to all schools. In particular, the bill provides for a broader definition of child abuse, not just sexual offences, indecent assault and grooming. The definition includes serious neglect, exploitation and serious emotional or psychological harm, and this conduct would include bullying, harassment, excessive punishment et cetera. It is a broad definition.

The bill also empowers the Victorian Registration and Qualifications Authority to take stronger action, to instigate more compliance reviews and to more efficiently target and respond to threats to student safety. The bill facilitates easier and more effective information flows between the Victorian Registration and Qualifications Authority and a range of other government entities that have a common interest in overseeing the performance of schools with regard to the welfare of students within those schools. These are key measures.

In essence, the key objective of this bill is to identify practical measures by which Victorian schools can improve their ability to assess, manage and hopefully reduce the risk of child abuse. It is important to the community, parents and families that we ensure that all schools respond appropriately to possible abuse situations as they arise. The community expects it, we expect it and this bill will help make sure that happens. The government acknowledges that there is more work to do, and it will be working to develop best practice resources and training opportunities to assist schools in making the changes needed to meet the new minimum standards for registration. With that, I commend the bill to the house.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

ADJOURNMENT

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

That the house do now adjourn.

Goulburn Valley Health

Ms LOVELL (Northern Victoria) — My adjournment matter is for the Minister for Health, and it is with regard to reports about the state of health of Goulburn Valley residents which show that the region is one of the sickest in the country. As the minister knows, I have been lobbying the government to fund the urgently needed redevelopment and expansion of Goulburn Valley Health (GV Health), which is currently struggling to meet the health needs of the Goulburn Valley region. My request is that the minister provide at least $75 million for stage 1 of this redevelopment in the 2015–16 budget.

The need for the redevelopment has been further reinforced by a recent National Health Performance Authority report which found that the Goulburn Valley is the sickest spot in Victoria, with more than one in 6 residents seeing a GP more than 12 times a year — twice the national average. In 2012–13, 1 in 10 Goulburn Valley residents said they had visited a GP between 12 and 19 times a year, classifying them as frequent attenders, and 4.9 per cent of residents visited a GP 20 times or more — the seventh highest figure across Australia. Shepparton's figures are similar to the

highest figures across Australia and are on par with some major metropolitan areas.

The cost to the Victorian and Australian governments and the community of such ill health is phenomenal and will only get worse if facilities and services are not capable of meeting demand. I have been strongly lobbying the government to match the coalition's commitment to the redevelopment of GV Health. It is clear that we also desperately need to address the disproportionate rate of ill health experienced by residents of the Goulburn Valley. In order to address this the community needs to have adequate access to health services through GV Health. Currently we simply do not have adequate access because GV Health is struggling to meet the demand placed on it by an ever-growing and increasingly unwell community. My request is that the minister acknowledge this dire situation by providing at least $75 million for stage 1 of this redevelopment in the 2015–16 budget.

Elder abuse

Dr CARLING-JENKINS (Western Metropolitan) — My adjournment matter is for the Minister for the Prevention of Family Violence, the Honourable Fiona Richardson, and concerns the issue of elder abuse. We live in a time when the terrible issue of family violence has come to the forefront of public consciousness. No longer is family violence a hidden issue discussed only behind closed doors. I commend the government for recognising that action needs to be taken to address this abuse.

However, there is an aspect of family violence that is not widely talked about. It is a vastly under-reported crime and has remained a shame that has not been spoken of openly. The crime I speak of is elder abuse. Elder abuse is a serious family violence issue. It is commonly perpetrated by a person in a position of trust, which in most cases is a victim's relative or friend. Elder abuse rears its ugly head in many profound ways. It is perpetrated psychologically, socially and physically against the aged, one of the most vulnerable groups in our community. Furthermore, nearly one-third of cases reported by Seniors Rights Victoria in 2013–14 involved financial abuse. Mistreatment and neglect are also deplorable forms of elder abuse that are often under-reported and definitely under-acknowledged.

These hideous offences are the exploitation of a vulnerable group of people in the community, violated for the self-interest and personal gain of an abuser. All too often victims are afraid to speak up, have no-one to speak to or do not know how to access help. If current trends continue, elder abuse is set to increase along with our ageing population. This is a discouraging scenario, but we can prevent it. The time to act is now. I am pleased that the terms of reference for the Royal Commission into Family Violence give scope to having regard to the needs and experiences of seniors. However, I am deeply concerned that for the most part elder abuse may be overlooked or denied the attention it so desperately needs. There must be a policy framework that is responsive to the distinct needs of older people experiencing abuse. A framework that addresses how elderly victims can be better supported to access justice is one step in the right direction. I urge the minister to take the steps necessary to ensure that, without a doubt, the Royal Commission into Family Violence will not end up being a missed opportunity to take great strides forward in addressing and preventing elder abuse.

Liquor licensing fees

Mr O'DONOHUE (Eastern Victoria) — I raise a matter for the attention of the Minister for Consumer Affairs, Gaming and Liquor Regulation, Ms Garrett. Prior to the 2010 election the then shadow minister, Michael O'Brien, the member for Malvern in the Legislative Assembly, made a policy commitment on behalf of the coalition to examine the liquor licence fees for big box liquor outlets. As the minister I was pleased that the coalition government implemented a change to what were referred to as large, supermarket-style outlets with a liquor floor space of more than 1000 square metres. We increased the fee for those larger liquor outlets to $10 000 per annum. This change will come into effect from 1 January next year and will deliver to the government in the upcoming budget cycle approximately $420 000 of additional revenue per annum.

The coalition government, if re-elected, committed to using the additional funds to support community projects targeting alcohol-related harm, including those run by groups such as the Salvation Army and Step Back. Think. I have previously advised the house of the remarkable work Brendan Nottle and his team at the Salvation Army do, and the former government had a plan to expand the Salvation Army street team concept from the Melbourne CBD into parts of regional and suburban Melbourne and Victoria. The Step Back. Think organisation does a similarly fantastic job in educating school students and young people in general about the consequences of their actions and the benefits of literally stepping back and thinking about their behaviour. We provided $800 000 over four years to the Step Back. Think group and committed to the re-funding it should have had we been re-elected. The former government has given the current government

the resources to continue these programs with around $420 000 of additional revenue.

I call on Minister Garrett and the government to support the work of the Salvation Army and the Step Back. Think group in particular and more broadly to use that additional revenue coming from the alcohol sector to fund community projects targeting alcohol-related harm.

Zoe Support Australia

Ms SYMES (Northern Victoria) — My adjournment matter is for the attention of the Minister for Training and Skills, Steve Herbert. I thank the minister for his recent visit to Mildura to discuss the vital work the Labor government is doing in relation to skills and training in regional Victoria and in our shared electorate of Northern Victoria Region.

There is an organisation in Mildura called Zoe Support Australia. It is a community-based organisation that opened in 2013. This amazing organisation supports and assists young mums to complete secondary and tertiary studies while encouraging improved parenting skills and early childhood education. Since 2013 the organisation has supported 50 teenage mums, with 15 mums transitioning to independent status, which we know is vital when juggling study and raising young children. This year there are 35 mums with 30 pre-kindergarten children and 5 women who are currently expecting; 16 are currently enrolled in education.

I was delighted that while in Mildura the minister was able to announce a $70 000 grant to Zoe Support Australia. It will further assist the young mums to get the education they require to become independent and give themselves a greater chance of obtaining further study or employment while they seek to improve their parenting skills and support themselves. I would like the minister to outline to the house exactly how these funds will assist this organisation and the young mums in Mildura in the future.

Royal Commission into Family Violence

Ms CROZIER (Southern Metropolitan) — My adjournment matter is for the attention of the Minister for the Prevention of Family Violence. As members are aware, a big election commitment of the government was to undertake a royal commission and the Royal Commission into Family Violence was announced in December. There were a number of further announcements made during the course of the next few months. In January the terms of reference were released and in February there was a further announcement. In my capacity as shadow Minister for the Prevention of Family Violence I have been meeting with many women and individuals who were children in households subjected to family violence or who witnessed family violence and are now adults, and they have been speaking to me about their experiences.

We know that many of these people are seeking assistance from the various agencies and organisations that are dealing with family violence issues, which is to be expected with the announcement of the royal commission and also since Rosie Batty became Australian of the Year following her tragic story, which raised a great deal of attention for this very serious issue.

In February, as I mentioned, the Premier released a statement in which he said:

> The Andrews Labor government has provided $40 million for the royal commission. Of this, $36 million will go towards the operation of the royal commission and $4 million will be provided as an initial investment for support services that experience an increase in demand during the royal commission.

The royal commission is underway. As I mentioned, I have been speaking with a number of organisations and services supporting people and dealing with the demand for services at this time. To their knowledge none of the allocated money has been forthcoming. It is now some months since the announcement of the royal commission and some months since the money was allocated by the Premier, Daniel Andrews, to deal with the demand, yet many of these organisations and people I speak to are unaware of the whereabouts of this money.

The action I seek is that the minister explain to the house when the $4 million that was promised in February will be a reality to assist with the demand for services and who the recipients will be of that $4 million allocation.

Street harassment

Ms PATTEN (Northern Metropolitan) — My adjournment matter is for the Minister for Police and concerns Meet Us on the Street — International Anti-Street Harassment Week. From Australia to Zimbabwe, organisers are running a hashtag called #EndSH — end street harassment. This is a problem that tens of millions of people experience, sadly young women and members of the LGBTI community in particular. It limits people's feeling of safety and their ability to get around in the evenings, and sometimes it inhibits people's ability to live a full life. Basically it is a human rights violation. It is important to talk about this not

only at this level but also at the community, national and global levels. I have been inspired by collectives like Stop Street Harassment, which is based in the US but works internationally.

In saying that, I was frustrated and disappointed by the comments that were made by the Victorian homicide squad head, Detective Inspector Mick Hughes. After the absolutely tragic and senseless murder of Masa Vukotic, he suggested, 'People, particularly females … shouldn't be alone in parks'. This is unhelpful and unacceptable. He went on to say, 'We just need to be a little bit more careful', and he encouraged women to walk together in parks and to not go out after dark. As a woman who walks to work and quite often walks home from work and who in the 1980s marched in the streets at Reclaim the Night rallies, I feel very sad that senior police officers and others in our society are still making these types of comments.

It is not the responsibility of women to modify their behaviour, to censor themselves and to ensure that we take reasonable precautions to protect our safety, as the inspector suggested. It is simply up to perpetrators to stop perpetrating — to stop harming people. We need to move away from this notion that victims are to be blamed. I call on the Minister for Police, the Honourable Wade Noonan, to take immediate action and apologise on behalf of Victoria Police in the spirit of anti-street harassment week.

Cranbourne-Pakenham rail upgrade

Mr MULINO (Eastern Victoria) — My adjournment matter is for the Minister for Public Transport. I ask that the minister outline the economic benefits to the Cardinia area of the new train stabling and maintenance facilities that will be part of the Cranbourne-Pakenham rail upgrade and, if possible, the number of local jobs that will be created by this component of the recent infrastructure upgrade.

The government has prioritised a number of major infrastructure projects. The first of the key rationales for these projects is that they will improve economic productivity across the state. Transport infrastructure is an obvious candidate for economic productivity. Firstly, it can reduce travel times; and secondly, and just as importantly, it can improve transport reliability. As somebody who some years ago frequently travelled from Berwick to the city, it was not necessarily just the time that it took that was the issue but also the uncertainty. The fact that it might take 1 hour or 1½ hours made my life very hard to plan.

The second rationale is that major infrastructure projects improve livability both through the productivity mechanisms — there is an interrelationship there — and separately by connecting people, particularly in some of the growth areas and the regions, with jobs, cultural activities, family members and so on.

The third rationale, which is most directly relevant to this particular matter, is the fact that major infrastructure projects boost jobs and investment. It is critical that we have a range of strategies for boosting jobs given the state's relatively soft labour market, the fact that unemployment and underemployment are both higher than we would like to see them and the fact that the economy as a whole is transitioning from one in which resources investment is far above what it would be at trend levels to one where a lot of that investment should be directed to other sectors of the economy. Victoria's infrastructure projects are a part of that rebalancing and transition.

The Cranbourne-Pakenham line upgrade includes nine grade separations, which are nine of the most important ones in Melbourne. They will be nine separations on the busiest line in Melbourne. With the additional rolling stock and the station upgrades, they will boost capacity on that line by more than 40 per cent or 11 000 extra passengers in the morning peak. The extra stabling and maintenance facilities at Pakenham are a key part of this project. They will provide local jobs, so they are a critical part of creating jobs where people live.

Glenormiston College site

Mr RAMSAY (Western Victoria) — My adjournment matter is for the Minister for Education, the Honourable James Merlino. It relates to the current status of the Glenormiston agricultural college campus at Camperdown and its future as a tertiary institution or site for community use. As a former student of the college and having had a role on the campus advisory committee for many years, I have seen the decreasing enrolments in courses delivered by the former Victorian College of Agriculture and Horticulture, the University of Melbourne and finally the South West Institute of TAFE, which provided short courses in a range of equestrian, agricultural and horse management subjects.

In 2014 South West TAFE indicated to the government that it did not wish to renew its lease of the campus and would offer its course delivery in other mediums. This has been a big blow to the community around Glenormiston in Camperdown, given that the campus includes an operating dairy farm, an equestrian centre

that is used by other groups, and a beautiful old homestead mansion once owned by the Black family. The accommodation and sporting rooms include an industrial kitchen, a dining area, entertainment rooms, lecture rooms and accommodation for up to 200 students.

Currently the Department of Education and Training is seeking expressions of interest for the future use of the campus. Under the previous government I chaired a ministerial advisory committee which was the link between the government and the local community on how the expressions-of-interest process was progressing. I raise the issue now because the current leases to both the dairy farmer operating the dairy farm and the user of the equestrian centre, Total Livestock Genetics, are up for renewal in June. My understanding is that the consultancy firm Sweett, which has been engaged to conduct the expressions-of-interest process and establish a marketing plan for the campus, has prepared a draft report to the government. There have been a lot of inquiries in relation to potential investors and consortiums wanting to use the campus. As I understand it, up to this point there has been nothing substantial in relation to an offer.

My request is that the minister advise me and the chamber of the current status of the consultancy work done by Sweett, the position the government is to take in relation to a proposed sale of that asset, whether there are any restrictions on the educational use of that campus as prescribed by the Black family under the original endowment agreement, and what the government intends to do about the campus in the future — that is, whether there will be a sale or lease or the continuation of its use as an education facility.

Melbourne Regional Landfill

Mr MELHEM (Western Metropolitan) — My adjournment matter is directed to the Minister for Environment, Climate Change and Water, the Honourable Lisa Neville. The Melbourne Regional Landfill in Ravenhall has been an ongoing issue for local residents in my electorate. Last year I advocated on behalf of my constituents against a proposed expansion of the landfill by the previous owner of the site, Boral, after a great many local residents contacted me about the excessive odour pollution at the site.

Under the previous government the standard response of Environment Protection Authority Victoria (EPA) to countless local complainants was simply to inform them that few local residents had raised the issue. This was clearly incorrect. More than 2000 objections were lodged with the Melton City Council against the level of odour pollution as well as against Boral's plan to expand the site. A petition containing nearly 12 000 signatures was tabled in the last Parliament.

In its five-year plan the EPA committed itself to reducing the instances of odour pollution experienced by Victorians. Under its previous operator, Boral, the landfill operated under licence no. 12160, which was issued by the EPA on 30 December 1998. That licence contained amenity condition L1 A1, which required that offensive odours not be discharged beyond the boundaries of the premises.

The site now has a new operator, Cleanaway, which is part of the multinational Transpacific group. Cleanaway has contacted me to assure me that it will be taking a new approach to the site's management, including greater transparency and consultation with the community. However, it has yet to achieve the desired result of elimination of the odour. I ask that the minister direct the EPA to ensure that the operator complies with its licence, with a particular focus on eliminating bad odour released from its sites, so local residents can breathe fresh, not polluted, air.

Melbourne Regional Landfill

Mr FINN (Western Metropolitan) — I too wish to raise a matter for the Minister for Environment, Climate Change and Water. Purely by coincidence it happens to be the same matter raised by Mr Melhem. I too have been contacted by a number of constituents in the west of Melbourne who live in the vicinity of the Ravenhall tip, as it is locally known. They have complained to me bitterly and strongly about the putrid smell that has been permeating their homes for the past few days.

I cannot begin to imagine how vile it must be for somebody to have to get in their car and drive away from their home and hope that when they get back the smell will be gone. That is something nobody should have to put up with in this day and age. We know the tip is there. We know it is close to a number of residential areas in Deer Park and Caroline Springs and so forth, but it should not be allowed to disrupt the lives of thousands of people as it currently does on a regular basis.

In recent days I have had complaints from people who have had to lock up their houses completely to try to stop the smell. As I mentioned, others have had to drive away and leave.

Mr Dalidakis — Were you walking past?

Mr FINN — Mr Dalidakis might find it very amusing, but I would put money on the fact that he

does not know where Caroline Springs is. Indeed most members of the Labor Party do not know where Caroline Springs is.

Mr Melhem interjected.

Mr FINN — I have seen Mr Melhem there. I do not argue that he knows where it is, but I know that there are quite a few members on the other side who do not have a clue where much is.

I ask the minister to take whatever action is necessary to direct Environment Protection Authority to take action against the operators of this tip to ensure that this odour is stopped. This is an intolerable situation that we should not have to put up with in this day and age. People living in the vicinity of the tip should not have to put up with it either. I ask the minister to direct Environment Protection Authority Victoria to do whatever it needs to do to stop the stink.

PRONTO! HIV testing centre

Mr DAVIS (Southern Metropolitan) — My matter is directed to the Minister for Health, but it is also of interest to the Minister for Equality. It concerns funding for a number of key institutions and programs in the forthcoming state budget.

I hear significant indications that funding for PRONTO! will be stopped in this budget. PRONTO! is a program that the previous government, in which I was the health minister, initiated. It is a national first, peer-controlled, community-based program to enable rapid HIV testing. It was modelled on the Magnet program in San Francisco, and it showed this state's significant leadership in keeping with our focus on getting very good health outcomes.

I also understand there is mounting concern about the mainstreaming of a number of services provided particularly for gay men and HIV-positive patients. The Victorian AIDS Council and the Gay Men's Health Centre have provided very good support across many decades. I pay tribute to the work of those important centres, including their close collaboration with government and the then Department of Health in the establishment of PRONTO! and PrEP trials in Victoria — again a first in Australia — to put in place prophylactic measures. That enabled Victoria to be at the forefront in important trials.

I note today's announcement that the government will seek to legislate on section 19A of the Crimes Act 1958. Ahead of the International AIDS Conference I was proud to announce on behalf of the Napthine government that we would work towards ensuring that section 19A was amended to render it non-discriminatory or to remove it. We accepted that this was a discriminative piece of legislation and that it needed to be brought into the modern age. Whilst I have not yet seen the bill, I look forward to seeing it, and I know many others do also.

That is the context for my great concern about funding for PRONTO! and other services. I seek an assurance from the minister that there will be no reduction in funding for PRONTO! and no mainstreaming of those services, which are peer controlled and community based.

South Melbourne security cameras

Ms FITZHERBERT (Southern Metropolitan) — My issue is directed to the Minister for Police, and it is in relation to local traders in Coventry Street, South Melbourne. During 2014 local traders in the area reported a range of petty crimes, including break-ins, threats and vandalism. This is obviously problematic for local traders, which are small businesses — some of them sole traders. The coalition's response to this in the run-up to the election was to pledge $100 000 for CCTV cameras if elected. It was intended that the Port Phillip City Council would provide running costs. That pledge was made noting the effect usually had by the presence of CCTV cameras. According to former Chief Commissioner of Police Ken Lay, it is an important deterrent for crime and also aids in solving crime when, regrettably, it happens.

My request is that the minister advise us as to whether he is aware of the criminal activities traders contend with and that he initiate a response to address those crimes. In particular I request that he commit to funding for the installation of CCTV cameras in Coventry Street to protect the interests of local small business owners.

The PRESIDENT — Order! I will make a couple of remarks about the adjournment debate before I call the minister. There were a number of items tonight that under normal circumstances I might have sought some change to or perhaps expressed some concern about. It is important for us to remember that in the first instance the adjournment debate is about asking one question, not a series of questions, and that it is not about putting multiple-choice questions — in other words, it is not about putting A, B, C and D, but about putting one proposition to a minister.

It is also important not to make a set-piece speech, which occurred with at least one contribution tonight. In fact I thought there were a couple of speeches that were pretty close to set-piece speeches, where a

member got up and asked the minister to do something but then went on to give the minister's answer. They were obviously prepared speeches to get a point across and were not actually seeking information from the minister at all; the information was obviously already to hand. It is important not to have a set-piece speech. Members should be seeking some action or comment from the minister or putting a question to the minister rather than getting up and using the adjournment debate just to make a set-piece speech.

It is early days and some members are new to the chamber, but I am also not very keen to see members — in fact I have ruled this out in the past — using the adjournment debate to call for an apology. Ms Patten asked the Minister for Police to make an apology on behalf of a senior serving policeman. I understand the matter she is concerned about; it was a grave and important one. But it would have been better to have asked the minister to comment rather than to request he offer an apology, particularly one on behalf of someone else. As a matter of guidance, I am not keen to see members asking for apologies. In the past that terminology has been used politically in a way that I do not think is helpful to and is outside the spirit of the adjournment debate. I understand the context in which Ms Patten put her matter tonight, and I do not think it was a problem in that sense. However, I would have preferred it to have been couched in a different way. She could have asked the minister to comment on that matter without actually suggesting that he ought to be making an apology.

I also indicate that matters for the adjournment are only to be addressed to one minister. That is another key aspect of the adjournment debate.

Responses

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — There were 12 adjournment matters raised tonight. They were as follows.

Ms Lovell raised a matter for the Minister for Health.

Dr Carling-Jenkins raised a matter for the Minister for the Prevention of Family Violence.

Mr O'Donohue raised a matter for the Minister for Consumer Affairs, Gaming and Liquor Regulation.

Ms Symes raised a matter for the Minister for Training and Skills.

Ms Crozier raised a matter for the Minister for the Prevention of Family Violence.

Ms Patten raised a matter for the Minister for Police.

Mr Mulino raised a matter for the Minister for Public Transport.

Mr Ramsay raised a matter for the Minister for Education.

Mr Melhem and Mr Finn both raised matters for the Minister for Environment, Climate Change and Water.

Mr Davis raised a matter for the Minister for Health.

Ms Fitzherbert raised a matter for the Minister for Police.

I will refer these matters to the relevant ministers.

I have 37 written responses to adjournment debate matters.

The PRESIDENT — Order! The house stands adjourned.

House adjourned 10.28 p.m.

WRITTEN RESPONSES TO QUESTIONS WITHOUT NOTICE

Western Victoria rail services

Question asked by: **Mr Purcell**
Directed to: **Minister for Regional Development (for the Minister for Public Transport)**
Asked on: **17 March 2015**

RESPONSE:

The Andrews Labor Government will listen to regional & rural Victorians about their public transport needs in the development of Victoria's first regional Network Development Plan.

The Government looks forward to working with local councils and communities to understand current demand and what the key priorities are to improve transport in regional areas, including Warrnambool, Colac, and Camperdown.

This important work is a priority for the new Government.

Local government rates

Question asked by: **Mr Davis**
Directed to: **Minister for Small Business, Innovation and Trade (for the Minister for Local Government.)**
Asked on: **18 March 2015**

RESPONSE:

The Andrews Government announced the terms of reference for the ESC to develop options for implementation of the Governments rate-capping policy several weeks ago.

All interested parties are therefore encouraged to make a submission to the ESC.

The Andrews Government promised to cap council rates at CPI. The Government will deliver on all of its promises.

I will continue to advocate strongly for Victoria's small business community.

Motorcycle clubs

Question asked by: **Ms Patten**
Directed to: **Minister for Training and Skills (for the Attorney-General)**
Asked on: **18 March 2015**

RESPONSE:

The Attorney-General has stated that he will take these issues to the national Law, Crime and Community Safety Council meeting in late May, to discuss options for a national response to this issue.

Subsequent to this announcement, the Prime Minister announced the establishment of a National Ice Taskforce, and the Premier has indicated Victoria is prepared to work with the commonwealth and other jurisdictions to tackle this scourge.

With regards to drug laws, the Government already consults with health and legal experts, as well as Victoria Police, community representatives and others on illicit drug issues. Victoria's Ice Action Plan is an example of this.

As the Ice Action Plan demonstrates, the Government places a high priority on reducing the harm caused by illicit drugs. That is why we are working to support families, expand drug treatment programs and make communities safer and stronger, with lower rates of crime and addiction.

The Government knows that the drug problem is complex and it will continue to work collaboratively with experts, police, courts and communities to develop balanced responses. Illicit drug manufacture and trafficking is a constantly changing challenge for the community and the need to continuously review, revise and adapt system responses to deal with the community health impacts as well as tackling all forms of criminal enterprises that profit from these activities.

To your first question, Victoria is not a safe haven for outlaw motorcycle gangs. We have some of the strongest legislation to tackle organised criminal enterprises in Australia. For example, the state's Criminal Organisation Control legislation enables Victoria Police to apply for a declaration against an organisation or individual.

These laws were introduced by the former Government in 2012 and share key characteristics with similar laws in other jurisdictions. This legislation was amended in 2014 including to expand the range of offences on which an application for declaration may be made, and to ensure that individual members of a declared organisation could not escape the declaration and controls by 'patching over' to another group.

Nevertheless, it is important to remember that criminal enterprises, such as the outlaw motorcycle gangs do operate across State and Territory borders and where jurisdictions focus on these gangs in isolation there can be displacement from one jurisdiction to another, and Victoria Police have indicated that this does occur from time to time.

Industry and innovation programs

Question asked by: **Mr O'Donohue**
Directed to: **Minister for Small Business, Innovation and Trade**
Asked on: **19 March 2015**

RESPONSE:

I am informed that:

As previously stated in Parliament, all programs are currently being reviewed to ascertain how they fit within the Andrews Government's Back to Work plan. The Andrews Government's number one priority is to ensure that all programs create jobs.

Applications to the Victoria Israel Science Innovation and Technology Scheme (VISITS) submitted prior to the election are being processed.

The website has been updated to clarify the current status of the scheme.

Wetlands environmental watering

Question asked by: **Mr Young**

Directed to: **Minister for Small Business, Innovation and Trade (for the Minister for Environment, Climate Change and Water)**
Asked on: **19 March 2015**

RESPONSE:

I am informed that:

The use of Victoria's environmental water entitlements is planned for by an independent body, the Victorian Environmental Water Holder. Potential priority watering actions for the coming water/financial year are published in its seasonal watering plan which is made publicly available on the Water Holder's website.

The Victorian Environmental Water Holder's seasonal watering plan is developed following consideration of seasonal watering proposals prepared by Victoria's Catchment Management Authorities. Catchment Management Authorities consult with key stakeholders when developing their seasonal watering proposals.

If the Victorian Environmental Water Holder proposes to vary its seasonal watering plan, it must follow the requirements of its administering legislation — the Water Act 1989 and associated ministerial rules. These instruments do not require consultation with the Minister for Environment, Climate Change and Water on decisions to vary the seasonal watering plan. This is consistent with the independent status of the Water Holder.

However, where changes are made, the Andrews Government expects that the Victorian Environmental Water Holder and relevant Catchment Management Authorities will consult affected stakeholders prior to this decision being made.

I understand variations to the Victorian Environmental Water Holder's seasonal watering plan are published on the VEWH website and documented in its annual report. The Annual Report is submitted to the Minister for Environment, Climate Change and Water.

SUPPLEMENTARY RESPONSE:

The Victorian Environmental Water Holder is required to consult with the Minister before changes are made to the seasonal watering plan. This is consistent with the independent status of the Victorian Environmental Water Holder and the responsibilities of the Water Holder and Catchment Management Authorities in planning for, and implementing, environmental water management actions.