

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-EIGHTH PARLIAMENT**

**FIRST SESSION**

**Tuesday, 15 September 2015**

**(Extract from book 13)**

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

# participating members

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

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**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.

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**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.

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FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

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Bourman, Mr Jeffrey	Eastern Victoria	SFP	O'Brien, Mr Daniel David <sup>1</sup>	Eastern Victoria	Nats
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Herbert, Mr Steven Ralph	Northern Victoria	ALP	Symes, Ms Jaelyn	Northern Victoria	ALP
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Lovell, Ms Wendy Ann	Northern Victoria	LP	Young, Mr Daniel	Northern Victoria	SFP
Melhem, Mr Cesar	Western Metropolitan	ALP			

<sup>1</sup> Resigned 25 February 2015

<sup>2</sup> Appointed 15 April 2015

**PARTY ABBREVIATIONS**

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



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## Tuesday, 15 September 2015

**The PRESIDENT (Hon. B. N. Atkinson) took the chair at 2.04 p.m. and read the prayer.**

**The PRESIDENT** — Order! In a few moments I will invite some contributions in respect of the historic raising of the Aboriginal flag over Parliament today, but at this stage — and I intend to do this on each of the opening days of sitting weeks — I extend an acknowledgement to the Aboriginal people, the first peoples, of Victoria and to the contribution they have made over many tens of thousands of years to the care and custodianship of this state. I recognise their elders, past and present, for the contribution they have made in leading their people and, as I said, contributing so much to our state. We look forward to that contribution going forward.

### ROYAL ASSENT

**Message read advising royal assent on 8 September to:**

**Classification (Publications, Films and Computer Games) (Enforcement) Amendment Act 2015**  
**Education and Training Reform Amendment (Miscellaneous) Act 2015**  
**Infrastructure Victoria Act 2015**  
**Local Government Legislation Amendment (Environmental Upgrade Agreements) Act 2015**  
**Road Safety Amendment Act 2015.**

### ABORIGINAL FLAG

**The PRESIDENT** — Order! It is my pleasure to advise the house that earlier today — I think most of the members of this house, if not all the members of this house, participated in the event — the Parliament raised for the first time to my knowledge and certainly for the first time with the intention of it being a permanent feature of the Parliament the Aboriginal flag, recognising the contribution of Indigenous communities to Victoria and paying our respects to the people who have occupied this land and been custodians of this land that we know today as Victoria for tens of thousands of years.

As I commented in that brief ceremony, which was presided over by the Speaker and myself in conjunction with, I am delighted to say, the Premier and the Leader of the Opposition in the Assembly, it is surprising that it has taken us this long. It is rather embarrassing in some respects and maybe even shameful that it has taken this long for us to add that flag to the Victorian and Australian flags flying over this building, but at least

now that recognition has been provided by this house, this Parliament, which is obviously a Parliament of the people of Victoria — therefore it is the recognition of all of the people of Victoria.

I can indicate that the flying of the flag in large measure came about because the current Minister for Aboriginal Affairs, Natalie Hutchins, had been talking with many members of the Aboriginal communities here in Victoria and this proposition had been discussed with her. She put it to the Speaker and me, and we were delighted to agree that the flag ought to fly over this building in perpetuity.

**Mr JENNINGS** (Special Minister of State) (*By leave*) — I join you, President, in paying my respects to the traditional owners of the land on which the Parliament is now situated, the members of the Kulin nation and their elders past and present, and the elders of all the Koori nations of south-east Australia. As you have indicated, not only have Aboriginal people lived here for tens of thousands of years but in fact thousands of generations have walked, cared for and been the custodians of this land. On behalf of the government in this chamber I join you, President, and the Presiding Officer, the Leader of the Government and other party leaders in the Legislative Assembly in recognising the significant cultural heritage of this place known as Victoria. With pride we have joined across the Parliament and across the community in seeing the Aboriginal flag fly proudly over the Victorian Parliament, which it will do from hereon in. To my knowledge it has been flown previously on special occasions.

On the issue of the support within the community for the flag flying, President, while you say that it is long overdue — and in many ways I may join you in saying it is long overdue — I have been sufficiently associated with the Aboriginal community for long enough to know that there are a number of people in the Aboriginal community who have denied and to this very day deny the sovereignty of the Victorian government, the Australian government and our constitution. There is a residual momentum within the Aboriginal community of its desire and willingness to participate in this democratic process, and I just mark that there needs to be recognised a critical centre of gravity within the Aboriginal community today that says it is an appropriate action and that it is supportive of this action, notwithstanding that there are some unresolved political issues in this nation to this very day.

Within that context, whilst we should celebrate and be proud of it, we should not be overly rewriting the

history, for this Parliament has stepped up on a number of occasions. We have introduced an apology, and some two decades ago we introduced an amendment to our constitution to recognise the existence of Aboriginal people prior to the settlement of Victoria. We continue to walk the journey with the Aboriginal community, and that will be the true nature of the partnership from hereon in. If we can unite today in the Parliament, that is an excellent demonstration of our commitment to recognising cultural heritage and working in partnership with Aboriginal people now and into the future.

**Ms WOOLDRIDGE** (Eastern Metropolitan) (*By leave*) — I am pleased to be able to join in acknowledging and paying my respects to the traditional owners who have loved and nurtured the land we meet on today for many, many thousands of generations. It was a pleasure for so many of us in this and the other place to join with you, President, the Speaker, the Premier, the Leader of the Opposition in the Assembly and Aunty Carolyn Briggs and some members of her family and of the broader Indigenous community to hear their welcome to country, to participate in the smoking ceremony and to witness the permanent raising of the Aboriginal flag over these important buildings. It was wonderful to do so because it was quite a windy morning so as the flag went up it flew very proudly. I thought that whoever arranged that — and I will give you some credit for that, President — it was an appropriate recognition of the flying of the flag. The timing was very good.

With its colours the flag represents the Aboriginal peoples, the redness of the earth and the Aboriginal peoples' spiritual connection to the land, and the life-giving sun with the yellow disc in the centre. What was mentioned a number of times by the speakers today was the shared pride in our past and the shared hope for the future. In raising the flag we have collectively made a statement that we are committed to celebrating our history and that, importantly, we are committed to a shared future of reconciliation and closing the gap.

It is an important day, and I am pleased that this is something shared so widely by all parties in this Parliament. It is an ongoing reminder to us all that together there is more work to do — there is more work that will be done — to make sure that we celebrate, realise and recognise the culture and contributions of Aboriginal Victorians and the positive future they will have for years to come.

**Mr BARBER** (Northern Metropolitan) (*By leave*) — It was a great moment to be part of raising the Aboriginal first nations flag alongside that of

the commonwealth of Australia and the state of Victoria, and to be there with representatives of the Aboriginal community and notably of the land on which we currently stand, that of the Wurundjeri nation. As has been noted, we are not the first, nor probably are we the last, jurisdiction to take this step. Doing so was an opportunity not only to recognise the prior ownership and continuing custodianship of the land and the cultural heritage of those times back through tens of thousands of years but also to work on our ongoing process of reconciliation.

What we had on the steps of Parliament House today was more than just a ceremony. It was in fact another opportunity for an exchange between Aboriginal communities and the rest of us about how we are to live together. Aunty Carolyn Briggs, representing the Bunurong people, said a number of things about her very long line of culture, but one word in particular she wanted to bring to this meeting was the word 'generosity' — how we live together on the same piece of land. The raising of the flag was a symbol of our achievements so far in reconciliation, but what I am most pleased about is that as we walk up those stairs that flag will be a daily, constant reminder for all of us about the journey we are on together.

**Mr DRUM** (Northern Victoria) (*By leave*) — It was great to be on the steps of Parliament House to share in the raising of the Indigenous flag with my Nationals colleagues and other parliamentary colleagues, as well as with a significant number of Indigenous leaders and all of those Aboriginal people whom this means so much to. While the speeches were going on I kept glancing across towards Bourke Street, where there was one particular lady who was continually wiping tears from her eyes. While I thought it was a significant step for all of us to take, falling in behind a decision made by the Minister for Aboriginal Affairs, I was taken by the enormity it must have for some who perhaps thought they would never see this or that this day would never come. It is a great step forward.

It was great to be able to be there with Paul Briggs, who is a mate of mine from the time we grew up together in Shepparton. One of the great things about growing up in Shepparton is that you go to school with Aboriginal people. You travel on the school bus, you go shopping and you play sport against and with Aboriginal people. They are simply part and parcel of our community. When you are growing up there is no 'us' and 'them'. It was an interesting journey back in time to be there with Paul. It was a significant step and a push forward towards reconciliation and also recognition of our Indigenous culture.

**Ms PATTEN** (Northern Metropolitan) (*By leave*) — I am very proud to be here representing the Australian Sex Party on the day the Aboriginal flag was permanently raised above this Parliament. As many people have said, it is a day that has been long overdue. Victorian Aboriginal history is very rich, and that is largely due to the people of the Kulin nation. I pay my respects to their ancestors and elders, both past and present. I would also like to pay my respects to the younger generation and the current generation who are carrying on this great culture. It was wonderful to see Auntie Carolyn's grandchildren there today taking part in the smoking ceremony, as well as the welcome to country ceremony.

This flag is a symbol that all Australians are proud of today. It represents the first people of this country, and I hope it further unites us in the shared pride and respect we have for our fantastic Indigenous heritage. However, for me personally, when I come to this place it will also be a daily reminder of the gap. We still need to make a lot of inroads into disadvantage and the gaps we see in health, education and wellbeing. We all know the statistics, and they are quite damning in Victoria. I know we have a long way to go to closing that gap, but I hope this is a constant reminder to us to work towards that when we are in this place. International Day of Democracy was probably a great day to be doing this and to be reminding ourselves of this democratic nation and the respect we have for our first nations.

Finally, I would like to note that 55 St Andrews Place does not have a flag yet; it has two empty flagpoles. That is just a note, maybe, to the Special Minister of State that we might be able to fill those flagpoles with something meaningful today.

**Mrs PEULICH** (South Eastern Metropolitan) (*By leave*) — I was also honoured to participate in the historic event of the flying of the Aboriginal flag, alongside that of the commonwealth and that of Victoria, at a ceremony beginning with the extension of welcome to country by Arweet Carolyn Briggs. I learnt today from Arweet Carolyn Briggs that she prefers broader members of the community to refer to her as 'Arweet' rather than Auntie and that Auntie is a term reserved predominantly for family. I certainly note that. However, it did not detract from the significance of the ceremony, in particular her being assisted by her two grandsons in conducting the smoking ceremony. It was an overdue recognition of the importance of the first people of Victoria and the oldest living culture in the world, and of course it was the recognition, the celebration and the reaffirmation of and the respect for that culture that those who have kept it strong deserve. That is reflected in the flying of the flags, which is very

important symbolism as we all move forwards toward reconciliation. It was a privilege to stand alongside the Leader of the Opposition and other members of Parliament, together with members of the Indigenous community, in particular the Bunurong elders.

## QUEEN ELIZABETH II

**The PRESIDENT** — Order! I take this opportunity to advise the house that a letter is being finalised from the Speaker and me to Her Majesty Queen Elizabeth II, congratulating her on becoming the longest reigning monarch of the British royal family and, obviously, to recognise that achievement in the context of her being also regarded as the Queen of Australia. She has visited this house and sat on the seat behind me, and woe betide anyone else who does. She has had a long association with Victoria and has demonstrated throughout her life a great commitment to many of the ideals we aspire to in this place and in a democracy such as Australia, and she shares the passion of members around this house to improve the lives of the people of Victoria, and indeed she has that passion in a much broader sense for the people over whom she has a responsibility as monarch.

It is a remarkable achievement. Queen Victoria stands as an extraordinary icon in terms of royal families because of the length of her reign and the period of history in which she reigned, but when you consider the changes that Queen Elizabeth has experienced and seen in the world we live in today you realise that has been quite extraordinary that she has arguably strengthened the monarchy in a time of great change and great challenge. Whilst I personally would prefer Australia to be a republic, I acknowledge the remarkable contribution that she has made to ensuring that our democratic principles are well founded and protected through the role she has in Australia and particularly in Victoria.

## QUESTIONS WITHOUT NOTICE

### Public holidays

**Mr ONDARCHIE** (Northern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade. Can the minister advise what programs and services are available to offer advice, assistance and logistical support to small businesses across Victoria that will be negatively affected by this government's grand final parade public holiday?

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — I thank the member for his question. As the member may well be aware, the

previous government oversaw unemployment growing from 4.9 per cent to nearly 7 per cent, so in terms of programs that assist businesses across the state I would hope that he is well across them, because certainly people in small businesses never needed them more than they did under the previous government.

In relation to services that our department offers, it provides a Small Business Mentoring Service. I suspect that that was never needed more than when unemployment got to such a point that people did not have any discretionary money to spend. The Small Business Mentoring Service is just one. I also take the opportunity to remind Mr Ondarchie that the small business festival, which just celebrated its 10th anniversary this year, is a small business festival that was established to celebrate —

**Mr Ondarchie** — On a point of order, President, that goes to relevance, I asked a very specific question — a very narrow question — about businesses affected by the grand final parade public holiday. I ask you to bring the minister back to that. He is talking about programs that have occurred already. I am asking him specifically about ones about the grand final public holiday.

**The PRESIDENT** — Order! I think the question was fairly specific in terms of resources that might be available to advise small businesses in respect of this particular public holiday. I accept that some of the remarks that the minister has made are providing context on services that are generally available, but perhaps he can comment on any specific services that are relevant to this point.

**Mr DALIDAKIS** — I say to the member via you, President, that any services that this government provides for our small business community are provided irrespective of what circumstances they are in, irrespective of what industries they operate in and irrespective of what region or metropolitan area they reside in. When I talk about the services we provide as a government to the small business community and the small business sector, it is done with the full understanding that there are different times that people will look to access those programs and schemes for different reasons that will only be best known to them. As a result, I believe that the services that I have spoken about are certainly services that fall within the purview of the question.

*Supplementary question*

**Mr ONDARCHIE** (Northern Metropolitan) — In respect of his answer, can the minister advise the house

of what specifically the Small Business Mentoring Service has been asked about or which services have been requested in relation to the grand final parade public holiday?

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — As of today I am not aware of any request to access the program specifically in relation to the matter that the member asked about. However, in order to ensure that I give the appropriate response, I will take that question on notice and ask my department to furnish me with a direct response by tomorrow morning at 11 o'clock to find out whether any reference to the holiday has been made in relation to accessing the Small Business Mentoring Service.

**Public holidays**

**Mr ONDARCHIE** (Northern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade. The minister has said that the grand final parade public holiday is an opportunity for families to spend time together and undertake other activities. However, this is not the case for many thousands of families, like that of Andrew Spark from Gembrook IGA who in his submission on the regulatory impact statement said:

I work the total trading day myself. My wife and children who do not normally work within the business on a day-to-day basis also help out. So my family never gets public holidays to spend together.

What does the minister say to those family-run small businesses that are unable to roster casual workers due to the high cost of the day and have to work and have family members working together instead?

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — I thank the member for his question. I appreciate that the member's family probably does not want to spend time with him on a public holiday, but there are many thousands of families that do look forward to spending time with each other. In the small business sector that I have dealt with in my life, yes, there have always been children, teenagers and young adults who help out their mums and dads in any of their small businesses. If for example they work in the retail sector, that is what families always do to help each other out.

In terms of specific advice to Mr Spark at the IGA Plus — and obviously it is an IGA Plus; it sells liquor as well — all I would say to Mr Spark is that he will make a decision based upon the best information that he has, and whether or not he chooses to ask his family to

work will no doubt be a discussion he has with his family.

*Supplementary question*

**Mr ONDARCHIE** (Northern Metropolitan) — Do the small business owners and their families who are forced to work together on the grand final parade public holiday because of the high impact that the minister has put on their business constitute the government’s version of a family spending quality time together?

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — Again I thank the member for his question. All I will say is that I do not accept the premise of the question, and the reason I refuse to accept the premise of the question is that the Victorian government is not actually placing any trading restrictions on businesses that operate in Victoria. Whether a business chooses to open or close will be a matter for the business, and it is not the Victorian government’s position to tell them or dictate to them what they should or should not do.

**Public holidays**

**Mr ONDARCHIE** (Northern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade. It goes to the government’s regulatory impact statement on Labor’s two new public holidays, where it states:

... it is likely to be harder for smaller businesses to absorb the costs of additional wages than it is for larger businesses.

This means that it is also more likely that smaller businesses will choose to close on any additional public holidays, which could lead to greater economic losses for Victoria overall.

What advice has the minister received on the extent of small business closures in Victoria on the grand final parade public holiday?

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — In relation to the very specific question I will give a very specific answer. The authors of the regulatory impact statement (RIS) did the analysis in relation to, as the member has stated, the costs and benefits associated with the public holiday. They have done so in a way that they have put into their economic model and tried to facilitate an answer as best they can. That is what the member is referring to. In relation to the small business community, again the advice that we have very clearly given to the small business sector — —

**Ms Wooldridge** — No, what kind of advice have you received?

**Mr DALIDAKIS** — Clearly if we are providing advice to the small business sector, there is a reason for providing that advice — and that is, it is up to the small business sector and the businesses individually to choose. Whether or not they open is a decision that they will make in the fullness — —

**Mr Ondarchie** — On a point of order which goes to relevance, President. I think the minister was hoping I had asked him a different question to the one that I had. In fact I did not ask him what advice he had given out to small business; I specifically asked him what advice he had received on the extent of small business closures on the grand final parade public holiday. I ask you to bring him back to the question.

**The PRESIDENT** — Order! That was my understanding of the question.

**Mr DALIDAKIS** — With great respect, President, I would have thought referring to the regulatory impact statement is the greatest advice the government has received in relation to it, which is what I am referring to.

If I may continue, what I was saying is that the regulatory impact statement obviously has made their views abundantly clear in the way that they have modelled the information, both the costs and the benefits, as well. The RIS was part of the process that we undertook to implement the public holidays, and obviously this government used the RIS in making that decision.

*Supplementary question*

**Mr ONDARCHIE** (Northern Metropolitan) — In relation to the minister’s substantive answer where he said that the RIS is the greatest bit of advice he could receive, given the RIS demonstrated that the costs outweigh the benefits of the public holiday, does he then now think that PricewaterhouseCoopers were incorrect in their advice to government?

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — No. Again I refuse to accept the premise of the question. Let me just read the fifth point in the executive summary from the RIS:

Estimating the benefits and costs of the proposed new public holidays is difficult given the potential for varied behavioural responses of different individuals, businesses and groups ...

So they have acknowledged that there is great difficulty in undertaking this exercise, and that is why we have referred to the RIS. That may be inconvenient to the member, given his question; however, nonetheless it is a pertinent response.

**Questions interrupted.**

**DISTINGUISHED VISITORS**

**The PRESIDENT** — Order! I take the opportunity to welcome to the public gallery this afternoon Marg Lewis, a former member of this place.

**QUESTIONS WITHOUT NOTICE**

**Questions resumed.**

**Kindergartens**

**Ms CROZIER** (Southern Metropolitan) — My question is to the Minister for Families and Children. Minister, with regard to kindergarten services that cannot meet the new ratios for children, what criteria are required for a waiver of the ratio to be granted?

**Ms MIKAKOS** (Minister for Families and Children) — I welcome the question from the member in relation to what is a critically important improvement to the provision of kindergarten services in Victoria. The Andrews Labor government has provided funding of more than \$83 million to enable our kindergartens to implement the new ratios from 1 January 2016. As I have indicated to the house previously, we are moving from the current arrangements of 1 educator for every 15 children to 1 educator for every 11 children. This will provide kindergartens with the opportunity to recruit an additional staff member to enable the smaller ratios to be put in place.

As I have also indicated to the house previously, I am hopeful that most of our kindergartens will be able to implement these new ratios. The department is working very closely with the sector, including with the peak body, Early Learning Association Australia, to assist them in making this particular transition. Every kindergarten of course is free to make its own decision as to how it goes about implementing the new ratios. Of course we do not directly run kindergartens. They are run either by cluster managers or by independent kindergarten committees, as the member would be well aware.

**Ms Crozier** — On a point of order, President, the minister has not answered the question. I was specifically asking about the criteria required for a waiver, and I ask you to draw the minister back to the specifics of my question.

**The PRESIDENT** — Order! The minister was only part way through her answer, and I am sure she will come to the substantive question, which was about the criteria for a waiver.

**Ms MIKAKOS** — I am wanting to provide the member with the information about this matter because I think it is important that members are aware of the circumstances around the implementation of the new ratios. As I was explaining to the house, it is for each kindergarten to make a decision as to how they go about implementing the new ratios from the start of next year. We know that the improved ratios are providing a challenge to some kindergartens because they are something that is completely new. The previous government put no plans in place in relation to the new ratios, so we are working with the sector around these issues. Kindergartens will have the opportunity to apply for a waiver if they think that is warranted and those applications will be considered on their merits, but we are certainly encouraging kindergartens to implement the new ratios and to work with the department to give more children the opportunity to participate in kindergarten education as well as to give them the opportunity to get the benefit of these improved ratios.

We had no transitional planning from the previous government in relation to this issue. This is something that our government has had to put in place with no assistance from the federal government and no financial contribution from the federal government under the national partnership. We had no planning from the previous state government about this implementation, despite the fact that it was known for a number of years that these ratios were going to be put in place. We have been working very closely with the sector around these issues.

*Supplementary question*

**Ms CROZIER** (Southern Metropolitan) — How many kindergarten waivers have been granted or rejected or have not yet been processed?

**Ms MIKAKOS** (Minister for Families and Children) — I thank the member for her question. She has not given a time frame. I assume she is meaning as of today. I make the point to the member that a lot of kindergartens in our state are currently in the process of making decisions about next year. They have not made a decision yet about the number of enrolments they are wanting to put in place. They have not made these decisions. It is very early days for kindergartens to be finalising exactly the model they are putting in place for next year. We are working very closely with the sector to help it transition to this, but at this point in time I know that a number of kindergartens are still working through the issues as well as — —

**The PRESIDENT** — Order! I thank the minister.

**Ministerial staff**

**Ms WOOLDRIDGE** (Eastern Metropolitan) — My question is to the Leader of the Government, representing the Premier. I refer to an invitation sent from a staff member in the Premier’s private office to chiefs of staff and ministerial advisers dated 10 June 2015, which states:

Chiefs of staff and advisers

The Victorian Trades Hall Council cordially invites all chiefs of staff and ministerial advisers to a relaxed ‘meet and greet’ event with representatives from our affiliate unions.

Is it appropriate that ministerial staff ‘meet and greet’ over drinks with the Victorian union movement while everyday Victorians are putting up with union-organised train and tram strikes?

**The PRESIDENT** — Order! I will allow the minister to answer, but I must say that I am not sure that the question is a question that warrants an answer in this place. I am not sure that it is necessarily related to government business as such. Members receive invitations to many different functions and attend those functions in the context of a range of circumstances. I am not sure that acceptance of those invitations is at all inappropriate and really needs an explanation in this place. Nonetheless I will allow the Leader of the Government to answer it if he wishes to do so.

**Mr JENNINGS** (Special Minister of State) — President, you have created a framework in which the chamber and the community should understand that those working within government are often invited to community events and to stakeholder events, which may in this case have been generated by the trade union movement but it could have been generated by an industry sector organisation or the non-government organisation sector in relation to community services. It could be generated by community organisations through the rich cultural diversity of Victoria. There are hundreds of invitations that are issued consistently throughout the course of any year.

It would be very normal practice, acceptable practice and appropriate practice for people who work in ministers offices to engage with stakeholders from all vantage points within the Victorian community as a matter of course. That is something you would see on a recurring basis time and again in the course of community life. Within that frame I totally accept and do not see any great difficulty in the email trail that the member has got her hands on and draws the chamber’s attention to. It is a reasonable email trail, and it is a

reasonable expectation that people working within government would relate to a major stakeholder.

Factually, on the basis of the timing of the email, which from memory was 10 June, there was no industrial action taking place in the public transport sector at that time. While there may have been industrial action subsequently, that is an error in the construction of the question.

*Supplementary question*

**Ms WOOLDRIDGE** (Eastern Metropolitan) — Clause 6.1 of the ministerial staff code of conduct states:

Ministerial staff must take care to ensure their private activities and involvement in community or political organisations do not give rise to any actual or perceived conflicts with their work.

Are the staff who attended the meet and greet with the Victorian Trades Hall Council in breach of code of conduct clause 6.1 in terms of perceived conflicts of interest with their work?

**Mr JENNINGS** (Special Minister of State) — President, in relation to the substantive frame that you created in terms of providing the chamber with some guidance about the appropriateness of the question in the first place, consistent with my response and affirming of that value system I am very relaxed about the notion that people who work within government should act in a way that mitigates conflicts of interest in the workplace. That would be the expectation.

In fact there is a guide to the appropriate behaviour of interaction between people who work within the government and any element of community stakeholder interest — any element — whether it be a business interest, whether it be a union interest or whether it be a community organisation that may be putting in an application for program funding. At every turn when you engage with an important sector you create the circumstances where you protect the potential conflict of interest. It is an expectation of your employment conditions and the way in which you operate to prevent those circumstances from leading to adverse outcomes, but to use that as a guide and say you cannot relate to the community would be self-defeating.

**Timber industry**

**Ms DUNN** (Eastern Metropolitan) — My question is for the Minister for Agriculture and relates to what she said in this place on 2 September. In the same week VicForests listed an additional 316 logging coupes for industrial clear-fell logging. The timing was surreal. It

was the same week the federal Minister for the Environment launched his lacklustre plan to save the Leadbeater's possum from extinction. The minister said:

What I would dearly love to make clear to the house, because there is a bit of mischief and misinformation getting around about this, is that there is no change at all in the total coupe area ... This is getting plenty of airplay, but what is not getting so much airplay is the removal of 284 coupes.

The minister went on to say that the additional area of the 316 new coupes was identical to the area being removed with the 284 coupes. The minister failed to say that the 224 coupes identified within that have already been logged. Will the minister correct the directly misleading information that she provided to the house on 2 September?

**Ms PULFORD** (Minister for Agriculture) — I always thank the member for the opportunity to talk about this industry and this issue. As I indicated in the house earlier this month, the timber release plan is a business as usual activity for VicForests. It indicates planned activities for up to five years, an annual review and an extensive consultation process that has run its usual course.

It is important to note that not all coupes listed in the timber release plan will be harvested. Areas are added to provide VicForests with the flexibility that it needs to allow for the continued detection, monitoring and protection of Leadbeater's possum colonies. As I indicated to the house on that day, the most recent amendment to the timber release plan was approved by the VicForests board and gazetted at the end of August. It added 316 coupes, removed 284, and the total coupe area of 10 300 hectares was unchanged before and after. I stand by the information I provided to the house on the earlier occasion.

*Supplementary question*

**Ms DUNN** (Eastern Metropolitan) — I thank the minister for her answer. In relation to the removal of 284 coupes, which include 87 coupes in the Central Highlands, home to the Leadbeater's possum, and 148 coupes in East Gippsland, which is a loss-making area for the VicForests operation, will the minister confirm that 224 of those 284 coupes she said are being removed have already been logged?

**Ms PULFORD** (Minister for Agriculture) — I thank the member for her further question and continued interest in this matter. The information I provided to the house is accurate. The details of the timber release plan are publicly available. The consultation was, in the usual course of events,

something that invited submissions from interested parties. There were 21 submissions received. I understand that is fewer than in previous years, and each has received an individual response. I would be happy to offer Ms Dunn an opportunity to meet with the leadership of VicForests if she wants to ask more questions.

**Native fauna protection**

**Mr BARBER** (Northern Metropolitan) — My question is also for the Minister for Agriculture, but it is not about Leadbeater's possum; it is about other native fauna.

Information provided to the minister by Zoos Victoria and the network of wildlife rescuers in Victoria is that hundreds of animals are being caught every year in backyard fruit netting. These are the nets often being sold cheaply through various stores that do not meet the standards and recommendations that the minister's own department puts out there for wildlife-friendly netting. It must be taking a huge toll on wildlife, including the Flora and Fauna Guarantee Act 1988-listed grey-headed flying fox, not to mention the distress for members of the community who, often on a voluntary basis, have to go out and rescue these animals. Can the minister tell me what her assessment of the situation is here and what she is able to do about this?

**Ms PULFORD** (Minister for Agriculture) — I thank Mr Barber for his question and his interest in this issue, which is an issue that has indeed affected a great many Victorians who are involved in wildlife rescue and who are concerned about this important animal welfare issue.

The type of netting that Mr Barber talks about that is considered to be wildlife-safe netting — just for background for members — is netting with a 5-by-5 millimetre aperture or less. Very fine with closed holes is the type of netting that is wildlife safe. The department publishes a guideline indicating that this is the better and recommended type of netting to be used. Indeed the Animal Welfare Advisory Committee, that advises the government on these issues, provided advice to the former government on this question and indicated that there is a responsibility for the whole community in dealing with this issue. There is a role for consumers and indeed a role for organisations that sell netting.

I note and acknowledge the work of people who have campaigned for change in this issue in bringing a greater awareness to those people who are selling

netting to make sure that consumers are well informed and the products that they are providing are appropriate.

The question of what to do about it next is one that is under active consideration. Whilst the Prevention of Cruelty to Animals Act 1986 has codes, it does not have a regulation-making power as such. What I can indicate to Mr Barber is that options are being investigated to regulate for wildlife-safe netting, and I hope to be in a position to provide Mr Barber and the house with an update on that in due course.

*Supplementary question*

**Mr BARBER** (Northern Metropolitan) — Because the grey-headed flying fox is already listed under the Flora and Fauna Guarantee Act, the minister has the power to issue an interim conservation order under section 27 that would allow for the prohibition or regulation of any activity or process which takes place within the critical habitat which is the subject of the order. That seems to be an extraordinarily wide power which the minister could deploy immediately to create either a ban or a phase-out followed by a ban on the wrong type of netting. I call on the minister to do so. Is it possible that this particular section of the Flora and Fauna Guarantee Act could be used in the way that I put forward?

**Ms PULFORD** (Minister for Agriculture) — I thank Mr Barber for his supplementary question. As I indicated, this is a matter that is under active consideration. My advice is that to create the type of regulation that the people campaigning for change on this issue are calling for would require an amendment to the Prevention of Cruelty to Animals Act. We are looking into ways that we may be able to resolve this more quickly. I thank the member for his question and would hope to be in a position to provide the house with an update on making some change in this respect before too long.

**Disability support workers**

**Dr CARLING-JENKINS** (Western Metropolitan) — My question is for the Minister for Families and Children, Ms Mikakos, representing the Minister for Housing, Disability and Ageing. A safe workplace is integral for worker health and wellbeing, as the minister would well know. All workers are entitled to assume that adequate protections are in place to make their workplace as safe as possible. For disability support workers, their workplace is often within a client's home, which poses unique risks.

Recently appalling practices within not-for-profit disability support provision have come to my attention. Can the minister outline for me what obligations agencies funded by the department to provide disability support services have in ensuring that their employees are working within an environment which complies with workplace health and safety criteria — that is, with minimal risk?

**Ms MIKAKOS** (Minister for Families and Children) — I thank the member for her question. She has raised a very important issue around workplace safety for those individuals working in the disability sector. Abuse within the disability sector, whether it is against a person with a disability themselves or their carers or their workers, is totally unacceptable. Prior to the election last year the Labor Party at that time committed to a parliamentary inquiry into systemic failures in Victoria's disability care system. We want to ensure that we have a safe workplace; this is integral to any worker's health and wellbeing.

In disability services specifically, funded agencies are employers in their own right and they do have OHS obligations. These are set out under the Occupational Health and Safety Act 2004 and the Occupational Health and Safety Regulations 2007. Employers also have obligations under section 21(1) of that act, which establishes that it is the duty of an employer to provide and maintain for employees a working environment that is safe and without risk to health so far as is reasonably practicable.

In addition to this, under the department's funding arrangements with the non-government sector, disability organisations entering into a service agreement with the department must be aware of and able to provide an appropriate documented system to demonstrate compliance with those OHS obligations under relevant state and federal legislation, including the occupational health and safety legislation that I mentioned earlier.

The member would of course be aware that we are moving to the national disability insurance scheme (NDIS). This is going to see a significant increase in funding to the disability support sector in coming years, and it is anticipated that the sector will grow to twice its size. This will see a significant expansion of the disability workforce. The skills and experience of that workforce will be the key to the success of the NDIS in Victoria and across the country. Victoria is committed to leading the nation by continuing high-quality services and retaining strong safeguards.

We are going to take some learnings from the parliamentary inquiry that I mentioned previously as well as the Ombudsman's investigation. We will carefully consider the recommendations from both of those inquiries in the context of the development of the national disability insurance scheme quality and safeguards framework that is to be put in place. I assure the member that we regard this as an important issue, and there are various obligations on employers to ensure the safety of their workforce.

*Supplementary question*

**Dr CARLING-JENKINS** (Western Metropolitan) — I thank the minister for her answer and for setting out the obligations of the non-government sector, the need for compliance and the government's commitment to this. I have a brief follow-up question: would a disability support worker be entitled to know if a client for whom they are providing support within the client's home is living with someone who is on parole for assault when such a fact is known to the funded not-for-profit agency?

**Ms MIKAKOS** (Minister for Families and Children) — I thank the member for her supplementary question. I will have to take that particular supplementary question on notice and refer that to the Minister for Housing, Disability and Ageing. I do not believe there would be necessarily an automatic obligation, because of privacy obligations, but I will have to take the matter on notice to ensure that the member is provided with the correct information.

**Victoria Police media policy**

**Ms PATTEN** (Northern Metropolitan) — My question is for the Minister for Training and Skills, representing the Minister for Police. Lawyers and civil liberty advocates have become extremely concerned by the revelation that Victoria Police is publishing the names of criminal suspects, some before they even appear in court, on Twitter and Facebook. Liberty Victoria describes the move as 'completely unnecessary ... intrusive and, in some cases, certainly dangerous'. The naming and shaming of suspects yet to be convicted is seen as a significant shift in police policy and one that, I might add, seems to have been done without any consultation. Can the minister explain when this practice came into policy and make available the documents that the police use to guide them?

**Mr HERBERT** (Minister for Training and Skills) — I thank Ms Patten for her question. It is an interesting one and one I do not have the answer to — I have to be absolutely frank on this one. It is new to me,

so I am not sure whether this is official policy the member is talking about or practice by some officers. I will have to take that on notice and get back with as much detail as I can.

*Supplementary question*

**Ms PATTEN** (Northern Metropolitan) — I thank the minister, and I look forward to that. Peter Morrissey, the chair of the Criminal Bar Association of Victoria, has said that while police use media releases for operational purposes, their expansion into the self-publishing area of Twitter and Facebook is an 'uneasy blurring' of what looks like news but is not. There are serious ethical and privacy concerns relating to this practice, not to mention obvious issues relating to sub judice. My question is: will the minister immediately direct Victoria Police to suspend the practice of naming and shaming suspects through self-publishing until a review of the policy is undertaken to ensure that people are not being unfairly treated?

**Mr HERBERT** (Minister for Training and Skills) — I thank the member for her supplementary question. It is clearly directed to the minister, not me representing the minister. It is fair to say that social media and the use of new technology and communication throws up challenges which all authorities in all areas are coming to grips with, but on the specific issue of directing police in how they do media releases and social media policy, I will have to refer that to the minister.

QUESTIONS ON NOTICE

Answers

**Mr JENNINGS** (Special Minister of State) — I have answers to the following questions on notice: 58, 464–7, 809–13, 815–18, 869, 870, 873, 881–4, 1092–6, 1099–101.

QUESTIONS WITHOUT NOTICE

Written responses

**The PRESIDENT** — Order! In respect of today's questions, and in particular Mr Ondarchie's supplementary question to Mr Dalidakis in respect of small business services that might have cited concerns about the public holiday in their contact with the department, the minister undertook to see if there were any instances of businesses citing that as the reason for their call, and I ask that the minister do that tomorrow.

In respect of Ms Crozier's question and her supplementary question to Ms Mikakos in respect of preschool funding changes, it is my view that the criteria that Ms Crozier was seeking advice on from the minister is a valid question that I do not believe was satisfactorily addressed in the answer today. The question about how many might have applied for a waiver — and like Ms Mikakos I would expect that that means up until now — at this point is also a question that I think is valid in terms of being put and deserves a written answer, so I request the minister to provide that tomorrow.

In respect of Ms Dunn's questions to Ms Pulford — and I cite the supplementary question — I accept, having listened to the question and the responses, that there is a valid issue that Ms Dunn is pursuing in her supplementary question. I understand the figure is 242 coupes; is that right?

**Mr Herbert** — It was 224.

**The PRESIDENT** — The question will be in *Hansard*.

**Ms Dunn** — 224.

**The PRESIDENT** — Order! Mr Herbert wins the chook — 224. Ms Dunn's query is: of those coupes that have been transferred, how many have already been logged? I accept that that question is a valid question in terms of establishing whether or not the ins or outs actually do match up, as the minister has provided in information to the house. So I ask that that supplementary question be addressed by the minister tomorrow.

In regard to Dr Carling-Jenkins's question to Ms Mikakos, Ms Mikakos has undertaken to find out what protocols or obligations there are to advise disability services agencies or workers of potential risks in a workplace. Because that will involve another minister, that will be two days on that one.

Mr Herbert has also undertaken, for the benefit of the house, to pursue both the substantive and supplementary questions posed by Ms Patten in respect of the social media publication of the names of suspects in a name-and-shame sort of context. The minister has undertaken to establish the position around those circumstances. In that case I say to the minister that that will be two days as well.

**Ms Mikakos** — On a point of order, President, in relation to your ruling on the supplementary question from Ms Crozier, I ask if I could just get some clarification because you referred to applications until

now in assisting the member to confine her question. Could I have a start date, which I did not have in the supplementary question? Because the member's question is premised on an assumption that kindergartens may have applied for waivers for reasons other than ratio implementation, and there may well be other reasons.

The point I would also make is that the member asked three separate questions in her supplementary, not one question. She asked for the numbers granted, the numbers rejected and the numbers not yet assessed, so I am really seeking your guidance as to which question out of the three I am required to respond to, and there was no start point in the member's question. The member can ask as many questions as she likes, but unless she is actually precise it is very difficult for ministers to respond. It is not a question on notice in which to put multiple questions.

**Ms Wooldridge** — On the point of order, President, I think the question is very self-explanatory, and given that the supplementary relates to the substantive question, which is new ratios for children — and we are all very clear about what that relates to, and the minister was very clear in her response about what that relates to — it is entirely reasonable that she would answer the full supplementary about the waivers: that is, how many have been in the system or those that have been granted, rejected and not yet processed. That is a reasonable combination to reflect the experience of kindergartens with the waiver process to date.

**The PRESIDENT** — Order! In respect of the point of order that has been raised by the minister, I accept that it is important for a minister to have an understanding of what exactly the member is looking for so that they might provide information that is relevant to that question. The minister is endeavouring to do that, in my view.

In respect of the minister's queries as to what Ms Crozier might have posed, it would be my view, having just been given the courtesy of seeing the question, that it would be waivers in respect of the new ratios. So it relates to waivers made at the time that the new ratios have become an issue for kindergartens and not other matters or extraneous matters of waivers for other reasons. It is only waivers relating to the new funding mechanism or the new ratios.

The minister's point about multiple questions has some validity. I would expect as Chair that a question ought not be a multipart question and that it ought to go to one piece of information. However, in regard to this supplementary question, I believe that the actual

breakdown of numbers is one question. The question relates to the number of waiver applications that have been granted, rejected or not yet processed. I do not think that is a multipart question as such. I accept that they are three elements of a valid single question in this case.

**Ms Mikakos** — So one total number?

**The PRESIDENT** — Order! Of the number of waiver applications, how many have been granted, how many have been rejected and how many are still to be processed; I accept that that is one question on this occasion.

**Mr Ondarchie** — I have a point of order, President, that relates to a written response to a question without notice that you directed be provided after I asked a question of the Special Minister of State on 3 September 2015. My question went to two ministerial employees and asked if there were any lump sum payments or ex gratia payments made and how much they were. The minister has responded that one of those people is still employed by the government and one has left and been paid an appropriate entitlement, but he did not outline, apropos of my question, how much that was. I ask that this question be reinstated.

**The PRESIDENT** — Order! In respect of the question that Mr Ondarchie raises, I notice that, as he rightly says, this is in respect of a supplementary question asked on 3 September in which he sought information on two employees. I am certainly of the view that the information provided in respect of one of those employees, being Ms Paul, has been satisfied. In respect of Mr Smith, I accept that the nub of this question, as I read it, is to find out if there have been any special arrangements that have been entered into as far as the termination of the employment or the end of the employment of Mr Smith. The question has been answered by the minister in that Mr Smith is no longer employed by the government and has been paid appropriate entitlements.

That does leave us with a bit of a quandary as to whether or not they were entitlements that one would normally expect to have been provided in the course of the termination of an individual's employment, including things like the carryover of long service leave or sick leave that might have been still available under our portable scheme to a new employer, holiday pay and so on and so forth. All of those payments would obviously be, as would perhaps some others, appropriate, but I think that the nub of the question was whether or not there was any ex gratia payment or

additional lump sum that would have been out of the ordinary.

I am in a little bit of difficulty because I recognise that there are privacy considerations for individuals, and one does not expect that their individual circumstances in terms of termination of employment packages would normally be the subject of public scrutiny. However, I would ask that the minister consider a further written response in respect of whether or not — and I guess I am paraphrasing the question that has been put a little bit — there were any extraordinary payments made to Mr Smith apart from the usual ones.

**Mr Jennings** — I can just answer it now.

**The PRESIDENT** — Order! I am happy for the minister to provide that answer at this point.

### Ministerial staff

**Mr JENNINGS** (Special Minister of State) — Rather than rolling it around, if it boils down to were there any ex gratia payments beyond what would be the normal entitlements of somebody leaving their employment relationship, the answer is no, there have not been.

*Honourable members interjecting.*

**The PRESIDENT** — Order! The minister has provided that further answer at this point in time.

## CONSTITUENCY QUESTIONS

### Western Victoria Region

**Mr RAMSAY** (Western Victoria) — My constituency question is to the Minister for Sport and is in relation to the \$3.8 million redevelopment of the Colac Central Reserve in the lower house electorate of Polwarth. I was pleased to be at the Colac football and netball league grand final between Simpson and Irrewarra-Beeac on Saturday, and I congratulate Simpson for being the victors of that match. However, the issue of the redevelopment of the grandstand and netball change rooms and the fact the Labor government refuses to commit to \$650 000 to complete that redevelopment was uppermost in the community's mind.

The federal member for Corangamite, Sarah Henderson, secured \$2.5 million as part of a federal government contribution, and \$250 000 was raised from the local communities and the council. The then member for Polwarth, Terry Mulder, committed \$750 000 prior to the election so that this

redevelopment could be completed. I now call on the Minister for Sport to commit the Labor Party to providing the \$650 000 to finish the redevelopment of this very important community asset to allow the netballers not to have to change in their cars, as they have to do now.

### Western Metropolitan Region

**Mr MELHEM** (Western Metropolitan) — My constituency question is addressed to the Minister for Roads and Road Safety, the Honourable Luke Donnellan. Could the minister update me so that I can update my constituency on the first stage of the western distributor and how these works will fit in with the government's promise to divert 5000 trucks a day off the West Gate Bridge in my electorate of Western Metropolitan Region?

### Western Victoria Region

**Mr MORRIS** (Western Victoria) — My constituency question is for the attention of the Minister for Energy and Resources and relates to the availability of three-phase power for farmers, especially dairy farmers and particularly those in the south-west of Victoria. The dairy industry in Victoria is going from strength to strength; however, a lack of access to three-phase power is limiting the further expansion of dairy operations and beef and sheep production across western Victoria. It is not only business growth but also growth in communities across regional Victoria that is constrained due to a lack of access to appropriate electricity supplies. My question is: what is the government doing to ensure access to three-phase power for our dairy farmers to ensure that future growth in this important industry is not constrained?

### South Eastern Metropolitan Region

**Ms SPRINGLE** (South Eastern Metropolitan) — My constituency question is for the Minister for Planning, Richard Wynne. In February this year Kingston City Council asked the minister to extend interim protection against materials recycling in the Kingston green wedge. The purpose of that request was to allow for the minister to consider the council's more substantive request to rezone land north of Kingston and Heatherton roads to a green wedge A zone that would not allow waste-related activities. Currently that area is zoned as special use, which allows Alex Fraser to operate a concrete crusher in the green wedge. Alex Fraser has applied to extend its permit for 15 years to 2038. My question to the minister is: will the minister approve the council's C143 amendment request to rezone this land to green wedge A?

### Eastern Metropolitan Region

**Mr LEANE** (Eastern Metropolitan) — My constituency question is directed to Jane Garrett, the Minister for Emergency Services. Recently, and I think it is just from a rumour that may have gone out on Twitter, the member for Bayswater in the Assembly, Heidi Victoria, via her Facebook page and the *Knox Leader* claimed that through her great work land has been acquired for a new Country Fire Authority station in Bayswater that will be built within the next two years. I am concerned that the member for Bayswater is just making stuff up. I am led to believe that this is not true. Could the minister —

**Mr Finn** — On a point of order, Acting President, what Mr Leane has said is a clear reflection on the member for Bayswater in another place, suggesting that she is just making things up. I ask you to ask him to withdraw.

**The ACTING PRESIDENT (Mr Elasmr)** — Order! I did not hear the remarks Mr Finn is talking about, but I will ask Mr Leane, if he made those remarks, to withdraw them.

**Mr LEANE** — I am happy to withdraw. To clear up this particular issue of whether anyone is making things up, I ask the minister to confirm where this particular project, if there is one, would be in the project works program.

### Northern Victoria Region

**Ms LOVELL** (Northern Victoria) — My constituency question is for the Minister for Environment, Climate Change and Water, and it is regarding the decision by Goulburn-Murray Water (GMW) to conduct weed spraying on and near waterways in late winter prior to the start of the irrigation season. Many constituents in my electorate have been prevented from using channel water going into the beginning of the irrigation season because of spray residue following a GMW campaign to cull arrowhead weed. Access was restricted to at least five channels across the central Goulburn and Murray districts while these waterways were flushed following the discovery of trace residue. Affected water users have expressed frustration that GMW chose to spray so late in winter and that this action has caused the delay of irrigating when the season was due to start in mid-August. My question is: will the minister take action to ensure that for future irrigation seasons GMW will not conduct any spray or other management works that are likely to impact on the start of the season unless absolutely necessary and entirely unavoidable?

### Western Metropolitan Region

**Mr EIDEH** (Western Metropolitan) — My constituency question today is for the Minister for Family Violence, Fiona Richardson. Last week Australians across the country saw firsthand our national emergency, domestic violence. News stories littered online newspapers, with an overwhelming number of lead articles relating to domestic violence, which tragically included the death of young mother Tara Brown. One week before her death Tara sought police protection against her partner out of fear for her safety and that of her young daughter, yet Gold Coast police turned her away to seek help elsewhere.

No state is immune to the terror of domestic violence. No state can continue to ignore this emergency, which is why the Andrews Labor government called for a royal commission into domestic violence. In my electorate domestic violence does not discriminate. It happens to people of all socio-economic and cultural backgrounds, which is why tackling domestic violence needs a multifaceted approach — a change. I ask: what options are available within my electorate for the perpetrators of family violence, who are overwhelmingly men, to change their behaviour?

### South Eastern Metropolitan Region

**Mrs PEULICH** (South Eastern Metropolitan) — My constituency question is for the Minister for Small Business, Innovation and Trade and follows a lot of interaction that I have had with the small business sector, in particular surrounding the grand final public holiday and the way that it is going to impact that sector. I have also become aware that the minister has failed to announce an appointment to the Multicultural Business Ministerial Council or the Small Business Ministerial Council. Both of these committees are under his jurisdiction and are critical to the interests of our small business community. It clearly shows that the minister does not have his eye on the ball, and the question I am asking is: is this another example of Labor and this minister's disdain for our small business community?

### Southern Metropolitan Region

**Mr DAVIS** (Southern Metropolitan) — My constituency question is for the Minister for Public Transport. The impact of the number 8 tram route changes proposed by the government has been much discussed in this chamber and in the community. There is no doubt that many hundreds of people are concerned about the removal of this long-established tram service. It has been there since 1927, and there was a cable tram

before that. The removal of this tram service will see tourism impacted and will see a whole series of travellers, including those who are aged, impacted directly. I ask the minister to explain to the house the timetabling changes that are proposed and the waiting times that will be required, but particularly I ask her to explain to the house whether people can be guaranteed the capacity to get onto a tram when they are forced to change at one of the interchanges.

### Southern Metropolitan Region

**Ms CROZIER** (Southern Metropolitan) — My constituency question is for the Minister for Small Business, Innovation and Trade, and I will quote from the Bentleigh Traders Association submission to the regulatory impact statement:

Clearly the state government has not thought this through. The impact on small businesses of these holidays is indeed catastrophic in what is an already incredibly difficult retail climate. The majority of businesses will not be able to open their doors on these days due to the cost of staffing their businesses. The flow-on effect of this is massive stock wise, sale wise and customer wise. A holiday on grand final eve is just ludicrous — it's already school holidays and the grand final itself impacts tremendously on the shopping habits of customers on grand final day. A public holiday the day before just increased the blow.

As a local member and the Minister for Small Business, Innovation and Trade, can the minister provide advice to this traders group on those concerns as outlined and raised in this submission?

## PETITIONS

### Following petitions presented to house:

#### Route 8 tram

To the Legislative Council of Victoria:

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

1. the no. 8 tram route has been in operation since 1927 and is one of Melbourne's busiest tram routes;
2. the below-listed petitioners express extreme concern at the Andrews Labor government plan to abolish the no. 8 tram route and demand that the Andrews government step back from its planned abolition of the no. 8 tram and commit to the permanent maintenance of this route along Toorak Road, St Kilda Road and Swanston Street;
3. that promises to strengthen public transport will not be advanced by moving resources from one route to another, but instead should see the addition of new services to those currently provided.

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

**By Mr DAVIS (Southern Metropolitan)**  
(242 signatures).

**Laid on table.**

**Police numbers**

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 Premier Daniel Andrews has failed to commit to providing additional police officers as Victoria grows.

The petitioners therefore respectfully request that the Legislative Council of Victoria calls on Premier Daniel Andrews to commit to providing additional police for our community as a matter of priority.

**By Mr O'DONOHUE (Eastern Victoria)**  
(7 signatures).

**Laid on table.**

**SCRUTINY OF ACTS AND REGULATIONS  
COMMITTEE**

**Alert Digest No. 11**

**Mr DALLA-RIVA (Eastern Metropolitan)**  
presented *Alert Digest No. 11 of 2015, including appendices.*

**Laid on table.**

**Ordered to be published.**

**PAPERS**

**Laid on table by Deputy Clerk:**

Forensic Leave Panel — Report, 2014.

Independent Broad-based Anti-corruption Commission — Report, 2014–15 (*Ordered to be published*).

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(4) in relation to the Waste Management Policy (Siting, Design and Management of Landfills) 2004.

Liquor Control Reform Act 1998 — Report pursuant to section 148R by Victoria Police, 2014–15.

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

Frankston Planning Scheme — Amendment C104.

Gannawarra Planning Scheme — Amendment C39.

Greater Shepparton Planning Scheme — Amendment C175.

Hume Planning Scheme — Amendment C203.

Macedon Ranges Planning Scheme — Amendment C104.

Melbourne, Moonee Valley, Moreland and Yarra Planning Schemes — Amendment GC36.

Moonee Valley Planning Scheme — Amendment C150.

Whitehorse Planning Scheme — Amendment C180.

Professional Standards Act 2003 — Instrument amending the Institute of Chartered Accountants in Australia Professional Standards Scheme (Victoria), 25 August 2015.

Statutory Rules under the following Acts of Parliament —

Infringements Act 2006 — No. 100.

Victorian Civil and Administrative Tribunal Act 1998 — Nos. 99 and 101.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rules Nos. 97 and 100.

Legislative Instrument and related documents under section 16B in respect of a notice of amendments to the Australian Rules of Harness Racing (ARHR) and Australian Trotting Stud Book Regulations (ATSB).

Victorian Institute of Teaching — Report, 2014–15.

**PRODUCTION OF DOCUMENTS**

**The Deputy Clerk** — I lay on the table three documents received in response to the resolution of the Council of 10 June 2015 relating to the Advanced Lignite Demonstration Program.

I advise that the Clerk has also received the following letter from the Attorney-General:

Production of documents — Advanced Lignite Demonstration Program

I refer to the Legislative Council's resolution of 10 June 2015 seeking the production of:

any agreements in relation to the Advanced Lignite Demonstration program between the state of Victoria and —

- (1) Coal Energy Australia;
- (2) Ignite Energy Resources; and
- (3) Shanghai Electric Australia Power & Energy Development Pty Limited (SEAPED).

I also refer to my letter to you of 23 June 2015, advising that the government required additional time to respond to the resolution.

In addition, I refer to my letter to you of 14 April 2015, noting the limits on the Council's power to call for documents. Those limits centre on the protection of the public interest. In that letter, I set out factors which the government would consider in assessing whether the release of documents would be prejudicial to the public interest.

The government has now assessed the agreements against the factors listed in that letter, and produced the agreements to the Council today, with redactions. The government has determined that the release of the redacted material in the agreements would be prejudicial to the public interest on the basis that its disclosure would materially damage the state's financial or commercial interests. Accordingly, the government, on behalf of the Crown, makes a claim of executive privilege in relation to that material.

The agreements also contain the names and contact details of individuals. In the interests of personal privacy, those names and contact details have been excluded.

## 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, 16 September 2015:

- (1) the notice of motion given this day by Mr Ondarchie relating to the grand final parade public holiday;
- (2) the notice of motion given this day by Dr Carling-Jenkins relating to perinatal care; and
- (3) notice of motion 152 standing in the name of Mr Morris in relation to the introduction of the new regional rail link timetable.

**Motion agreed to.**

## MINISTERS STATEMENTS

### Foster care

**Ms MIKAKOS** (Minister for Families and Children) — I rise to inform the house about the latest initiatives the Andrews Labor government has taken to support our foster carers. I have always valued and respected the work of foster carers, and addressing the issues around foster care has been one of my highest priorities as minister. Without the hard work, dedication and commitment of foster carers, the out-of-home care system in Victoria simply would not cope.

The generosity and compassion of foster carers who open their hearts and homes to young Victorians in need of a safe and loving place to live is indeed worth celebrating. Yesterday I was pleased to attend the Foster Care Association of Victoria's annual general

meeting, where I launched the association's celebrations for Foster Care Week. I was proud to announce \$1.7 million in new funding by our government to improve support for foster carers in the invaluable work they do, which is in addition to the \$1.5 million foster carer recruitment and retention strategy I announced in February.

It is my firm conviction that the best option for children who cannot live with their immediate family is in home-based care, either kinship care or foster care. For the first time all 26 foster care agencies have come together to develop a centralised approach to the attraction, recruitment and retention of foster carers. There is a new hotline and enquiry call centre set up, with a focus on responding to inquiries from prospective carers in a more timely and effective manner. That number is 1800 013 088.

I am also pleased to report that the foster carer roundtable meetings, an important part of the recruitment and retention strategy, have already started. I met with carers at a meeting in Melbourne last month to hear firsthand their ideas to improve the system. Last Thursday in Bendigo, together with the member for Bendigo West in the Assembly, I was fortunate enough to meet with another group of carers at the second roundtable meeting I chaired.

I will be resourcing the Foster Care Association of Victoria and the Centre for Excellence in Child and Family Welfare to work with the department so that we can, in consultation with stakeholders, develop and roll out the following activities: a new foster carers manual and website for all foster carers; enhanced training and support for carers, focusing on challenging behaviours in children; the establishment of divisional carer advisory groups to improve communication between everyone involved in a child's care; a revised carer engagement strategy; and a new standardised feedback and complaints mechanism to consolidate the fragmented complaints systems.

## MEMBERS STATEMENTS

### Public holidays

**Ms WOOLDRIDGE** (Eastern Metropolitan) — The small, medium and large business owners in Eltham and surrounds are not happy. I have been talking extensively to them right across the Eltham district of my electorate — Briar Hill, St Helena, Montmorency, Eltham, Lower Plenty, Research and Greensborough — and they feel deserted by Labor's decision to impose yet another new public holiday. There are so many affected businesses, and I will just

touch on a few of them — hairdressers, cafe owners, greengrocers, travel agents, auto electricians and fast-food restaurant proprietors.

It is not just small business owners but also many small business staff who feel let down by what has been done by this government. Students who work one day a week, fitters and turners, mechanics and casual wait staff are going to lose their shifts because of Labor's new grand final parade public holiday. It is an attack on small business by Labor and should be reversed.

What people consistently say is that Labor wants the taxpayer to pick up the tab for wages for the public sector, but where is the consideration for the thousands of Victorian small and medium size businesses? They have been ignored, and that has been made very clear by the Minister for Small Business, Innovation and Trade, who said, 'Come and make a statement on the regulatory impact statement, but we're going to ignore it. We don't care if you've put time in to explain your complaints and your concerns; we are just going to ignore exactly what you have to say'. Who is going to cover the additional cost burden and the lost productivity of the new grand final parade public holiday? The Labor government? Certainly not. It is small business owners who will be picking this up and paying for Labor's poor policy.

### **Western Victoria Region schools**

**Ms TIERNEY** (Western Victoria) — On Monday Labor's Minister for Education, James Merlino, announced the single biggest injection of education funding in Victoria's history: \$4 billion in additional funding has been allocated by Labor for early childhood learning, schools and training in Victoria. Under this initiative schools in my electorate of Western Victoria Region will receive tens of thousands of dollars in addition to their current budgets, including \$369 000 for Warrnambool East Primary School; \$324 000 for Colac South West Primary School; \$294 000 for Grovedale College; \$137 000 for Cobden Technical School; \$107 000 for Timboon P-12 School; \$104 000 for Portland Secondary College; and \$102 000 for Portland Bay School.

The money keeps flowing all across western Victoria, from Heywood to Highton and from Winchelsea to Woolsthorpe. Whether it is funding to improve school attainment in the south-west or to reduce dropout rates, this historic investment will give students the skills they need for the jobs they want. Labor is giving local schools the funds they need as well as building new 21st century schools to make Victoria the education state.

Over the past two weeks I have visited four sites of five brand-new schools in the Assembly electorates of South Barwon and Polwarth and in Geelong that will be up and running by the first day of term 1 in 2018, including the Bannockburn P-12 school — a school that was mothballed by those opposite but will be built under Labor; Torquay North Primary School; two schools in Armstrong Creek, including a special school; and a new special school for North Geelong. First-class education is the key — —

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

### **Footscray multicultural events**

**Ms HARTLAND** (Western Metropolitan) — On Saturday, besides it being wonderfully sunny, I had the opportunity to go to two really wonderful multicultural events. One of them was the lantern festival in the Footscray mall on Saturday afternoon, and it was just lovely to see a large group of children making these wonderful lanterns and to have the opportunity to be with the Vietnamese community to celebrate what in Vietnam would be the end of the harvest.

On Saturday night I also had the opportunity to go to the Ethiopian New Year festival, which again is a most amazing festival of food, colour, dancing and the most incredible music. I personally tried to dance at one stage, but like at most of these events I always look quite foolish. An 80-year-old man was trying to teach me how to do the most amazing Ethiopian dancing and he was just fantastic, but I just could not manage it. However, it was a great night, and I am always so pleased when various members of the community invite me to these very special occasions.

### **Shepparton courthouse redevelopment**

**Ms LOVELL** (Northern Victoria) — Last Friday morning I had the pleasure of attending the launch of the design for the new Shepparton courthouse. The former coalition government provided \$73 million to fund this much-needed redevelopment, and it is wonderful to see this project progressing. On behalf of the Greater Shepparton community, I want to once again thank the former government for making sure the region is recognised and prioritised.

### **Goulburn Valley jobs forum**

**Ms LOVELL** — I congratulate the Goulburn Valley community on the Creating Ongoing Jobs for the GV initiative. The initiative, a joint venture between Goulburn Valley Food Cooperative, Kyabram

Community & Learning Centre Inc. and Fruit Growers Victoria Ltd, recently held a workshop to identify how local part-time jobs could be converted into 100 permanent positions for local people. This is an admirable aim, and I wish the group every success in achieving its outcome.

### **Biggest Ever Blokes Lunch**

**Ms LOVELL** — The Biggest Ever Blokes Lunch in Shepparton raised a record \$180 000 this year, which has secured the future of the region's only dedicated prostate cancer nurse. This is an outstanding achievement, and I congratulate Greater Shepparton's blokes for getting behind it.

### **Echuca Moama Tourism**

**Ms LOVELL** — Echuca Moama Tourism is annoyed that it was not given forewarning by the government that a new boating tourism campaign would be launched last week. It is typical of Labor to fail to consult and demonstrates that this government will continue to treat the regions with contempt.

### **Community safety**

**Mr MELHEM** (Western Metropolitan) — I rise to speak on the actions the government is taking to improve the safety of the community in my electorate. For too long state governments have taken a reactive approach to crime, such as locking people up after crimes have been committed rather than investing in preventing crime in the first place. We know that government action and investing in public spaces and social programs can help to prevent crime before it occurs. That is why I was so pleased to attend with the Parliamentary Secretary for Justice, Ben Carroll, the announcement of the Community Safety Fund grant outcomes at Sunshine bus precinct on behalf of the Minister for Police and Minister for Corrections, Wade Noonan.

The fund provides grants of up to \$10 000 for communities in Victoria to implement local crime prevention projects. In attendance were school students; members of Victoria Police; the President of the St Albans Traders Association, Sebastian Agricola; Stuart Menzies and John Watson from Brimbank City Council; and Scott Munn, CEO of Melbourne City Football Club, among others.

The announcement included a total of \$149 423 in funding for 19 projects across local government and community organisations in the west, including \$10 000 for a night-time soccer program, \$9900 for

temporary public space improvements involving Sudanese-Australian young people, \$5000 for a Jamaican dance program, \$10 000 for lighting outside Sunshine businesses, and a combined \$17 600 for lighting near St Albans Square, divided into two grants to the St Albans business group. This again demonstrates that the government is delivering for the west and addressing crime through preventive as well as punitive measures. I commend the Andrews government and Brimbank City Council on the initiative, and I thank the various stakeholders and community members for their engagement.

### **Musica Viva**

**Dr CARLING-JENKINS** (Western Metropolitan) — I rise today to speak about a Musica Viva event I attended on Saturday night, 5 September, at the Melbourne Recital Centre in Southbank — an absolutely amazing location. I was in good company, because also in attendance at the event was the President of this place, the Honourable Bruce Atkinson, and two parliamentary colleagues from the other place, the member for Forest Hill, Neil Angus, and the member for Thomastown, Bronwyn Halfpenny. However, the real star of the show on this occasion was Paul Lewis. An incredibly talented pianist, he masterfully played a selection of the works of Beethoven and Brahms. It was indeed a flawless performance. I was most impressed with the use of what Paul Lewis described as silence throughout the works; it is something I would have described as the art of the dramatic pause.

Perhaps sometimes we take for granted how amazingly cultured our city is. Melbourne provides so many opportunities for us to appreciate the beauty of humanity's creative skill and imagination, reminding us that there is more to life than the hustle and bustle of everyday living. I had the pleasure of meeting Musica Viva's director, Carl Vine, AO, who filled me in on the exciting 2016 program. I encourage everyone to check it out; it certainly promises to impress.

### **Main Road, St Albans, level crossing**

**Mr FINN** (Western Metropolitan) — I was flabbergasted last week when I heard that the federal opposition leader had congratulated the Victorian Premier on removing the Main Road level crossing in St Albans. Mr Shorten knows only too well that it was the Liberal government of Denis Naphthine that allocated the funding necessary to end the long-running saga surrounding the level crossing. Mr Shorten knows the history of Labor's neglect of the people of St Albans on this issue, a neglect going back to at least

1982 and probably further. Mr Shorten displayed that neglect a few years ago when he committed the then federal Labor government to provide half the funding for this project only to run a mile when he was called upon to produce the money. He almost got away with it, but he did say it in front of thousands of people, so he could not quite get away with it. It was Bill Shorten in fact who lied to former Prime Minister Kevin Rudd; he lied to former Prime Minister Julia Gillard. He is a man who is known to be very loose with the truth. I assure you, Acting President, I will not allow him to lie to his electorate.

### Learn Local Awards

**Mr HERBERT** (Minister for Training and Skills) — I am delighted to inform the house that the annual Victorian Learn Local Awards held last Thursday night at Collingwood Town Hall were yet again an outstanding success. I had the great pleasure of handing out awards on the night to learners, teachers and organisations which represent the many wonderful achievements and stories that characterise the adult learning sector here in Victoria. I would like to personally congratulate the winners on the night, including a number who are from my electorate: Karen Hokai from the East End Community House in Mildura for winning the Outstanding Pre-accredited Learner award; Karen Fleischer from Paynesville Neighbourhood Centre in Eagle Point for the Outstanding Practitioner Award; Shepparton Access for the Outstanding Pathways Program Award for its program Creating Pathways into the Community; YouthNow in Sunshine for the Excellence in Creating Local Solutions Award for their BizE Centre program; Nhill Learning Centre for the AMES Diversity Innovation Award; and Kyneton Community & Learning Centre and Barker Trailers — a great partnership there — for the Learn Local for Business Award.

A further eight organisations were made Learn Local Legends. They were Portland WorkSkills, Pines Learning, Buchan Neighbourhood House, Meredith Community Centre, Pangerang Community house, Kyneton Community & Learning Centre, Wyndham Community & Education Centre and Port Melbourne Neighbourhood Centre. These awards go a long way, but not far enough in many cases, in acknowledging the immense amount of time and devotion these organisations and people have invested into the Learn Local sector. Importantly, on the night I announced that next year the Most Outstanding Pre-accredited Learner Award will be renamed the Rowena Allen Award, recognising the absolutely outstanding work undertaken

by the Adult Community and Further Education board's former chair, Rowena Allen.

### Refugees and asylum seekers

**Ms SPRINGLE** (South Eastern Metropolitan) — In the world's response to the Syrian refugee crisis we are seeing the best and worst of humanity. Turkey is hosting half of the 4 million Syrians who have fled the civil war. Hundreds of thousands are going further afield. Australia has agreed to accept 12 000 additional Syrian refugees, which is a good thing, although sadly inadequate. As German Chancellor Angela Merkel says:

The fundamental right to asylum for the politically persecuted knows no upper limit; that also goes for refugees who come to us from the hell of a civil war.

Much of the public discourse over the last decade in Australia has been aimed at conditioning us to think of refugees as burdens. We applaud ourselves for the money we spend on refugees and asylum seekers, yet there are so many falling through the gaps without access to basic living necessities. The vicious irony is that, as we worry about resourcing services, we spend billions on offshore detention centres and a farcical Border Force.

Refugees and asylum seekers are often traumatised people who need a lot of help when they first arrive, but they also provide enormous benefits to the places that give them a home. This is no more evident than in Victoria, which has developed a strong, resilient branch of multiculturalism found in very few other places. We can fully welcome refugees, and we should. We are strong enough.

### Country Fire Authority funding

**Mr RAMSAY** (Western Victoria) — I was very proud to be in attendance at the Mount Mercer and Werneth fire station official openings last Sunday. These two fire stations in the lower house Polwarth electorate were part of the 260 new fire stations renewal program provided by the coalition government. There was a \$50 million grant to provide rural fire stations with modern meeting places and fire station facilities that include shedding for larger fire trucks, toilets, change rooms and kitchen facilities that improve on the many sheds dating back to the last century with long-drops as the norm for toilet facilities. Part of Sunday's celebrations was the acknowledgement of 42 Country Fire Authority (CFA) volunteers who received service awards for from 10 to 50 years service and collectively have given over 1000 years of volunteer

work and service to the CFA and the local communities they protect.

The Polwarth electorate and the south-west generally have been in receipt of 19 of these state-of-the-art fire shed amenities under the coalition's renewal program, which was welcomed by CFA volunteers across the state, so it beggars belief that the Andrews government would cut this successful program. Not only is Labor walking away from CFA volunteers but it is also increasing the fire services levy to fatten up the United Firefighters Union enterprise bargaining agreement as a payback, running a quasi fire services review and closing a \$100 million CFA training facility. In the last few weeks it has seen the chair, the CEO and the chief operating officer of the CFA resign. This is a government taking orders from the United Firefighters Union, hell-bent on breaking the spirit, courage and independence of the CFA volunteer rural brigades. As long as I am in this Parliament I will fight against a union and a Labor government that want to trash a proud — —

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

### St Albans level crossings

**Mr EIDEH** (Western Metropolitan) — I was pleased to learn of confirmation of contract for works on Main Road and Furlong Road in St Albans in my electorate. These two crossings are part of 17 of our state's most dangerous level crossings, and a commitment has been made to remove them by 2018. Works on the Main and Furlong roads crossings will begin next month and be completed in 2017. This means improved safety for vehicles and pedestrians, reduced congestion for over 30 000 motorists who use these two crossings each day and an easier way to travel in and out of the western suburbs. The Furlong Road crossing is another victory for my constituents, who have been campaigning tirelessly to have the crossing removed for many years, and it is something that I commend the Andrews Labor government on fully funding and delivering. The Main Road crossing removal project has received additional funding from the federal government to help remove this dangerous crossing, where too many innocent lives have been lost.

### Family violence

**Mr EIDEH** — On Thursday, 10 September, I attended with the Minister for the Prevention of Family Violence, Fiona Richardson, a forum called Preventing Family Violence in Multicultural Communities hosted by the Victorian Local Government Multicultural

Issues Network and the Brimbank City Council at the Deakin University convention centre. I congratulate the organisers and all participants for their valuable contribution.

### Bolwarra Primary School

**Mr MORRIS** (Western Victoria) — I was fortunate to be invited to visit Bolwarra Primary School last week, a fantastic school that has a wonderfully supportive school community. The announcement by the government that it was going to rip two classrooms out of the school was met with not just angst but fury. Over 45 parents attended a meeting that was called at the school to address this serious situation and to address the utter contempt being shown for the school by the Minister for Education. Students at the school are of course distressed at the very real prospect of having their cherished learning space taken away from them. Ripping these classrooms out of the Bolwarra Primary School would be akin to ripping out the heart of the Bolwarra school community. The only logical and sensible outcome from this sordid affair is for the Minister for Education to admit he was wrong, apologise to the Bolwarra school community and assure them he will not be stealing their classrooms.

### City Football Academy

**Mr ELASMAR** (Northern Metropolitan) — On Monday, 7 September, with my parliamentary colleague from the other place the member for Bundoora, Mr Colin Brooks, I was invited to a tour of the City Football Academy, located in Bundoora. The facility as it stands is fantastic. However, its vision is to have an additional pitch that will be accessible to the local community in the north. This sports academy needs support, and I take the view that a healthy body in a training setting promotes team spirit and esprit de corps. It is a place where young athletes can aspire to be English Premier League footballers, but they need a proper environment in which to flourish. I fully support the academy's endeavours to achieve its goals.

### Australian Lebanese Chamber of Commerce and Industry

**Mr ELASMAR** — On Friday, 11 September, several parliamentary colleagues and I were invited to attend a celebratory networking event organised by the Australian Lebanese Chamber of Commerce and Industry. I am glad to see that the Minister for Small Business, Innovation and Trade is in the chamber, as he officially launched that event, which was held in the city. The event was extremely well attended and brought together businesspeople, politicians and high

achievers from all walks of life. It was a pleasurable and informative evening as well as an opportunity to discuss wideranging issues relevant to Australia and the Middle East. The association continues to foster strong economic ties between Lebanon and Australia.

### Public holidays

**Ms CROZIER** (Southern Metropolitan) — Just because something is an election commitment does not mean it is correct or will be good for Victoria. Premier Daniel Andrews's election commitment to a grand final public holiday is a disastrous election commitment that is going to cost the state in the vicinity of \$1.5 billion. It is a holiday no-one wants, except maybe his union mates. They will be happy to either work to get the penalties or head off interstate for a long weekend. Those two scenarios are exactly what I have heard that firefighters plan to do.

Small business owners in Bentleigh are scathing about the decision, with comments about it including 'No-one wants it', 'Why are we having it?', 'It will cost me either way', 'I can't afford this holiday' and 'What a daft decision!'. What a daft decision indeed, because Daniel Andrews is driving our state into the ground. The latest Australian Bureau of Statistics figures show that instead of heading towards his 100 000 job pledge, Victoria's job figures are actually declining.

Victoria cannot afford a government that is too interested in repaying union debts with additional holidays and penalty payments. Daniel Andrews should get out more and speak with small business. He should understand that small businesses are the engine room of the economy and they do not want this public holiday. Small businesses are doing it tough as it is. This is yet another reckless decision made by Daniel Andrews to pay back those who supported him in last year's election. This decision for a grand final public holiday will go down as an election commitment he will perhaps wish he had never made.

### Public holidays

**Mr ONDARCHIE** (Northern Metropolitan) — Today I stand to highlight the unfortunate impost that the Andrews Labor government has placed on a constituent in my electorate. Dawn lives in Lalor. She is a single mother with two children, a boy aged 9 and a girl aged 13. Whilst she gets some small financial support from her ex-partner, Dawn continues to struggle to make ends meet. She suffered due to some unfortunate actions inflicted on her during her relationship break-up, but Dawn is a real Aussie worker.

A wonderful mother and provider to her school-age children, Dawn has a casual job working, as needed, in a small takeaway cafe in an industrial estate in Epping. These shifts occur usually on a Friday, the cafe's busiest day. She needs this casual work; it helps her to pay her rent and her electricity, gas and phone bills, feed her children, provide uniforms and school shoes and pay for her kids' activities. If she's lucky, she has some left over for a catch-up drink with her mates. But on the Friday of the grand final holiday, Dawn will have no shift. She will lose her money for that day. Why? Because Daniel Andrews has declared a day off on that day for a parade. It is an all-new day off for Daniel. The industrial area in Epping will be empty, and Dawn is not needed at the cafe on that day. She and her kids will suffer for this government's crazy thought bubble. She will be short on cash that week. She is worried, and she is sad. Labor does not care about hard workers like Dawn.

**The ACTING PRESIDENT (Ms Dunn)** — Order! I remind members that it is appropriate to refer to the Premier by his title, not by his name.

## RESOURCES LEGISLATION AMENDMENT BILL 2015

### *Second reading*

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

**Mr DRUM** (Northern Victoria) — It is a pleasure to stand and speak to the chamber on the Resources Legislation Amendment Bill 2015, which is a bill that has been introduced to implement recommendation 4 of the *Hazelwood Mine Fire Inquiry Report*. As we know, back in early 2014 there was a very unfortunate situation in which a deliberately lit fire on the outskirts of the Hazelwood mine, adjacent to Morwell, found its way into the mine, and this larger fire became very difficult to put out. That occurred on 7 February. A couple of days later, on 9 February, another fire, which was also deliberately lit, found its way into the mine, which made the larger fire incredibly difficult to extinguish. The firefighters trying to put out the original fire now found themselves facing a dual fire.

This bill is mainly focused on work plans for mine sites, and these will now need to take much more of a risk-based approach. Work plans will specifically address particular areas such as fire suppression and fire mitigation and the suppression requirements that are needed specifically for coal mines. The bill establishes a reporting regime of works around all mines and quarries, including rehabilitation works, and it will

ensure that those rehabilitation works are undertaken once the extraction has been completed. The bill also expands and broadens the range of risks that will need to be considered and the appropriate work plans that will need to be compiled to accommodate these risk-based assessments for the works that mines are intending to do.

Clause 1 of the bill amends the Mineral Resources (Sustainable Development) Act 1990 to increase penalties for carrying on an extractive industry without an extractive industry work authority and to enable the minister to set conditions on a licence or extractive industry work authority relating to the elimination and minimisation of risk. Clause 3, in part 2, amends the Mineral Resources (Sustainable Development) Amendment Act 2014 to ensure that work plans under licences are required to identify the risks that works may pose to infrastructure as well as to land, property and members of the public. Clause 6 outlines the penalties associated with the bill, and these penalties have been increased. In the event that a corporation breaches these laws, there will be a penalty of 1000 penalty units. In the case of an individual, the penalty will be 200 penalty units.

Getting back to the fire that led to this bill being introduced, that fire was, as I said, deliberately lit. The conditions on the day were absolutely atrocious. There were fires burning around large parts of the state. There was not just this one specific and isolated fire event — —

**Mr Barber** — It didn't catch GDF Suez by surprise?

**Mr DRUM** — It is possible that it did — probably yes. Mr Barber may want to have a chat later.

When this fire took hold within the mine, there were the most oppressive and horrific of conditions. Totally coincidentally, I happened to be in Morwell visiting the council on the second day of the fire. I called in to speak to the local Assembly member, Russell Northe, who was by then fielding a range of inquiries from his constituents, who were wondering what he could do about this fire that was emitting so much smoke across Morwell and the valley. It was a horrendous crisis. Nobody expected the fire to be so difficult to put out. The experts were continually giving updates on the progress of the fire, stating that the fire should be extinguished within a day or two and that it should be only a day or two before the firefighters got on top of it.

It was amazing to see the work that the local member, Russell Northe, had to do to try to pull together and

liaise with the Country Fire Authority and the Metropolitan Fire Brigade. The pine plantation has its own firefighters as well, and they were working on this one. Ambulance Victoria was doing some enormous work, as was the State Emergency Service.

Luckily no residential houses were lost in the fire. We also know that no lives were lost in the direct fire. Over the total duration of the fire there were some deaths within the Latrobe Valley; however, we are talking about a three-week period. There was some commentary about not enough being done to help put the fire out, and I remember that was incredibly frustrating. The fire in the coalmine was so deep that excavators had to be brought in to dig the coal out. It was an incredibly dangerous operation for the firefighters to be down in the coalmines wearing breathing apparatus to protect their health. It was very difficult, with absolutely enormous quantities of water being poured into the mines. Bores were being put down to try to get the water onto the burning coal.

We can look back now and with hindsight say maybe we should have done more, and I think Russell Northe may even acknowledge this point. However, it was very unfair of members of the then opposition to say that nothing was done. It was a rather cheap and opportunistic commentary about what someone else should have done. In Victoria and in Australia in general we always tend to pull together in the event of a disaster or crisis.

That was certainly the case during the period after Black Saturday with the way the two sides of politics came together to assist the communities of Marysville and Kinglake. As a result of the floods that took place in early 2011 the communities of Charlton and Donald were absolutely devastated in my electorate. Yet again both sides of politics were able to work together to try to help those communities in the very best way that they could. That is why it was disappointing to have some people saying that not enough was being done while our firefighting units were still trying to put the fires out. It was also frustrating to have people taking pot shots later when the smoke remained. The sheer misfortune of having windless days for weeks and weeks on end meant that the pall of smoke that was emanating from the fires effectively hung over the valley in a constant fog.

I take this opportunity to thank those firefighters who were working in what they considered somewhat uncharted waters. There had not been many fires like this where deliberately lit fires had found their way deep underground and were burning well below the surface. Going back to that initial response, the

drenching of the fire with excessive amounts of water was always expected to put out the fire, but unfortunately that just did not happen.

In the months following the fire, after it had been put out and the wind had blown the smoke away, the coalition government put in place the inquiry. The terms of reference were established and the board to conduct the inquiry was put together. Bernard Teague, Sonia Petering and John Catford were given the job of undertaking this inquiry into what had just happened.

Once the inquiry handed down its report Neil Comrie was appointed to monitor the implementation of those recommendations. That is effectively what we have before us today with this bill. Recommendation 4 of the report is being implemented as part of the Resources Legislation Amendment Bill 2015. We are now minimising the risk, strengthening the guidelines associated with a work plan for an extractive industry, expanding and broadening those risks that are going to be assessed, and bringing all of those issues into the work plans that will accommodate these licences when they are given.

I will touch on a few of the other things that happened. As I say, it is quite easy to say things did not happen, but we sometimes need to look at what did in fact happen in response to this crisis. Relief centres were established, and again Russell Northe was very strong in his leadership to ensure that these centres were established. Health assessment centres were set up and over 2000 people from Morwell and the valley were assessed at these health assessment centres.

Many people were able to take advantage of over 5500 respite and relocation packages. We also had the very generous offers of many hundreds of holiday homes from around Gippsland. Some were maybe half an hour, 1½ hours or 2 hours away, and many people from the valley were able to take advantage of these offers of private residences as an opportunity to get away for a week, let the fire be put out and the smoke to blow away and then return to get the clean-up organised.

Some \$2 million of clean-up packages were provided for 840 residences, which were professionally cleaned, and 700 self-help clean-up kits were provided to people who wanted to do the work themselves. Some 850 laundry vouchers were redeemed by people whose property had been blackened by the soot that covered the entire town, and more than 1500 car wash vouchers were handed out. More than 13 500 people in the Hazelwood area took advantage of offers of free V/Line

travel to head off to some of Victoria's tourist attractions.

All of these measures were put in place by the former government, which was trying to do what it could to help people in the aftermath of this crisis. It is true that everybody has looked back to the time of the Hazelwood coalmine fire and said, 'Yes, we could have done more'. Everyone accepts that, but to say with the benefit of hindsight that the former government did not do anything is somewhat opportunistic. As we look through some of the things that were done, we see that the chief health officer was in the region for many days once the crisis got to the stage where it was causing a great deal of concern.

Yes, everybody wanted to put the fire out quicker, and now we are able to look back and see that in many ways it was not possible to do so. We need to ensure that we do not go through such a fire again. Whilst we will never be in a position where we can guarantee that, we can learn from what we went through. We had never been through a similar situation and did not have experience to draw on. We did not have a range of fire professionals who had experience in this type of work. Simply digging into a sloping coalmine and trying to get at a fire with copious amounts of water was a firefighting effort that we had not been through before.

I stress again the fact that the prevailing conditions over those few days were horrific. Having seen what the Country Fire Authority and the Metropolitan Fire Brigade went through and the work that Ambulance Victoria did throughout the entire crisis, we should congratulate all those agencies on their work and understand that this bill will reduce the risk of us going through such a situation again. No-one can fully guarantee that such a situation will never happen, but we can strengthen regulations and take a broader view of the risks. The reforms in this legislation will ensure that future operators of coalmines will have to assess all risks, not only to the people around the area but also to the assets, infrastructure, land and property surrounding these mines.

The report has been handed down. Recommendation 4 is what we are effectively implementing here. It was an inquiry put together by the government to ensure that we did what we could to learn best from this horrendous act of arson. Whilst we are never going to be able to stop people lighting fires on these horrendous days, I think we can certainly put in place the best framework for the commercial activities that are going to be impacted should anybody try to do this again.

The Hazelwood mine fire inquiry report was prepared for the previous government. Prior to the last election, members of the former government did not have an opportunity to introduce any legislation as a result of that inquiry's report to Parliament. The current government has brought this legislation forward, therefore opposition members will not be opposing it. Much in this bill has been put forward from what is in the inquiry's report, and in particular recommendation 4, which is implemented by the bill. We wish the bill a speedy passage.

**Mr BARBER** (Northern Metropolitan) — What Victoria so desperately needs now is a government with a plan for our future energy needs. Instead what we have is this mob bringing in the Resources Legislation Amendment Bill 2015 and a number of other bills that are making their way through the Parliament with some of the most minor-level tinkering we could ever imagine.

Members of this government have had four years in opposition as well as 10 months in government to come up with a plan, and they are no closer to making one. However, during their time in government we have seen a 20 per cent cut to the solar incentives, the extension of coal exploration and development licences, tinkering with a consumer website in relation to electricity bills and no information forthcoming on the secret coal grants given by the past government that are being continued by this government under a cloak of secrecy, including this morning the tabling of some documents in the Parliament in which all relevant information has been blacked out from the documents supplied.

In opposition members of the government voted with the Liberals and The Nationals for a 100-year extension to the life of the Alcoa coalmine, which itself has only lasted four years before shutting down under a severe case of market forces. On the issue of unconventional gas, members of the Labor Party will loudly and proudly tell you that they have no policy whatsoever, except to have an inquiry, which is now underway.

When we look at the donations from energy companies that are flowing into the pockets of the Labor, Liberal and Nationals parties, it is absolutely no surprise that 'business as usual' are the watchwords of the day when it comes to the Andrews government and the energy sector.

The previous speaker from The Nationals talked a lot about risks, and that this bill was all about managing risks. Is it not staggering that there are some risks that the Labor, Liberal and Nationals parties can get their

heads around — small identifiable ones associated with particular facilities in particular areas? In this case an entire royal commission pointed out the failings of the system, but there are other sorts of risks, such as the risk of continuing to burn coal. The latest information is that if we were to burn every piece of fossil fuel on earth, we would melt the entirety of Antarctica, leading to an 80-metre sea level rise, but members of the government and opposition members cannot grasp it. They cannot get their heads around it. There are only certain types of risks that they can protect us from. The massive planet-wide, global and long-term risk of continuing business as usual is something that causes their tiny minds to simply shut down.

In relation to the fire at the Hazelwood mine and power plant, Mr Drum seemed somewhat put out that members of his government were criticised at that time for what they did not do rather than complimented on what they did do. He even suggested that people who made those comments at the time, when an entire community was choking under smoke, were behaving in a manner that was opportunistic.

On the subject of what did not happen during the crisis, Acting President, let me remind you of some of the things that did not happen. GDF Suez, the owner of the mine, did not rehabilitate the old worked-out coalfaces but left them bare to the sky, leading to the conflagration that Mr Drum so aptly described. It did not do that because it did not have enough dirt and did not want to go to the expense of putting dirt on those coalfaces, because its plan in any case is to keep mining for decades to come and then eventually let the pit fill up with water.

What did not happen was the information being collected on the day about extraordinary levels of carbon monoxide in Morwell south itself — levels that in an industrial setting would lead to an evacuation — —

**Ms Shing** — There is no such place as Morwell south.

**Mr BARBER** — It may not have its own postcode, Ms Shing, but south Morwell, on the day that I visited, was the part of Morwell that was experiencing a waterfall in reverse as smoke from the pit came flowing up the side, across the Princes Highway and straight through the windows of those houses. Despite the fact that fire services were collecting information about extraordinary levels of carbon monoxide at that exact site, a warning to the community that was prepared and logged into the warning system was not issued — it was countermanded at a higher level.

What did not happen over the next few days was the provision of better information about the levels of pollution so that people could have even made a decision by themselves as to whether to leave. It was obvious that the levels of particulates were extreme, but we found out a few hours after Environment Protection Authority Victoria rolled one of its mobile units in there on the Thursday, to be filmed by Channel 7, that the levels of pollution in the area were well above any acceptable benchmark — even for a once-annual exposure, much less the continuing sets of exposures that were going on and on for many days.

What did not happen was a call for an evacuation of the vulnerable or any offer of assistance to evacuate. This is a community that has many young, older and ill people and many representatives in high numbers from those other groups who are the exact people who should be evacuated in a situation like this. Yes, they got their Airbnb notice later, but anybody who had the resources to get themselves out had already done so and those who had not were the ones most desperately in need of help. So it went on and on, each day, with people's physical condition and sense of distress getting worse and worse, and the government was never able to front up to its responsibilities.

What did not happen was the Minister for Health coming in here to take responsibility for the crisis. He constantly moved to position the chief health officer in front of himself; she of course has since retired. I understand that the then Minister for Energy and Resources, Mr Northe, was getting a range of inquiries to his office, but events were moving so much faster than that government could have contemplated.

I am glad Mr Drum thanked the firefighters for the enormously exhausting amount of work they did. There were people being taken off site due to their level of carbon monoxide exposure within the first few days; there were people being taken directly to hospital as a result of their carbon monoxide exposure. This was in a fire season that had already gone on for a considerable amount of time, when many firefighters, career and volunteer, had already been all over the state and then had to spend weeks more fighting this fire.

It is a blinding glimpse of the obvious that something went terribly wrong, because this was an unacceptable situation to put some thousands of people into. Yet as we stand here not a huge amount has actually changed that would prevent this mine from catching fire again in the same way. Yes, there have been more structures put in place and more accountabilities — this bill tends to do that — but overall the situation has stayed the same. In the meantime we have seen a suggestion in a local

paper, the *Latrobe Valley Express*, taken from a report apparently prepared by GHD, that maybe the solution is to move Morwell — its citizens, industrial and commercial sites, schools, churches, sporting ovals and essential services — away from the mine to create a buffer of some 100 metres. When is someone going to finally stand up and make the same point that the Greens have been making all along?

**Ms Shing** interjected.

**Mr BARBER** — I should say, 'When will one of the local representatives for this area make the same point?'. The Labor Party still has a couple of members between the Dandenongs and New Zealand, but so far none of them has been willing to point to the obvious. We are in the middle of an unplanned closure of the coal electricity sector here in Australia. When are we going to get a planned closure of the Hazelwood mine and others of the more polluting variety, particularly those — —

*Honourable members interjecting.*

**Mr BARBER** — I can hear in stereo other members here who are apparently busting to have a chance to put forward their alternative plan for Australia's energy future. We read before that Mr Turnbull has just signed his away to the coalition in an agreement; there will be no emissions trading scheme under any government he leads. However, what we should have been debating here today was the Labor government's response to climate change, because in the Climate Change Act 2010, as my erstwhile colleague Mr Jennings knows, is a schedule for the Climate Change Act. The intention is that in that schedule will be inserted those pieces of legislation and ministerial decision-making where ministers, exercising their power, will have to consider the need to reduce greenhouse gas emissions according to a target that this government — maybe one day — is going to tell us about.

There cannot be any kind of greenhouse gas reduction goal that allows coal-fired power to continue in perpetuity, but in one of my ears — my left ear, Acting President — I am hearing that if I speak on the subject of closing down a coalmine I am against economic growth.

**Ms Shing** — That is not what you heard at all; you misheard it, so be careful about verballing.

**Mr BARBER** — Maybe we are about to find out. But the government is moving at the speed of lichen when it comes to putting forward any sort of action on climate change. As I said, we have had a 20 per cent cut to the solar payment, we have had an extension of coal

exploration licences and several more unconventional gas licenses whose expiry dates are becoming imminent — I cannot wait to hear from the government on that one — and no word on the climate change target anytime soon. Four years in opposition, 10 months in government and they are still thinking about it.

**Mr Ramsay** — I suppose we will get back to the bill before dinner time, will we?

**Mr BARBER** — I thank Mr Ramsay for that invitation. I will come back to the bill. The Greens have circulated their amendments to the other parties but I am happy to see them circulated in the chamber now.

**Greens amendments circulated by Mr BARBER (Northern Metropolitan) pursuant to standing orders.**

**Mr BARBER** — As Mr Drum pointed out, when this mine caught fire nobody really knew what was going on. The locals did not know what was happening; the local member did not appear to know what was happening. Information in the days and weeks following was pretty slow to come out until, finally, a body set up with the powers of a royal commission managed to get on the table for the first time the rehabilitation plan for this mine, which was a subset of the mining operations plan itself.

Prior to that there had been a long-forgotten-in-time but apparently still operating community reference group consisting of certain people — Latrobe City Council and people with various other responsibilities — who had been going to meetings with GDF Suez but who were in fact sworn to secrecy. So it was not surprising that even as the smoke was still filling the town, people's houses and people's lungs, they were asking how was it that an unrehabilitated section of the mine was left exposed to the air to catch fire in such a dramatic and apparently intractable way.

**Mr Drum** — It did not just catch fire; somebody actually went and lit it.

**Mr BARBER** — In fact, Mr Drum, there has been much made of the deliberately lit nature of the fire. But the point was that once that fire was underway, and once, both on nearby road verges and in nearby plantations, a rain of material was falling onto the mine, there were a number of spot fires getting started in that mine, and an employee of GDF Suez was monitoring the situation. However, insufficient resources were available to put those fires out. GDF Suez's evidence to the royal commission — the board of inquiry, to use its proper term — was, 'Hey, we were just doing exactly

what the government told us to do. The rehabilitation plan didn't call for the covering up of those bare coalfaces, and therefore we didn't do it'.

Sure, the government has now moved on the recommendation of the board to change some of the aspects of how that rehabilitation is occurring. But the point is that nobody in the community knew this was the situation. To this day, in relation to other mines, in relation to other quarries, in relation to other extractive industries and even, heaven forbid, if we were to ever get a CSG industry here in Victoria, the community is none the wiser. Until they are prepared to start using the Freedom of Information Act 1982, lawyering up and facing all sorts of barriers, the community is not going to know about either the operational plan of or the rehabilitation plan for the mine that operates down the road from them, next door to them or in the adjoining area.

That is why the Greens have drafted a further amendment to some of the amendments in this bill, which requires that:

If a work plan or variation to an approved work plan is statutorily endorsed, the Minister must ensure that the work plan or variation is published on the Department's Internet site within a reasonable period after the endorsement.

It is a simple matter to make mining operations and mining rehabilitation for all of the many extractive industry sites covered under this act more transparent. It is kind of hard to understand why anybody would really oppose that. The amendments were circulated to the parties during the last sitting week, when we thought we were going to be debating this bill. There has been considerable time for the parties to consider their position on this. I have not yet had any feedback on how any of the seven other parties in this place will be voting, so I look forward to having more conversation about that when we move to the committee stage of the bill.

As I said, there appears to be a focus here on certain types of risks — immediate risks of disasters occurring in and around these operations. We have seen quite a bit of it over the years. These coalmines have caught fire before. Coalmines have flooded before, despite us constantly being told, 'The regulator's on top of it; they're doing their job'. But this is just a small slice of the problem when members turn their minds to the threat that fossil fuel burning continues to pose to the entire planet.

I think members are now more educated about the possible risks associated with unconventional gas drilling here in Victoria. We are hoping that a

permanent ban on unconventional gas drilling will occur shortly. On the weekend I was at Cape Bridgewater for the local community's symbolic declaration of being a gas field free community. This Sunday many of those communities who have declared themselves gas field free will be rallying here in Melbourne. Those members of the community seem to have come to understand the risks associated with new types of fossil fuel development as well as the old types that we are now so familiar with, and it simply remains for the members in this place to start acting in the way they ought to to protect the community from all these risks.

**Mr MELHEM** (Western Metropolitan) — I am not going to go and talk about the climate change subject matter as Mr Barber did, because I think the bill — —

**Ms Shing** — How could you compete?

**Mr MELHEM** — Exactly. The Greens say, 'We don't like gas, we don't like coal, we don't like electricity, we don't like anything'. Our record on climate change speaks for itself. It is a good one, unlike Mr Barber's record, which is just rhetoric. Mr Barber can promise the world and deliver nothing, and that is the beauty of how the Greens operate.

The Resources Legislation Amendment Bill 2015 is in response to the Hazelwood fire inquiry, and its objective is to facilitate the implementation of recommendation 4 of that inquiry's report, which is to bring forward the commencement of the requirement that work plans for mines be risk-based and specifically address fire prevention, mitigation and suppression requirements.

We all remember the catastrophic fire event in Hazelwood. It had and still has, in my view, an impact on the community and on firefighters. The impact it had on people's health is amazing. People are worried about their long-term health — not just the local community, but also the firefighters who walked in to do their job. To me they are heroes. They are the same people who protect us every year from bushfires. They are the same people who saved many lives on Black Saturday. Even though we lost too many lives on that day, without these heroic firefighters many more lives would have been lost. These people walked into a disaster, with the main motive of putting the fire out, protecting the residents and making sure that Victoria's energy supply continued and that industries continued to operate. They risked their lives trying to do their job.

The bill is concerned with how we can mitigate these circumstances to make sure that we do not put the

residents of Morwell and the firefighters in the same position they found themselves in. That is what the bill is focusing on. It is not focusing on whether we should have coal for power generation or whether we should have gas. It is about the fact of life that power generation in Morwell will be there for a number of years. We would all love to have alternative energy supplies. We will continue to have the debate about nuclear energy, the debate about wind energy and the debate about what sort of energy we are going to have; in fact the whole world will be having that debate in Paris this year. We need to take the people along with us and take a world along with us. There is no disagreement that we need to do something about protecting the environment; there is no argument about that. However, this bill talks about how we can deal with the current situation to make sure that primarily we are not faced with the same situation that faced us in Hazelwood.

The changes in this bill were an election commitment made by the then Andrews Labor opposition, relating to the public reporting of activities on mines and quarries, including rehabilitation works. The bill provides the minister with the power to impose these requirements on licensees. In looking at the amendments circulated by the Greens, it appears that they believe those matters were at risk, but they are actually part of the bill. I will leave the minister to talk about that when this bill is committed to the committee of the whole.

A further objective of the bill is to drive improved compliance with extractive industry work authorities and work plans by increasing existing penalties for carrying out extractive operations without an authority and by specifically requiring compliance with the approved work plan. The current penalties will be increased for corporations. The penalty for quarrying without an extractive industry work authority will increase from 200 penalty units, which is around \$30 000, to 1000 penalty units, which is around \$150 000. The maximum penalty for non-compliance will increase from 20 penalty units, which is around \$3000, to 1000 penalty units, which is around \$150 000. The maximum penalty for individuals is 200 penalty units, which is around \$30 000. The imposition of the maximum penalty is at the discretion of the court. Obviously the court will determine the appropriate penalty.

The bill will not diminish existing legislative requirements for considering, assessing and mitigating environmental impacts. Work plans will complement existing environmental requirements by focusing on identifying any risk that an operation may pose as well as by putting in place measures to eliminate or reduce

those risks. The bill complements existing legislation and requirements and does not look at diminishing the current legislation. In fact it looks at strengthening the current legislation to make sure we deliver the desired outcome.

As I mentioned earlier, the bill will also furnish the minister with powers to require the public reporting of activities in mines and quarries rather than relying on the cooperation of the mine and quarry owners. It is an important part of the government's initiative to improve public transparency in the earth resources sector to ensure that communities are well informed about significant mining and quarrying activities in their local areas. The minister intends to require the public reporting of rehabilitation progress at the Yallourn, Hazelwood, Loy Yang and Anglesea coalmines; rehabilitation progress on the Stawell and Bendigo goldmines; environmental performance — for example, dust and air quality management — at the Costerfield goldmine; and environmental performance at any future major mines.

Basically what the minister is trying to do through this bill is learn from the Hazelwood fire and look at how we can manage the various mine operations we have in Victoria. We have coalmines, goldmines, aluminium mines et cetera, and the whole intent is to make sure we protect the surrounding community, protect firefighters and try to avoid a repeat of the Hazelwood episode.

The consultation process that was undertaken as part of preparing this bill was quite extensive. There was a fair bit of consultation with the Minerals Council of Australia, the Prospectors and Miners Association of Victoria, Cement and Concrete Aggregates Australia and the Construction Material Processors Association. Obviously the Department of Environment, Land, Water and Planning and the Department of Justice and Regulation were also consulted. There has been a fair bit of consultation in relation to the introduction of this bill.

Over the next two years the government has committed \$1 million to trial new community engagement activities in the exploration, mining and quarrying sectors. This is because the Andrews Labor government recognises the important contribution our resources sector makes to the Victorian economy. The sector employs more than 7700 workers. The vast majority of these workers are in regional Victoria, and last year the sector contributed over \$8 billion to Victoria's gross state product.

Following four years of inaction in Victoria under the previous government, we on this side of the chamber

will always welcome new projects and investment. However, projects must have the community's confidence and meet stringent environment, health and safety standards. That is what this bill works towards. We will ensure that each and every assessment is robust, transparent and inclusive so that community and industry can have confidence in the process.

We only need to look at onshore gas to see the shoddy processes that the former coalition government undertook. The Reith report was put together behind closed doors, and the only people at the table were from the gas industry. I think that is something we should learn from. We need to be open and transparent. There is some serious concern about coal seam gas. I agree with Mr Barber; it is a very important issue. We need to address it in a very scientific manner to make sure that it is safe and that we learn from the experiences in Queensland. That is what this government is doing. The ban is still in place at this point in time, and I think there has to be scientific work done to make sure it is done properly.

**Mr Ramsay** interjected.

**Mr MELHEM** — It is in the spirit of this bill, Mr Ramsay. The bill aims to make sure we are satisfied that we are not endangering the lives of people or endangering our resources — water resources, for example — which could be affected. Our approach will be open and transparent. We will live up to our election commitments. The parliamentary inquiry into onshore gas will be open, transparent and inclusive, and it is well on the way. Over 1000 submissions have been received already. Public hearings are being held across regional Victoria. Importantly, the committee conducting the inquiry is talking to the people most likely to be affected by an onshore gas industry, including farmers, local councils and regional communities, as well as scientific experts and industry and environment groups, so that all the concerns can be addressed.

This bill delivers on the commitments the Labor Party made at the last election that will ensure that mine operators are better prepared to address fire risks and that they meet the most stringent safety standards. We are affording the minister new powers to require public reporting on any aspect of mine operations. We also talked about annual reporting. The intention of this government is to make sure we have learnt our lessons from Hazelwood and that we do whatever we can within our power to make sure it does not happen again. In the event that we have a similar incident, the state will be prepared to deal with it. Our main aim is to protect the lives, health and safety of local residents.

We also do not want to put firefighters at unnecessary risk by risking their health, safety or wellbeing, because as far as I am concerned they are a precious resource. They are people who look after us. When the state is facing fire, the least we can do as a state government is make sure we do not put these people in harm's way or create unnecessary risk. With those comments I commend the bill to the house.

**Mr RAMSAY** (Western Victoria) — I appreciate the opportunity to be able to speak to this bill. I was going to confine my contribution to thanking those who made themselves available to respond to the fire at Hazelwood, but given that, as he tends to do in his contributions, Mr Barber has opened quite a large wideranging debate on renewables and in his contribution Mr Melhem launched into unconventional coal seam gas exploration, I have been given an opportunity to broaden my contribution. However, I will contain it to less than 10 minutes.

I want to confirm and reinforce what Mr Drum said in his contribution: that the opposition does not oppose this bill but will not be supporting Mr Barber's amendments. As I said I would, I want to thank very much the firefighting services that responded to the fire at Hazelwood. I also thank Environment Protection Authority Victoria (EPA), which was very active in that space. In particular I would like to acknowledge the work done by John Merritt as CEO and Cheryl Batagol as chair, who both oversighted the EPA response to the regulatory process of putting in safeguards in relation to the air and land pollution.

I remember the day, 9 February 2014, quite clearly. There were approximately 900 firefighters fighting fires across Victoria in progress at that time. I was on the back of a fire truck during that day when the first reports came that a fire that was purposely lit had started around the surrounds of the Hazelwood mine. Obviously a lot of strike teams were hastily put together, which was quite difficult at the time because a lot of the fire services were already engaged in firefighting activities across the state. I commend not only the Country Fire Authority (CFA) but fire services right across Victoria, which were under pressure on the day, that worked together to provide the resources to enable strike teams to head over to Gippsland to provide support for the response to the Hazelwood mine fire.

I also congratulate, as Mr Drum did, the work of the member for Morwell in the Assembly, Russell Northey, who provided us as the government at the time with daily reports on the activities around the fire. I also commend Rosemary Lester, the chief health officer at

the time, who provided ongoing commentary to the media about how those in the communities of Morwell affected by the smoke and ash could mitigate some of the pollutants and impacts to their health in relation to — as Mr Barber eloquently described them — smoke plumes that were starting to envelope the City of Morwell. So there was a lot of work being done by a lot of people in relation to the response to the fire, and I commend all those involved for the work they did to try to mitigate the risk and impacts of that fire.

As has been said and as members will remember, it was the coalition government that responded quickly to the report of the Hazelwood mine fire inquiry that was headed by Bernard Teague. In that report were a number of recommendations, 12 of which the coalition government supported. They included recommendation 4, which this bill is about. The bill seeks to continue the work of the former government in ensuring that an incident similar to the Hazelwood mine fire, certainly not the same circumstance, never occurs again. However, the coalition has some concerns about the bill, including some of the detail around the ministerial powers. I want to focus on that because previous contributions have gone through some of the other detail.

I will briefly give an overview. The bill seeks to facilitate implementation of recommendation 4 of the 2014 Hazelwood mine fire inquiry report to bring forward the commencement of the requirement that work plans for mines be risk based and specifically address fire prevention, mitigation and suppression requirements for coalmines. It also requires the public reporting of activities on mines and quarries, including rehabilitation works, by providing the minister with the power to impose this requirement on licensees. It also increases existing penalty units for carrying on extractive operations without an authority and specifically requires compliance with approved work plans.

The bill amends the objectives of the Mineral Resources (Sustainable Development) Act 1990 (MRSDA) to make them consistent with the risk-based approach. It will broaden the range of risks that must be addressed in work plans to include risks to infrastructure in addition to risks to the environment, public land and property. It also gives the Minister for Energy and Resources the power to set, vary or add conditions on licences and extractive industry work authorities in order to eliminate or minimise the risks. It provides that authority holders can be directed to bring their existing approved work plans into compliance with the risk-based work plan provisions. It also amends schedule 9 of the MRSDA to ensure that

authority holders can be directed to bring their work plans into compliance with the risk-based work plan provisions on a case-by-case basis, where the operation poses an unacceptable risk. Transitional provisions will also apply to extractive industry work authorities as well as licences.

The bill amends the MRSDA to enshrine public reporting powers in legislation rather than relying on the cooperation of the mine owners. In a bid to improve compliance with extractive work authorities and work plans the bill will increase existing penalty units, to a maximum of 1000 penalty units for a corporation, for carrying on extractive operations without an authority and by specifically requiring compliance with the approved work plan.

A lot of the detail in the bill, as Mr Melhem has said, has been done through consultation with some of the major stakeholders, including AGL, EnergyAustralia and GDF Suez, the owner of the Hazelwood and Loy Yang B mines.

There are a couple of issues I want to bring to the attention of the chamber, which I am sure will be borne out when the bill goes before the committee of the whole. They are in relation to the risk-based approach. As we know, multiple agencies are involved in extractive licences. Mr Melhem talked about coal seam gas. There are two acts under which unconventional coal seam gas extraction sits — the petroleum act and the minerals act. Within those there are a plethora of departments. There is the Department of Economic Development, Jobs, Transport and Resources, WorkSafe and the CFA, to name a few.

Each of those stakeholder groups has different risk assessment methodologies. To have a provision in the bill that talks about a risk-based approach you have to at least provide or accommodate some mechanism where there is a consistent approach for all those stakeholders. They will all have different views on risk and the way that risk is managed, and to have a consensus amongst the different agencies in relation to a risk-based approach model for mitigation requires a more holistic approach. Yet the bill does not really respond to that in any significant detail. It is not apparent in the bill that it gives full consideration to existing risk management requirements relating to prescribed mines. Specifically, prescribed mines must implement a safety management plan or system which they are required to use as a primary means of ensuring the safe operation of the mine.

The Resources Legislation Amendment Bill 2015 seeks to address certain risks associated with mining

operations, seemingly without regard to the existing occupational health and safety regime. While the regime must be in line with community expectations, if the bill creates overlapping regulatory requirements, this will give rise to onerous and duplicative compliance requirements and complexities in relation to documentation. As we know, any increase in bureaucratic red tape will water down the intent and impact of the bill, particularly if there are a number of agencies involved. I expect we will draw more of this out through the committee stage.

The objectives set out in clause 5 of the bill refer to eliminating or minimising risk so far as reasonably practicable. This is an important qualification that is a well-accepted risk management standard, but unfortunately the standard is not reflected in the substantive elements of the bill and thus gives rise to concern that if the bill were to proceed as currently drafted, it would give rise to disproportionate outcomes. This is part of what I have been referring to. This is because risk is ever present, and the proper approach is to assess the most cost-effective means to minimise, reduce or isolate specific risk, not fully eliminate all risk regardless of cost.

In relation to ministerial powers, it is appropriate that the minister be provided with a new power, pursuant to clause 7(2), to require by notice in writing that a licensee produce a report on the work undertaken under the licence and that any such report be published. Nonetheless, the bill should acknowledge that the licensee may be required to divulge commercially sensitive information in order to fully inform the minister, and that information should not be then shared publicly. On this basis the licensee ought to be entitled to redact the report as appropriate prior to publishing it.

There are also concerns in relation to giving the minister power to impose, set, vary or add conditions on licences and extractive industry work authorities in order for the elimination or minimisation of risk. The bill does not quantify the level of risk deemed reasonable, and the minister is able to use this power on a case-by-case basis. It gives the minister considerable discretionary power in relation to his interpretation of risk, and given that this bill is centred around, potentially, a risk-based approach, not actually having some detail around the assessment of risk gives the minister fairly significant powers in relation to his discretionary determination of the level of risk and what is reasonable in relation to his response.

But at the end of the day this bill is all about providing safety — putting a framework in place where there is a methodology in relation to a risk-based approach. It

responds to the inquiry that was chaired by Bernard Teague and set up by former Deputy Premier Peter Ryan when he was the minister. The coalition supported 12 of those recommendations, 1 of which we are dealing with in this bill. It has been said that Neil Comrie is overseeing the implementation of these recommendations, and I certainly have confidence in the two gentlemen that have been given the work to do to make sure that we have the appropriate legislation in the house to mitigate any future potential impact of a fire like the Hazelwood mine fire.

In closing, again I would like to commend and thank all those involved in the response to that fire. It disgusts me to think that someone would purposely perpetrate an illegal activity in lighting that fire. As I said, there were about 900 across the state. Many of us were fighting fires during that fairly vicious hot weather cycle. The fire went for 45 days and consumed an awful amount of resource. It got the City of Morwell and its residents very concerned about the smoke impact, and obviously there was a learning experience from the response from all the agencies involved.

I reiterate in my contribution that the opposition does not oppose this bill, and I look forward to hearing more discussion in the committee stage.

**Mr LEANE** (Eastern Metropolitan) — I was supposed to start my contribution where Mr Ramsay left off, by reiterating that this is a bill designed to implement recommendation 4 of the Hazelwood mine inquiry, which was led by Bernard Teague. It is an important bill to implement an important recommendation, which is really the result of an incident last year at Hazelwood mine where the mine burnt for 45 days, and the fire unfortunately covered the surrounding town of Morwell in ash and smoke for 45 days and beyond. That had residents rightly concerned — and they are still concerned — about the health effects of being exposed to such an event, a coalmine fire, through no fault of their own but through a lack of interest, a lack of organisation and a lack of preparedness by a number of people. It is a shame, and it is an indictment that during this particular time, particularly during the 45 days, it seems a lot of people went missing, and a lot of people could not or would not answer questions.

I remember being in this chamber during that period, when the government at the time had no capacity to respond to questions that were asked in this place about a lot of simple aspects of what was happening during that event. It is important that we all learn from that. Obviously the inquiry went ahead, and the recommendations are being embraced, but I applaud

the current minister and the current government, who are ensuring that the responsibility of the owners of these mines is taken completely seriously, that they are much more accountable for the ongoing rehabilitation of the particular mines and that they are taking responsibility in ensuring that we do not have another town in regional Victoria covered in smoke and ash for an extended period of time when it could have been avoided.

I commend the bill to the house and wish it a speedy passage. I also commend the inquiry, the people who appeared at the inquiry and the expertise that has helped to develop these recommendations to assist us in endeavouring to ensure that an event like this never happens again in our state.

**Ms PULFORD** (Minister for Agriculture) — I thank all members for their contributions to the debate on the Resources Legislation Amendment Bill 2015. In doing so I join colleagues in paying tribute to those who worked so hard for so long to respond to the mine fire and also to those who supported a community that had to endure entirely too much and who will continue to support that community for many years into the future. The government moved very quickly to implement recommendation 4 of the *Hazelwood Mine Fire Inquiry Report*. This legislation gives effect to that by providing for a new risk-based approach, new reporting requirements and increased penalties. What the residents of Morwell had to endure during those 45 days and in the anxious months that followed ought not happen again.

I take the opportunity to respond briefly on behalf of the government to Mr Barber's proposed amendments and to indicate to the house that the government will be opposing the amendments. The existing Mineral Resources (Sustainable Development) Act 1990 already states that work plans must be released to any person who applies to the Secretary of the Department of Economic Development, Jobs, Transport and Resources. Work plan variations may be necessary from a technical or regulatory point of view, but they have no practical impact on the risk profile of a site. It is the case that statutorily endorsed work plans are not a matter of final approval; they are an interim step. Compliance needs to be measured against an approved work plan rather than being a step along the way.

I indicate to Mr Barber that the powers he is seeking to introduce into the legislation already exist. The bill as it is drafted gives the minister full powers to require reporting on any aspect of a mine's or a quarry's operation, and indeed it specifies the form in which that information ought to be provided. As the minister has

already done with the three Latrobe Valley coalmines, the owners will be required to provide annual public reporting on their rehabilitation activities in a way that is clear to understand, which is unlike the very technical information that is typically presented in work plans.

These new reporting powers are focused on restoring community confidence through the provision of practical and useful information. In fact that is very much what this bill is also about. I take this opportunity to indicate the reasons why the government will not be supporting Mr Barber's amendment. We believe it duplicates powers that already exist in the act, it would provide highly technical information which would be largely unusable and it would be burdensome to implement. We believe the legislation as it stands acquits Mr Barber's concerns about availability of information.

**Motion agreed to.**

**Read second time.**

**Committed.**

*Committee*

**The DEPUTY PRESIDENT** — Order! We are dealing with the Resources Legislation Amendment Bill 2015, a bill for an act to amend the Mineral Resources (Sustainable Development) Amendment Act 2014 and the Resources Legislation Amendment (BTEX Prohibition and Other Matters) Act 2014 and for other purposes. I am aware that Mr Barber has two amendments to this bill, including a proposed new clause, which have been circulated. Mr Barber's amendment 1 is a test for his substantial amendment 2 seeking to insert a new clause to follow clause 14 relating to the publication of work plans.

**Clause 1**

**Mr BARBER** (Northern Metropolitan) — I move:

1. Clause 1, page 2, after line 32 insert —

“( ) to require the Minister to publish work plans and variations to approved work plans that have been statutorily endorsed; and”.

Deputy President, I am going to help you move this thing along quite quickly. I just have one or two quick questions for the minister, followed by the putting of the amendment and a quick vote. I think that is probably going to be it for this bill. My question for the minister is: is there anything in the principal act or other legislation that requires the minister to publish work plans?

**Ms PULFORD** (Minister for Agriculture) — I thank Mr Barber for his question. There is no power that requires that publication, but they are registered documents that are available to anyone who wishes to access them.

**Mr BARBER** (Northern Metropolitan) — So that is in fact the difference: the minister has the power to seek various types of information, but there is no requirement on the minister to actually publish them, certainly not on an internet website. By my count there are 171 mining licences current or under renewal. I know that Alcoa Anglesea has published its mine plan on its website. Can the minister tell me whether any of the 171 approved mining licences are currently published on the government's website?

**Ms PULFORD** (Minister for Agriculture) — No, they are not.

I refer members to the comments I made in the second-reading debate on this question and the reasons the government is opposing the amendment. As Mr Barber indicated, this might be a reasonably short committee stage. This amendment is a point on which we disagree. We believe the powers that exist under the act are sufficient for people to gain the information they require and that the proposal Mr Barber is suggesting would be burdensome without in effect providing any greater benefit in terms of availability of information to members of the public.

**Committee divided on amendment:**

*Ayes, 5*

Barber, Mr	Pennicuik, Ms
Dunn, Ms ( <i>Teller</i> )	Springle, Ms ( <i>Teller</i> )
Hartland, Ms	

*Noes, 34*

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

**Amendment negatived.**

**Clause agreed to; clauses 2 to 19 agreed to.**

**Reported to house without amendment.**

**Report adopted.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**EMERGENCY MANAGEMENT (CONTROL OF RESPONSE ACTIVITIES AND OTHER MATTERS) BILL 2015**

*Second reading*

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

**Mr O'DONOHUE** (Eastern Victoria) — I am pleased to speak on behalf of the opposition, as first speaker at least, on the Emergency Management (Control of Response Activities and Other Matters) Bill 2015. I confirm that the opposition has the same position it had on the bill in the Legislative Assembly, as outlined by the shadow Minister for Emergency Services, the member for Gembrook in the Assembly, Brad Battin. The opposition will not be opposing this bill; indeed it supports many of its provisions because they build on the reforms of the former coalition government.

Australia is a country and Victoria a state with a varied climate that at one time can see floods and a short time later fire and significant storm events, inclement weather and heavy winds, which can cause a lot of damage. That is part and parcel of living in Australia and Victoria. As someone who represents the eastern part of Victoria — the Eastern Victoria Region — like my fellow members for that region, I am aware of the many challenges that can face communities as a result of fire, flood and other natural disasters.

In that context I put on the record my thanks — and, I am sure, the thanks of all of us in this place — to the remarkable people who in times of distress and need respond to a callout because of a fire or a serious incident such as a tree being over a road, a branch falling on a roof or other incidents and issues.

In Eastern Victoria Region I have had a bit to do with the Emerald State Emergency Service (SES) unit. Because of its geographical location and the abundant natural environment in and around that area, the Emerald SES responds to callouts on a frequent basis. It

is a very busy unit and it does a fantastic job. I also refer to all the Country Fire Authority (CFA) brigades, members of Victoria Police and other organisations throughout my electorate that do such a fantastic job, particularly in times of need. We should acknowledge that work as the first part of this debate.

I would also like to provide a bit of the context that sits behind this bill. Following the Black Saturday bushfires and subsequent royal commission, the Environment and Natural Resources Committee report and other pieces of work carried out by the Parliament, the government and government agencies, reform to emergency management was undertaken by the previous government. I acknowledge the ministers for police and emergency services in the Baillieu and Napthine governments, the then Deputy Premier and member for Gippsland South in the Assembly, Peter Ryan, and the member for Rowville in the Assembly, Kim Wells, for the reform process they started, which flowed from the 2009 Victorian Bushfires Royal Commission and the other reports and work that was done. We reached a point where the agencies were working in a much more coordinated way under the authority of the emergency management commissioner, Craig Lapsley, who is well known to most of us in this place and who has done a fantastic job time and again in responding to natural disasters and working across agencies to deal with very difficult and challenging situations.

Unfortunately natural disaster has been quite common in Eastern Victoria Region since I have been a member of this place. As a consequence, I have been to many emergency centres and municipal emergency control centres, including during the floods in Gippsland, the Black Saturday bushfires and other events. To see in one room the Country Fire Authority, Ambulance Victoria, Victoria Police, the local councils and a range of other relevant departments and organisations working together, responding collaboratively to provide the best possible response for the community in a challenging time, is very impressive and indeed humbling, and it reinforces how lucky we are to live in Victoria. It is a place where resources are available but so also are people — both volunteer and paid staff — who make themselves available. You can have the resources, but you also need people who are willing to respond — people who are willing to take a call at 3 o'clock in the morning that tells them they need to respond to an incident. We are very fortunate to have those people in our community. I should also mention the Comrie review, which took place in 2010 and 2011.

That is the background to this bill. It involves a significant reform process that the previous government undertook. The bill is relatively straightforward. While

it has 41 clauses, it seeks to do three relatively straightforward and, I would suggest, common-sense things. It seeks to introduce an explicit requirement for agencies with a role or responsibility under the *State Emergency Response Plan* to act in accordance with that plan, which I understand takes place through practice currently, but this reinforces that practice with a legislative requirement.

The second key feature is the refinement of the powers and functions of the inspector-general for emergency management, drawing on some of the learnings flowing from the reforms of the former government. The third is to amend the powers of the Victoria State Emergency Service so it is better equipped to respond to floods, storms and earthquakes. I quote from the second-reading speech, which in this house was made by the Leader of the Government, who said:

The shortcomings in VicSES's existing powers were highlighted by the Environment and Natural Resources Committee of Parliament in its inquiry into flood mitigation infrastructure in Victoria (ENRC inquiry) and in the review of the 2010–11 flood warnings and response conducted by Mr Neil Comrie, AO, APM.

At present, VicSES's statutory powers are framed in general terms, and do not provide for powers to enter property to undertake its important functions. VicSES must instead rely on the consent and goodwill of property owners to build or remove levees or remove debris from storms.

The bill addresses this issue by giving VicSES a power to enter land or premises in urgent circumstances where necessary for the protection of life and property. Although VicSES will continue to seek consent whenever possible, the bill will ensure VicSES is not hampered in performing its functions if consent is unobtainable.

Finally, the minister said:

The bill will also give VicSES the specific power to construct, alter or remove a levee.

This is a worthy thing. The community can take some comfort that VicSES will in the first instance seek to obtain the consent of the landowner but in urgent circumstances will be able to use this power. In constructing, removing or building a levee or removing debris a timely response can have a significant impact on the amount of damage that may or may not be done, so that power would appear to be reasonable.

The opposition does not oppose this piece of legislation. It has some sensible amendments that can refine the system that was brought in by the former government, building on the all-agency response that was initiated by the former government.

I conclude by acknowledging the remarkable men and women who volunteer or are in paid employment with

such organisations as the SES, Victoria Police, the CFA and other organisations in responding to call-outs in what can be most difficult and dangerous situations. We are lucky as a community to have such people, and I commend the bill to the house.

**Ms HARTLAND** (Western Metropolitan) — Before I begin I also acknowledge the volunteers, the Metropolitan Fire Brigade, the Country Fire Authority, the police and everybody who has to work during incredibly difficult situations. This bill is part of an ongoing process of reform of our emergency management governance arrangements in Victoria to strengthen them through taking an all-hazards approach. This process of legislative reform began largely with the introduction of the Emergency Management Act 2013, but it is part of a larger process of reform that followed the Black Saturday fires, when the broad sentiment was that there were substantial planning problems and disconnections in communications and governance between the various departments responding to an emergency.

Specifically, this bill provides for the appointment of controllers in relation to class 1 emergencies, and class 2 emergencies require agencies to act in accordance with the *State Emergency Response Plan*. It enables the *State Emergency Response Plan* to be updated and requires the inclusion of specific provisions in the *State Emergency Response Plan*. The bill amends the functions of the inspector-general for emergency management in relation to monitoring and reporting outcomes of reports and reviews, and it amends the powers of the inspector-general for emergency management in relation to information gathering, receiving assistance and entering into emergency service agency premises, vehicles, vessels and aircraft.

The bill amends the Victoria State Emergency Service Act 2005 in relation to insurance policies, powers to enter land and premises, and levees. It amends the Country Fire Authority Act 1958 and the Metropolitan Fire Brigade Act 1958 in relation to levees, authorisations and fire insurance policies. The clarification of governance arrangements, powers, protocols and requirements for the *State Emergency Response Plan* is prudent and necessary to ensure a streamlined response when emergencies hit.

The powers proposed for the inspector-general in this bill to access emergency service agencies are appropriate for him or her to perform their duties and to ensure continuous evaluation of and improvement in our emergency responses. The powers proposed for the Victorian State Emergency Service are also appropriate

for this agency to perform to save lives and property. In the face of climate change and an increasing risk of hazards such as bushfires, heatwaves and floods it is imperative that our emergency responses are constantly refining and improving to minimise the impact of such emergencies. This bill continues that reform process, and the Greens are very supportive of that.

Having said that, the Greens are concerned that throughout this process due consideration has not been given to heatwave emergencies, as was the case under previous governance arrangements. Our concern is that the incidence of heatwaves is increasing due to climate change, that they have taken more lives than other emergencies and that they have a disproportionate impact upon vulnerable people.

**Mr Ramsay** interjected.

**Ms HARTLAND** — I will take up Mr Ramsay's interjection. I presume that means he does not believe in climate change or that heatwaves happen and should be planned for, which was very much the policy of the previous government. When I raised the issue of heatwave planning over a number of years, the then health minister simply refused to do anything about it. He repeatedly said that because climate change did not exist we could not plan for heatwave processes. If the member would like, I am quite happy to get the *Hansard* and present it next time I speak on this issue. Nevertheless that is what the minister clearly said over four years. We do not have any heatwave planning, and unfortunately that is one of the things lacking in this bill as well.

When will the government bring on legislation that covers both class 1 and class 2 emergencies? The Emergency Management Act 2013 provides:

*Class 1 emergency* means —

- (a) a major fire; or
- (b) any other major emergency for which the Metropolitan Fire and Emergency Services Board, the Country Fire Authority or the Victoria State Emergency Service Authority is the control agency under the state emergency response plan;

*Class 2 emergency* means a major emergency which is not —

- (a) a Class 1 emergency; or
- (b) a warlike act or act of terrorism, whether directed at Victoria or a part of Victoria or at any other State or Territory of the Commonwealth; or
- (c) a hi-jack, siege or riot ...

The word 'heatwave' is not mentioned in the principal act, yet, as I said, around 380 people died in the weeks leading up to the Black Saturday fires, yet we still do not prepare for heatwaves, which I think is a real problem for the government. I ask the government to clarify in the new governance arrangements which agency will be the control agency responsible for leading the response to future heatwaves.

The government also needs to anticipate what will be included in the *State Emergency Response Plan*, and I hope to see that legislation coming up soon. We also need more detailed plans for each type of emergency, such as a bushfires and floods. The government needs to plan for heatwaves. We have seen what has happened with heatwaves in the past. As far as I can see, members of this government are not climate change deniers, so planning for such emergencies is vital. The Greens will be supporting this legislation, but we ask the government urgently to bring in legislation that deals with heatwave planning.

**Mr ELASMAR** (Northern Metropolitan) — I rise to speak on the Emergency Management (Control of Response Activities and Other Matters) Bill 2015. The bill seeks to improve and strengthen the state's emergency response arrangements. It is critical to the survival of Victorian lives and property to have an effective and clear chain of command during those emergencies. It would be wonderful to think that Victorians have a strategic emergency action plan that everyone understands. Sometimes, under stress or duress, mistakes happen, but I have absolutely no doubt that emergency services personnel do their utmost to mitigate state disasters. Many have given their own lives to save others, and it is appropriate at this point to thank volunteers who put their lives at risk to save others. Given that the fire season is not too far away, it is timely that the reforms in this bill are put in place to allow a clear and transparent understanding of agencies' responsibilities and their enforceable powers.

There has been much soul-searching and active community participation to come up with plans that are manageable and comprehensive. This bill is part of work that is still in progress, because alterations to the current methodology will be staged in order to allow a practical and measured response to the effectiveness of the new regime. There is no point setting in stone procedures that come unstuck or are ineffectual.

The amendments in this bill will reinforce the statutory powers of the Victoria State Emergency Service, giving its personnel unfettered access to properties that are threatened by a state disaster. Previously permission had to be obtained from property owners prior to any

actions being undertaken by our emergency management teams. Permission will still be sought in the first instance, but it will not be an impediment to emergency services personnel accessing property in response to floods, storms or other emergencies.

In conclusion, the bill more clearly defines the powers and functions of the inspector-general for emergency management. It is vitally important to the success of any future strategic disaster plan that the inspector-general interact positively and cooperatively with agencies and that agencies provide the inspector-general with practical assistance if requested. Jurisdictional arguments cost lives. The bailiwick syndrome is a common one when several paramilitary forces come together. Coordination and discipline are the key to a controlled plan being rolled out effectively.

The bill is a practical and measured response to changes that needed to occur in Victoria after the Black Saturday bushfires and the royal commission's findings and recommendations. The inspector-general for emergency management is best placed to provide and monitor vital data, because the government needs to have up-to-date information in order to respond accordingly. I commend the bill to the house.

**Mr RAMSAY** (Western Victoria) — I am pleased to speak on the Emergency Management (Control of Response Activities and Other Matters) Bill 2015. I also put on the record that the opposition does not oppose this bill.

I am pleased that the bill is an extension of the reforms put in place by the coalition government, which introduced the Emergency Management Act 2013. That act was probably the most significant change to the emergency services in 30 years, and it came off the back of the 2009 Victorian Bushfires Royal Commission. The report of that royal commission made a number of recommendations, the result of which has been the introduction of legislation to the Parliament during the previous government and now this government.

I am also pleased to see a bipartisan approach being taken to improving emergency management services across the board. I commend the government on bringing forward this bill, which adds to the reforms made by the previous government. I congratulate Victoria's first emergency services commissioner, Craig Lapsley, for the work he has done under the new umbrella in making a very effective commission to support our fire services and state emergency services.

The objective of the bill is to strengthen and enhance the state's emergency response arrangements, and the amendments in the bill also bolster the statutory powers of the Victoria State Emergency Service to respond to floods, storms and other emergencies. It also refines the functions and powers of the inspector-general for emergency management.

I do not intend to go into the detail of the bill because it has been pretty well covered by previous contributors. I think this bill should pass before the dinner break, so my contribution will be brief. However, the bill gives me the opportunity to thank our firefighting volunteers. In a members statement I acknowledged the work of two local fire brigades that received two new fire sheds under the former coalition government's fire station renewal program, which, as I said at the time, sadly this government has not seen fit to continue.

The work of the Country Fire Authority (CFA) and State Emergency Service (SES) volunteers can be no better demonstrated than by their response to the many floods and fires the state has seen over many years. In my previous role with the Victorian Farmers Federation I often responded to those fires, not so much by becoming part of the firefighting response but by seeing where we as a farmer organisation could assist those landholders impacted on by fires.

In response to Ms Hartland's critique of my ideology in relation to climate change, I actually do support climate change. I do not think I have said in this Parliament that I do not believe there are changes in climate. I refer back to my working life as a farmer, when on many occasions in October and November we had extreme heatwaves lasting for a fortnight ranging anywhere from 25 degrees to 40 degrees, and that is going back 30 or 40 years. Certainly over a long period of time we have seen changes in patterns of weather, climate and temperature, and no doubt we will see more of that in the future, but to me that is a normal climatic cycle that has been seen over many decades. Notwithstanding that, there is no doubt that greenhouse gas emissions are impacting on climate variability.

I am happy to have that discussion with Ms Hartland at another time, but in relation to this bill, it is a common-sense addition to the existing legislation, the previous government's Emergency Management Act 2013. It gives more powers and opportunity to the SES, particularly in relation to responding to floods.

I am reminded of an interesting experience I had in my very first two months as a member of Parliament. Ms Crozier would remember well — if she is listening to this important contribution — that country members

of Parliament were sent out to help and support those communities that were flooded in the January 2011 floods. A parliamentary colleague — who unfortunately is not here now but who has seen fit to run as a Nationals candidate for Polwarth — and I were sandbagging at Horsham for two weeks to help that community in relation to its potential flooding, particularly in the southern part of that city.

**Ms Crozier** interjected.

**Mr RAMSAY** — Yes, we did do a great job — thank you, Ms Crozier. In fact we expended ourselves to the limit. As anyone who has put sand in bags for a period of over one to two weeks would know it puts you to the test and works just about every muscle in your body. This work was done in many communities. I have to commend many people from metropolitan Melbourne who came out to the country to help us also in response to the floods. Even though I am digressing, the fact is the SES played a significant, important role in responding to those floods in January.

Firefighters play a similar role in relation to fires. I can look back to Ash Wednesday in 1983, when I was fighting fires in the Otway Ranges, right through to the major significant fires in 2009 and even last year. The emergency management plans and the reforms that have been made since the 2009 Victorian Bushfires Royal Commission are working. This is a natural progression of those reforms to allow greater flexibility and give more powers to the SES, and I congratulate the government on that.

As well as congratulating Craig Lapsley on being the first emergency services commissioner, I would like to acknowledge the work that Euan Ferguson did as chief officer of the CFA. I worked very closely with Euan over a long period of time in relation to his work in that role. As I said in my members statement, it was disappointing to learn that he has now resigned from that position. No doubt he is providing his skill and knowledge in another arena.

I take this opportunity to raise my significant concerns about the longevity of the volunteer firefighter as we know it. I also acknowledge my concerns about what is happening with the CFA. Those concerns were borne out by the recent resignation of the chair of the CFA board and the CFA's chief executive officer as well as the government's intent to review the fire services as a whole. I am concerned that the submission process was far too short to allow CFA volunteers to participate and engage in it.

With the Fiskville inquiry and with the United Firefighters Union being actively involved in the election process it is no wonder that I have concerns — even conspiratorial concerns — that there is movement afoot to change the CFA's culture as we know it, in particular its volunteerism. I know many in this chamber from both sides are extremely supportive of the CFA and its volunteers, but I cannot help but wonder, given a whole range of circumstances around current government policy, whether we are doing significant damage to that well-recognised brand as one of the largest volunteer forces in the world — a network of community volunteers who are prepared to risk their lives and give their time to fight fires on behalf of the communities that they represent and protect.

With those closing comments, the opposition does not oppose the bill. We think it adds weight and strength to earlier reforms by the previous government.

**Dr CARLING-JENKINS** (Western Metropolitan) — I am pleased to rise to speak on the Emergency Management (Control of Response Activities and Other Matters) Bill 2015. The DLP will be supporting this bill, which is designed to improve Victoria's emergency response arrangements. As we all know, Victoria is all too often visited by a range of devastating natural disasters. It has been referred to as an unpredictable place, which many would consider a bit of an understatement, particularly if they travelled through the Marysville bushfires, for example, as my parents did.

Bushfires are an almost yearly event, and our Country Fire Authority can never be given enough praise for the incredible work it does in saving lives and property. But we also suffer from any number of other disasters that require an equally courageous effort from the combined state emergency services. The devastating floods of September 2010 to February 2011 are a good example of this, when thousands of Victorian lives were thrown into chaos.

The Comrie report painted a picture of devastation that few of us can comprehend. This picture could have been less bleak if it were not for the gaps in the statutory powers available to the State Emergency Service (SES). I congratulate the previous government on commissioning the Comrie review, and I congratulate the current government on continuing to implement the findings of that review as well as those of other inquiries.

This legislation addresses many of the shortfalls highlighted in the Comrie review. It grants the SES the power to take whatever action is deemed necessary to save lives and protect communities and property in emergency situations. I note that the SES has welcomed these new laws, and rightly so. These people — volunteers for the most part — must at times have felt that they were fighting many of these disasters with one hand tied behind their backs.

The changes introduced by this legislation are both welcome and timely. Particularly important in this legislation is the intention to improve transparency in the role and actions of the inspector-general for emergency management. The office of the inspector-general was only created in the last year of the previous government, with the aim of improving the emergency management sector and ensuring that the community was kept informed of those improvements. Since then the inspector-general has suggested a number of alterations to his role that would greatly enhance the ability of the office to fulfil its role and to provide the community with the assurances it requires.

This is a good example of the evolution of a position and the government responding to what is happening on the ground and the feedback it has been provided with. This legislation takes up those suggestions and aims to implement them. Under the legislation the inspector-general will have the power to compel agencies to provide reasonable assistance in an emergency situation. The power to access premises to gather much-needed information is also addressed. Finally, the functions of the office of the inspector-general will be expanded to ensure that the recommendations of the Comrie report and other inquiries are constantly monitored and their implementation is continually encouraged.

Anything that improves Victoria's emergency response arrangements is good news for the people and the communities of this state and good news for the countless volunteers who put their lives on the line to keep them safe. I am pleased to say that I am encouraged by this bill and hope to see further improvements in the emergency response arrangements once the changes to the functions of the inspector-general allow for further recommendations to be implemented.

**Ms TIERNEY** (Western Victoria) — Natural disasters are part of life in this country. We cannot control them, but we can make every effort to mitigate them. Unfortunately it seems that we are locked into a cycle where climate change is playing a major role. The question is by how much, not if, in relation to global

temperatures rising. As a consequence of climate change, there will be more extreme fire weather days over the next 40 or more years. Conversely there will also be an increase in extreme rainfall events, which means we will be facing more natural disasters of greater intensity. This bill helps to prepare Victoria for this kind of future. It is about keeping our community safe as our emergency services react to fast-moving, complex and dangerous situations.

These amendments are part of the Andrews Labor government's commitment to practical, effective and incremental reforms to Victoria's emergency management systems. The reforms will be implemented in a staged approach so that the government can make continual improvements to our systems with minimal disruption to our emergency services. The bill builds on the recommendations of the 2009 Victorian Bushfires Royal Commission and the Emergency Management Act 2013, which was a substantial reform in how Victoria responds to disasters.

There are three key aspects to the bill. First, it puts a statutory requirement on agencies with a role or responsibility under the *State Emergency Response Plan* to act in accordance with that plan. The *State Emergency Response Plan* sets out the arrangements for responding to all major emergencies in Victoria. These could be major fires, floods, tsunamis, exotic animal diseases or essential service disruptions, to name a few. Currently it is implicit that agencies will fulfil their roles and responsibilities according to the plan. By making agencies' roles explicit, the role of the plan in disaster management will be strengthened and this should ensure more cohesive and coordinated responses to disasters by making emergency management arrangements as clear as possible.

I should note that the plan provides a framework within which to operate and is not prescriptive in relation to operating procedures. That said, it is vital that the emergency management commissioner has the organisational tools to respond to unforeseen and complex situations in a flexible manner. The bill does this by empowering the emergency management commissioner to change the plan in urgent circumstances if necessary to protect life or property.

Secondly, the bill refines the powers of the inspector-general for emergency management. The inspector-general is responsible for continuous improvement in emergency management. With the likelihood of bigger and more frequent natural disasters, it is important that we are always looking to review and improve all emergency management systems, processes

and activities. The bill gives the inspector-general greater information-gathering capabilities to inform system-wide reviews and reports.

The bill also recognises and supports the inspector-general in the monitoring of the government's implementation of the Victorian bushfires royal commission recommendations. This is extremely important. It keeps the government informed and focused.

Finally, the bill creates new powers for the Victoria State Emergency Service (SES). Currently, the SES's powers are framed in general terms and rely on the consent of property holders. Whilst charged with being the primary agency that deals with floods and storms, the SES does not currently have the statutory powers it needs to keep communities safe: it does not have the power to enter properties and undertake emergency works, such as building levees or removing debris.

These shortcomings were noted by former Chief Commissioner of Police Neil Comrie in his review of the 2010–11 flood warnings and response. This bill addresses these issues by giving the SES the power to enter onto land or into premises in urgent circumstances. The SES will obviously seek consent wherever possible, but the amendment ensures that it can do its work unimpaired if consent is unobtainable — for instance, if the property holder is away.

The bill also gives the SES the power to construct, alter and remove a levee. Once again, this power will only be used for the protection of life and property. This amendment will give the SES the power to take steps to reduce overall harm to a community facing a flood. The best thing to do in these situations is work with local communities, businesses and agencies, which the SES has a long and proud history of doing. It will continue to rely on the best information available to inform itself so it can make the best decisions for the communities it is protecting. These new powers will be implemented with sufficient time for the SES to develop supporting operational procedures, train its members and engage with the community.

This bill, as other speakers have said this afternoon, builds on the existing emergency management framework in an incremental and sensible manner. It provides enhanced flexibility, openness and accountability to the *State Emergency Response Plan*. It seeks to continue building on the good work done in this place on the back of the terrible 2009 bushfires, and the reforms have been welcomed. The SES chief officer

of operations, Mr Trevor White, according to the *Herald Sun* of 5 August:

... welcomed the proposed change, and pointed to emergencies within the past decade when the powers were needed.

As our climate changes and emergencies become larger and more complex, we must be prepared. Reducing the loss of life and property in disasters is the goal of the *State Emergency Response Plan*. These amendments are sensible and practical improvements to Victoria's disaster response to the *State Emergency Response Plan*, and I commend the bill to the house.

In closing, I also add my voice to the thanks to those in the community who are volunteers as well as those who are paid and salaried members of the emergency services and fire brigades for their commitment and continuing efforts to keep us all safe. I thank all those who have the calling to be so special and who make sure our communities are looked after — not just in times of emergencies and disasters but also when they are out there making sure that the systems are in place to ensure that we are safe in the unfortunate circumstances of flood or bushfire. Like many others in the chamber this afternoon I commend the bill to the house, and in doing so I thank all those who work so hard to make sure that our lives and our properties are protected.

**Ms CROZIER** (Southern Metropolitan) — I am pleased to rise this evening to make a contribution to the debate on the Emergency Management (Control of Response Activities and Other Matters) Bill 2015. As other members have highlighted in their contributions, this bill amends the Emergency Management Act 2013, which goes to the work of the coalition government. As has been noted, that piece of legislation came off the back of some work undertaken by the previous government following the tragic circumstances of the 2009 bushfires and the floods of 2011.

I commend Mr Ramsay for his contribution, which highlighted many issues, and I also want to highlight that soon after the coalition first came to government in 2010 dreadful floods inflicted significant damage on huge parts of Victoria over many months, particularly in communities in the northern and western parts of the state. The emergency services involved in the floods at that time did an extraordinary job. Like other members of the coalition, I went to northern Victoria to assist our emergency services and saw firsthand the work they undertook to protect local communities.

As someone who grew up in country Victoria I am very aware of our changing seasonal conditions. I am someone who has experienced them. Where I grew up we often experienced bushfires started by lightning strikes. Our property was surrounded by scrub and bushland and was located in one of the most lightning strike-prone areas of the world. During the summer months it was very common to have bushfires, and my family was often involved in the work of the Country Fire Authority (CFA) to assist local communities to protect lives, properties and livestock. Our property was also on the edge of the Glenelg River, which flooded at times, so I am therefore very used to seeing firsthand the effects of our seasonal changes, especially some of those very severe seasonal changes, whether they be droughts, fires or floods.

All of our emergency services agencies involved in dealing with these situations do a tremendous job, as has been highlighted by other speakers. I know that from personal experience — my family has been involved in the CFA. The CFA was established over 70 years ago, in 1945, and it was around that time that my father joined it. My two brothers have also been involved in the CFA, and one has been involved for over 45 years, so I have a really strong understanding of the extraordinary work of the volunteers of the CFA and of the number of people associated with it. It is one of those organisations that do a tremendous job here in Victoria, and it is an organisation that we should protect and encourage, because it brings multiple benefits to many Victorian communities.

To get back to what this bill is about in relation to our very necessary emergency management services, the key features of the bill are the introduction of an explicit requirement for agencies with a role or responsibility under the *State Emergency Response Plan* to act in accordance with that plan, the refinement of the powers and functions of the inspector-general for emergency management and the amendment of the powers of the Victorian State Emergency Service so that it is better equipped to respond to floods, storms and earthquakes.

As I have said, our state is very used to floods and storms but thankfully not major earthquakes. They do occur on occasion, but to this point we have not had a significant earthquake that has had devastating consequences such as those in recent years in New Zealand, New South Wales and elsewhere close to our shores.

This is a sensible bill that builds on the coalition's reforms in assisting emergency service agencies. I hope that with the amendments and the refinements that have

been made so that emergency services can get into private property to put in the necessary levees, communities understand what this legislation is about. There is clearly a provision that, should certain circumstances prevail, written notification to the property owner is undertaken within a period of seven days to explain what has happened and why it has happened. I think that is a sensible and very necessary part of this legislation so that property owners can be informed about who has gone onto their private property and why a certain emergency response has been undertaken. They can then clearly understand what will ensue for proper management should that response be for a period longer than just a few days or weeks. Certainly that was the case during the floods in northern Victoria.

This is a sensible bill. It builds on the coalition's reforms of the Emergency Management Act, and as other members of the coalition have said, the coalition will not be opposing it.

#### **Sitting suspended 6.29 p.m. until 8.03 p.m.**

**Ms BATH** (Eastern Victoria) — I rise to make a contribution on the Emergency Management (Control of Response Activities and Other Matters) Bill 2015. This bill is an extension of the reforms that were put in place by the former coalition government, and the opposition will not be opposing it. The bill makes amendments to the Emergency Management Act 2013 to provide for a strategic action plan that ensures the preparedness, capabilities and emergency arrangements of each agency in times of emergency. It was the coalition government that delivered this act, which provided significant reform and looks to be the framework for the bill before us this evening. The coalition was committed to ensuring all emergency services in Victoria were well managed so that they could work together to provide the best possible service in protecting life, property and the environment.

Our emergency services do a wonderful job serving our communities. Unfortunately in Gippsland in my electorate we know only too well the horror and destruction that natural disasters such as flood and fire can have. The Black Saturday bushfires of February 2009 occurred during extreme bushfire weather conditions and resulted in Australia's highest ever loss of life from a bushfire — 173 people perished and 414 were injured as a result of the fires. Gippsland was severely affected by these fires and by the previous Delburn fires, which tragically took the lives of 11 people. Following the Black Saturday bushfires the coalition government conducted an inquiry and

delivered on all the recommendations of the report of the 2009 Victorian Bushfires Royal Commission.

The region also suffered through the Hazelwood mine fire, which started on 9 February last year and resulted in some of the worst conditions we had seen in the region since the Black Saturday bushfires.

Unfortunately two days after this fire was deliberately started, a series of other deliberately lit fires occurred across the Strzelecki Highway and, heading east, entered the Hazelwood mine as well as many other different parts of Morwell. It is truly remarkable that during this time no person was killed and no dwellings were lost, thanks to the extremely dedicated and hardworking emergency services personnel, both paid and unpaid volunteers, who fought the fire.

In recent times East Gippsland, also in my electorate, has been severely affected by floods. I know that Gippsland emergency services personnel have a proud history of standing up for and fighting hard to protect our communities, and I know that many of my constituents are extremely grateful for the work they have performed, as am I.

Recently, while travelling home along the Strzelecki Highway from Traralgon to Mirboo North on a dark, windy and rainy evening, a tree crashed down across the road before me only moments before my car arrived there, leaving my heart beating very soundly and me in a shaken state. I rang the State Emergency Service, whose members seemed to arrive out of nowhere, as if by a miracle, with machinery. Its incredibly efficient members came out with chainsaws, large and small, and all sorts of other equipment and removed that large eucalyptus tree from across the highway, which allowed me to travel on home. I pay my respects to that team and all the other fantastic services, including the Country Fire Authority, the police and ambulance services.

It is important that the government supports our emergency services by allowing them to manage disasters to the best of their abilities. This bill looks at the endorsement and deployment of a state response controller without written appointment, making clear that agencies must comply with the *State Emergency Response Plan*, and the role of the State Crisis and Resilience Council is also further clarified in its approving of the plan. The bill refines the powers and functions of the inspector-general for emergency management with respect to entering buildings, vehicles, vessels or aircraft to inspect documents — all of which still require written consent. The Victoria State Emergency Service has been restricted from entering property to construct a levee without obtaining

consent, which has resulted in significant issues. The bill proposes amendments to the Victoria State Emergency Service Act 2005 in relation to powers to enter land and premises and to construct levees.

I think the changes this bill proposes are sensible and will only strengthen current arrangements. The only concern I have is in the details surrounding the ‘unappointment’ of controllers by the emergency management commissioner. The provisions outline the appointment of the state response controller and the controllers but do not specify the process by which the commissioner can unappoint in a case where a controller becomes incompetent or becomes unwell. However, as I mentioned earlier, I think this bill largely contains sensible changes, and I will not be opposing it.

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — In conclusion, the primary objective of this bill is to strengthen and enhance Victoria’s emergency response arrangements. Emergencies are dynamic and volatile in nature and often have far-reaching effects. It is vital that the roles and responsibilities of agencies are clearly understood and that our emergency service agencies have strong and effective powers.

In relation to the issues that have been raised in debate, there is one in particular I would like to address to the chamber. Heatwave is a class 2 emergency and is one of the many emergencies addressed by the *State Emergency Response Plan*. In 2014 the *State Heat Plan* was published. It is a subplan of the *State Emergency Response Plan*. The new arrangements in this bill will ensure that the response to heat events, including heatwaves, is integrated and coordinated across all levels of government agencies and in conjunction with business and the community.

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.**

**CRIMES AMENDMENT (CHILD  
PORNOGRAPHY AND OTHER MATTERS)  
BILL 2015**

*Second reading*

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

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I am pleased to rise to make a few brief comments on the Crimes Amendment (Child Pornography and Other Matters) Bill 2015. The bill before the house will have the support of the coalition parties in recognising the importance of the police and other law enforcement agencies being able to deal effectively with the issue of what is known as child pornography, some known as material relating to sexual abuse of children, which does in reality capture the nature of the material this legislation relates to.

The purpose of the bill is to update existing provisions of the statutes, recognising the way in which technology is changing, the way in which technology has changed and, as a consequence, the way in which child pornography material is created, accessed and distributed and the role that technology, particularly network technology, now plays in the distribution of that material. The bill is an appropriate update of current statutes to take into account those changes in technology and the need for law enforcement agencies to be at the forefront in terms of their powers and their capabilities in dealing with material that is created and distributed by new digital channels.

The key provisions of the bill are as follows. Clause 4 amends the Crimes Act 1958 to double the maximum penalty for the possession of child pornography to 10 years imprisonment, and we believe this is an appropriate step, recognising the significance of the offence and the importance of creating a deterrent to child pornography offences. We note, though, that the mere act of doubling a maximum sentence is not necessarily going to be reflected in the actions of a court in implementing such sentences for these types of crimes, and often an increase in a maximum sentence is not reflected at all in the actions courts will take.

Clause 6 of the bill inserts three new offences into the Crimes Act: administering a child pornography website, encouraging the use of a website to deal with child pornography and assisting a person to avoid apprehension for a child pornography offence. These provisions relate very much to the internet and the way in which that technology is now used as the

predominant mechanism for the distribution of child pornography material.

Clause 9 of the bill inserts a new section into the Crimes Act to enable police to issue a direction that a person with knowledge of a computer or computer network assist the police in executing a search warrant, a breach of which carries a maximum penalty of up to two years imprisonment. This of course recognises the complexity of some of the systems that are used for the storage and distribution of this material and the fact that police are not going to be in a position to access it themselves and may need technical expertise to be able to do so. For those people who do have access to those systems, to use their technical knowledge to assist police in those investigations is an appropriate step and is supported by the coalition. The use of this provision would require the issuing of a warrant by a magistrate, so it is subject to appropriate oversight by the judiciary.

Clauses 14 and 15 of the bill amend the Criminal Procedure Act 2009 to limit the capacity of an accused person to personally view the child pornography evidence that is the subject of the prosecution. This does not limit the capacity for the accused person's legal counsel to access and view that material, but it puts a restraint around the accused person accessing it. Given the nature of the offence, which relates to the creation, distribution and viewing of child pornography material, it would be an adverse outcome for the accused in conducting their defence to commit the offence of viewing the material. Given that their legal counsel will continue to have access to the material to view for the purpose of their defence, it seems appropriate that there be a constraint on the accused party being able to view it, particularly when that very act can itself be an offence.

The key provisions of the legislation recognise the changed technological environment in which this material is now created, stored and distributed. Given the role that technology now plays in the distribution of this material, the coalition believes they are appropriate steps and appropriate changes to the enforcement powers. Accordingly, and notwithstanding its concern that the increase in the maximum sentence may not flow through to actual sentencing outcomes, the coalition will support this legislation.

**Ms TIERNEY** (Western Victoria) — I rise to speak on the Crimes Amendment (Child Pornography and Other Matters) Bill 2015. This bill is a response to the rapidly changing world in which we live. The internet is transforming our lives in many unimaginable ways. The advances in technology and the ability to improve the lives of millions is happening at a speed and rate

that would be incomprehensible to our grandparents. Regrettably, though, there is also a dark side to human nature. The ease with which we can communicate that has made the world so interconnected can be used for deviant purposes too, and unfortunately it is being used in that way.

Child sexual abusers and pornographers have taken advantage of modern communications to ply their sick wares and build abhorrent networks. The Australian Communications and Media Authority reported last month that it had experienced a dramatic jump in investigations into online sexual abuse in the last year. It conducted over 7600 investigations, which is an increase of over 550 per cent in just one year. As I said, the world is rapidly changing. Sometimes our laws just do not keep pace with the changes in society due to the constant evolutions in technology. We in this place have a responsibility to our community to ensure that our statutes remain relevant to the modern world and keep our community safe. This bill is a vital step in that process. It ensures that law enforcement and our courts have the tools to deal with those in our community who do not abide by the standards civilised people expect in a modern society.

This bill has been developed in response to Victoria Police concerns about the inadequacies of current child pornography laws. There are four main elements to this bill. They are the creation of new offences, increased penalties, changes to evidentiary requirements and changes to warrant procedures. I will deal with these in turn. There are three new offences created in this bill. The Crimes Act 1958 is amended to make it an offence to administer a child pornography website, encourage the use of a website to deal with child pornography or provide assistance to another person avoiding apprehension for a child pornography offence.

The first amendment makes it an offence if a person administers or assists in the administration of a website that is used by another person to deal with child pornography and the person intends that the website be used for child pornography or is aware that the website is being used for child pornography. This offence targets the enablers of child pornographers. It puts the onus on website administrators to take reasonable steps to prevent their website being used by child pornographers. For instance, if an administrator notifies police or takes down the website, they will help to ensure that they are not found guilty of an offence. This ensures that website administrators acting in good faith are not unintentionally caught up in this new offence.

There are two obvious exemptions to this law. They are if the website is used in administering the criminal

justice system or if the material has been classified as other than RC or X18+ under the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995. It should be noted that the new offence is limited to websites, which are defined as pages or groups of pages on the internet. The government is currently reviewing existing child pornography offences in the Crimes Act to ensure that the law adequately addresses other means of distributing and accessing such horrendous material, for example, through peer-to-peer file sharing or self-contained web apps. It is important we get this right as this is the first offence of its kind, and in such a rapidly changing environment it must be right. It was only earlier this year that we repealed the HIV infections legislation — knee-jerk lawmaking is rarely good lawmaking.

The second offence contained in the bill is a good example of how rapidly this world is changing. A person 18 years of age or over will commit an offence if they encourage another person to use a website and intend that the other person will use the website to deal with child pornography. Once again, this new offence targets the enablers. If a person promotes or advertises their child pornography website, they will have committed an offence. It will not be necessary to prove that the person they encouraged actually used the website. An important safeguard in this new offence is that it only applies to adults.

The final offence created by this bill also targets enablers. It will be an offence to assist someone to avoid apprehension for child pornography offences. This new offence applies to all child pornography offences, not just the new ones contained in this bill. It will be an offence if information is intentionally provided to another person and it is intended that the other person will use the information to avoid apprehension for a child pornography offence. This is another provision reflecting the rapidly changing world we live in. In short, this is aimed at persons sharing information for anonymous usage child pornography websites or encryption of vile child pornographic electronic files.

The unbreakable code is a part of history made redundant by Enigma machines in World War II, but with the rise of quantum encryption on the horizon, it is only a matter of time before the unbreakable code is a reality again. This offence targets the enablers, with significant penalties to discourage those who try to help in this very sick trade. All these new offences will carry a maximum penalty of 10 years imprisonment. They are serious and abhorrent crimes. They deserve serious penalties, and this bill provides those.

Moving to the second element of this bill, Victoria currently has the lowest penalty for possession of child pornography in Australia. The maximum current penalty for an offence is 5 years; this bill doubles that to 10 years. This brings Victoria into line with the majority of other states and territories.

It should be noted that this bill is the first stage of reforms to child pornography offences. It does not include expanding the offences to cover a broader spectrum of child abuse material. The government is considering the second stage of reforms.

In relation to evidentiary requirements, as I highlighted earlier, online child pornography is a growing problem. This bill has made adjustments for the occupational health and safety of those protecting our community. Some of these offences involve tens of thousands of depraved images that must be viewed by good and decent people who are keeping our community safe. This is unfair to the victims, law enforcement and the legal profession. It compounds the violation of child victims and places undue stresses on normal people doing their jobs, protecting our community. This bill addresses these matters. It provides for a random sample of material to be taken from what has been seized from an accused person. The nature and content of the sample are assessed by an expert. The court may then conclude that the sample is reflective of the material as a whole. This is an important reform that will allow for shorter time frames to analyse material whilst protecting victims and law enforcement.

Importantly, there are safeguards. It is a random sample, not a sample. This prevents the accused from having evidence weighted against them in consideration of the seriousness of their crime. The accused has the right to challenge the random sample. The random sample is only admissible if the accused's lawyer has had reasonable opportunity to view all the material.

This brings me to another important reform contained in this bill — that is, the accused will be restricted from viewing the evidence. It goes without saying why this is an important reform. However, we live under the rule of law and, as I outlined earlier, the accused's lawyer will be able to inspect the evidence. The accused can apply to the court for an order to inspect the evidence, and it is the intent of this bill that this will only ever be done when the court deems it necessary for justice — it will not be an automatic right.

The bill will also amend the Crimes Act to allow a magistrate to include in a search warrant an authorisation allowing police to direct a specified person to assist them to access data on a computer.

Basically this means they must provide passwords to police. Failure to comply carries a two-year penalty. A more serious version of this offence is already in the Crimes Act. However, it is a court order that must be obtained in open court and carries a maximum penalty of five years. The new offence is a simple and easy process for police to use in urgent cases.

This bill is about an ugly matter, and it is a difficult topic on which to speak. However, we owe it to our community to ensure that the legislative framework that community members live under reflects the community they want to live in. This bill does that. It gives law enforcement powers to tackle offences that were inconceivable 20 years ago and applies penalties the community expects in the 21st century. This bill is a very important step in reforming our laws to protect the most vulnerable in our society, children, from the monsters who would prey on them. I commend the bill to the house.

**Ms SPRINGLE** (South Eastern Metropolitan) — I rise this evening to speak in the debate on the Crimes Amendment (Child Pornography and Other Matters) Bill 2015. The Greens will be voting in favour of this bill. We have a responsibility in this place to act in the best interests of children. It is in the best interests of children that child pornography is criminalised and that adults who intend to create and use child pornography are prevented, where possible, from doing so.

The internet has enabled the proliferation of child pornography. In the United States alone it is an online business that generates revenues of \$3 billion per year. The exploitation of children for the sexual gratification of adults — mostly adult men — is what is at the core of the international criminal business of child pornography. Children who are sexually abused in the creation of child pornography very often suffer long-lasting consequences. Nobody needs to be convinced of that. It is obvious that police and other law enforcement bodies must continue to prosecute people who abuse and assault children in this way and to prevent them from doing so where possible, but it is equally necessary to tackle the 'demand' side of this crime — and it is the demand side that this bill is aimed at.

This bill increases the maximum penalty for possession of child pornography from 5 to 10 years imprisonment. The Greens support this aspect of the bill because a maximum penalty of 10 years imprisonment more appropriately reflects the gravity of the offence. It is extremely important, however, that we keep our eye on the main objective here, which is to stop, as far as possible, adults from committing offences relating to

child pornography. We in this place should allow the courts to make whatever order is most likely, on the best evidence available, to ensure that each individual who comes before them will be prevented from further offending. We are pleased that the government has avoided the temptation to attempt to legislate minimum or baseline prison sentences. Sentencing is a matter for the courts, because each sentence will depend on the facts of each individual case that comes before it.

In summary, the Greens believe that a court should have the discretion to sentence an offender who has been found guilty of possessing child pornography to a maximum term of 10 years imprisonment if the court believes that that is warranted in the circumstances. That more appropriately reflects the gravity of the offence, so we support clause 4 of this bill. But the Greens also support the discretion of a particular magistrate or judge who, in a particular case with particular facts before him or her, considers it more appropriate to impose a non-custodial penalty — a penalty that is designed, for instance, to prevent the person from committing the same crime in the future.

As to the rest of the bill, there are three new offences in clause 6. The Greens support the criminalisation of administering a child pornography website, and our advice is that the clause has appropriate defences and safeguards. We support criminalising the act of encouraging the use of a website to deal with child pornography, and we support criminalising a person assisting another person to avoid apprehension in relation to any of the five child pornography offences.

Clause 4 also inserts a new section that allows prosecutors to rely in court on a random sample of child pornography images instead of the entire cache that might be on a person's hard drive. This section is clearly designed to relieve the court — and indeed everyone involved in the investigation, prosecution and defence of child pornography charges — from being subjected to thousands and thousands of images. Some cases do indeed involve thousands of images. Viewing these images can be very distressing for obvious reasons, so we can well understand the impetus behind this provision in the bill.

On the other hand, we have been made aware of some people's concerns that prosecutors will have an interest in selecting a non-random sample of the worst of the worst images to exaggerate the gravity of the total cache. Given that an accused is able to challenge this random sample of evidence, we should be aware of the possibility of unintended consequences here — of unintentionally dragging out people's exposure to an enormous quantity of very disturbing images.

We are also aware of concerns regarding clause 9. Clause 9 allows for a warrant to be issued to authorise a police officer to direct another person — for example, an IT professional — to help the officer to access data that might be hidden or protected by, for instance, a password. While we are aware of the concerns about this clause, we are also satisfied by the minister's response to those concerns — that is, if a person has locked electronic child pornography inside a computer through encryption, that person should not be able to prevent a police investigation or prosecution just because the pornography cannot be accessed without an electronic key.

Clause 14 restricts an accused person from inspecting any evidence that is in the form of child pornography. While this potentially goes to the issue of an accused person's right to a fair trial, the Greens are satisfied that the clause puts appropriate safeguards in place. The accused person's lawyer would not be restricted from inspecting the evidence, and in any case an accused person can apply for a court order allowing him to inspect the evidence where the court decides it is appropriate.

There are a few things this bill does not do. It does not, for instance, create a separate offence of accessing child pornography. There is some legal argument about whether accessing a website without also saving an image onto one's computer, for instance, is enough to constitute possession. The question has been decided in different ways around the world. While Professor Jonathan Clough of Monash University argues that to access child pornography online can plausibly come within the definition of possession, in a recent paper he also recommended the creation of a separate offence of accessing child pornography, to save any confusion.

The bill also does not address some of the outstanding recommendations of the Victorian Law Reform Commission for the improvement of the sex offender registration scheme. That may be outside the immediate scope of the current bill, but we believe these recommendations, especially those which would make registration discretionary rather than mandatory, should be considered sooner rather than later.

Further, the bill does not provide for professional debriefing for criminal defence lawyers who have to view pornographic material involving children. Liberty Victoria has raised with us a very real concern that while Victoria Police has professional networks for this kind of debriefing, criminal defence lawyers do not — and it must be said that many of the defence lawyers in this area work for Victoria Legal Aid and community

legal centres and are on quite modest incomes. The issue of debriefing for professionals may not require a legislative response, but we believe it is an important issue to raise at this time. We urge the government to provide a government-funded professional support service for defence lawyers in this regard.

In short, the Greens are pleased to support this bill. We are obviously pleased to support any measures that involve a commitment to protecting the most vulnerable members of our community, which are our children. Therefore we will be supporting the bill.

**Ms CROZIER** (Southern Metropolitan) — I am pleased to rise and speak on the Crimes Amendment (Child Pornography and Other Matters) Bill 2015. As other members have said, this is an important piece of legislation because it protects the most vulnerable members of our community — that is, children. As other speakers on this side of the chamber have said, the coalition supports this bill. We do so because we want to do anything we can to safeguard our children. This bill recognises the importance of protecting our children who, as I said, are the most vulnerable members of our community.

We also support the bill because child pornography is truly a heinous crime. Recent media reports have highlighted how insidious this crime is and the reach that it has. It directly affects not only children but also their family members, who must deal with the consequences of child pornography rings.

With the advanced technologies that we are all using, child pornography can reach further into our lives. It is important that we do what we can to ensure that the legislation we introduce is as restrictive as possible and that people who want to reach out and harm children can be met with the full force of the law. The coalition wants to ensure that people who undertake criminal activity are met with the full force of the law. I believe that child pornography is one of those heinous crimes that needs to have significant penalties attached to it. Victoria Police has highlighted its concerns regarding gaps in the laws relating to child pornography. As I said, it is also important that the courts continue to recognise the importance of punishing offenders in the most appropriate ways.

This bill amends the Crimes Act 1958 to increase the maximum penalty for possession of child pornography from 5 to 10 years imprisonment. It also introduces three new offences relating to the use of child pornography websites and assisting others to avoid apprehension for child pornography offences.

Clause 6 inserts new sections 70AAAB, 70AAAC, 70AAAD and 70AAAE into the Crimes Act. New section 70AAAB(1) creates the new offence of administering a child pornography website. Under this section a person commits an offence if they administer or assist in the administration of a website used by another person to deal with child pornography. New section 70AAAC(1) creates the new offence of encouraging use of a website to deal with child pornography. Under this section a person commits this offence if they are 18 years of age or more and encourage another person to use a website.

A further section that brings major reform to this legislation is new section 70AAAD(1), which provides for the new offence of assisting a person to avoid apprehension for a child pornography offence. It provides that a person commits this offence if they intentionally provide information to another person and intend that the other person use that information to avoid or reduce the likelihood of apprehension for a child pornography offence. These are very important elements to the bill, and we as legislators can truly say that anyone who is assisting in the dissemination of this information through a website or through the use of technology, or who is administering child pornography or being involved in its distribution, should be held accountable for their actions.

As I said, there has been some recent media attention around the issue of child pornography. On 30 July it became known that somebody here in Melbourne of a relatively young age himself — a 22-year-old — was involved in an international child pornography ring. The circumstances around his actions are truly dreadful. To see reports of this is to understand that people can want to take some of these actions, such as horrific abductions, taking people's lives, abusing children at a very young age, using those images and keeping children as sex slaves. These are all horrendous situations that it is hard to imagine a decent human being would even want to be involved with.

I am pleased that in reaction to this case the police, the community and we as legislators are rightly looking at what needs to be done to prevent further occurrences of situations like that. It is truly dreadful to think that this is happening under our noses. With the advancements in technology these rings are being monitored, I am pleased to say, from an international perspective, a national perspective and a more local policing perspective, but at times they can slip past the eyes of the authorities. These pornographic websites, images and actions can have truly detrimental and devastating effects on children who get caught up in these events.

Without going through all the clauses, and I know other speakers have, it is important that we deal with child pornography in this manner. The offenders who engage in these activities need to face sentencing that is appropriate, and as a former coalition government we did increase the baseline sentencing laws. We need to ensure that these offenders have proper penalties applied, and we need to do as much as we can to protect our most vulnerable children.

As I said, the coalition supports this bill. It is an important piece of legislation with which we continue to work with those agencies and ensure that we do as much as possible to stamp out the heinous crime of child pornography.

**Mr MELHEM** (Western Metropolitan) — I also rise to speak on the Crimes Amendment (Child Pornography and Other Matters) Bill 2015. It is a very important bill and obviously it is enjoying the support of all parties.

As a parent this is something you look at very seriously, because no-one wants to see their kids or any child being exploited by predators or sex offenders. In the past, child pornography has not been treated as serious an offence as physical sex abuse, for example, but to me people who use their computers to get on the internet and look at child pornography are no different to people who physically molest or rape a child. I am saying that because for a lot of people that is probably the first step and the thing can build from there. To me it is not normal for a human being to look at pornography that preys on these children without having something sinister in the back of their mind. When they are looking at these things, the first thing that would be on their mind is committing a sexual act against children.

The bill contains amendments that make it an offence to administer a child pornography website, encourage use of a website to deal with child pornography or provide assistance to other people about avoiding apprehension for a child pornography offence. It also amends the Crimes Act 1958 to increase the maximum penalty for possessing child pornography to 10 years in prison.

My understanding of about 7000 recent cases in Victoria is that most of these people have been able to walk free. The people who have been convicted have been convicted for an average of three years and it is very rare that they received the maximum sentence, which is currently five years. It is very important for us to send the message that we are serious about this matter. My view is that 10 years does not go far enough. That is my opinion, not the government's

view, but at least we are doubling the penalty from a maximum of 5 years to 10 years. It is an improvement on the current act.

The bill amends the Crimes Act 1958 to provide for the use of random sample evidence in proceedings for a child pornography offence. We should be able to give law enforcers all the tools they need to investigate these hideous crimes because if we do not, then the people who commit these offences will still be able to roam our streets and get off on technicalities. It is important to provide that tool for police to use.

The bill amends the Criminal Procedure Act 2009 to restrict an accused from personally inspecting evidence that is child pornography unless a court orders otherwise. That is another improvement to make sure these offenders cannot hide behind technical issues that exist in the current act.

The bill amends the Crimes Act to give magistrates the power to issue search warrants that allow the executing officer to direct a person to assist them to access data on a computer. My view is that if a person has nothing to hide, they should not have a problem with that provision. Obviously people who have something to hide will have an issue with someone being able to access the data on their computers.

The bill also makes the investigation and prosecution of child pornography offences more effective. Members of this government are very strong on making sure we provide law enforcement officers with the tools and means they need to do their jobs and to protect the most vulnerable people in our society, our children.

An article published on The Conversation website headed 'What's in a name? Online child abuse material is not 'pornography'' was written jointly by Marg Liddell and Anastasia Powell, both senior lecturers in justice and legal studies at RMIT University. Under the subheading 'Calling it what it is', they write:

There are three key problems with not calling these images what they are: online child abuse material, or child exploitation material.

First, it creates a false distinction between the viewing of images and the contact sexual abuse of a child. Not only does research suggest that there is an overlap between those who view child abuse material and those who engage in contact sexual offences, but the viewing of the material also contributes to the demand for its production.

That is the point I was making earlier. We need to make sure we stop the end users — the people who are viewing that material. If we can put an end to that, then we will be able to cut the supply chain. Hopefully we will be able to catch the perpetrators — that is, the

people who produce the material and abuse these children. That is our ultimate aim.

The article continues:

Second, it potentially mislabels the material as a legally acceptable form of pornography. Using the term 'pornography' likens online child abuse material to an acceptable subgenre of mainstream, adult, consensual pornography. Online child abuse material represents the photographic or video evidence of a criminal act against infants, children and young people.

Third, it contributes to the normalisation of child sexual assault. Research suggests that perpetrators sometimes use online child abuse material to desensitise themselves to the impact of their actions prior to committing a sexual offence, or to 'mentally rehearse' the abuse. Perpetrators also use online child abuse material to 'groom' child victims in preparation for contact sexual offences against them.

That is the point I was making earlier, that it is just the start for those people. That is what they do. That is the whole thing. They have started with images, with still photos, then gone to videos and then moved on to sexual exploitation, whether or not they do it themselves. They are even talking about selling children to other paedophiles as part of that process.

The article goes on to say:

The images normalise that other children or young people are 'doing these things', and make it easier for an offender to coerce victims into sexual contact. It is in part for this reason that Australia and the United Kingdom, among others, have passed laws criminalising computer-generated, hand-drawn or otherwise simulated images of child sexual abuse — though not without some disagreement.

I suppose you will have people disagreeing with that from time to time. That makes me think about a program that was on the ABC not long ago and that featured a person in the United Kingdom — I have forgotten the name of the person — who was a member of a group which does not see a problem with child pornography or adults having sexual relationships with kids under the age of 16. To me, the other things are just hideous stuff. I cannot even believe that in the 21st century there are people like that who go out and start talking about those things.

As to the extent of the problem, figures released in early July by the Australian Communications and Media Authority show a 550 per cent increase in investigations into online child abuse material. With that background, obviously the legislative changes are a crucial part of our response to child exploitation. It is very important for that to be followed up by a public awareness campaign. It is all about education — even educating our kids, our teenagers, about it. Kids looking at it on computers might say, 'Well, that's okay'. We

need to say, 'No, it's not okay'. It is also about parents monitoring what their kids do when they are not around, which is another problem. So education is part of the solution as well.

I am pleased that the Andrews Labor government is looking at making a difference and improving the current situation by providing the police and all the other law enforcement agencies with the appropriate tools to do their jobs. Hopefully we will get to a stage where child pornography will be a thing of the past. It is wishful thinking, especially with the use of social media and so forth, but that is something we ought to work very hard on. It is our duty. They are kids that we are talking about. They are the people who look at us and trust us to look after them. This bill will go part of the way to making sure that we are doing our job and it will protect those kids. With those comments, I commend the bill to the house.

**Dr CARLING-JENKINS** (Western Metropolitan) — I rise this evening to speak on the Crimes Amendment (Child Pornography and Other Matters) Bill 2015. I will be supporting this bill. Child pornography is a despicable and heinous crime against society in general and against our children in particular. It is incumbent upon us to face this today in this place to protect our children from abuse. Child pornography is a crime where our innocent children are groomed and brutalised by the most perverse individuals. That is then delivered to a market. Let us not forget that sick individuals are buying and viewing this material, while others are considering it a business and a profit-making venture.

I commend the government for taking this first step in our long journey to eradicate the scourge of child pornography from our state and to punish those engaged in the promotion and distribution of such pornography — an eradication made all the more difficult because of the internet, which provides easy and often unfiltered access.

I really liked the way Ms Tierney described this bill earlier as focusing on enablers, who will be discouraged from this vile crime. The first offence covered in the bill targets the administrators of child pornography websites who wilfully or knowingly distribute this pornography through their sites. The second offence targets anyone promoting these vile websites. It is aimed at people who advertise the sites and people who encourage someone else to use a child pornography website. The third offence will target the cover-up involved in using these websites, making it an offence to assist someone to avoid apprehension.

In addition this bill not only increases penalties, but doubles them — from up to 5 years to up to 10 years imprisonment. The Attorney-General, Martin Pakula, said a clear message needs to be sent to people involved in this terrible crime, and I could not agree more. This legislation sends that message clearly.

To profit from the exploitation of others disgusts me. To profit from the exploitation — no, the abuse — of children is the lowest of the low, and in many ways it is incomprehensible. I commend the government for tackling this issue and protecting our most vulnerable. I also commend the government's second stage, which will look at more areas of child pornography. This is a tough but necessary issue for Parliament to consider. I commend the government for bringing the bill to the house.

**Ms PATTEN** (Northern Metropolitan) — I am pleased to rise to speak today on the Crimes Amendment (Child Pornography and Other Matters) Bill 2015. This bill starts to meet the growing challenges that we have with new technologies. While the fast pace of change and development in these technologies brings us opportunities, it also brings us the challenge of how to deal with these sorts of crimes.

We would all agree that this type of material — sexual abuse material that features children — is among the vilest and darkest crimes that we as a community have to deal with. As we have seen over a number of years — and I know that most of us have read it in the media — the internet and new electronic technologies have enabled this to happen. The bill confirms our commitment to providing law enforcement with the tools to keep dealing with the challenge of the ever-changing nature of these crimes and the ever-difficult digital sphere they are committed in.

The new offences in this bill recognise that there are new jobs and occupations that we never knew about a few years ago. We never would have thought about a number of these jobs. This bill brings the law into line with some of these technological advances. Some of the offences, like those under new section 70AAAB to be inserted by clause 6 of the bill, capture those who take part in enabling this crime to occur. These are jobs we never thought would be available before — things like marketing traffic, managing membership and aspects of website maintenance that five years ago would never have been in the realms of some of the best online marketers — but now we are targeting these people. They are not personally uploading the content, but they are playing a part in this content becoming available.

New section 70AAAC also expands this net to capture those people who encourage people to access child sexual abuse material online. This is an important provision because sexual abuse material online is not easily found on the web. You do not just Google 'child porn' or 'child sexual abuse material'; you have to go into a far deeper part of our online technology to find this material. New section 70AAAC captures those people who are providing the arrows and signposts to access this material. These people are just as guilty as the people who put up the material. They are providing the wherewithal for other people to access this material, and they are active offenders in this crime of child sexual abuse.

Further, the bill addresses the need to capture those who want to help people to keep this material hidden. Once you get into that deep side of the internet, you remain anonymous, and this is where it becomes more dangerous. It becomes very difficult for law enforcement agencies to capture these people who travel through the dark side of the net as anonymous fish flowing in this area. The bill tries to address this by providing our enforcement officers with the tools to capture the people assisting those criminals and creeps who are digging down to try to access child sexual exploitation material. This is material that features children being sexually abused.

We need to call it what it is, which is why I very much support the notion of randomly sampling this material, because quite often police and prosecution lawyers are faced with the prospect of sifting through thousands and thousands of hideous, upsetting and traumatising images. Enabling them to just sample that material to get an idea of its content is very welcome. I was involved in a case like this, so I am aware of the tens of thousands of images that police and prosecution lawyers sometimes have to sift through. I commend Ms Springle for raising the idea of providing some sort of debriefing for these prosecution lawyers. As we know, law enforcement lawyers have these debriefings, but for prosecution lawyers this can be a very disturbing time.

While I commend the objectives of the bill, I have some suggested amendments. My main amendment addresses the need to call this material what it is: child sexual abuse material. It is not child pornography, it is not kiddie porn, it is not just porn. This is child sexual abuse material. This is material evidence of a crime being committed — photos from a crime scene. This is really serious material. I have been concerned, as have many other people and authorities, that calling it child pornography minimises the seriousness of the material. This is child sexual abuse material, and we should be

calling it for what it is. We should not be calling it child pornography. I will move amendments in committee that will replace the term 'child pornography' with the term 'child sexual abuse material' throughout the bill and through other consequential pieces of legislation.

Other Australian jurisdictions have already done this. We have seen the Northern Territory, New South Wales, Tasmania and Queensland move away from the term 'child pornography' to a term like 'child sexual abuse material'. The term 'child porn' itself is not even standardised, with different definitions throughout Australia. What we need to do is standardise this as child sexual abuse material. That is what it is. We should not minimise the seriousness and heinousness of this crime. I think we need to call it what it is. The Australian Federal Police website calls it 'online child sex exploitation material' or 'child sexual abuse material'. It does not use the term 'child pornography'. Interpol covers this issue very thoroughly. It notes that a sexual image of a child is abuse or exploitation and should never be described as pornography. 'Pornography' is a term that many of us sometimes use to even talk about food — that is, food pornography. Sometimes it is used in the context of renovation.

We need to talk about the seriousness of this crime. It is child sexual abuse. The Internet Watch Foundation states this incredibly well, when it says:

Please note that 'child pornography', 'child porn' and 'kiddie porn' are not acceptable terms. The use of such language acts to legitimise images which are not pornography, rather, they are permanent records of children being sexually abused and as such should be referred to as child sexual abuse images.

Other organisations such as the Virtual Global Taskforce and the National Society for the Prevention of Cruelty to Children also agree with this.

My amendment seeks to have the term 'child pornography' altered to 'child sexual abuse material'. It does not alter the content or the substance of this bill, just the term used. I think it is really important that we bring our language into line with what international enforcement agencies and other states are doing. I think Victoria should come up to that standard.

Finally, I have a second amendment which addresses clause 6 under part 2 of the bill. This is where we exempt classified films so if a film is classified it cannot be deemed as child pornography.

**Independent amendments circulated by Ms PATTEN (Northern Metropolitan) pursuant to standing orders.**

**Ms PATTEN** — My second amendment, which corrects an oversight from the drafters of the bill, is in clause 6. Clause 6 exempts from this bill any film, publication or material that has been classified by the federal government. This looks at films that have been classified G, PG, M, MA or R. I am thinking of films like *Taxi Driver*, *Lolita*, *Blue Lagoon* and a number of other films that depict children being sexually active but which would be excluded from this bill — quite rightly — because they have been classified by the federal government.

For some reason the drafters did not omit X-rated films. X-rated films are classified by the federal government and should not be confused with child sexual abuse material. For the sake of the house I would like to read out the guidelines for X18+ classified material, which state:

This classification is a special and legally restricted category which contains only sexually explicit content. That is, material which shows actual sexual intercourse and other sexual activity between consenting adults.

However, they also state:

No depiction of violence, sexual violence, sexualised violence or coercion is allowed in the category.

Most importantly they go on to say:

As the category is restricted to activity between consenting adults, it does not permit any depictions of non-adult persons, including those aged 16 or 17, nor of adult persons who look like they are under 18 years. Nor does it permit persons 18 years of age or over to be portrayed as minors.

An example would be a 27-year-old woman dressed up as a schoolgirl, which would be banned in an X-rated film. This classification clearly should not be considered as part of the bill, which is about the offence of possession of child sexual abuse material.

I commend the bill for trying to combat this incredibly serious crime of child sexual assault and the depiction of that very serious crime. I really hope I can get the support of the house for my amendments.

**Ms SYMES** (Northern Victoria) — It is not pleasant but it is necessary that people in my position and others in this house stand to make contributions on bills such as this. In preparing to speak on such bills it is impossible not to reflect on the terror that must be experienced by victims of childhood sexual abuse. Little boys and girls should be playing with friends, learning at school and being loved by family, and yet too often they are not. That terror is then compounded by the horror of the realisation that the sickening acts suffered have been recorded, distributed and shared

potentially anywhere in the world for other sadistic criminals to indulge in. I use the word ‘criminals’ intentionally and with absolute passion, for that is what the partakers in child pornography are, and by engaging in this cruel and evil form of so-called entertainment they confirm that they are no better than the bastards who inflicted the initial abuse.

The proliferation of child pornography is a growing problem confronting lawmakers across the globe. The quicker the technology and means of transmission evolves, it seems the easier and more widely this sick content travels. Whilst the enormous advances in technology have brought countless benefits to our communities, sadly they have also meant that the amount of child pornography available online has increased significantly. It has never been more readily available, and its uptake seems to be at epidemic proportions. It seems as if every week we see news bulletin highlights of yet another raid by police forces on yet another ring of peddlers. Images found on computers, tablets and mobile phones belong to people who come from all walks of life — professional and poor, wealthy and unemployed, and fathers, husbands and grandfathers. It seems there is no stereotypical individual who seeks out this sick content.

Last week the *Herald Sun* revealed that five young children had been rescued from sexual abuse in the past eight weeks due to the work of the child exploitation unit, which is a joint effort of the Victorian and Australian federal police forces. Assistant Commissioner Steve Fontana is quoted as saying:

We are trying to keep up with it but it is the fastest growing crime type in the world. Offences in Victoria alone have doubled over the past decade.

This is an area that is evolving at a frightening pace, and as lawmakers we must be focused, vigilant and ruthless in making the changes that are required and in doing so never losing sight of the horror that awaits some poor child if we do not.

The bill will modernise our current laws and make the investigation and prosecution of child pornography offences in Victoria more effective. It is but the first stage of reforms to child abuse pornography offences, and I am pleased to say that another round of reforms is currently under consideration, including changes to existing child pornography offences to cover a broader range of child abuse material as well as new offences to address the means by which they are distributed and accessed.

The methods for viewing child pornography are as prolific as the abusers and viewers. The use of websites

is a common means for access. The bill introduces new child pornography offences into the Crimes Act 1958 to discourage the creation of child pornography websites and the promotion and use of those websites. The first offence will target administrators of child pornography websites, such as those who create them, regulate their membership or monitor traffic on such websites. It will apply to administrators who intend that their website be used for dealing in child pornography or who are aware that their website is being so used.

In creating a forum for the viewing and sharing of this material these website administrators are the enablers of child abuse, if not the abusers themselves. They are just as bad, just as guilty and just as culpable. Existing child pornography laws apply to some but not all of the activities of these administrators, and this has to change.

To try to further derail this insidious trade, a second new offence will criminalise encouraging others to use a website to deal with child pornography. For instance, this offence will target those who promote or advertise a child pornography website. The changes will mean that it will not be necessary to show that a particular person was encouraged; it will be sufficient if a person encourages another person with the intention that that person uses a child pornography website. Throwing the net far and wide is the only way to rein in what has become a huge industry with an ugly, monstrous appetite.

The bill will introduce a third offence, which will criminalise providing information to another person about ways to evade apprehension for a child pornography offence, including evading existing offences in the Crimes Act or evading one of the new child pornography website offences. This new offence is about getting ourselves ahead of criminals whose sophisticated use of technology has let them get away with crimes for too long. Under this offence a person who provides advice to others about how to use a child pornography website anonymously or how to encrypt files containing child pornography will be open to prosecution.

We must go after them all — the abusers, the producers and the viewers — if we are to turn the tide and reduce the onslaught of material that has fed sick appetites and left offenders craving and demanding more, placing our children in further danger of future abuse. Under these offences it will be easier to prosecute online child pornography-related activities and to ensure that offenders are punished for their crimes. A maximum penalty of 10 years imprisonment applies to each of these new offences. That is the same penalty that

currently applies to producing child pornography. For those in possession of child pornography, the maximum penalty will be 10 years imprisonment, which is a doubling of the current 5-year penalty.

I note that there is broad support in the house for the bill. Ms Patten has circulated some amendments, and they will be dealt with in detail during the committee stage on Thursday. What we have all agreed upon is that we as lawmakers should do all we can to protect our most vulnerable from terrible exploitation and that those who are involved or are party in any way to this disgusting crime should be suitably punished.

**Mr ONDARCHIE** (Northern Metropolitan) — I rise to speak on the Crimes Amendment (Child Pornography and Other Matters) Bill 2015. I say at the outset that it is my intent to support this bill. When I was in government I often questioned why opposition members would say that they did not oppose a bill when what they really meant was that they supported it. On this occasion I say that I support this bill. This bill is intended to make the investigation and prosecution of child pornography offences more effective. Ms Patten referred to it as child sexual abuse material; call it what you like, it is just unacceptable.

In terms of the bill's main provisions, it doubles the maximum penalty for possession of child pornography to 10 years. Personally I think that is not long enough. It creates three new offences, one of which is the crime of administering a child pornography website. How low can you be? What kind of scum exists in this world to administer child pornography websites? The bill also creates an offence for encouraging the use of a website to deal with child pornography. Thirdly, it creates the offence of assisting a person to avoid apprehension for child photography offences. We have to have laws to deal with this, but I can tell you that in the Ondarchie laws, give me 5 minutes with these people and I will sort them out my way.

The bill introduces random sample evidence to avoid the requirement that each item of child pornography must be viewed and assessed. You can imagine the police and the prosecutors having to go through every piece of material and how traumatic that would be in its own right, so to be able to quickly gather enough evidence to be able to prosecute is a good thing. It also enables the police to direct that a person with knowledge of a computer or a computer network assist them in executing a search warrant, a breach of which carries a maximum two-year sentence. That is subject to a number of conditions, including that the magistrate issuing the warrant is satisfied that there are grounds for

suspecting that the data will afford evidence of an indictable offence.

Let us get on with it. Clauses 14 and 15 of the bill amend the Criminal Procedure Act 2009 to limit an accused's ability to personally view child pornography evidence in a prosecution unless it is clearly necessary to do so. The accused's legal practitioner may well inspect such evidence.

Technology has moved forward since I was born and will continue to move forward at a rapid rate. Tragically this technology is used not just for good but for evil as well.

The precious gift of a child should be sacrosanct. I have five children — three born to us and two who came into our family — and three grandchildren, and I tell you that it is a brave person who will get between me and my children. We must protect our kids. We must protect them. We must go after the scum who thrive on this hideous industry, who get involved in this child pornography. We must prosecute them to the full extent of available laws, and if the law is not strong enough, let us make it tougher. We have got to get them. It is often said, 'Who's looking after the kids?'. I tell you what: I am, and so should everybody in this place be. They are such a precious gift.

I choose not to go through all the elements of this bill, because others have done it very well today, but I will just close on this: we just must protect our kids. We must.

**Mr EIDEH** (Western Metropolitan) — I rise to make a brief contribution to this very important bill that takes another necessary step in protecting Victorian children and prosecuting any Victorian accessing or in possession of child pornography. This bill is about protecting the community, which is a high priority for the Andrews Labor government. Child pornography ruins the lives of children and families. Authorities have found that up to 7000 Victorians have been looking at sick and demeaning images online at any one time. As leaders of our community we in this Parliament are confronted with having to speak on despicable and repulsive acts such as this one, which is one that I wish — in fact I am certain that every person in this Parliament and in this state wishes — did not exist. Because such acts do exist, however, bills such as this are so important to ensure that the state's most vulnerable are protected.

The proliferation of child pornography is an issue that is affecting countries and law enforcement agencies across the world, and I am proud that with bipartisan

support the Parliament of Victoria is working hard to tackle this problem head on. This bill sends a clear message to any Victorian considering accessing or distributing child pornography that they can no longer hide behind the internet. The internet is no longer an anonymous domain for these sexual offenders' abhorrent crimes. These new laws will make it easier for the state to investigate and prosecute offenders.

The bill will insert into the Crimes Act 1958 three new child pornography offences, making it an offence to administer a child pornography website, encourage use of a website to deal with child pornography and provide assistance to another person to avoid apprehension for a child pornography offence. It will also amend the Crimes Act to increase the maximum penalty for possessing child pornography to 10 years imprisonment, to provide for the use of random sample evidence in proceedings relating to a child pornography offence and to give magistrates the power to issue search warrants that allow the executing officer to direct a person to assist them to access data on a computer. These new offences apply to creating child pornography websites, promoting those websites and using those websites. Currently almost all of those jailed by the County Court and Supreme Court for child pornography are sentenced to less than three years in prison. This bill will make this a thing of the past.

A second stage of reform, including changes to existing child pornography offences to cover a broader spectrum of child abuse material and new offences to address new ways of distributing and accessing the material, is currently under consideration. I hope the second stage is met with the same bipartisan support that this bill has. For the sake of all the children and families destroyed by child pornography, I wish this bill a speedy passage.

**Mr HERBERT** (Minister for Training and Skills) — In summing up, I once again thank members from all sides of the house who have spoken on this important legislation, and I commend them for the passion with which they have addressed it. It is clear that there is determination amongst members of this Parliament to do whatever we can to take strong action in regard to child abuse and sexual abuse, particularly to combat online child abuse. Like so many people here, I think anyone who preys on the innocence and vulnerability of children should be dealt with harshly, and we in this chamber should do all we can to eliminate the legal loopholes that these obscene, hideous predators often use to ply their evil trade with the attitude, 'If I can do it, I will. The law allows it'. This bill goes a long way to addressing that issue.

I will not go through all the aspects of the bill. It does send a clear message to anyone considering child pornography offences, whether they be those who manage or administer a website or those who give technical assistance to enable people to post on and use websites for the purposes of distributing or allowing child pornography to be accessed, that they are going to face the full brunt of the law. The proliferation of child pornography with the advent of increasingly technical ways of posting material and accessing it is a significant issue, and it is something we have to constantly guard against. We must be prepared to be flexible when it comes to legislation that governs internet and technological use in regard to the exploitation of children. I think this bill does that. I certainly commend the increase in the maximum penalty for possessing child pornography to 10 years imprisonment. It is a well-deserved penalty.

Ms Springle and some others raised the issue that the bill does not do everything it could in terms of cracking down on this increasingly complicated area of child pornography. We in government are fully aware of that, and we are working on a second stage of reforms. We are currently considering a second stage of reforms that will look at changes to existing child pornography offences to cover a broader spectrum of child abuse material and new offences to address new ways of stopping the distribution and accessing of this material. That will be in the second phase, and I am sure all members will support that legislation when it comes to this chamber. In conclusion, I commend the bill to the house and wish it a speedy passage.

**Motion agreed to.**

**Read second time.**

**Ordered to be committed next day.**

## 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. It is with regard to the redevelopment of Goulburn Valley Health and, importantly, to ensuring that the redevelopment includes all the services the Shepparton community needs from its hospital. The minister is about to appoint a community advisory group to provide community advocacy during the planning and

redevelopment of Shepparton's hospital. A key role for this committee will be to ensure that the redevelopment includes the services the Shepparton community needs. As a member whose electorate includes both Bendigo and Shepparton, I worked closely with the former health minister David Davis during the planning of the Bendigo Hospital. The outcome Mr Davis achieved for Bendigo should be a blueprint for what is delivered in Shepparton.

I am informed that the master plan for Shepparton addresses the need for the expansion of treatment spaces, which are estimated to require almost 90 more beds over the next 10 to 12 years across medical, emergency, mental health and renal dialysis, and also the need for at least three additional theatres.

However, there are some obvious areas that are missing from the master plan, including radiotherapy, an education precinct and a helipad. It is also important that the helipad is established on site at the hospital to ensure that trauma patients can be transported to major trauma units in Melbourne in the quickest and most efficient manner. Radiotherapy, an education precinct and a helipad are all part of the new Bendigo Hospital, and the community of Shepparton deserves access to the same level of service. There may be more services that need to be identified.

My request of the minister is that she include radiotherapy, an education precinct and a helipad in Shepparton's hospital and also that she allows me to take the Goulburn Valley Health Community Advisory Group to the Bendigo site for a detailed briefing and tour of the hospital so that it can use Bendigo's new hospital as a benchmark for what needs to be included in Shepparton's new hospital. Shepparton is Victoria's fourth largest regional city and our community deserves the dignity of being able access quality health services locally especially when treatment needs to be accessed on a regular basis.

I have personally experienced the difficulty families face when trying to access radiotherapy. When my father was diagnosed with secondary bone cancer, the choice was to transport him to Melbourne or Bendigo for treatment. Dad was in horrendous pain and the travel was almost unbearable for him; any small bump in the road would cause him to cry out in pain. He was also a big man and getting him in and out of the car was not possible for my mother. Mum was fortunate that she had us to assist, but many patients do not have that extended family assistance.

Public radiotherapy services are currently available in the regional centres of Geelong, Ballarat, Bendigo and

Traralgon and will soon be available in Warrnambool. A private service is available in Wodonga. It seems that Shepparton is the only regional centre that has been overlooked by this government. My request is that the minister include radiotherapy, an education precinct and a helipad in Shepparton's hospital and also that she allows me to take the Goulburn Valley Health Community Advisory Group to the Bendigo site for a detailed briefing and tour of the hospital so that they can use Bendigo's new hospital as a benchmark for what needs to be included in Shepparton's hospital.

### **Glenormiston College site**

**Mr PURCELL** (Western Victoria) — The adjournment matter I raise tonight is for the Minister for Training and Skills. The closure of Glenormiston College has had a significant impact on the Western District of Victoria and representatives of the education and training sector and local industry and other constituents have all raised concerns about the future of this iconic property. The site currently includes many long and short-term leases, including Total Livestock Genetics, which utilises the Trufoods buildings and associated farmland. The site has been run successfully for many years as an agricultural college but was declared surplus to needs by the previous government and put up for sale by expression of interest. In past years the college has run successful dairy and horse management courses and it has now become more important than ever that we continue to keep the productivity of the dairy industry at a high level. The future of this industry, which is currently world competitive, relies on productivity within the industry.

The homestead at Glenormiston sits on a large acreage. It is a very attractive building that is worth preserving and I know that many members in this place have seen it. The Black family, who are very involved in this issue, owned the property and, as I understand it, sold it to the Victorian government at a discount rate so that it could be used for educational purposes. There is widespread local interest in ensuring that this outstanding facility is retained for education and training purposes. While I understand the Minister for Training and Skills has put a halt to the sale, I ask him to arrange a full departmental briefing to enable me to have input into any future proposals or attempts to restore education and training to this site.

### **Mornington Peninsula schools**

**Mr MULINO** (Eastern Victoria) — My adjournment matter is for the Minister for Education. I ask that the minister visit certain schools in my electorate with me to discuss with school communities

and stakeholders the implementation of recent significant increases in funding and how that is benefiting education in the area. In particular I would like to nominate some schools in the Mornington Peninsula area which have provided benefit right throughout the community from increased funding. Across the peninsula there are 4 schools that have received over \$300 000 additional funding in the recently announced initiative, there are 13 schools that have received over \$100 000, and 25 schools have received over \$50 000. I would like to visit with the minister Osborne Primary School, Dromana Secondary College and schools in the Mount Eliza area.

Of course there are a number of reasons why we need increased funding for education. Our state is growing rapidly and there are increased cost factors, and these are built into the budget. It is critically important that education funding increases over time to reflect the growing population and increased cost factors. There is also the difficult issue of equity, and that has been particularly addressed in recently announced measures. What we see is much more targeted funding — a layer of increased funding that is targeted at schools with students with particular needs and a particular disengagement from the education process. In the last batch of announcements we have seen additional support for teachers and principals to help students with particular needs. There have been targeted interventions for those most disengaged students, and there has been a strengthening of the curriculum. We see a government that is committed to the Gonski funding in 2015, 2016 and 2017 and that has engaged Steve Bracks, a highly respected former Premier, to undertake a review of education funding beyond that.

I look forward to visiting those schools and over time other schools with the Minister for Education and to seeing this highly targeted funding bear fruit over time with some of our state's most disadvantaged students — those who need additional help.

**The PRESIDENT** — Order! I say to Mr Mulino that I am in a benevolent mood and he is fortunate, because that was not an adjournment item. Apart from anything else, it bore all the hallmarks of a press release or a set speech. It talked about the government's achievements, and talked about them in a way that was a speech rather than in context for an action. I will let it stand tonight, but that is not the way an adjournment item ought to be phrased, as I indicated in the notes that I sent around in the last sitting week.

## University Hospital Geelong funding

**Ms WOOLDRIDGE** (Eastern Metropolitan) — My adjournment matter tonight is for the Minister for Health, the Honourable Jill Hennessy. I call on her to provide additional funding to Barwon Health for University Hospital Geelong to enable it to open additional beds, ideally at least one ward, if not more — beds that are available to be used but are not staffed, not open and not available to patients in the Barwon region.

Back in 2012–13 the coalition government invested nearly \$100 million — \$93 million — in the expansion of capacity at the University Hospital Geelong, with a total of 64 new beds to cater for cancer patients, people needing palliative care and older patients with complex needs. These additional beds have now been opened, but it has been found that patients have been moved from existing wards into the new wards without additional funding being provided for Barwon Health so there are additional beds. The new areas are being utilised largely, but not completely. For example, there is a 32-bed ward, which would provide a capacity for 24 palliative care beds and 8 acute beds, in Baxter Wing 7. That is complete but not being utilised. Some of the beds that have been moved out of the old area into the new area, while they have been refurbished or in the process of being spruced up, have not been funded to enable people to access those services.

Back in June 2015 the minister in the other place said during questions without notice in a minister's statement:

The number of beds matters because it reflects the capacity of a hospital and its ability to treat patients. Less beds means less patients that can be treated. Less beds means longer waits in emergency departments. Less beds means longer waits on the elective surgery waiting list.

The fact is that the data released for the April–June quarter shows that down at Barwon Health University Hospital Geelong had only 62 per cent of emergency department patients treated in time. That is 38 per cent who were not treated in time and who languished in the emergency department because the beds were not open. As the minister herself said, the beds are not there so patients in emergency departments cannot be treated within clinically acceptable time frames. This is the worst result for any hospital across regional Victoria and the second worst right across the state.

We need the minister to fund these beds so that people in the Barwon region can get the treatment they need in the emergency departments, so they can access the elective surgery they need and so they can get treated on time. I call on the minister and the Premier to fund

the hospital so that the empty beds can be opened and people in Barwon will not have to endure long delays to get the treatment they need.

### **Bannockburn P-12 school**

**Ms TIERNEY** (Western Victoria) — My adjournment matter is for the Minister for Education, James Merlino, and it is in relation to the Bannockburn P-12 school. The local community has been campaigning for many years to get a new school. Bannockburn is one of the fastest growing towns in one of the fastest growing municipalities in this state, the Golden Plains Shire. The community and the council have gotten right behind this campaign over a long period of time. I understand that we became aware of this during the term of the Brumby government, and we went to the 2010 election with a commitment to build that school. I understand that the coalition also made that commitment, but in its four years of being in government it did not do that at all. It has been left to the Andrews Labor government to deliver on this. I had the opportunity to go out to Bannockburn and make the announcement that the first sod will be turned halfway through next year and that day one of term 1 in 2018 will see the opening of that school.

Given the positive reaction we had to that visit to Bannockburn last week — there has been a flurry of communication on social media, Facebook and everything else from parents and people who want to go and live in Bannockburn — the information the community and I seek from the minister tonight is: when will families in the region be able to enrol their children at the new school, and will the school accept enrolments for all year levels in 2018 or will new year levels be phased in each year?

### **Birregurra quarry**

**Mr RAMSAY** (Western Victoria) — My adjournment matter is for the Minister for Energy and Resources. I have been contacted by a group of farmers at Birregurra who have raised concerns about the process and behaviour of regional managers at Minerals Development Victoria and Regional Development Victoria in providing advice to an applicant that was unsuccessful in its application to the Colac Otway Shire Council for a planning permit to construct a quarry on Mooleric Road to a depth of 30 metres and covering approximately 64 hectares but is now intending to have its case heard at the Victorian Civil and Administrative Tribunal (VCAT) in November.

The landholders have significant concerns that the groundwater and aquifers will be impacted by the

proposed quarry and its depth of extraction. It was on this basis that the Colac Otway shire saw fit to not support the application. The farmers' livelihood is based on the protection of their water quality, and through the FOI process they were able to access documents that show discussions and emails between managers of Minerals Development Victoria, Regional Development Victoria, Earth Resources Regulation (ERR), the inspector of mines and the applicant, MCG Group, about how to change the application to achieve a likely success at the VCAT hearing and then, once successful, apply to ERR for a work plan variation to extract to the original depth application.

There is a smell about this whole process. It seems prejudiced against farmers who are merely trying to protect their livelihoods but do not have the means to pursue a long legal fight within VCAT and who have to contend with government regulators seemingly aiding and abetting the applicant. I ask the minister to review the process and the behaviour of the government departments involved in this issue prior to the VCAT hearing and evaluate if in fact their actions indicate a bias in favour of the applicant.

### **Justice impact assessments**

**Ms PENNICUIK** (Southern Metropolitan) — My adjournment matter is for the Attorney-General. It concerns establishing a framework for justice impact assessments for regulatory proposals, as outlined by the Law Institute of Victoria (LIV) in its *Call to Parties — State Election 2014 Key Issues* document. The benefits of introducing justice impact assessments include better informing the Parliament, improving ministerial and departmental decision-making and improving the overall health of the justice system. The Law Council of Australia supports the introduction of such assessments at the federal level.

The LIV's policy proposal involves an amalgamation of the UK's justice impact test model and Victoria's regulatory impact statement model whereby policymakers developing any policy likely to have an impact on the civil or criminal justice systems must prepare a justice impact assessment. Included in the assessment would be an analysis of the impact of the policy proposal on the courts, legal aid funding, prisons and corrections services, prosecuting bodies and the judiciary. Other areas would include the volume, length and cost of legal inquiries and disputes, the cost of and demand for private legal services, and the criminal and civil justice systems as a whole.

Apart from the UK providing for such assessments, the European Union has produced guidelines for preparing

impact assessments to provide for consideration of environmental, social and economic impacts of proposed policy changes. Assessing the social impact includes analysing the effect on the individual's access to justice, the effect on public institutions and administrations, and the effect on existing inequities in society.

In Virginia in the United States fiscal impact statements for any proposed legislation that may lead to a net increase in periods of imprisonment in state prisons must include assessments of impacts on adult and juvenile offender populations, impacts on local and regional jails, and impacts on state and local community corrections programs. In Canada regulatory impact assessment statements must consider a broad range of factors, including the potential impacts of the regulation on health and safety, security, the environment and the social and economic wellbeing of Canadians.

My request to the Attorney-General is that he consult further with the LIV and other key stakeholders on this issue, with a view to introducing justice impact assessments in Victoria.

**The PRESIDENT** — Order! That was wonderful — I meant the length. Ms Pennicuik prevailed upon me; she came late to the list, and she was very apologetic about coming late to the list. She has compensated, and now I am elongating the matter!

### **Warrnambool Base Hospital**

**Mr MORRIS** (Western Victoria) — Thank you, President; that is a hard act to follow! My adjournment matter is for the attention of the Minister for Health and relates to the Warrnambool hospital. The coalition government funded and opened both stages 1 and 1A of the Warrnambool hospital redevelopment, which provided critically needed extra hospital capacity in the vibrant regional city of Warrnambool. The coalition also provided \$15 million for the integrated cancer centre that is currently under construction in Warrnambool.

Stage 2 of the Warrnambool hospital redevelopment is now in need of funding. At the last election the coalition committed to funding the \$100 million stage 2 redevelopment to provide a new and expanded emergency services department, which is desperately needed, with presentations to the Warrnambool emergency department growing by almost 100 per cent in the past decade. The stage 2 redevelopment will also provide new and additional operating theatres, upgrades to medical imaging and diagnostic facilities, and

expanded day surgery capacity at Warrnambool hospital.

South-west Victoria is growing, and so are the demands on the Warrnambool hospital. The population served by the hospital is expected to grow by some 40 per cent over the next 20 years, which is why the stage 2 redevelopment is so vitally important. I call upon the Minister for Health to match the coalition's election commitment to fund the critically important stage 2 redevelopment of the Warrnambool hospital as a matter of urgency.

### **Gunaikurnai community, Gippsland**

**Ms SHING** (Eastern Victoria) — My matter is for the attention of the Minister for Aboriginal Affairs. I rise to make this contribution on a day when we have so proudly seen the Aboriginal flag raised for the first time on a permanent basis here at Parliament. It is an occasion of significance. As has been noted by a number of people in contributions in this chamber today as well as more broadly, it is a great shame that it has taken us this long to get this far, but it is an important step forward nonetheless.

The matter I wish to bring to the minister's attention is the set of challenges currently being faced by the Gunaikurnai people of the Gippsland region, who number approximately 3000. They have a rich and very positive set of stories to tell, and they make an enormous contribution to the communities in which they live and work. I would like to ask the minister for an undertaking and a commitment to work further on the challenges faced by the Gunaikurnai throughout Gippsland in relation to health, employment opportunities, education and training, and access to services, which so many from the broader community can avail themselves of without the barriers of intercultural communication.

I also ask that the minister visit Gippsland, further to the work she has already done and the attention she has paid to the area, in order to better understand the way the Gunaikurnai make their contributions and that she work with me to understand how we can improve services, educational outcomes and health outcomes and better enable the Gunaikurnai to make the contributions they do to the very rich community in the part of the state I represent.

### **Women's participation in sport**

**Ms CROZIER** (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Sport. It is well known that participation in sport has

multiple benefits. Statistics on the rates of obesity in Australia are alarming. The Victorian Better Health Channel cites the *Australian Health Survey — First Results, 2011–12* as stating that for Australian adults 18 years and over, the proportion of people in the overweight and obese category has increased over time from 56.3 per cent in 1995 to 61.2 per cent in 2007–08 and 62.8 per cent in 2011–12. Sport and physical activity can prevent or reduce many health-related problems, including diabetes, high blood pressure, heart disease, osteoarthritis, cancer and mental health problems such as anxiety and depression, and it is well documented that children who are active are more likely to mature into physically active adults.

If we know all these benefits, why are we not doing anything further to promote greater participation, especially for girls and women? In the Bayside area a significant barrier to participation has been identified, and that is a lack of facilities. I would like to commend the Grass Ceiling campaign in my electorate of Southern Metropolitan Region, which calls for a fair go for girls and women who love their sport. The Grass Ceiling campaign calls for better change rooms, more courts, better courts and guaranteed funding that is on a par with funding for men's teams.

The mayor of the City of Bayside, Cr Felicity Frederico, has made female participation in sport a priority for that council, which is working towards upgrading 27 sporting facilities within the next 15 years. A recent article in the *Bayside Leader* highlighted the need for better facilities. It stated that Bayside has 27 sporting pavilions, 50 sports clubs, 1300 teams and 20 000 club members, that 80 per cent of these pavilions predate 1960 and that 96 per cent of the sporting pavilions do not have appropriate change facilities for women. It also said that the Sandringham and District Netball Association has eight clubs and more than 2200 registered members but that 190 association netballers are on a forced bye each week because of inadequate facilities or courts.

The action I seek is that the minister speak to the Premier about the need for greater female participation in sport, highlighting the disparity that exists, and request that the Premier raise this issue at the Council of Australian Governments meeting so that the need for greater women's participation can be further highlighted at a national level.

**The PRESIDENT** — Order! Ms Crozier's contribution just scraped in, again because I am benevolent. We are not supposed to be running with items that ask ministers to go to the federal government. Ms Crozier has basically asked one minister to ask

another minister to talk to someone else. That is a problem.

### Benalla Gold Cup

**Ms SYMES** (Northern Victoria) — The adjournment matter I am raising tonight is a matter for the Minister for Racing, the Honourable Martin Pakula. It follows a recent visit to my electorate, where we met with the Benalla Racing Club to announce the Labor government's funding of \$66 000 by the Victorian Racing Industry Fund's Raceday Attraction program for the Benalla Gold Cup. With the help of this funding the Benalla Racing Club is able to promote the event far and wide, putting on a bigger and better race day and hoping to increase attendances by a third — it is aiming to have more than 4500 people at this year's Benalla cup.

**Mr Herbert** — Sea Devil!

**Ms SYMES** — Sea Devil — you heard it here. Here is a tip.

Benalla is buzzing with excitement about this year's cup. The event's success is going to be bolstered by the fact that it is being held on 2 October — the grand final eve public holiday. I understand that the club was on the phone to Racing Victoria at 9.00 a.m. after the election result putting their case for a race day on the Friday of the long weekend. The Benalla Racing Club has welcomed the new public holiday and has seized the opportunity provided by the new long weekend. It has used some of the funding to develop promotional material to entice people from Melbourne to head up the Hume for a great experience in Benalla and the region.

It is going to be an AFL-themed race day, so there will be a marquee and past players and media personalities as cup ambassadors. There will also be an after-the-race performance by country area favourite Daryl Braithwaite. I grew up in Benalla, and I can say that *The Horses* is going to go off.

**Ms Shing** interjected.

**Ms SYMES** — There might be one.

This long weekend is set to be huge for Benalla. It also coincides with the Goulburn Valley Football League grand final on the Sunday, which is being held in Shepparton. The Benalla seniors, reserves and under-18s are all in play for the grand final, as is the under-17 netball team. This is potentially a huge weekend for Benalla and the region, so my specific request of the minister is for him to come to Benalla to

join me at the Benalla cup. In fact I extend the invitation to all members of this house to head up the Hume to Benalla for what is going to be the start of a great long weekend. Enjoy a champagne and place a bet on Mr Herbert's tip for the race.

### Holi festival

**Mrs PEULICH** (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Minister for Multicultural Affairs, Mr Robin Scott. It is in relation to a pre-election promise made at the 11th hour by the Labor opposition, most notably by the member for Cranbourne in the Assembly, Jude Perera, and the member for Narre Warren South in the Assembly, Judith Graley, to provide \$120 000 to Australian Indian Innovations Incorporated for the funding of the Holi festival, the next one of which is scheduled for March 2016.

That organisation is a fabulous organisation run by some great people, including Vernon Da Gama, Babu Akula, Harjinder Soni and Yogen Lakshman. They were excited by this news. They do a terrific job and attract a crowd of some 15 000 people to the Festival of Colours. It is a great equaliser and there is much merriment. There were photographs of Ms Graley and Mr Perera with placards of the promise, but unfortunately the organisation has not yet seen a brass razoo. As you can appreciate, venues for these events need to be booked early and planning time is critical, especially for these organisations which are essentially run by volunteers, so I call on the minister to honour his pledge. This government seems to take pride in honouring the pledges it makes, and we would encourage it to do so. This is one of them. There is no time to be lost. The government needs to come forward with the money — at least with the \$30 000 for the first year. It did promise \$30 000 each year for the forthcoming term.

We all go to the festival. The President always goes to the Holi festival and the Diwali festival run by this wonderful organisation. We do not want to see it bite the dust. They have worked very hard to get it off the ground. It is a wonderful celebration of Indian culture and tradition. It is certainly something I would like to see continue to happen smack bang in the middle of my region at Tattersson Park.

**The PRESIDENT** — Order! Again, for the sake of getting this right, the action sought is not that the minister honour a promise but that the minister make available the \$30 000. It is important to get these items straight because after sending around that practice note the previous week, already — a week later — we are

framing matters in a way that really is not consistent with our standing orders. The good news is I am thinking of getting Ms Tierney to do the adjournments!

### Bulla landfill

**Mr FINN** (Western Metropolitan) — I raise a matter for the attention of the Minister for Environment, Climate Change and Water. It is quite extraordinary that I first raised this matter close on 20 years ago, and it is staggering that it is still a problem. The matter revolves around the mystery surrounding the Bulla tip and what goes into it. The Bulla tip is on the main Sunbury–Melbourne road, and many thousands of motorists pass this tip every day. On some days — and I can vouch for this myself — the smell is horrendous and in fact does lead to nausea in many instances. I pass this particular tip on a very regular basis on my way to Sunbury, and the smell is almost milk curdling sometimes. There has also been of recent times speculation as to what actually goes into the tip and speculation that has led to a view that maybe asbestos is being dumped in the tip. It is important to know exactly what is in there and what is being dumped in there.

I say, and I have said this before, it is no secret to anybody in this house or indeed outside the house for that matter that I hate the fact that the west and the north-west of Melbourne are the dumping grounds of our state. I have pretty much had a gutful of that, but given that in certain instances that is the case, we at least need to know what is being dumped upon us from a very great height.

I ask the minister to initiate a full Environment Protection Authority Victoria investigation of all environmental matters relating to the Bulla tip. It is only fair, it is only right and it is only reasonable that locals have a right to know what is dumped practically in their backyards. Anything less than that is totally unsatisfactory. It is in fact intolerable, and I for one will not tolerate Bulla and surrounds being kept in the dark on this particular matter. I ask the minister as a matter of urgency to initiate an investigation into this tip and provide answers to questions that locals are asking about this facility.

### Colac police station

**Mr O'DONOHUE** (Eastern Victoria) — I raise a matter for the attention of the Minister for Police. As I have outlined to the house previously, regrettably the new government made no commitments to the upgrade of infrastructure at police stations around country Victoria, but unfortunately there are a range of police

stations that need urgent rebuilds or capital upgrades. I have raised before in the house the matter of the Colac police station. The coalition gave a commitment at the last election to rebuild that station.

The then member for Polwarth in the other place earlier this year lobbied the government to fund and match in its first budget the commitment made by the coalition to rebuild the Colac police station. I have been to the Colac police station on several occasions and seen for myself the dilapidated state of that infrastructure. I have met with the police officers there and heard them talk about the challenges they face in discharging their duties to the community with the infrastructure they have at their disposal. This year the security environment has changed, which has led to some temporary security infrastructure upgrades at Colac, but what the changed security environment demonstrates is that this police station, which has not had any major investment since the 1970s, needs to be completely rebuilt, as the coalition promised it would do if it were re-elected.

It is not fit for purpose; it is not up to scratch. The Colac police station is a major 24-hour police station located between Geelong and Warrnambool. It services a large population and a large geographical region. The time for talk on this issue is over and the time for action is now. I call on the minister to commit to the complete and full rebuild of the Colac police station, as the coalition did prior to the last election, as the community demands and as the local hardworking members of Victoria Police need and deserve. I ask him to commit to that now.

### Responses

**Mr HERBERT** (Minister for Training and Skills) — There are a number of matters here which I will refer to the appropriate minister.

Ms Lovell raised an issue for the Minister for Health regarding funding for radiotherapy facilities in the rebuild of the Shepparton hospital.

Mr Mulino raised an issue for the Minister for Education asking him to visit schools in his electorate to discuss how extra funding will be used.

Ms Wooldridge raised an issue for the Minister for Health seeking additional funding for Barwon Health to open more beds.

Ms Tierney raised an issue for the Minister for Education seeking information on when families can enrol in the recently announced new Bannockburn

P-12 school, what levels will begin at the school and over what years.

Mr Ramsay raised an issue for the Minister for Energy and Resources seeking a review of the process and government actions regarding a quarry application in the Colac Otway shire.

Ms Pennicuik requested an action from the Attorney-General seeking consultation with the Law Institute of Victoria and other bodies with regard to developing justice impact assessment statements.

Mr Morris raised an issue for the Minister for Health seeking funding for stage 2 of the Warrnambool hospital.

Ms Shing raised an issue for the Minister for Aboriginal Affairs seeking that the minister visit and work with the Gunaikurnai people in Gippsland to improve health, education and other services to improve the life opportunities of that group.

Ms Crozier raised an issue for the Minister for Sport seeking that the minister speak to the Premier about ways to increase participation in women's sport.

Ms Symes raised a matter for the Minister for Racing seeking that the minister come to the Benalla Gold Cup on 2 October, the AFL theme day and public holiday, to enjoy the fun. It will be a great day.

Mrs Peulich raised an issue for the Minister for Multicultural Affairs seeking funding for the Holi festival at Tattersson Park.

Mr Finn raised an issue for the Minister for Environment, Climate Change and Water regarding the Bulla tip and asking for an Environment Protection Authority Victoria investigation into what goes into the tip.

Mr O'Donohue raised an issue for the Minister for Police seeking a commitment to completely rebuild the Colac police station.

Mr Purcell raised an issue for me as the Minister for Training and Skills seeking a meeting and a full departmental briefing about the government's proposals for the Glenormiston College site. I am happy to answer Mr Purcell now, seeing as I am in the chamber. Glenormiston College was a great institution with 40 long years of history serving agricultural training in this state. It was a fabulous site — one of those sites you rarely see in a former education facility. It had a great history, but unfortunately it was closed recently and in 2013 under the previous government it was put

on the asset disposal list. The previous government did look at other ways of opening the site, but that was under its policy settings for TAFE, which saw massive cuts to the system, and simply no-one turned up.

We have very different views on and policy settings for TAFE, and that includes the \$320 million TAFE Rescue Fund. When I recently visited the site I spoke to a number of people, and I thought about the site being significant for the state's agricultural training as well as being significant in the Western District. I am not prepared to have it sold off without having a go at trying to find an education provider to be involved in it and reopen it, and I have spoken to the department to that effect. I cannot say I will be successful, but I can say we will have one last go at trying to find someone to reopen the facility and put it to good use. It may be different, but it should provide education for western Victoria. It is a fantastic site, and I will do all I can to reopen it. I am more than delighted to offer Mr Purcell a full departmental briefing and to get his expertise and local knowledge of the area, of the Black family and of others to assist in trying to find another provider for the site.

I have written responses to adjournment debate matters raised by Mr Morris and Mr Purcell on 4 August; Mr Bourman, Mr Finn and Mrs Peulich on 5 August; Ms Hartland on 6 August; Mr Davis, Ms Fitzherbert, Ms Lovell and Mr O'Donohue on 18 August; Ms Bath and Dr Carling-Jenkins on 19 August; Mr Finn, Ms Lovell, Mr Mulino and Mr O'Donohue on 20 August; Mr Morris and Mr O'Donohue on 1 September; and Mr Mulino on 2 September.

**The PRESIDENT** — Order! I remind members that there are two sessions being conducted in the next two days for members of Parliament to consider some of the issues surrounding ethics. The first opportunity is tomorrow morning, and it would not be a problem if you have not already indicated that you are attending. Tomorrow there is a breakfast session from 8.15 a.m. to 9.15 a.m. in the members dining room. For those who would like to attend but cannot do so tomorrow morning, there is a session at lunchtime on Thursday between 1.00 p.m. and 2.00 p.m. On that basis the house stands adjourned.

**House adjourned 10.17 p.m.**

**WRITTEN RESPONSES TO QUESTIONS WITHOUT NOTICE**

*Responses have been incorporated in the form supplied to Hansard.*

**Electorate office staff**

**Question asked by:** Ms Wooldridge  
**Directed to:** Minister for Agriculture  
**Asked on:** 3 September 2015

**RESPONSE TO SUPPLEMENTARY QUESTION:**

Electorate office staff are employed under the Parliamentary Administration Act 2005 by the Presiding Officers with their employment subject to terms and conditions as determined by the Presiding Officers.

Pool staffing arrangements have been in place for almost 20 years and have been used by all political parties. They have been overseen by Presiding Officers from both sides of politics. This collaborative pooling of resources is an efficient way for parliamentary parties to support Members.

No permanent or casual staff hours were contributed to the Community Action Network.

Electorate Officers employed by me have been employed, and conducted their duties, within the Parliament of Victoria's rules and guidelines as issued by the Presiding Officers.

**Child protection**

**Question asked by:** Ms Crozier  
**Directed to:** Minister for Families and Children  
**Asked on:** 3 September 2015

**RESPONSE:**

I am advised that as at 3 September 2015 there was one vacancy at the Mildura DHHS office. I am further advised that this vacancy is currently under recruitment awaiting finalisation of referee checks.

The 2015-16 State Budget resources an additional 148.8 FTE workers in child protection to meet the impact of 10,000 additional reports forecast for 2015-16 - the largest ever single increase to the number of child protection positions.

As a result of the budget, the Mildura office received 2.5 FTE for a Rural After Hours Service and also received ongoing funding for a 0.5 FTE Family Led Decision Making position. In addition, North Division Child Protection was allocated a Practice Leader to address sexual exploitation working across the division.

These significant improvements will give the Department greater capacity to respond to the increasing number of children being reported to child protection, to investigate reports where required and to provide longer term intervention and support where necessary.

The recruitment and retention of qualified staff is critical to meeting the requirements of child protection services in Victoria.

The Andrews Labor Government understands the importance of filling any staff vacancy and is working with the Department of Health and Human Services (DHHS) to ensure that this happens as quickly as possible.

### **Electorate office staff**

**Question asked by:** Ms Fitzherbert  
**Directed to:** Minister for Families and Children  
**Asked on:** 3 September 2015

#### **RESPONSE:**

Pool staffing arrangements have been in place in the Victorian Parliament for almost 20 years and are used by all political parties and have been overseen by the Presiding Officers from both sides of politics.

Electorate office staff are employed under the Parliamentary Administration Act 2005 by the Presiding Officers with their employment subject to terms and conditions as determined by the Presiding Officers.

My staff have always acted within these guidelines in their duties as electorate staff in supporting my work as a member of Parliament.

No permanent or casual staff hours were contributed to the Community Action Network.

### **Social enterprise employment**

**Question asked by:** Ms Patten  
**Directed to:** Minister for Families and Children  
**Asked on:** 3 September 2015

#### **RESPONSE:**

- Whilst the Australian Government has responsibility for employment programs for people with a disability and older Australians, the Victorian Government is committed to demonstrating leadership on this important issue.
- The Victorian Government is also committed to ensuring Victorians benefit from economic and employment opportunities, particularly people who face barriers to accessing the labour market.
- To that end, the Government has commenced a review of all of its employment programs with the aim of ensuring our efforts are targeted and best support the most vulnerable, disadvantaged and economically under-represented into employment, including people with a disability and older Victorians.
- The Government is also currently considering the results of a supply policy review which included an analysis of opportunities to promote minority groups that face additional barriers to employment such as people with a disability employed by Australian Disability Enterprises.
- Meanwhile the Government has various initiatives underway including:
  - a funding commitment of \$6.6 million over four years to continue to support the five Work and Learning Centres at Carlton, Geelong, Moe, Shepparton and Ballarat. Work and Learning Centres provide tailored individual support to disadvantaged and vulnerable jobseekers including people with a disability and older Victorians to help address vocational and non-vocational barriers to employment. They also work closely with local employers to assist clients into employment and provide post-employment support to help clients maintain employment.
  - the Futures for Young Adults program, incorporating the Transition to Employment initiative, which supports approximately 1,300 young people with a disability each year. This program assists people with a disability to build skills and connections necessary to achieve their social and economic goals after leaving school.
  - recently publishing of the Australian Disability Enterprises register on the Victorian Government Purchasing Board website to promote the use of the register to those undertaking procurement.
  - the Neighbourhood House Coordination Program which provides funding to over 370 Neighbourhood Houses, 16 Neighbourhood House Networks and the Association of Neighbourhood Houses and Learning

Centres. These assist people with a disability and older Victorians to improve their training and employment pathways. Forty three of these Neighbourhood Houses operate in the Northern Region.

- Disability Action Plans which outline the specific commitment of each Victorian Government department to reduce barriers to employment for people with a disability. For example, as part of its Disability Action Plan commitment, the Department of Health & Human Services offers targeted internships to provide people with a disability with the opportunity for paid work experience.
- Early engagement with stakeholders on the next State Disability Plan for 2017-2020 has already commenced and it is anticipated that economic participation will be a key focus of the next Plan.