**PARLIAMENT OF VICTORIA**

# PARLIAMENTARY DEBATES (HANSARD)

## LEGISLATIVE COUNCIL

## FIFTY-EIGHTH PARLIAMENT

## FIRST SESSION

**Tuesday, 20 October 2015**

**(Extract from book 15)**

**Internet: www.parliament.vic.gov.au/downloadhansard**

**By authority of the Victorian Government Printer**

## The Governor

The Honourable LINDA DESSAU, AM

## The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

## The ministry

| | |
|---|---|
| Premier | The Hon. D. M. Andrews, MP |
| Deputy Premier and Minister for Education | The Hon. J. A. Merlino, MP |
| Treasurer | The Hon. T. H. Pallas, MP |
| Minister for Public Transport and Minister for Employment | The Hon. J. Allan, MP |
| Minister for Small Business, Innovation and Trade | The Hon. P. Dalidakis, MLC |
| Minister for Industry, and Minister for Energy and Resources | The Hon. L. D'Ambrosio, MP |
| Minister for Roads and Road Safety, and Minister for Ports | The Hon. L. A. Donnellan, MP |
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| Minister for Housing, Disability and Ageing, Minister for Mental Health, Minister for Equality and Minister for Creative Industries | The Hon. M. P. Foley, MP |
| Minister for Emergency Services, and Minister for Consumer Affairs, Gaming and Liquor Regulation | The Hon. J. F. Garrett, MP |
| Minister for Health and Minister for Ambulance Services | The Hon. J. Hennessy, MP |
| Minister for Training and Skills | The Hon. S. R. Herbert, MLC |
| Minister for Local Government, Minister for Aboriginal Affairs and Minister for Industrial Relations | The Hon. N. M. Hutchins, MP |
| Special Minister of State | The Hon. G. Jennings, MLC |
| Minister for Families and Children, and Minister for Youth Affairs | The Hon. J. Mikakos, MLC |
| Minister for Environment, Climate Change and Water | The Hon. L. M. Neville, MP |
| Minister for Police and Minister for Corrections | The Hon. W. M. Noonan, MP |
| Attorney-General and Minister for Racing | The Hon. M. P. Pakula, MP |
| Minister for Agriculture and Minister for Regional Development | The Hon. J. L. Pulford, MLC |
| Minister for Women and Minister for the Prevention of Family Violence | The Hon. F. Richardson, MP |
| Minister for Finance and Minister for Multicultural Affairs | The Hon. R. D. Scott, MP |
| Minister for Planning | The Hon. R. W. Wynne, MP |
| Cabinet Secretary | Ms M. Kairouz, MP |

**Legislative Council committees**

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

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

**Legislative Council standing committees**

**Standing Committee on the Economy and Infrastructure** — Mr Eideh, Mr Elasmar, Mr Finn, Ms Hartland, Mr Morris, Mr Ondarchie and Ms Tierney.

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

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

# participating members

**Legislative Council select committees**

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

**Joint committees**

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

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

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

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

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

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

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

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

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

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

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

**Heads of parliamentary departments**

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

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

*Parliamentary Services* — Secretary: Mr P. Lochert

**MEMBERS OF THE LEGISLATIVE COUNCIL**

**FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

**President:** The Hon. B. N. ATKINSON

**Deputy President:** Ms G. TIERNEY

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

**Leader of the Government:**
The Hon. G. JENNINGS

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

**Leader of the Opposition:**
The Hon. M. WOOLDRIDGE

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

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

**Leader of the Greens:**
Mr G. BARBER

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

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

**PARTY ABBREVIATIONS**

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

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## TUESDAY, 20 OCTOBER 2015

# Tuesday, 20 October 2015

**The PRESIDENT (Hon. B. N. Atkinson) took the chair at 2.05 p.m. and read the prayer.**

**The PRESIDENT** — Order! I take this opportunity on behalf of the Victorian state Parliament to acknowledge the Aboriginal peoples, the traditional custodians of this land, which has served as a significant meeting place of the first people of Victoria. I acknowledge and pay respect to the elders of the Aboriginal nations of Victoria past and present and welcome any elders and members of the Aboriginal communities who may visit or participate in the events or proceedings of the Parliament this week.

## ABSENCE OF MINISTER

**Mr JENNINGS** (Special Minister of State) — As a courtesy to the house I inform the chamber that my colleague Ms Pulford, the Minister for Agriculture and Minister for Regional Development, will not be in attendance in Parliament this week. I will take questions on her behalf.

## ROYAL ASSENT

**Message read advising royal assent on 13 October to:**

**Criminal Organisations Control Amendment (Unlawful Associations) Act 2015**
**Energy Legislation Amendment (Consumer Protection) Act 2015**
**Racing Amendment Act 2015**
**Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act 2015**
**Serious Sex Offenders (Detention and Supervision) and Other Acts Amendment Act 2015.**

## QUESTIONS WITHOUT NOTICE

### Melbourne Metro rail project

**Ms WOOLDRIDGE** (Eastern Metropolitan) — My question is to the Leader of the Government. Can the minister guarantee that no further Victorians will have their homes or businesses compulsorily acquired for the Melbourne Metro rail project, apart from what has been announced today?

**Mr JENNINGS** (Special Minister of State) — I thank Ms Wooldridge for her question. To my knowledge the requirements for the metro rail project, which this government is very proud to develop and get underway — we have committed significant funding in the forward estimates to support this project — have been subject to careful planning and consideration for what will be two 9-kilometre tunnels being added to the capacity of the Victorian metropolitan rail system and will lead to five new stations been developed.

Within the configurations of those 9 kilometres of tunnels and five stations that have been allocated, my ministerial colleague the Minister for Public Transport today has indicated that, on the basis of the advice we have received on the scope of the project, 44 buildings are required to be obtained to secure that development. Whilst there are 94 titles within those buildings, 44 is the total we anticipate need to be procured to enable the development to occur. That includes nine houses in South Kensington, five in South Yarra and an apartment building in the CBD with 49 apartments.

**Ms Wooldridge** — There won't be any more? Is that it?

**Mr JENNINGS** — I think I have said already, in response to interjections, on two occasions that the government has been advised on the scope of procurement that is required to complete the project. On the basis of the design that has been completed and on the advice that we have obtained from the project managers and the engineers, we believe, with a high degree of confidence, that that will be the limit of buildings that are required.

Can I go the last stage and say 'guarantee'? That is a pretty moot point. It may be something that the opposition may want to trade on, but what I can say to you is that it is the intention of the government to secure 44 buildings, as has been identified by my colleague the Minister for Public Transport today. We will stand by our confidence that that will enable us to proceed with this very important project, which will see an additional 20 000 passengers per hour travel through the metropolitan rail system in the years to come.

*Supplementary question*

**Ms WOOLDRIDGE** (Eastern Metropolitan) — I thank the Leader of the Government for his response. Certainly he has received advice that they do not expect there to be further compulsory acquisitions, but that was very qualified in the context of the advice he has received. Given that there has been no business case yet completed and no environment effects statement yet completed and that we did not have any commitment earlier in the day from the Minister for Public Transport, if there were to be further advice and further analysis in relation to the Melbourne Metro project that

there may be a second round of compulsory acquisitions required, could the minister outline when in the process that could likely occur?

**The PRESIDENT** — Order! Minister, Mr Jennings — —

**Mr JENNINGS** (Special Minister of State) — For the benefit of those who are actually recording this for *Hansard*, for prosperity, the President seemed to me to be equivocating about whether he was going to allow this question to come through on the basis of being riddled with hypotheticals. Given that it is riddled with hypotheticals and given the equivocation by the President, I think it would be wise for me to respond to his body language by saying that we will deal with hypothetical situations if and when they arise.

**The PRESIDENT** — Order! I shall be very circumspect about my body language going forward.

## Melbourne Metro rail project

**Mr ONDARCHIE** (Northern Metropolitan) — My question is for the Minister for Small Business, Innovation and Trade. With the announcement of 29 commercial buildings being compulsorily acquired for Melbourne Metro, what role did he as small business minister or his agency Small Business Victoria play in advocating on behalf of the small businesses in those buildings, some of which have been running on the same sites for 30 years?

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — Thank you, President, for the opportunity to correct the member in his statement, because in fact — not that I wish to show the opposition member up — it is 31 commercial properties, not 29. I am happy to help the member with his schoolwork so that the next time he asks a question it is actually appropriate. In fact it is commercial buildings affecting 31 properties. Unfortunately the opposition member has already got the facts wrong in his question. The very point of Melbourne Metro is to assist people moving around their business in Melbourne to either get from one business — —

**Mr Ondarchie** — On a point of order, President, in relation to relevance. I am in fact looking at the government's own copy from Melbourne Metro rail that says 29 commercial buildings and 31 titles. Twenty-nine commercial buildings — while you were busy connecting me, you were wrong. You were wrong while you were busy correcting me. Failed again.

*Honourable members interjecting.*

**The PRESIDENT** — Order! As I am sure Mr Ondarchie knows, and the stickler would certainly know, there is no point of order. Mr Ondarchie took an opportunity to try to correct the minister on a point of fact, but that might well be a matter of debate or indeed a matter that would have been appropriately taken up in a supplementary question. It certainly was not a point of order as such.

**Mr DALIDAKIS** — What I was actually on the point of saying when the opposition member embarrassed himself yet again was the fact remains that Melbourne Metro is going to assist people getting from one business to another, it is going to assist small businesses in having staff being attracted to their opportunities and businesses, and in relation to any acquisition process, that is in fact up to the minister for transport to undertake.

*Supplementary question*

**Mr ONDARCHIE** (Northern Metropolitan) — I will not try to correct the minister's inaccuracies again, but I will just ask him a supplementary. One business in the Port Phillip Arcade this morning told radio 3AW:

> … there was no mention the arcade would be going. Thought we'd have to live through a mess; had no idea we'd lose our whole business.

I ask: what compensation arrangements has the government got in place for these small businesses and tenants?

**Mr Dalidakis** — On a point of order, President, in relation to the supplementary question, it very much went to the application of compensation and, as I indicated in the substantive answer, the acquisition of properties and compensation is a matter for the Minister for Public Transport.

**The PRESIDENT** — Order! On the point of order raised by Mr Dalidakis, I concur. The fact is that the supplementary question does canvass quite different material to the substantive question and in fact does involve another minister in terms of jurisdiction. I will give Mr Ondarchie an opportunity to rephrase his question or to put a supplementary question that is apposite to the substantive question, but in relation to the one that has been put to the minister I agree with and uphold the point of order that it was not apposite to the substantive question.

**Mr ONDARCHIE** — My supplementary question is to the minister for small business. A business in the Port Phillip Arcade this morning told radio 3AW:

> … there was no mention the arcade would be going. Thought we'd have to live through a mess; had no idea we'd lose our whole business.

I ask: will the minister in his capacity as minister for small business advocate or has he been advocating for these small businesses with his parliamentary colleague?

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — In relation to the portfolio of small business, I always advocate on behalf of small businesses across the state.

## Melbourne Metro rail project

**Ms WOOLDRIDGE** (Eastern Metropolitan) — My question is for the Leader of the Government, representing the Premier. Can the minister detail why the government has ordered, at a cost of more than $100 000, consultants Turner & Townsend Pty Ltd to conduct an urgent review of the cost and deliverability of the Melbourne Metro rail project?

**Mr JENNINGS** (Special Minister of State) — I thank Ms Wooldridge for her question. Under many circumstances, if not most, I have at my disposal some information that can assist me in providing an answer which is apposite and provides some degree of detail. In this matter I cannot. I will take advice about the nature of that consultancy and the circumstances by which it has been procured.

*Supplementary question*

**Ms WOOLDRIDGE** (Eastern Metropolitan) — I thank the leader for both his honesty and his commitment to respond to the question. Can I ask then that his response also include, given that this advice is due back to the government by the next sitting week — the expiry data of the contract is 10 November 2015 — will the government publicly release the findings from this consultant?

**Mr JENNINGS** (Special Minister of State) — I thank Ms Wooldridge for the question. It is a bit hard, given that I do not know the scope of what the consultancy deals with — whether it deals with tendering, procuring, engineering or whatever the discipline that is brought to bear by this consultancy — so it would be a bit premature for me to give guarantees about at what stage, if at all, it will be released in the public domain. I will certainly take advice on that, and when I provide an answer to the chamber I will then incorporate my expectation of whether it is to be released publicly.

## Melbourne Metro rail project

**Mr DAVIS** (Southern Metropolitan) — My question is for the Leader of the Government. I refer to the Melbourne Metro community information session held at the Punthill hotel opposite the South Yarra railway station on Wednesday, 30 September. Officials at the session would not rule out, and certainly left open the prospect, that Fawkner Park would be used for truck and equipment storage and the placement of tunnel spoil. Will the minister rule out any adverse impact on precious Fawkner Park by the Labor government's Melbourne Metro project?

**Mr JENNINGS** (Special Minister of State) — I thank Mr Davis for his question. I think it is a reasonable concern to make sure that the amenity of any of Melbourne's suburbs is protected and that the government can enhance the amenity of the city. Certainly Fawkner Park is an important part of the city, and I know it is a very popular location in terms of the diversity of recreational, sporting and other activities that are undertaken in that community park.

In terms of the scoping of the project as announced by my colleague today, there could be a broad interpretation of Mr Davis's question, even though he asked about what might be construction elements in Fawkner Park. A broad reading of his question could mean: have any properties been identified in the area adjacent to Fawkner Park? The answer is that yes, there will be some properties that are procured, and they are described in the South Yarra properties list that I referred to in my first substantive answer today. There will be some properties procured, and there will also be the requirement for some work staging, as I believe, to occur in Fawkner Park. I certainly know that within the construction and engineering phase of the proposal there may be some impact upon local amenity for some time during the course of construction. The scope of that, I am certain, will be reduced to the minimum footprint and the minimum degree of dislocation for the community.

I am absolutely confident that the people who are undertaking that work on behalf of the government and on behalf of the Minister for Public Transport will ensure that they minimise the degree of dislocation and inconvenience to the Victorian community. That is one of the reasons there have been announcements made about the way the project will be scoped and undertaken. In fact I think there is overwhelming good news, given the speculation that has been around about the number of properties that may have needed to be secured. There is a minimal number of properties that need to be secured, notwithstanding the difficulty that

may create for individual landholders and businesses. I do not underestimate that at all, but the government has, by design, tried to minimise that disruption and dislocation. That certainly will be the way this project is managed from here on in.

*Supplementary question*

**Mr DAVIS** (Southern Metropolitan) — I thank the minister for his answer and for essentially confirming that staging, whatever that might exactly mean, will occur at Fawkner Park and that the government will seek, as he says, to minimise the impact on Fawkner Park. I note also that South Yarra residents will lose two train lines, have Fawkner Park at risk of being trashed and receive no underground station as part of the government's proposal. It was confirmed today that at least five residences will be compulsorily acquired, and I therefore ask the minister: how many commercial properties in South Yarra will be acquired?

**The PRESIDENT** — Order! On this occasion I will let the minister respond to the supplementary question but only because the minister did make some reference to acquisitions in his answer. Again the supplementary question really embarks on totally different territory to a discussion of the impact on Fawkner Park. Members must be really careful, when they are crafting supplementary questions, that those questions are apposite and that they actually follow and have a direct relationship to the substantive question. The only way you can get away from that, if you have preprepared a follow-up question, is if a minister does provide some leverage in terms of remarks that they might make. On this occasion I will let the supplementary question stand, but it is perilously close.

**Mr JENNINGS** (Special Minister of State) — Thank you, President. I think you have demonstrated great generosity with that interpretation of the leverage that I provided the member in allowing the outrageous propositions he inserted in his supplementary question time and again — assertions that I refute. In relation to even the scope of the five properties that are being obtained in South Yarra, they are within probably a kilometre of Fawkner Park but not within Fawkner Park. They are all residential properties. The member asserted that people around Fawkner Park do not get a station. The Domain station is basically directly adjacent to the tip of Fawkner Park, so his assertion that there is no station that is close to Fawkner Park is comprehensively misleading, and if not misleading, could be something worse.

## Child protection

**Ms CROZIER** (Southern Metropolitan) — My question is to the Minister for Families and Children. How many category 1 incident reports have there been involving young people absconding from residential care so far in 2015?

**Ms MIKAKOS** (Minister for Families and Children) — I thank the member for her question, and I refer the member to the most recent annual report of the Department of Health and Human Services, which has a number of performance including measures relating to category 1 incident reports. I assure the member that every time there is an incident, whether it involves a young person absconding from residential care or whether it relates to any other issue, such as a child potentially being sexually abused, these matters are taken very seriously by my department. There is always immediate action taken. We have an expectation that service providers take immediate action, and that also involves notifying and involving Victoria Police where that is appropriate and relevant.

Obviously the police work very closely with my department and service providers in relation to these issues. The specific issue of absconding was an issue that came to light in particular through media reports early last year. It related to young people absconding and being preyed upon by sexual predators. The commissioner for children and young people, in his report that was recently tabled in this Parliament, also identified the issue of absconding and the issue of sexual exploitation of young people in residential care in general.

What we have been doing in response as a government from February of this year is addressing the issue of staffing levels. We looked at mandating an overnight shift in standard residential care units. We have also introduced for the first time spot audits of residential care units through an initiative that was also announced in February of this year. More recently we have been working on developing a sexual exploitation strategy to address these specific issues.

What we have been doing with Victoria Police is developing a new strategy to address the issue of young people who abscond. We want to ensure that young people are safe. In our budget this year we funded four new specialist child protection workers to work in close partnership with Victoria Police around these issues. These new workers will help strengthen our operational capacity right across our divisions to respond to the risk of sexual exploitation by building knowledge in the sector.

**Ms Crozier** — On a point of order, my question was fairly specifically on the number of category 1 incident reports the minister has received. I realise she has only 36 seconds left to respond. I am just wondering if you would draw her back to the specifics that I asked about — and if she does not have them, perhaps she could provide the house with them at a later date.

**Ms MIKAKOS** — I am giving her a response.

**The PRESIDENT** — Order! In respect of the point of order, the question was quite specific. I think the information the minister has provided to the house has been useful in terms of our knowledge of what the government is doing in respect of trying to address this problem with some young people in these circumstances. However, the question was specific. I suggest that it is unrealistic to expect the minister to actually have the number on hand, and I think it would be unfair to criticise her for not having that specific number at this point in time, but I indicate to the minister that if she does not have that, I will be asking for a written response in respect of the specific question. But again, as I said, the question itself was pretty onerous for a minister in terms of expecting them to have that sort of information available so they can provide an accurate response to the house. In the context of what the minister has been telling us, I think other aspects of her answer have actually been useful for the house.

**Ms MIKAKOS** — I will take the specific number on notice and provide that to the member at a later date. But the point that I am making to the member is that this is an issue that this government takes very seriously. Since we have been in office and since I have been the minister we have taken steps to introduce a number of new measures that were not in place during the four years of the previous government to improve the safety of young people in residential care and out-of-home care more broadly. We take this issue very seriously — —

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

*Supplementary question*

**Ms CROZIER** (Southern Metropolitan) — I thank the minister for her answer. In my supplementary question to the minister I refer to the tragic and untimely death of 16-year-old Amber Beard, also known as Amber Williams, who died on 6 October in a horrific car crash in Mount Evelyn after absconding from her residential care unit. Will there be a child death review into Amber Beard's death?

**The PRESIDENT** — Order! Again we have a supplementary question which goes into quite different territory to the substantive question.

**Ms Crozier** interjected.

**The PRESIDENT** — Order! It does; it is quite different. The first question, if I am right, was: how many have absconded in the past 12 months?

**Ms Crozier** — This is about an absconding case.

**The PRESIDENT** — Order! But it goes to a specific matter that is quite different. It is about an individual, and it is quite different to the total number who might have absconded in the past 12 months.

**Ms Wooldridge** — It is an example.

**The PRESIDENT** — Order! It may be an example of somebody who has absconded, but it is a very different question and it goes to a totally different subject matter because it talks about what sort of investigation there will be into this death, which is quite different to how many people might have absconded. It is a different matter. Ms Crozier can rephrase.

**Ms CROZIER** — Yes, I can. I ask the minister: did she receive a category 1 report on this case?

**Ms MIKAKOS** (Minister for Families and Children) — I thank the member for her question. As I have indicated to the house previously, I do not think it is helpful to family members involved to get into the business of airing private matters relating to children who may or may not be known to the child protection system. The other point I make is that critical incident reports are routinely made to the department and to ministers, including the previous minister, after a child known to child protection has died or been injured. I also make the point to the member, as I have previously in the house, that where a child is known to child protection and the child dies, there is always a child death report undertaken by the commissioner for children and young people.

## Child protection

**Ms SPRINGLE** (South Eastern Metropolitan) — My question is to the Minister for Families and Children. During the two weeks prior to the tabling of its report in August the Commission for Children and Young People learnt that as many as 40 children in residential care had made allegations about sexual abuse and sexual assault. The minister recently confirmed that neither she nor the Department of Health and Human Services requires staff who work in

residential care units to possess minimum qualifications, such as a certificate IV in child, youth and family intervention. Given the level of crisis in Victoria's residential care system, can the minister explain why staff who work in residential care units are not required to have a minimum appropriate qualification?

**Ms MIKAKOS** (Minister for Families and Children) — I thank the member for her question. As I have indicated to the house, the government has accepted in principle all the recommendations of the commissioner for children and young people in his recent report tabled in the Parliament. There has been a range of work undertaken both prior to that report being tabled in the Parliament and subsequently.

In relation to the specific issue that the member refers to in terms of the qualifications of staff, this is an issue that my department is examining in consultation with the community sector. There have been a range of measures put in place around enhancing training for community sector workers who work in residential care. However, it is the case — and I confirm that to the member — that there have not been any mandatory qualifications for residential care workers. This has been a longstanding issue, and it will be an issue that will require a great deal of effort on everyone's part to address.

However, the member can be assured that we have been taking a number of steps to improve the safety of residential care, whether that is through supporting our own workforce working in the department, being more supportive of the workforce in the community sector who work in the residential care units, increasing supervision of young people through the mandated stand-up shifts in standard residential care units that I referred to earlier, which was introduced just this year, or the introduction for the first time of the spot audits, which I referred to earlier, just this year. We have also introduced $43 million in targeted care packages just this year to start to move young people out of residential care and into home-based care options. We are doing a range of things to make residential care safer and to provide for the safety of children and young people in those units.

We are also undertaking a major reform project, which I have spoken to the member about in the house before, entitled the Roadmap for Reform. That work is underway at the moment. That work is looking at how we can improve the child protection and out-of-home care system more broadly by looking at the system in a very holistic way — looking right at the start of the process in terms of the kinds of support that vulnerable families receive through universal services, through our early years services, putting a greater emphasis on early intervention and prevention, as well as looking at ultimately how we can address residential care and make that safer. A range of reforms are being examined, and this is one of those issues that will be looked at as part of that reform process.

*Supplementary question*

**Ms SPRINGLE** (South Eastern Metropolitan) — I thank the minister for her answer. I am pleased to hear about all of that and that the government is taking a holistic approach to some of these issues, although I do point to the fact that surely there are few other occupations that involve working with vulnerable children that allow people who are not appropriately qualified to get jobs. It is not really an issue for debate that we want minimum standards of service provision in these roles and therefore people need to be adequately educated in that way. Why will the minister not just commit to a minimum qualification for staff who are working with these children? Why is there a need to explore options?

**Ms MIKAKOS** (Minister for Families and Children) — The point I want to make to the member is that I regard residential care as a last resort option. My focus has been on looking at how we can move young people out of residential care over time. We need to look at how we can improve the safety of young people through increased supervision, and the issue of qualifications is just one issue of many that needs to be examined in terms of how we provide better outcomes for young people in residential care. Just last sitting week I was advising the member about how we are working to improve educational outcomes for young people in residential care and out-of-home care more broadly through the establishment of the LOOKOUT centres. A range of measures are being examined in terms of how we improve outcomes for young people in out-of-home care.

## Child protection

**Ms SPRINGLE** (South Eastern Metropolitan) — My question is for the Minister for Families and Children. As I recalled in my earlier question, as many as 40 children in residential care units in Victoria had made allegations about sexual abuse or sexual assault during two weeks in August this year, yet in her answer to question on notice 1301 the minister confirmed that neither she nor the Department of Health and Human Services requires community organisations that operate residential care units to report the number of hours worked in those units by temporary labour hire staff. In

other words, the minister has no way of knowing who is working in those units. Can the minister explain how accountability can be maintained in Victoria's outsourced child protection system if community organisations that operate residential care units are not required to report the number of hours worked in those units by temporary labour hire staff?

**Ms MIKAKOS** (Minister for Families and Children) — I thank the member for her further substantive question. I know the member has referred to an answer that I have given her to a question on notice. I am certain that the answer was far more expansive than the member is wishing to suggest by virtue of her question. I would be quite certain that I also referred in that answer — and I will do so in the house — to the fact that all of these community service providers are subject to specific standards that they are required to meet through contractual arrangements with the Department of Health and Human Services.

It is correct, as the member asserts, that the staff in residential care units are contracted directly with community service organisations. They are not employed by the Department of Health and Human Services, and therefore all the information relating to the numbers of staff, the qualifications of staff and whether they are permanent or casual staff, or whatever their workplace arrangements might be, is information that the community sector organisation is privy to. However, I am aware that the Centre for Excellence in Child and Family Welfare, as the peak body representing the sector, has surveyed its sector members — I believe last year — around these issues and was able to gain a better understanding of what the workplace practices are.

I know that the use of casual staff or labour hire staff is something that varies from agency to agency. I would certainly hope that these agencies would be working over time to reduce their reliance on such staff. It is important of course that staff have positive relationships with the young people they are caring for, and we know that those relationships of trust can be built and strengthened over time where they have ongoing involvement with the same people and they get to develop stronger relationships.

The information that the member has sought in a question on notice has been responded to in writing. I can assure the member that there are standards that we expect our community sector organisations to follow in respect of these matters, and in relation to critical incidents I can assure the member that I take these matters very seriously and my department takes these matters very seriously. This is why we have now introduced new measures, in particular the spot audits, which these residential care units were not subject to before — going in and identifying issues where those standards, particularly around safety, have not been complied with and working in a very proactive way with the community sector to improve standards and to improve outcomes for those very vulnerable young people who are residing in residential care.

*Supplementary question*

**Ms SPRINGLE** (South Eastern Metropolitan) — I thank the minister for her answer. The minister has responsibility to ensure that accountability within the structure of Victoria's child protection system is maintained. While I think it is good that improvements have been made, my question was specifically around data in terms of who is employed to work in residential care units. I would like to ask the minister why she will not insist that the department collect, collate and publish data related to who is working in residential care units.

**Ms MIKAKOS** (Minister for Families and Children) — I think I have already responded at some length to the member's question, and I have made it clear that we have standards that we expect community sector organisations to comply with. They are not employees directly employed by the department; they are employed by community sector organisations. We rely on and contract community sector organisations across many areas, not just in out-of-home care but in many other sectors, whether it is disability services or housing services.

It is a very difficult task that the member is requesting — for the department essentially to have oversight of the employment practices of many thousands of community sector organisations right across the state that are providing a whole range of different services. Essentially that goes to the heart of the member's request. We are working with the sector to improve the safety, the standards and the outcomes for young people in residential care.

## Firearms

**Mr BOURMAN** (Eastern Victoria) — My question today is for the Minister for Training and Skills in his capacity representing the Minister for Police. The Shooters and Fishers Party of Victoria has long called for the attention of governments and law enforcement agencies to be focused on criminals and their actions rather than on the law abiding. That is what we do. Section 31A of the Crimes Act 1958 would appear to be going some way towards this goal. I have asked and

had answered — for which I thank the government — a question about offenders charged and convictions made, so my next question should be pretty obvious: how many indictable offences have been recorded since 2005 where the offender was carrying or using a firearm?

**Mr HERBERT** (Minister for Training and Skills) — I thank Mr Bourman for his question. Can I say that, whilst I do not have that answer on hand — I will get it — it is an interesting question, because when we look at section 31A we see that obviously if people are initially charged with a serious indictable crime such as armed robbery, they may have other offences, such as those under section 31A, of carrying firearms et cetera. When it gets to court the prosecution may drop those lesser charges and look at the more serious charges. When the judge gives the verdict and sums up, they of course take into account the various offences. I am more than happy to get the actual number of indictable offences. I say that sometimes charges under 31A, when there are more serious charges, get dropped.

*Supplementary question*

**Mr BOURMAN** (Eastern Victoria) — I thank the minister for his answer and look forward to the actual number. Noting that the mere possession of a firearm by a prohibited person is an indictable offence, how many of those offences were committed by prohibited persons?

**Mr HERBERT** (Minister for Training and Skills) — I thank Mr Bourman for his question. As a former police officer he is very familiar with these matters — far more familiar than I would be. I will have to take that supplementary question on notice.

## Melbourne Metro rail project

**Ms PATTEN** (Northern Metropolitan) — My question is to the Leader of the Government. With the announcement of the new Melbourne Metro rail project and the need to acquire over 40 sites to deliver the scheme in my electorate of Northern Metropolitan Region, many residents and businesses are rightly worried about this new project and how it will affect them. I understand that 15 businesses in the Port Phillip Arcade, which connects Flinders Lane with Flinders Street, have been told by Melbourne Metro officials that their businesses will have to go as part of the project. These businesses, in many cases, have spent over 30 years building up their trade, only to be told now that they will need to shut their doors forever to make way for the Metro rail. What arrangements will the government make with these businesses to ensure a smooth transition that will not affect their ability to earn an income, and what sort of formula for compensation for these businesses does the government have?

**The PRESIDENT** — Order! That was perilously close to two questions rather than one.

**Mr JENNINGS** (Special Minister of State) — I thank Ms Patten for her question, which is a bit of an extrapolation from the terrain that Mr Ondarchie took us — —

**An honourable member** interjected.

**Mr JENNINGS** — There was not a degree of malevolence in the question, which may indicate the nature of the response that comes from the government benches in relation to the answer.

I think the in-built assumption within the question is quite rightly protecting the interests now and into the future of businesses or for that matter householders, home owners or the people who own buildings across the scope of the Melbourne Metro rail proposal. That is a totally appropriate thing for any member of the chamber and any member of the community to do. The government is totally sensitive and alive to the concerns of businesses that have built up commercial viability in Melbourne and would want to preserve their right to maximise their commercial interests into the future. We totally respect that.

In terms of what might be the nature of the transaction that takes place in terms of the compulsory acquisition process, that is subject to rules and procedures that are well established. In terms of drilling down into the formula that actually underpins them, I am not in a position to do that now, but there is a well-recognised procedure, protocol and method of engagement by government with affected landholders, and that has been well established over many governments of many persuasions. There is an absolute expectation that people will not be adversely affected in relation to market value or goodwill value in relation to their properties.

That does not necessarily mean that people will totally embrace the issue. In fact they may wish to reserve the right to negotiate the best outcome. In this instance the government is alive to trying to guarantee the best outcome. I do not want to get too far ahead of what the outcomes may be, but I encourage members of the chamber — again I am not drawing a dot, dot, dot from what I have just said to what I am about to say in relation to a linear connection to the opportunities that may exist for commercial options in and around stations into the future — to consider, as members who

have been to many underground stations across this nation and across the world would understand, that many commercial opportunities are created by such developments.

I think we should continue to look at the ways we can maximise the commercial opportunities rather than be down-beat about the people who may feel aggrieved today and may be anxious today. The government intends to work very collaboratively, openly and fulsomely with them to achieve an amicable outcome.

*Supplementary question*

**Ms PATTEN** (Northern Metropolitan) — I thank the minister for that answer. We are all very optimistic as a result I am sure. The Port Phillip Arcade businesses are one example of businesses that are being affected and being closed down. Can the government tell me how many other businesses will be forced to close by the Metro rail project in the CBD South, CBD North, Parkville and Arden areas?

**Mr JENNINGS** (Special Minister of State) — Ms Patten structures her questions in the opposite way to the way the opposition does — they are in reverse — but there is nothing necessarily wrong with that. In relation to the properties in the area that is described as the western portal, which is west of Arden, there are 22 properties — 9 residential and 13 commercial. In Parkville there are two commercial properties, and in the CBD — —

**An honourable member** — You are just reading from your media release.

**Mr JENNINGS** — No, I am not reading from my media release. In fact I am doing quite well without your interjection, thanks. These are little notes that I have drawn myself on the basis of the map that was associated with the press release made by the government. In relation to the commercial interests in the city, there are 14 properties that relate to a number of businesses within the city, and the government will work with each and every one of those businesses to arrive at a reasonable outcome.

**Ms Patten** — On a point of order, President, what I was asking was the number of businesses affected, not the number of properties affected. For example, in the Port Phillip Arcade there may be a number of businesses under one title or property.

## QUESTIONS ON NOTICE

### Answers

**Mr JENNINGS** (Special Minister of State) — I have answers to the following questions on notice: 31, 440, 712, 713, 715, 736, 821, 1102, 1105–13, 1117, 1119, 1223, 1236, 1280, 1365, 1366, 1632–9, 1656–71, 2047, 2048, 2431, 2442.

## QUESTIONS WITHOUT NOTICE

### Written responses

**The PRESIDENT** — Order! In respect of today's questions, I indicate that with Ms Wooldridge's question to Mr Jennings on consultancies I would seek written answers on both the substantive and supplementary questions related to the appointment of that consultancy and whether the findings of the consultant would be subject to public release. That is two days.

In regard to Ms Crozier's question to Ms Mikakos in respect of the number of category 1 incidents of absconding, I would also ask for a written response. That is a one day.

In regard to Mr Bourman's questions in respect of offences that involve firearms, Mr Herbert has indicated that he is prepared to obtain that information, and certainly I would ask for a written response in respect of both the substantive and supplementary questions. That is two days.

In regard to Ms Patten's final question about the number of businesses affected, in respect of the supplementary I would ask for a written response just to see if there is further information available to satisfy Ms Patten's question, recognising that I am not sure that the minister is in a position to speculate today on exactly those businesses that might be affected but that information may well be available in a written response. That is two days.

With regard to Ms Crozier's supplementary question, right at the end the minister did provide a response to the essential part of the supplementary question, so I have not directed a written response on that.

**Ms Wooldridge** — On a point of order, President, in relation to Ms Crozier's supplementary question, I put it to you that the minister neither responded nor articulated a choice not to respond to the issue of the category 1 incident. She did respond to the original question in relation to child death reviews. Would you consider looking at *Hansard* in relation to that, because

the issue in relation to whether she received a category 1 report, certainly in my hearing, was not addressed?

**The PRESIDENT** — Order! I am mindful of that. In reaching my decision on that supplementary question, I would have thought that the minister indicating there was a death report essentially indicated that she would receive that information and indeed the category 1 notification. That is part and parcel of a notification that I would expect to go to the minister. I guess what Ms Wooldridge is seeking is an explicit confirmation that my reading of the situation is correct. Does the minister have anything to volunteer in terms of assisting me?

**Ms Mikakos** — On the point of order, President, if I can assist you, the member's question was asking me to identify whether or not a particular young person was a child known to the child protection system. As I have indicated to the house previously, it is not helpful in a public forum such as the Parliament to hear identifying information that might go to the circumstances of any young person or their family, whether or not they are known to the child protection system. But what I did say to the member in response to her question was that in all instances where a child known to the child protection system has passed away, either tragically or through the circumstances of a natural death occurring, I as the minister would be informed, as my department would be, in terms of a category 1 incident report being made.

I further advise the member in response that similarly where there are circumstances where a child is known to the child protection system and they die — again, whether that is through tragic circumstances or through natural death occurring — there is a child death review undertaken by the commissioner for children and young people in every single instance. I think I have fully responded to the question and given the member a considerable amount of detail in terms of process and the general circumstances broadly relating to children who might be known to the child protection system dying.

**The PRESIDENT** — Order! I thank Ms Mikakos. That actually went a fair bit further than that point of order, but it addressed the matter that was raised. To that extent I appreciate the minister's contribution. It certainly puts me in a position where I do not believe that I need to direct the minister to provide an answer to the supplementary question.

I take up one matter, a matter of perhaps some conjecture. In terms of the minister's defence that she and other ministers are not necessarily in a position to describe the circumstances related to an individual, I have a position where I as the Chair need to judge each circumstance, each question and each response on its merits because, as we indicated on the previous line of questioning with regard to the infant death, there are matters of systemic failure. It is true that sometimes it is the focus on a particular recent event or circumstance that brings that systemic failure to light. Any minister is rightly in a position to be questioned on systemic failure and, to an extent, perhaps even on an individual circumstance that has brought that systemic failure to light.

Notwithstanding that — and as I said this is a matter of me or whoever is in the chair judging the matter on the merit of the question at any particular time — I accept that there are circumstances where if an individual's details are divulged in this or another place, it can impinge on legal proceedings or on the rights of parties to that incident, including the legal rights of some people. This is a matter of judgement for the Chair. It is not an area in which I can make a black-and-white decision, but I think I would smudge the minister's position and make it a bit more grey, although the minister has suggested there is a fairly black-and-white position that she takes. I understand why she takes that position, but the Chair may be looking for further elaboration of some of these matters at times, based on the merit of those questions.

I also make comment on another aspect of today's proceedings. I thank the Leader of the Government for indicating that the Minister for Agriculture, Ms Pulford, is not with us today and for his courtesy to the house in making that announcement.

I also note that Mr Melhem is not with us today, and it is my understanding that Mr Melhem has been called before a royal commission. This is a matter that is of concern to me as President of the Legislative Council. It is of concern to me in respect of the privileges of this house and the privileges of members. It is longstanding practice for the House of Representatives — and indeed it can be found in *Erskine May* — that members of Parliament may not be called before a royal commission or similar machinery when the house they are expected to attend is actually sitting. Indeed, as I understand it in terms of the House of Representatives, that position extends to committee proceedings associated with the House of Representatives.

Mr Melhem is obviously in a position to determine whether or not he appears on whatever date he is requested to appear before the royal commission, but I indicate that from the point of view of the Parliament I

am very strong on the fact that the rights and privileges of this Parliament and its members, and the protection of its members, are of paramount importance to me in an institutional sense. Had Mr Melhem come to me and asked for advice in respect of whether or not he should accept an invitation to attend the royal commission on a sitting day of this Parliament, my advice to him would have been that he did not have to do so and that in fact the royal commission ought to have made other arrangements to receive Mr Melhem and his evidence on another occasion.

**Mr Drum** — President, I have a point of order on a totally separate issue, but I figure that now is as good a time as any to make it. On 25 June when the Leader of the Government was in the committee stage of the budget debate he offered a whole range of responses and answers to my questions, which are now nearly four months old and still have not been received. It is the first time that I have been offered details in a committee stage where they have not been received, so I am wondering what the procedures are from here on in.

**Mr Davis** — On the same point of order, President, I am also waiting for responses from the committee stage regarding reprioritisations inside the Department of Treasury and Finance portfolio.

**The PRESIDENT** — Order! Mr Drum and Mr Davis have previously brought this to my attention and indeed to the Leader of the Government's attention in the house in respect of the matters that he canvassed. I believe I indicated on that occasion to Mr Davis, and I reiterate now, that under the standing orders and our committee proceedings there is no instrument by which I can seek a response from the minister for matters that are raised in a committee process. The minister, when giving undertakings to a member asking a question in the committee stage that further information that is not available on the day will be provided, is effectively doing so as a courtesy of the minister and the government, and it is not subject to any directions, sanctions or requirement of the committee process or indeed the house. I think what I may have said to Mr Davis on that previous occasion was that if those outstanding matters cannot be informally pursued with the minister, the appropriate course of action would be to place the matters on notice as questions on notice or to pursue those matters through other forms of the house to receive that further information sought on the occasion of the committee stage.

**Mr Jennings** — On a point of order, President, I assure the house that there have been previous matters raised by Mr Davis, Mr O'Donohue and Ms Lovell. Mr Drum has added to that list today, and I can assure the house that after the first three members had raised the matter, either directly in the chamber or by correspondence, I have subsequently raised the issues with the Treasurer and the head of the Department of Treasury and Finance. I requested that they provide the information, which I understand is the prerogative of the Treasurer on the basis of advice that is provided to him by the department to furnish those answers. So I have used my best endeavours to obtain that information, and I will continue to do so. But that is notwithstanding the advice that you have given to the house.

**Mr Davis** — On the point of order, President, I understand the Leader of the Government's predicament with respect to the provision of answers by ministers in another place. We have all experienced this in different guises at different points, so I am not unsympathetic to his conundrum. But in that circumstance I wonder if it might be worthwhile for the Procedure Committee to look at this in a structured way. It may be possible, for example, during the budget debate to bring the committee stage forward by a day or two and to provide to the minister those detailed questions that members seek to ask a day or two earlier; he would then have time before the passage of the budget and future budgets to provide that information. I think that would be a matter for the Procedure Committee to examine.

**The PRESIDENT** — Order! I suggest that Mr Davis write to me to that effect, and I will consider that matter and quite possibly forward my response to him and the other members of the Procedure Committee. We could short-circuit the process of course and Mr Davis could write to himself!

## CONSTITUENCY QUESTIONS

### Western Victoria Region

**Mr MORRIS** (Western Victoria) — My constituency question is directed to the Minister for Education and relates to the Portland Bay School. On 30 July this year Minister James Merlino was quoted by the ABC online as having said in relation to the future location of the Portland Bay School:

> The feasibility study will take about six weeks, and I'll receive information and advice from the department.

It has been over 11 weeks, and we and the Portland Bay School are still waiting. When will the minister stop sitting on his hands and release the feasibility study so the Portland Bay School community is not left in limbo?

## Eastern Metropolitan Region

**Mr LEANE** (Eastern Metropolitan) — My constituency question is directed to the Minister for Roads and Road Safety, Luke Donnellan. Over 30 packages of land in the Healesville freeway reservation will soon revert to Crown land as per the Andrews government's election commitment. Whitehorse City Council wants to engage with VicRoads around this process on some of the parcels of land. One parcel has the 18th hole of a golf course, and another parcel has a community garden on it. I ask the minister: what is the process for the council to engage with VicRoads to organise some long-term leases for these particular parcels?

## Western Metropolitan Region

**Ms HARTLAND** (Western Metropolitan) — My question is for the Minister for Roads and Road Safety. The Wembley Primary School council recently conducted a survey which was sent to parents of all students at the school to gauge the impacts and concerns they might have about the countless daily diesel truck movements along Francis Street in very close proximity to the school. One key finding of the survey is that the asthma rate amongst children at the school is roughly 20 per cent — double the state average. Despite these concerning figures there have been no curfews put on truck movements along Francis Street during school hours, as there are on Somerville Road. In response, the school council has requested a meeting with the minister to discuss this concerning health trend and what can be done. Unfortunately the government has not responded at this stage, so I am asking again on the school's behalf. I ask: will the minister meet with the Wembley Primary School council as soon as possible to discuss its concerns?

## Western Victoria Region

**Mr RAMSAY** (Western Victoria) — Recently I was invited by residents of Portarlington to inspect the indoor 25-metre, four-lane lap pool which resides in the purview of the Portarlington Holiday Units and Pool. The commercial business provides use of the pool to the public at normal commercial rates. The owner has decided that his company can no longer afford to continue to manage the pool and fund the upgrades necessary to meet the standards of a modern facility and has indicated that he will close the pool in December. Currently meetings are being held with the local council and the owner.

The feedback I have received so far is that the council does not see a role for it to engage given that the pool is privately owned. Also, the local member for Bellarine in the Assembly, Lisa Neville, is not interested in this matter and has not responded to requests for assistance. My question for the minister is if no solution can be found to have the Portarlington pool continue to operate in some capacity, is there provision in the Drysdale-Clifton Springs cultural and community hub and regional sports precinct to incorporate a 25-metre indoor pool to service Drysdale, Clifton Springs, Portarlington and the communities thereof, and can that pool infrastructure be fast-tracked for construction?

## Western Victoria Region

**Mr PURCELL** (Western Victoria) — My constituency question is directed to the Minister for Racing. The Warrnambool region is arguably the strongest racing region in Victoria, yet it is virtually impossible to listen to races on the radio due to bad reception. Over many years I have raised this issue with racing officials in Victoria, racing radio and the Warrnambool Racing Club without any success or apparent interest. My question is: will the minister intervene to assist the Warrnambool racing community to receive better radio reception to listen to racing in the Warrnambool region?

## Northern Victoria Region

**Ms LOVELL** (Northern Victoria) — My question is for the Minister for Health, and it is regarding the Goulburn Valley Health community advisory group. A number of local constituents who have applied to be part of this group have contacted me, concerned that they have not yet received responses to advise that their applications have been received despite applications closing almost five weeks ago, on 18 September. My constituents are keen to know if their applications have been received and when interviews will be conducted.

In response to my adjournment matter raised on 18 August the minister stated that part of the purpose of this group is to provide advocacy during the planning for the redevelopment process. With the strategic plan and master plan having been completed already and given that if this project is to be considered for next year's budget, a business case will be required to be completed by December and we are now nearing the end of October, it appears that either the group will have very limited input into planning or that once again the minister is not prioritising this important project. My question to the minister is: by what date does the minister intend to have the advisory group established, and what is the date for its first meeting?

## Northern Victoria Region

**Ms SYMES** (Northern Victoria) — My constituency question is in relation to energy prices. I am seeking from the Minister for Energy and Resources information about what the government is doing to make energy more affordable for Victorians. Electricity and power bills are a significant cost to Victorians, making up a large component of every household budget. My office receives a number of inquiries regarding electricity prices and the cost of energy. It is very confusing for consumers. They do not know if they are paying too much or if they are paying the same as their neighbours because of all the different options and the difficulty of deciphering the bills they receive. Unfortunately this means that there are many Victorians who could be paying less than what they currently are. It is crucial that everybody is able to have access to reliable and independent information to ensure that they can utilise the most affordable energy plans available. Can the minister provide details about what the government is doing to make energy more affordable and how this will deliver lower bills to Victorians?

## Southern Metropolitan Region

**Mr DAVIS** (Southern Metropolitan) — Today in my constituency question I want to ask the Minister for Public Transport about the Melbourne Metro rail project acquisition. We heard a great deal in question time about this, but I note the government's slippery and obfuscatory news release which has been released today and which does not give full details. I therefore seek a detailed breakdown of not only the residential locations but also the commercial locations and the businesses that are impacted in my electorate of Southern Metropolitan Region. My question in question time today was about South Yarra and commercial properties in South Yarra. That is not clear in this news release, so it is not clear to me why the government will not provide that information, unless it does not know. I seek that information in a tabled form so it is clear where those commercial and residential acquisitions will be.

## South Eastern Metropolitan Region

**Mrs PEULICH** (South Eastern Metropolitan) — My constituency question is for the Minister for Roads and Road Safety, and I ask: what is the status of the Westall Road freeway extension plans, connecting the corner of the Princes Highway to the Monash Freeway, given that the land is already subject to reservation? This project would remove traffic congestion from Springvale Road by providing an alternative north–south link. Springvale Road, Glen Waverley and Mulgrave are some of the most congested areas in Melbourne. This would also remove congestion from the spaghetti intersection of the Princes Highway and Springvale Road. My question is: has a feasibility study been undertaken, and is there a timetable for the planning, design, funding and construction of this important piece of road infrastructure?

## Western Metropolitan Region

**Mr FINN** (Western Metropolitan) — My constituency question is to the Minister for Public Transport. The minister is aware of the anger that continues to be displayed by Sunbury residents at the government's decision to backflip on a previous Labor promise to allow V/Line to continue servicing Sunbury. I will be one of many local residents who attend a community meeting in Sunbury next Wednesday night. This meeting will be addressed by Public Transport Victoria officials, but that is not good enough. The minister has the power to stop this outrageous decision. Sunbury train travellers want to hear from her. They want the chicken, not the tail feathers. Will the minister come to Sunbury next Wednesday night and explain personally to locals why she is stripping them of their V/Line service?

# PETITIONS

**Following petitions presented to house:**

## Grand Final Friday

To the Legislative Council of Victoria:

We, the undersigned citizens of Victoria, call on the Legislative Council of Victoria to note the impacts to small business of the decision by the Andrews Labor government to declare a new public holiday on grand final eve 2015.

**By Ms CROZIER (Southern Metropolitan) (26 signatures).**

**Laid on table.**

## Special religious instruction

To the Legislative Council of Victoria:

We petitioners draw to the attention of the Legislative Council that the government has scrapped voluntary special religious instruction (SRI) in Victorian government schools during school hours.

Prior to the last election, Daniel Andrews and Labor said they would not scrap SRI during school hours in Victorian government schools. Daniel Andrews and James Merlino have announced that as of next year, they will break this promise.

**By Mr O'DONOHUE (Eastern Victoria) (32 signatures).**

**Laid on table.**

## INFANT VIABILITY BILL 2015

*Introduction*

**Dr CARLING-JENKINS (Western Metropolitan) introduced a bill for an act to ensure the provision of access to holistic care and support to pregnant women and preborn children so as to promote infant viability, to amend the Abortion Law Reform Act 2008 and the Crimes Act 1958, to make consequential amendments to certain other acts and for other purposes.**

*First reading*

**Dr CARLING-JENKINS** (Western Metropolitan) — I move:

That the bill be now read a first time.

**House divided on motion:**

*Ayes, 30*

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

*Noes, 6*

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

**Motion agreed to.**

**Read first time.**

## SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

### *Alert Digest* No. 13

**Mr DALLA-RIVA (Eastern Metropolitan) presented *Alert Digest* No. 13 of 2015, including appendices.**

**Laid on table.**

**Ordered to be published.**

**Mr DALLA-RIVA** (Eastern Metropolitan) — I move:

That the Council take note of the report.

In doing so I wish to draw to members' attention that they may have received one or two emails in respect of the Public Health and Wellbeing Amendment (No Jab, No Play) Bill 2015 — one or a million.

**Mr Barber** interjected.

**Mr DALLA-RIVA** — I am taking up the interjection from the member over there, which makes no sense, because the Greens are not on any committees. Can I just say that in respect of the committee's comments about the charter report, we received a letter from the Minister for Health regarding the concerns raised by the committee and I would encourage members as part of their contribution to the debate, which may be held this week, to have a look at that letter.

I also bring to the attention of the house the contribution made by the Scrutiny of Acts and Regulations Committee (SARC) — the all-party committee, except for Greens members, who are not on any committee — to the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015. If the Greens were involved in any committee, they would understand what I was talking about, but they are not, so I will just leave it there.

*Honourable members interjecting.*

**Mr DALLA-RIVA** — I am sorry, Acting President, I can hear them fluffing about over there.

**Ms Pennicuik** — On a point of order, President, the member keeps suggesting that the Greens are not on any committees. We are on every one of the upper house committees as well as joint committees.

**The ACTING PRESIDENT (Mr Elasmar)** — Order! I say to Ms Pennicuik that that is not a point of order; however, Mr Dalla-Riva should not be talking about committee membership.

**Mr DALLA-RIVA** — Thank you for your guidance, Acting President. In respect of the contribution that SARC has made in terms of the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015, there is quite a substantial amount of reference in the charter report relating to clause 17 of that bill as presented by the government. I would suggest to members that they read through that because it is quite significant.

In terms of the report, a lot of the work of the charter report has been the responsibility of Professor Jeremy Gans, our human rights adviser. For the record I thought we should acknowledge the work Professor Gans does. He is obviously well qualified in respect of understanding the charter. Often when you review what Professor Gans says you find that he references evidence from not only Victoria and Australia but also around the world. The amount of information he provides is quite amazing. I put on the record my appreciation on behalf of SARC for the amount of work Professor Gans does.

**Motion agreed to.**

## PAPERS

### Laid on table by Clerk:

Crimes (Controlled Operations) Act 2004 — Report pursuant to section 39 by Victorian Inspectorate, 2014–15.

Dhelkunya Dja Land Management Board — Minister's report of receipt of 2014–15 report.

Fisheries Act 1995 — Report pursuant to section 131T by Victorian Inspectorate, 2014–15.

Heritage Council of Victoria — Minister's report of receipt of 2014–15 report.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 55.

Melbourne Convention and Exhibition Trust — Report, 2014–15.

Members of Parliament (Register of Interests) Act 1978 — Cumulative Summary of Returns, 30 September 2015 *(Ordered to be published)*.

Metropolitan Waste and Resource Recovery Group — Report, 2014–15.

Parliamentary Committees Act 2003 — Government Response to the Environment and Natural Resources Committee's Report on Heritage Tourism and Ecotourism in Victoria.

Planning and Environment Act 1987 — Notice of Approval of the Victoria Planning Provisions — Amendment VC128.

Regional Development Victoria — Report, 2014–15.

Sentencing Advisory Council — Report, 2014–15.

State Sports Centres Trust — Report, 2014–15.

Statutory Rules under the following Acts of Parliament —

Cemeteries and Crematoria Act 2003 — No. 115.

Magistrates' Court Act 1989 — No. 113.

Planning and Environment Act 1987 — No. 116.

Road Safety Act 1986 — No. 118.

Subdivision Act 1988 — No. 117.

Subordinate Legislation Act 1994 — No. 114.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rules Nos. 110, 111 and 113.

Legislative Instrument and related documents under 16B in respect of Determination of Specifications for Taxi-cabs under the Transport (Buses, Taxi-Cabs and Other Commercial Passenger Vehicles) Regulations 2005, 10 August 2015.

Victorian Coastal Council — Report, 2014–15.

Victorian Institute of Forensic Medicine — Report, 2014–15.

Victorian Public Sector Commission — Report, 2014–15.

Wildlife Act 1975 — Report pursuant to section 74P by Victorian Inspectorate, 2014–15.

Yorta Yorta Traditional Owner Land Management Board — Minister's report of receipt of 2014–15 report.

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

Cemeteries and Crematoria Amendment (Veterans Reform) Act 2015 — 9 November 2015 *(Gazette No. S303, 13 October 2015)*.

Planning and Environment Amendment (Recognising Objectors) Act 2015 — 12 October 2015 *(Gazette No. S294, 6 October 2015)*.

## 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, 21 October 2015:

(1) notice of motion 173 standing in the name of Mr Morris relating to Victoria's regional road network and the country roads and bridges program;

(2) order of the day 12, resumption of debate to refer a matter relating to Victorian gun laws to the Law Reform, Road and Community Safety Committee;

(3) notice of motion 168 standing in the name of Mr O'Donohue relating to police resources in Victoria; and

(4) notice of motion given this day by Mr Drum relating to drought conditions in Victoria.

**Motion agreed to.**

# MINISTERS STATEMENTS

## Family violence

**Ms MIKAKOS** (Minister for Families and Children) — I rise to update the house on measures the Andrews Labor government is taking to address the issue of family violence in our community to help keep more women and children safe in their homes. As part of the government's $81.3 million family violence package announced in the budget this year, I am pleased to be rolling out a number of initiatives to boost family violence and sexual assault support services across Victoria, including $10.2 million in my portfolio.

We have moved quickly to roll out the funding in the budget. These initiatives include $35 million rolled out to 36 community service organisations across the state to boost the capacity of family violence counselling services for women and children, representing a 43 per cent increase compared to last year's investment; $1 million for men's family violence services, including the statewide Men's Referral Service, which provides confidential telephone counselling and referrals for men seeking support for violent and controlling behaviour; $875 000 to boost specific sexual assault support services; and $100 000 to Safe Steps to provide shelter for pets of people escaping family violence.

Recently I called on family violence specialist agencies to submit expressions of interest in piloting a personal safety initiative in four locations across Victoria. This was an election commitment of $900 000 to pilot the use of technology, such as CCTV and personal safety cards, to test what works and to find out how we can better use technology to improve the safety of women and children who experience family violence. We know the short-term and long-term impacts that family violence can have on women and children, and we know that the social and economic dislocation experienced, as well as the disruption to a child's education, when being forced to move to escape family violence cannot be overstated. The women who participate in this pilot will also receive the necessary support to ensure that this use of technology is part of a broader plan for their safety and wellbeing.

We should be grateful to Rosie Batty that we are now having a national debate on family violence, and I am particularly proud that this government has led the national debate by moving quickly to establish Australia's first Royal Commission into Family Violence and by introducing Australia's first Minister for the Prevention of Family Violence. While we are awaiting the outcomes of the royal commission, the Andrews Labor government is getting on with the initiatives we pledged during the election campaign with the funding we put in the budget this year to address the scourge on our society that is family violence.

# MEMBERS STATEMENTS

## Wanganui Park Secondary College

**Ms LOVELL** (Northern Victoria) — Last weekend I was pleased to attend Wanganui Park Secondary College's 40th anniversary celebrations. I finished my secondary schooling at Wanganui and have great memories of quality teachers and facilities at the college. Since graduating I have followed the school's journey with keen interest, and I am proud to say that Wanganui continues to be one of the best schools in the Goulburn Valley. The celebrations included the induction of three past students — Claire Stirling for her contribution to the arts, Deanna Thompson for her work in the field of medicine and Shannon Byrnes for sport — into the school's hall of fame. These 3 inductees join 10 other past students, including me, who have made significant contributions in their chosen fields.

## Shepparton Relay for Life

**Ms LOVELL** — On Saturday and Sunday I took part the opening ceremony for the 14th annual Shepparton Relay for Life event. Every year I head down to Princess Park to join hundreds of community members with an important shared goal: to live in a cancer-free world. Like many people, cancer has touched my family and left its mark on my life. Congratulations to the committee on another successful year. It raised almost $50 000, taking the total raised over 14 years to more than $2.5 million in support of research to find a cure for cancer.

## St Joseph's Primary School, Numurkah

**Ms LOVELL** — Last Saturday I attended the unveiling of the St Mary MacKillop statue at St Joseph's Primary School in Numurkah, which was the first of the Josephite schools established by St Mary MacKillop in Victoria. The ceremony was part of the school's 125th anniversary, which also included the opening of a time capsule, a luncheon, an art show, a school history display and a dinner dance. It was a lovely weekend for all who attended.

## Emma House Domestic Violence Services

**Ms TIERNEY** (Western Victoria) — Regardless of political stripe, everyone in this place agrees that domestic violence in Victoria is a stain on our great state. I am so proud to be a part of a government that is serious about tackling family violence and as a part of that is supporting Victoria's community legal centres in the important work they do in this field. Last week I had the pleasure of announcing two grants totalling over $100 000 for Emma House Domestic Violence Services in the south-west. These grants will fund a range of key frontline services, including the part-time employment of a solicitor to cater for increased demand in Portland and Hamilton.

## Kindergarten funding

**Ms TIERNEY** — On another note, but consistent with the theme of the Labor government's support for Victorian families, I congratulate all the kindergartens in my electorate that were successful in obtaining funding from the Andrews Labor government's $50 million investment in the early childhood sector. The Andrews Labor government is also providing up to $83.7 million over four years in additional funding to support kinders to transition to new staff qualifications and ratio requirements.

## Kenneth Cumming

**Ms TIERNEY** — I take this opportunity to congratulate Mr Kenneth Cumming of Warrnambool, who was honoured with a Council on the Ageing Senior Achiever Award during the 2015 Victorian Senior of the Year Awards at Government House earlier this month. As a hospital visitor, Kenneth devotes his time to the care of others, making sure that ex-service members have the support they need. While Kenneth has his own health problems from his time in Vietnam, he is an inspiration with his willingness to always help others.

## Refugees and asylum seekers

**Ms SPRINGLE** (South Eastern Metropolitan) — Every so often a case presents itself that goes beyond state and federal boundaries, beyond outrage and beyond political differences. Three months ago a 23-year-old woman — a young refugee from Somalia to whom Australia owes protection obligations — reported that she was raped on Nauru. Upon becoming pregnant she requested an abortion. As abortions are illegal in Nauru, she was flown to Australia. She is now back on Nauru, where her attackers are, after being flown out on a specially commissioned Royal Australian Air Force jet before she could speak with her lawyers. The abortion was not performed.

I cannot be sure of the details of this case amid allegations being made by this young woman's lawyers on the one hand and by the federal Minister for Immigration and Border Protection on the other. What I do know and what I despair at is that somewhere along the way Australia became a country that would even contemplate placing a traumatised rape victim back amongst her attackers just so we can maintain our hard line toward people fleeing persecution and war. This is not the Australia I grew up in — the Australia that provided a home to my family, who fled postwar Europe. When will this madness end? When will an immigration minister or a Prime Minister from either major party draw a line and say that is enough? We as a people are better than this, and we can do the right thing.

## Warragul Gallipoli monument

**Mr BOURMAN** (Eastern Victoria) — On Sunday, 18 October, I attended a moving ceremony for the unveiling of a monument for the 76 men from the Warragul area who gave their lives during the Gallipoli campaign 100 years ago. Between August 1914 and November 1915, some 298 men left the area to fight, so that toll represents 1 in 4 of those who answered the call. It may be more than 100 years since the beginning of the so-called Great War, but the reverberations are still being felt today. Many people who attended the ceremony wore the Gallipoli campaign medals awarded to family members who served and some of whom died in that campaign.

Mention must be made of Australian Defence Force members who are currently serving and in particular those who are serving in areas of conflict. Whether one does or does not agree with why we have sent our military to these places, these are people we send into harm's way, and they do it because their country asks them to. They, along with everyone else in their country, are part of the Anzac legend that started in the First World War and is still being formed today.

I thank the Warragul RSL, which hosted the event and provided refreshments afterwards. I also recognise Russell Broadbent, the federal member for McMillan, and Gary Blackwood, the member for Narracan in the other place, for their attendance. Lest we forget.

## Melbourne Metro rail project

**Mr DAVIS** (Southern Metropolitan) — Today I want to make comment on what we have now heard

about the Melbourne Metro rail project. It is clear that our precious Fawkner Park is at risk. It is clear from what the Leader of the Government said today that spoil will be dumped in Fawkner Park, and it is clear that it is to be a staging post for trucks, tractors and heavy earthmoving equipment. Already there have been interventions, but it is very clear that South Yarra and the Prahran area do not have much to gain from this; they have a lot to lose. We are going to lose properties, and we are going to lose two lines from South Yarra station. Under this government we have already lost the commitment to a new underground station, and we are going to see the Pakenham and Cranbourne lines sail on by — 40 or 50 metres deep — without stopping and with no connection to the other two lines that go through the South Yarra station at the moment.

Now we learn that Fawkner Park is destined to be a staging post. This huge expanse of parkland will be at risk under this government. I got no comfort from the Leader of the Government today. He would not rule out the dumping of tunnel spoil across Fawkner Park. What is clear is that this important park is at risk, and I know that people locally will want to fight for Fawkner Park.

## Kurnai College Morwell campus

**Ms SHING** (Eastern Victoria) — On Friday, 16 October, I had the great privilege of attending Kurnai College's Bridle Road campus in Morwell to meet with the principal and students and to look at the various initiatives on the ground to enhance the educational experiences and learning opportunities for students.

It was a great pleasure to welcome Mrs Catherine Andrews to the region, to show her around, and also to share the innovative learning opportunities that the students are taking to make the very best of their experiences. This involves taking lateral approaches to developing skills, and it was great to see demonstrations from the kids on the day of what they are doing to contribute to the school and to the community.

## Target One Million

**Ms SHING** — On a separate matter, on Thursday, 15 October, I had the great pleasure of releasing the first batch of mulloway fingerlings into the Lake Tyers catchment area in East Gippsland. As part of the Target One Million plan, the release of mulloway fingerlings will ensure that we have good mulloway stock — a Victorian state first — to be released into East Gippsland. These fish grow to approximately 1 metre in length, and from 60 centimetres on they can be kept. As a result of this initiative, we will see a significant boost to tourism in East Gippsland, to accommodation and to the uptake of the very generous hospitality and retail opportunities that the area presents. The release of the mulloway fingerlings has been supported by VRFish, Fisheries Victoria and the East Gippsland Catchment Management Authority. I thank everyone who was there on the day, and I look forward to going back to the area in the coming months to see how the fish have grown.

## Altona rail loop

**Ms HARTLAND** (Western Metropolitan) — Last week I attended a meeting of the Altona Loop Group. I have been involved in this community campaign for the last four years after the previous Liberal government cut the timetable on the Altona loop. Regularly passengers who use that particular piece of rail infrastructure are dumped at Laverton because Metro Trains Melbourne does not really care all that much about passengers and just does not run the service.

Last week the Altona Loop Group again filled the RSL club in Altona, and people were extremely grateful that the local member, Minister Jill Hennessy, the member for Altona in the Assembly, attended and gave them a respectful hearing, but they were extremely disappointed that, even though representatives of Public Transport Victoria and Metro were in the room, they could not tell them when the bypassing of stations would stop and when the timetable would be renewed. These people had been promised that after the regional rail link was put in place the timetable would be renewed and they would have a reasonable service again. It is time that the government stepped up to the plate and made sure that the timetable is restored and the people who use the Altona loop get a service that is comparable to that of the rest of the network.

## Work experience

**Dr CARLING-JENKINS** (Western Metropolitan) — I rise today to speak about work experience and its importance and value to young people. Recently I had the pleasure of hosting a work experience student, Salena, in my office. Salena, a Victorian certificate of education student at Keilor Downs College, gave up a week of her term 3 holidays to undertake work experience with me to help develop her understanding of Parliament and the kind of work that takes place here.

During her time at my office Salena assisted with research on the issues pertaining to the Public Health and Wellbeing Amendment (No Jab, No Play) Bill

2015, accompanied me in meetings with constituents, contributed to discussions at staff meetings and even assisted in drafting this members statement.

In her own words, Salena said:

> I've explored the different issues that are happening in Victoria which I never knew about. I've learnt a lot about the current issues around rate capping, national parks, construction and 'No jab, no play'.

Being one of the very few VCE students at her school who voluntarily undertook work experience, Salena said:

> It has given me an important opportunity. In school I study English, global politics, sociology, psychology, history and legal studies. Doing work experience has allowed me to bring my school subjects to life. It's an enjoyable and educational way of learning.

I encourage all my parliamentary colleagues to host work experience students. We are in a position to provide our young constituents with a very valuable experience. Why not make the most of it?

## Lorne Kindergarten

**Mr RAMSAY** (Western Victoria) — I congratulate Lorne Kindergarten on being recognised at the ResourceSmart Education Awards as the 2015 early childhood service of the year. Sustainability Victoria's ResourceSmart Education Awards recognise Victorian schools, early childhood services, students and teachers for outstanding sustainability projects. A record number of over 180 entries were received this year from more than 100 education services across the state.

Winning the highly coveted early childhood service of the year award is fantastic recognition for the Lorne Kindergarten community. Parents, along with educators Michelle Danks and Alyce Stribling, developed Junior Earthlings, an original play-based science and sustainability program designed to equip children with lifelong sustainability skills and a comprehensive scientific understanding of the natural world. Lorne Kindergarten will now work with Sustainability Victoria towards the goal of becoming Victoria's first 5-star ResourceSmart early childhood service.

## Barwon Heads Primary School

**Mr RAMSAY** — I also congratulate Barwon Heads Primary School, which recently won the junior Landcare team award for its role in promoting the local environment campaign Let our Sea be Plastic Bag Free. Students asked the business providing their lunch orders to do so in environmentally friendly bags. This eliminated nearly 10 000 plastic bags, and together with local traders, plastic bag usage in the town has decreased by 23 per cent in the last eight months. It is a great effort, and congratulations go to the students and staff at Barwon Heads Primary School.

## Box Hill Institute Lilydale campus

**Mr MULINO** (Eastern Victoria) — I rise to congratulate the new operator of the Lilydale TAFE campus. The announcement was made yesterday by the Premier, the Minister for Training and Skills and the member for Monbulk in the Assembly, the Minister for Education. The new operators of the campus are Box Hill Institute, Deakin University and William Angliss Institute. An exciting development is that those new operators will be able to accept students from the start of the 2016 academic year. Importantly, the new operators will join in a partnership, work together with operators already on the campus and work towards providing a highly integrated education offering right across the spectrum of services. This will provide important access to students in the outer east in areas such as tourism and hospitality — the industries of the future.

I want to also mention those services that are already operating on the campus, Melba Support Services, and to say that an additional point made by the Minister for Education yesterday was that a new tech school will also be located on the campus. It will truly be a wide spectrum of education services provided. I want to single out the Minister for Training and Skills for delivering such a good outcome and also the local member, Minister Merlino, who campaigned so hard for this outcome. It is a great outcome for the local community that will deliver for current and future students for years to come.

## Anti-Poverty Week

**Ms PATTEN** (Northern Metropolitan) — Last week, as many members were aware, was Anti-Poverty Week. It was a week to encourage Australians to participate in events that highlight what is needed to overcome the issue of poverty and to recognise the hardship that is faced not only here but overseas. Despite enormous economic growth, poverty continues to increase in Australia. In October 2014 the Australian Council of Social Service released a new report revealing that poverty is growing, with an estimated 2.5 million people, or 13.9 per cent of all people living in Australia, living below the accepted poverty line. I certainly know we feel that in Northern Metropolitan Region.

Poverty disproportionally affects marginalised people. Whilst there are some dedicated individuals working towards decreasing poverty in Australia — and I was fortunate enough to meet a number of them last week — much needs to be done. I had the great opportunity to serve lunch at St Mary's House of Welcome in Fitzroy. It sees about 80 people every morning and a similar number of people at lunchtime every day. For $2 you get a three-course meal and silver service by volunteers. You sit down at a table and you are served quite a delightful meal. It is about instilling some respect. It is about bringing people into a service that is clean, modern and effective.

## Warrnambool Base Hospital

**Mr MORRIS** (Western Victoria) — I would like to congratulate Matthew Guy, the Leader of the Opposition in the other place, along with Mary Wooldridge, the shadow Minister for Health, and the Liberal candidate for the Assembly electorate of South-West Coast, Roma Britnell, for their announcement in Warrnambool on Wednesday of last week that the Liberal Party remains committed to the $100 million stage 2 upgrade of the Warrnambool Base Hospital. Roma Britnell understands the critical need for the stage 2 upgrade as she worked at the Warrnambool Base Hospital during the late 1980s. Despite significant population growth in Warrnambool and surrounding communities, the operating theatres in the hospital have not been upgraded since then. The coalition did of course fund and complete stages 1 and 1A of the Warrnambool hospital, and that is evidence that yet again only the coalition stands up for the good people of the South-West Coast electorate.

## Don Chambers

**Ms SYMES** (Northern Victoria) — I wish to use my members statement today to pay tribute to two of the north's shining stars who were lost in the last fortnight. Indigo shire councillor Don Chambers died suddenly while holidaying in Rome at the age of 78.
Cr Chambers was serving his fourth term on Indigo council, having held the position of mayor in 1999 and 2000 and served for 10 years as the national chairman of Keep Australia Beautiful. It was only in the last sitting week that he rang me on Tidy Towns matters.

Cr Chambers was also a life member of the Victorian Local Governance Association. He was a proud member of The Nationals, as well as a passionate member of the Rutherglen Historical Society and Rutherglen Landcare. He served on the board of the North East Victorian Regional Waste Management Group and was its chair for four years. He also worked with EcoRecycle Victoria, Sustainability Victoria and North East Water and was a committee member of the water and Landcare advisory committees for the North East Catchment Management Authority.

His years of heartfelt advocacy and committed representation of Rutherglen and of the wider north-eastern Victorian community will long be remembered.

## Mary McLeod

**Ms SYMES** — Mary McLeod from Benalla was a woman with volunteerism as her middle name. For decades she delivered Meals on Wheels and worked in the St Vincent de Paul op shop and the Citizen's Advice Bureau. She has been recognised for her years of commitment on the information desk of the Benalla Art Gallery as well as her endless unpaid roles within the Catholic Church. Her tireless devotion to helping others has had an immense impact on the community and has certainly had a massive impact on my life, my views, my goals and my aspirations, as Mary McLeod was my grandmother.

## Daniher's Drive

**Mr DRUM** (Northern Victoria) — Last Friday Bendigo played host to Daniher's Drive. Over 600 people, some who were on the four-day drive but many who were not, descended on the All Seasons hotel in Bendigo for an event to raise awareness and money for Neale Daniher's drive to find a cure for motor neurone disease (MND). Whilst we have been working on this event for over six months, it was a credit to all concerned that it was a such a huge success. It was yet another example of Bendigo coming together to get behind a great cause. Bryan Coghlan from 3BO helped promote the night, and various businesses attended planning meetings and put their hands up to take tables when we asked them to do so. I would like to thank Linda in my office, who was able to assist with the bookings, information and logistics to ensure that Neale knew exactly how the sales were proceeding and how the preparation was coming together.

The night itself was a real hit, with Brian Taylor interviewing Billy Brownless and then Gary Lyon. The three celebrities were given a standing ovation when it was realised that they were donating their services to make the night a success. The four Daniher brothers, Terry, Anthony, Neale and Chris, along with young Bomber Joe, were interviewed together about growing up on the farm at Ungarie. The Daniher wit was endless, and the night was priceless. Daniher's Drive, including the fundraiser in Bendigo, has raised over

$1 million, which has been added to the $2.5 million raised during the Freeze MND event at the MCG in June. Neale is taking this action in the knowledge that it is extremely unlikely it will ever help him. He is raising this money so that when one of us gets struck down with MND or when one of our children gets struck down with MND, there may be a cure in the future.

## JOTA-JOTI

**Ms BATH** (Eastern Victoria) — Last weekend I attended the JOTA-JOTI — Jamboree on the Air-Jamboree on the Internet — at Bell Park scout camp at Nyora. This official event connecting cub scouts and joey scouts takes place all over the world in October every year.

I would like to acknowledge and praise the leaders of the South Gippsland district, who along with senior scouts and helpers give freely of their time to enable our youth to participate in valuable, positive and engaging events. The skills learnt through the scouting movement include taking responsibility for self, an appreciation for the environment, problem solving, learning by doing and social inclusiveness. Leaders are highly trained and make an incredible commitment to our youth and their wellbeing.

Recently we have heard about the horrors regarding our youth and the insidious drug ice. It is widely recognised that a lack of connectedness to people and communities and socialisation is a risk factor for our youth turning to drugs. At a forum in Gippsland, police Superintendent Brad Dixon highlighted the need for early intervention programs to prevent initial use and addiction.

The scouting movement embodies positive interaction, self-worth, self-reliance and self-resilience as well as community spirit and the importance of being a team player. I thank District Commissioner Sue Kemp for her ongoing passion and commitment and encourage people who may be willing to give up some of their time to get involved in scouting, which is a rewarding way to make a positive difference in our communities.

## LOCAL GOVERNMENT AMENDMENT (IMPROVED GOVERNANCE) BILL 2015

*Second reading*

**Debate resumed from 17 September; motion of Mr HERBERT (Minister for Training and Skills).**

**Mr DAVIS** (Southern Metropolitan) — I am pleased to rise to talk to the Local Government Amendment (Improved Governance) Bill 2015. This bill has had a long history. Going back to 2014, the then Minister for Local Government, Tim Bull, the member for Gippsland East in the Assembly, levering off work done by the previous minister, the Honourable Jeannette Powell, introduced in the lower house a bill that was remarkably similar to this one, which sought to improve the governance of councils. It sought to improve the practice and procedures of councils in the interests of good governance and of better outcomes for our communities.

At the outset I say that the coalition will be supporting the bill but will seek to make some amendments — —

**Mr Dalidakis** — Some or one?

**Mr DAVIS** — One substantive and a number of consequential.

**Mr Dalidakis** interjected.

**Mr DAVIS** — Yes; it is all fine. It is important to put on the record at the start the support that the coalition has for local government. It is a tier of government that is close to the people, represents communities and provides services and support to and is very focused on delivering for its communities. I made the point at a recent meeting of councillors, mayors and shire presidents that Victoria has a unique model of local government nationally. It is a model which we strongly support and which is precious and needs to be nurtured and strengthened.

There are many lessons for us in how local government implements its objectives. Often a state government seeks to achieve a range of aims and objectives, but it relies on local government to achieve those at a state level. Increasingly we have to be thoughtful about the impositions on and challenges for local government because of its capacity to deliver. It has significant but not endless capacity. Councillors and council officers across the state talk at great length about cost shifting and challenges. I make absolutely clear in a bipartisan way that this is not something that is unique to the new government; it has applied for a longer period. I know the Acting President understands what I am saying. It is something that ultimately as a state and as respecters of local government we need to come to grips with.

The main purpose of the bill is to enhance standards and behaviour across local government. It picks up and deals with codes of conduct, mandatory internal resolution procedures and important steps to ensure that codes of conduct are adopted — all of which are changes that are common to the bill that was put forward last year. They are in this bill, and they are strongly supported. I note that the amendments will also strengthen the powers of the chief municipal inspector

and allow for a minister to seek an order in council to stand down problematic councillors. There have been a number of cases around the state where problematic councillors have led to the dismissal of a whole council. In that sense the bill is a significant improvement. It gives the minister significant power and, consequent to that, significant responsibility to act with integrity and honour in the way these issues are managed. The way forward is such that we can end up with a better outcome.

I place on record my disappointment that the previous opposition did not support the bill that was introduced in the Legislative Assembly last year. The bill in its earlier form could have been law now and used broadly in the state. As I understand it, it was not that the then opposition had specific objections to the bill on a broad front. Its members may have had one or two objections, but as I understand it they were not deeply opposed to the bill in its essence. The bill could have proceeded if they had behaved in a way that was focused on the best outcomes for the Victorian community. As I have said, I put on record my disappointment at the behaviour of the then opposition leader, Daniel Andrews, and the member for Bendigo East, Jacinta Allan, in the lower house and the series of steps — —

**Mr Dalidakis** — On a point of order, Acting President, besides the fact that the member has reflected poorly on another member of Parliament, I point out that the previous coalition government never put this piece of legislation on the government business program, so he is misleading the house.

**Mr DAVIS** — That is not true.

**Mr Dalidakis** — Yes, it is true.

**Mr DAVIS** — This administration would have — —

**Mr Dalidakis** — No, it was never on the government business program. You did not put it forward.

**Mr DAVIS** — Let me be very clear here. The shenanigans in the lower house in the last period of the Parliament, put forward by Labor, put forward by Jacinta Allan, put forward by Daniel Andrews are legendary.

**Mr Dalidakis** — Be honest!

**The ACTING PRESIDENT** (**Ms Dunn**) — Order! I am on my feet. Would Mr Dalidakis like a ruling on his point of order?

**Mr Dalidakis** — That would be lovely. Thank you, Acting President.

**The ACTING PRESIDENT** (**Ms Dunn**) — Order! There is no point of order, and I ask Mr Davis to come back to the motion and the bill at hand.

**Mr Dalidakis** — Don't be clear, be honest.

**Mr DAVIS** — I thank you, Acting President, noting the — —

**Mr Dalidakis** — Do try it. It will be new for you, I know.

**Mrs Peulich** — On a point of order, Acting President, the member just raised a point of order, which you ruled was not a point of order, and immediately then proceeded to reflect on the member on his feet. More importantly, I actually want to hear the debate, and at the moment he is drowning out the contribution that I wish to follow. I ask that you bring him to order. If he wants to speak, he can put his name on the list.

**The ACTING PRESIDENT** (**Ms Dunn**) — Order! There is no point of order, but I remind members that every member has the right to be heard in the house, and I ask Mr Davis to continue.

**Mr DAVIS** — The history of the bill is important to understanding the steps that the coalition will take with respect to the bill. If the coalition's similar bill had not been enmeshed in the misbehaviour in the Legislative Assembly in the last Parliament, it would have been law well before the conclusion of the Parliament at the end of last year. That is the simple fact of the matter.

There is one aspect of the bill that was not brought forward by the current government. It relates to the decision of the previous government to seek to insert matters around an employment matters committee. We will seek to amend the bill to achieve that employment matters committee. At this point it is probably worth me circulating my amendments so that the chamber can see and discuss the amendments.

**Opposition amendments circulated by Mr DAVIS (Southern Metropolitan) pursuant to standing orders.**

**Mr DAVIS** — The essence of the main amendment is that the chief executive officer employment matters committee would be created. Councils would be required to establish such a committee. The committee would be an advisory committee. It would be constituted by a chairperson and at least two

councillors. The chairperson of the committee would not be a councillor or a member of council staff, but they would be suitably qualified. The functions of that committee would be to make recommendations to council on contractual matters relating to the chief executive officer, including the appointment of the CEO, their remuneration and extensions to their employment; to conduct performance reviews of the CEO; and to perform other prescribed functions and responsibilities.

The key point here is that this would bring a greater independence and transparency to the appointment and reappointment of chief executives. This is the most important appointment that is made by most councils. It is a very significant appointment, because a good chief executive strengthens the position of a council massively. It is important in terms of transparency. Having an external person as the chair of that committee would mean that a better outcome is likely to be achieved, in the same way as audit committees routinely have external members, who are able to provide independence, oversight and a set of arrangements that enable a better audit function to be discharged. In that way this committee, in having an external person as chair, would be in a position to produce better outcomes for the council.

We have seen some poor appointments. It is not my proposal today to run through a list of rogues or a sorry gallery, but rather I will say that many of us can point to examples where appointments have not been got right by councils. This process would assist in strengthening that appointment process. Of course no human system is perfect and no human system leads to foolproof outcomes, but you can by good procedure, by good structures, get better outcomes. I have a very high regard for the CEOs who provide magnificent service across the 79 councils in this state. I think these CEOs are in many cases the linchpins of our council bureaucracies, and they provide the guidance and strength to lead to very good outcomes. Unlike some others, I am not going to spend my time attacking the competence and integrity of many of our CEOs. By and large I find them to be a high-quality group of people with extremely high levels of competence and also to be people of whom the community can be justifiably proud. This is a step that will strengthen the position of good CEOs. Good CEOs will thrive under a system of independence of this type — of greater transparency and scrutiny. They will also be more easily reappointed when they have done a good job, and the community will have greater confidence in the appointment process and the steps that are taken in the appointment of CEOs.

I want to return to a number of other aspects of the bill and indicate our support for the councillor conduct panel and the chief municipal inspector. I put on record here, without rancour or attack, a note of caution about the new arrangements that have been put in place by the current government. I support the role of chief municipal inspector as outlined in the bill, but the government has chosen to take a number of the integrity functions that are outlined in the Local Government Act 1989 and place them in the Department of Premier and Cabinet. It has also chosen to place those with the Special Minister of State, the Leader of the Government. I do not reflect on him personally, but I believe that moving these integrity functions into the Department of Premier and Cabinet carries with it a risk in the long term. There is a significant risk that an unscrupulous minister at a future point could misuse the extraordinary sharpness of the pyramid that is created by the chief municipal inspector having integrity functions quarantined in a separate department.

The appointment of the municipal monitors, those who would go out and monitor, is very important. The Municipal Association of Victoria has had a role in these appointments in the past. It has taken, as it were, the taxi principle, meaning the next cab off the rank has been the one allocated to particular tasks. If there is any undue interference in a neutral process, there is a risk these important integrity functions will be politicised, and I put on record my concern for caution in the long run.

I welcome the prohibition of council discretionary funds. I see the greater independence of audit committees and the specification of chairs of audit committees having a right to have a report placed on the agenda at any council meeting as important steps forward, very much like the appointment of CEOs. When it comes to electoral reforms, we by and large support these matters around a caretaker policy, we support the matters around the exhibition voters roll and the prevention of a person who is banned from being a company director from being a candidate at an election or continuing as a councillor and requiring councils, as I say, to have that election period.

The coalition has consulted widely on this bill. I put on the record my thanks to the Local Government Professionals group in particular and also the Municipal Association of Victoria and the Victorian Local Governance Association. I also thank a range of Victorian councillors who have given us significant input on this bill. I put on the record my concern that there are a number of issues around the electoral reforms which have not been progressed through this

step, and there are steps that could be taken which would see better and fairer electoral outcomes.

**Mrs Peulich** — Hear, hear!

**Mr DAVIS** — Mrs Peulich has certainly made this point to me, and I will leave it to her to make a more lengthy contribution on this.

**Mr Leane** — You should have let her go first.

**Mr DAVIS** — No, I am very happy, Mr Leane, to have a number of people make a number of points.

The bill touches all areas of local government, but we need to have integrity measures in place that ensure that dummy candidates do not run in large numbers in the forthcoming elections in 2016. The insertion of how-to-vote cards in postal vote processes does not help in that regard, and the concern is multiple dummy candidates can appear and can influence the electoral outcomes in a number of areas.

I note that parallel with this the government has launched a process to review the Local Government Act 1989 and, as I understand it, the Geelong and Melbourne acts and also the MAV act, and I welcome that review in general. The government is toying with a number of doozies at the moment, and I will have more to say about those as time goes on. But there is an opportunity to get a better outcome. I note that the Georgiou review made a number of recommendations that appear not to have been a focus for the current government, which in many respects is a pity because that review had a great deal to contribute.

It is important to place in context the position of local government. I put on the record some straightforward figures that lay out where we are with local government at this point. For the first time in quite a number of years, possibly since I have been in Parliament, we have seen a fall in state government funding of local government — a fall on the straight budget figures of $38 million. It would be $88 million if you took out the $50 million for interface councils. That is a straight fall — a cut — to councils of $88 million this year. Put back the $50 million targeted at the 10 interface councils and you still have a net fall of $38 million.

I hear the government bleat about me saying this, but those are the cold, hard facts. The government tries to point at the federal government, which has frozen the assistance grants. I am on the record pointing out that I never agreed with this and do not agree with the freezing of the federal assistance grants; but I do put on the record that there has been an actual increase in money coming into the state under the federal assistance grants — about $8 million. It is not much, but there has not actually been a net cut like that which has been put in place by the state government.

I point this out because in the context of local government rate capping we are about to enter a phase of state government rate capping, and you cannot be legitimately, honestly capping rates at the same time as tearing, scratching and ripping money out of key council programs. I particularly single out the country roads and bridges program, which has been an incredibly important program for country Victoria — $1 million a year to 40 councils times four years, so that is $160 million we had committed to renew that program. The new government has not renewed that program and has cut the funding. That is $40 million ripped out of country Victoria, out of council capacity to build roads and bridges and give them predictability.

Councils loved this program because it was a predictable program. They could schedule their maintenance, they could schedule their work in a predictable way into the future. They were not reliant on going cap in hand to the state government — or commonwealth government for that matter. I put on the record the fact that whilst the commonwealth government has frozen the federal assistance grants, it has also recently pumped up — surged — the amount of money that is coming through the federal roads program. That will put significant money into the hands of councils across country Victoria. It does not put money uniformly into the hands of councils in country Victoria, but unlike the state government there is a net surge in money from the federal government when you count the roads program versus a net fall in money from the state government when you count these important programs. It is important to place that on the record.

In the context of rate capping, the government is also proposing to pump up fees and charges, and we know now that the government promised faithfully that they would not be raised above indexation. Repeatedly the Premier said he would not lift taxes, charges, levies; there was a long list of them and they were all named in various iterations. Let me tell the house that the fire services levy (FSL) has come in and hit like an Exocet missile from the side. It is a huge increase, way above inflation. Mind you, in my own area of Southern Metropolitan Region, council areas have seen increases in the fire services levy of between 9 and 12 per cent. When I went to school, the CPI at 1.1 per cent was a long way from a 9 and 12 per cent rise — 7.2 per cent statewide. It is a significant surge in the fire services levy from a government that promised it would not lift

rates, taxes, charges, levies — any of them — beyond the indexation in the CPI.

I am here to tell members that the CPI to 30 June was 1.1 per cent. We have seen council rates rise statewide by 3.8 per cent this financial year and the government breach its clear election commitment to introduce rate capping at the CPI. Whether you think it is a good idea or a bad idea — many councillors have put the view to me very strongly that the CPI is not a good indicator of council costs, and of course there is a strong point to be made there — unfortunately for the Labor Party and more broadly the CPI was the specific promise that was made by Daniel Andrews in May 2014. He said Labor would cap rates at the CPI.

**Mrs Peulich** interjected.

**Mr DAVIS** — Labor put out a lot of material on this, and I think people heard it. We did not win the election; the Labor Party won the election. It is now in government, and now it is its task to introduce the solemn promise it made to the Victorian electorate to cap rates at the CPI. The CPI was 1.1 per cent. It is not some concocted — I was going to say BS — index or manufactured index that has been put together by the goons down at the Essential Services Commission.

**Mr Dalidakis** interjected.

**Mr DAVIS** — Goons. I think the material they have produced on rate capping is weak and shoddy. I think they are patsies of the Labor Party, and I do not think they have acted with sufficient independence and rigour on this matter. That is clear enough, is it not? I am not mincing words there. I think the Essential Services Commission has done itself no good in this process at all. I think it needs to reflect closely.

Let me be quite clear: the Essential Services Commission has got itself caught up in a whirlpool with the Department of Treasury and Finance and so forth, going round and round in circles, looking at different indices, all of which have nothing whatsoever to do with the CPI, which is released regularly by the Australian Bureau of Statistics. The Victorian public knows what the CPI is — they hear it come through on the radio from time to time — and they know it has nothing to do with a manufactured or concocted index that some boffins down at the Essential Services Commission have created. That is the fact of the matter.

They want to put a special index in there for salaries of public servants in local government. It is absolutely true that the salaries of public servants in local government are a big part of local government's cost structure, but they have nothing much to do with the CPI, which was Labor's promise on this matter. The now Premier promised to cap rates at the CPI. I am going to say again so that the chamber understands it: cap rates at the CPI. The CPI is a known index. It was 1.1 per cent. In the first year the government has broken its promise.

*Honourable members interjecting.*

**Mr DAVIS** — Mr Dalidakis laughs, but he also laughed when I raised the matter of an 11 per cent rise in rates for small businesses in Monash that have been absolutely hammered. Let us be clear about this: there was a massive rise in the City of Monash and then an 11 per cent rise for small businesses in the City of Monash. What a disgraceful implementation of 'We will cap rates at the CPI'. The CPI was 1.1 per cent. It is a long way from 11 per cent, Mr Dalidakis, and businesses know it.

What I say to the Victorian people very clearly is, 'Get your calculators out. Get your rate notices for this year and for last year, have a look at the FSL. Tell me if it is 1.1. Ring me, email me and say, "My FSL has gone up 1.1 per cent", and then look at the council rate and see if that has gone up 1.1 per cent'.

**Mr Dalidakis** interjected.

**Mr DAVIS** — Cap rates at the CPI was the promise — cap rates at the CPI. They can do the calculations. You can do the calculations in Monash, you can do the calculations in Nillumbik, you can do the calculations all across the state — —

**Mrs Peulich** — How about the Assembly seat of Bentleigh?

**Mr DAVIS** — People in the seat of Bentleigh could do the calculations. Cap rates at the CPI.

**Mr Dalidakis** interjected.

**Mr DAVIS** — Let me be quite clear: this government promised to cap rates at the CPI.

**Mr Dalidakis** interjected.

**Mrs Peulich** — On a point of order, Acting President, a witty, intelligent interjection is always welcome, even though it may be unparliamentary, but the consistent haranguing by the minister on the front bench is out of bounds, and I ask that you draw him into line.

**The ACTING PRESIDENT** (**Ms Dunn**) — Order! I uphold the point of order. I ask the minister to stop the persistent haranguing and let Mr Davis be heard.

**Mr DAVIS** — As, Acting President, you will know, none of us have seen the legislation, as yet, that the government will bring forward, but let me just be clear: in the first year it has not implemented its policy to cap rates at the CPI. Section 185 of the Local Government Act 1989 clearly gives the power to the minister. It has been used before, and it could have been used this year, but instead the Minister for Local Government chose as an early act to break the government's election pledge to cap rates at the CPI. She failed at hurdle 1. At hurdle 2 she thought she would send this off to the Essential Services Commission to concoct and manufacture some strange and made-up index that no-one has ever heard of. Let us face it: the more you read it, the more you look at it, the more you scratch your head and think, 'Gosh, the boffins there — how did they come up with that?'.

**Mrs Peulich** — Creatively.

**Mr DAVIS** — Creatively? Let us be honest: it is a simple matter. The CPI is what the government promised, and then it said there would be a variation process so councils would be able to apply for a variation. Now the Essential Services Commission has created a complex process it is recommending. It will be very expensive. Small rural councils will get it in the neck. It will even be unpleasant for large city councils. In my view the only councils that will apply on a regular basis are those that have a capital project that requires some variation and would be worthy over a number of years of the large legal, administrative and consultancy costs that will be generated through this variation process. Small increases on modest amounts would not satisfy the logic of preparing variation materials and the cost of consultancies and boffins, dare I say it, to achieve the outcomes that they would want.

This process will work against country councils. That is the reality. But the sad outcome is that the government appears to be setting itself to break its promise in full — not even to delay it a year and break it in the first year but to break it in full. We will watch closely what is brought forward. The main amendment the opposition is proposing is a modest amendment. It is an amendment that we think will improve governance, it is an amendment that we think is responsible in terms of costs and it is an amendment that we think will give greater confidence to and transparency for the community.

**Mr LEANE** (Eastern Metropolitan) — It is always interesting to follow Mr Davis. He makes speeches where you think he is about to finish and then he finds a second wind. It is not necessarily a good wind; usually it is a foul wind that he manages to find. The Local Government Amendment (Improved Governance) Bill 2015 is quite a simple bill in its application but it is very important. Its primary purpose is, obviously, to amend the Local Government Act 1989 to enhance the understanding of councillors in relation to the standards of conduct expected of them, improve the governance standards of councils, provide for the appointment of the chief municipal inspector and municipal monitors, provide for the resolution of allegations of councillor misbehaviour and strengthen the integrity of municipal elections.

In breaking that down, councillors I deal with — whether or not they have a political affiliation with a political party — would be encouraged by this bill. The bill is here to enhance the governance standards of councils by defining the role of the council and the role of the mayor and to provide a mechanism for the minister to intervene and stand down an individual councillor where their misconduct amounts to a threat to health and safety or to obstructing council business. We know that can happen from time to time but, in saying that, I think we would all agree that most councillors give up their time for very little recompense and most of them are serious about the areas and wards they represent.

On defining the role of the mayor, it is a shame that the bill could not go as far as defining the type of T-shirt certain mayors should clad themselves in, particularly after the mayor of the City of Greater Geelong's recent appalling effort. I suggest that anyone accompanying him in future should be wearing a T-shirt that says, 'I'm with stupid'. That was an outrageous effort by him.

I will touch on some of the points that Mr Davis made. Mr Davis said that the previous government created a similar bill which the opposition at the time blocked. I think Mr Davis was trying to indicate that the previous opposition, led by the current Premier, voted against a bill that was presented to the Parliament. The reality is that that legislation was never put on the Legislative Assembly's government business program and never presented by the then government, so it was completely impossible for the then opposition to oppose or vote for, amend or do anything with that bill. For Mr Davis to indicate that the opposition blocked any piece of legislation on this issue is a complete lie to the chamber, but I do not think we should be too surprised by that.

Mr Davis indicated during his contribution his issues around rate capping. Maybe the next opposition speakers might give us some clarity on their position on rate capping. I find Mr Davis's position very confusing. Only months ago he was on 3AW, I think, spruiking

that he was right behind rate capping. He wanted it to come in earlier. You can tell by his contribution today that he is not happy with the Andrews government's process in staging this policy, but I think in fairness to councils — —

**Mrs Peulich** — 'Staging'! That is massaging the words.

**Mr LEANE** — It is not massaging it at all. The implementation date of this legislation is well known. It would be great if the opposition actually clarified what its members believe regarding rate capping, whether they are for or against it. It is very difficult to tell from their spokesperson where they are at. We find it quite confusing, and it would be great to know what their position is.

Mr Davis harps on about supposed Andrews government funding cuts to councils, but he failed to mention the $200 million of federal funding cuts to Victorian councils. I would like to hear Mr Davis take some position on that.

As far as Mr Davis's amendment goes, the government will not be supporting it. We think it is important that councils have an opportunity to have a say in who the chief of staff should be — —

**Mrs Peulich** — No, no, no — we are talking about the chief executive officer.

**Mr LEANE** — Same thing. Let us not split hairs on what the Cs are, okay?

**Mrs Peulich** — Wash your mouth out with soap.

**Mr LEANE** — We had a bit of that last night, and I think we have had enough. We think that the amendment adds another layer of bureaucracy. There are concerns from stakeholders about who will be the independent arbitrator, who can be in charge of a council and arbitrate for councillors who they have to have as their lead officer. I think it is very important that they get the chance to appoint that position themselves. Most of the time councillors will get the right fit as they see it at the time, unlike perhaps the odd mayor who is imposed upon them. In closing, I fully support this bill and hopefully it will have a speedy passage through this chamber.

**Mr RAMSAY** (Western Victoria) — It is always a delight to follow Mr Leane's contribution because it provides a little more frivolity to my contribution. As Mr Davis has indicated, the coalition is supporting the bill with proposed amendments. No doubt that will be discussed later, even though I understand that the amendments have been circulated in the chamber. As has been indicated in previous contributions, the Local Government Amendment (Improved Governance) Bill 2015 amends the Local Government Act 1989 to improve the governance standards of councils, amend arrangements for local government elections and provide for other matters, to amend the City of Melbourne Act 2001 to repeal part 4A of that act, and to consequentially amend the City of Greater Geelong Act 1993, the City of Melbourne Act 2001, the Electoral Act 2002 and the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes.

As has been indicated by members on this side of the house, this bill is very similar to one introduced and put on the notice paper by the coalition government in relation to governance matters for councils and was borne out of quite an extensive review in 2013 looking at councillor conduct. That was certainly supported by members of the public, who had seen displays of poor behaviour within council between councillors and because there appeared to be a lack of tools or mechanisms for a mayor to bring councillors who were behaving poorly into line in a manner befitting their position. After that review process a public discussion paper was put out, returned and collated, and subsequently a bill was introduced in the previous Parliament. As we know, history will record that the bill was never brought to fruition because of the antics of the Labor Party in the Assembly. Nevertheless the coalition laid the groundwork and the framework, and that is what we see today in a slightly different form.

Although I have had no experience as a councillor, my grandfather was the mayor of what was then the Colac shire — —

**Mr Finn** — As was mine.

**Mr RAMSAY** — As was yours, Mr Finn. There might have been a Mr Finn and a Mr Ramsay sitting together in the chamber rooms of the Colac shire. Nevertheless in those days our respective grandfathers took their roles very seriously in providing chairmanship of the councillors they were overseeing and in representing the communities of their municipality. They did it seriously, methodically, with great judgement and local knowledge and with considerable support from the constituency they were representing.

From my recent experience as a member of Parliament overseeing Western Victoria Region, I believe most councils in my region are not behaving in the manner previously seen in past decades. In fact I cannot think of

one council within the Western Victoria Region where there has not been some associated problem with the conduct of councillors representing their constituencies. My hope is that with the introduction and the passing of this bill there will be an improvement in behaviour, conduct and accountability of those who wish to take the position of councillor or mayor of the municipality they represent. I also note that this bill does not cover council staff or the conduct that council officers provide to their roles and responsibilities in relation to their positions.

**Mrs Peulich** — It is under federal legislation.

**Mr RAMSAY** — Thank you, Mrs Peulich, for your contribution. I am sure you are going to make another one very shortly.

I make the point that the missing provision in this bill is what the proposed amendments provide, which Mr Leane did not quite get right. The bill before us differs from the foreshadowed 2014 bill in that the 2014 bill required all councils to establish a chief executive officer employment matters committee chaired by an independent person with relevant expertise to oversee and provide advice to council on all matters regarding employment of the chief executive officer, including appointment, termination, extension of a CEO's contract and the conduct of performance reviews. The 2015 bill does not do this. Hence the proposed amendments, which reinstate the chief executive officer employment matters committee in the bill.

Also, the electoral reforms proposed in the 2015 bill were not part of the 2014 bill. As indicated by Mr Davis, I am looking forward to a review of the Local Government Act. I sit on the parliamentary committee Mr Davis chairs which is looking at rate capping and other matters affecting local government. The committee is considering issues arising from the impost of rate capping without additional supplementary funding. This particularly affects the rural councils I represent, which under the previous government received over $160 million from the country roads and bridges program — $1 million per year — but are now not receiving that funding. They have been asked to not only cap their rates but also to look for efficiencies within council activities — something which I do support. However, at the same time some of the very supportive grant funding that provided councils with an assured revenue to deliver the ongoing maintenance and upgrade of significant road networks in rural municipalities has been taken away. They are going to be under extreme pressure.

The purpose of the bill is to amend the Local Government Act and, as I said, to enhance the standards of governance and behaviour across local government. The key changes will include requiring newly elected councillors to make a declaration that they will abide by the councillor code of conduct, introducing a mandatory internal resolution procedure with councils and making improvements to the councillor conduct panels. The bill also encourages councils to take responsibility for resolving conduct issues internally, if possible, by strengthening internal councillor codes of conduct. It does that in three ways. Firstly, councils will be required to review and adopt their codes within four months of an election, and a special meeting will be set aside for that purpose. Secondly, councils will be required to have an internal resolution procedure within codes that make it clear to all councillors how allegations of breaches of the code will be handled. Thirdly, councils will be able to impose sanctions when finding that a breach of the code has been made following an internal resolution procedure. I will not go through all that detail; it has been mentioned already in the debate on this bill.

The bill also defines the roles of a councillor and a mayor for the first time. The role of a councillor, as set out in the bill, involves participating in the decision-making of the council, representing the local community in that decision-making and contributing to the strategic direction of the council. The role of mayor includes providing guidance to councillors about what is expected of them as councillors and supporting good working relations between councillors. It also includes acting as the principal spokesperson for the council and carrying out civic and ceremonial duties.

That gives me the entree to raising a matter Mr Leane raised in his contribution about the current City of Greater Geelong and the Local Government Act 1989. It was the coalition that actually listened to the public and the community of Geelong. The coalition supported the Committee for Geelong in its priority of having a model structure that directly elects the mayor, and it helped with the significant public consultation with the government of the day through David Morris, the member for Mornington in the Assembly and the then Parliamentary Secretary for Local Government, who did a significant amount of work in making sure that the community of Geelong was engaged in relation to a preferred model and structure. That went through, and history will show that Cr Darryn Lyons was elected as the directly elected mayor — easily elected, I might add, with a significant primary vote — and that the provisions within that act provided for a review process which the government is now reluctant to carry out. However, the government is indicating that it will carry

out a review under the terms of the act itself prior to the 2016 election.

The matter Mr Leane raised gives me an opportunity to say how very disappointed I was to see the member for Geelong in the other place, Christine Couzens, take the political opportunity to criticise Cr Lyons for wearing a T-shirt at an Oktoberfest activity on a weekend when he was not representing the council as mayor in a formal sense. She then managed to rally Trades Hall and her Socialist Left colleagues on the council to have a mini rally outside council chambers to try to have Cr Lyons, the mayor, resign. This is just total nonsense. Ms Couzens has done this a number of times in the chamber. Under parliamentary privilege she has been more than happy to use her position to criticise and harangue the mayor of Geelong. I would like to take the opportunity to say — —

**Mr Dalidakis** — Really? You think it was worthy of parliamentary privilege to say the T-shirt was offensive?

**Mr RAMSAY** — I think it was a disgrace. Ms Couzens was hiding behind parliamentary privilege, criticising the mayor and being rude, arrogant and dismissive of the mayor of Geelong. She did it in the chamber; she would not do it to his face. I would like to see that. She then ran a political campaign against the mayor who was wearing a T-shirt and who agreed that the writing on the T-shirt was not appropriate. Certainly if he knew what the writing indicated, he would not have worn it. But at the end of the day it was a T-shirt with a picture of Madonna which is sold through many thousands of shops, and to suggest that Cr Lyons should resign on that basis was a disgrace and yet another political opportunity Ms Couzens saw fit to exploit.

Cr Lyons has done some extremely good work in bringing new industry and new tourism opportunities to the city of Geelong. Australian business numbers are up by 40 per cent. The city is going through a transitional period now and coping very well, given the loss of Alcoa and Ford and some of our other heavy manufacturing industries. If were not for Cr Lyons, we would not see the significant increase there has been in business and tourism trade through the Geelong region.

I thought it was dirty politics by Ms Couzens and her Socialist Left councillors, who have done their very best to obstruct the business of the Greater Geelong City Council. My hope is that this bill will tidy up those renegades within that council who are bullying and creating mischief to impede the mayor's vision and the work Cr Lyons is trying to do on behalf the city of Geelong.

The CEO's responsibility for the organisational structure and day-to-day management decisions of council are also expanded by the bill. It provides that a CEO must also ensure that council receives timely and reliable advice about its legal obligations under the act and any other legislation. This is all quite normal for a CEO. I want to take the opportunity in the short time I have left to acknowledge the hard work of councillors, much maligned as they are. They are not overpaid. Most work diligently on behalf of their constituents. But in relation to council staff and salaries associated with CEO positions, I believe they are out of control.

CEOs in the competitive market are now receiving between $300 000 and $700 000. Small rural councils that are trying to compete for a CEO who has the required skills and knowledge are being priced out of the marketplace. Instead of rate capping, I am almost of the view that we should start looking at CEO salary capping, because it is swelling out of control and putting a huge impost on the budgets of councils now. That has a flow-on effect: once you pay the CEO a certain level of salary, then all the managers underneath expect their salaries to go up with that sort of increment. That is just outpricing the opportunity for smaller councils that do not have the budgetary opportunities of the bigger ones to get that sort of skill base for the CEOs.

I do not have time for other matters, but I am happy to see that there is a bill that will hopefully bring some of these councils in line in relation to the roles, responsibilities and conduct of councillors. Certainly we are supporting this bill and the amendments Mr Davis has foreshadowed.

**Mrs PEULICH** (South Eastern Metropolitan) — I am pleased to speak on the Local Government Amendment (Improved Governance) Bill 2015, just as I would have been pleased to speak on its predecessor bill, the Local Government Amendment (Governance and Conduct) Bill 2014. I have been sitting here quietly comparing the two, and there are very few differences. Let me say at the outset that the local government sector has been largely unreformed, and as a result we continue to see the sector underperforming. This is really only the tip of the iceberg. There is much that needs to be done and much that could be done to improve the performance of the local government sector, which I am very passionate about. I pay tribute to the many councillors and council staff who work in the sector, but I understand that there are many gaps and deficiencies in it.

There are problems with the Local Government Act 1989, which the government is committed to reviewing, but it is taking a ground zero approach, throwing out the whole act and then coming back with something that I think is the wrong approach. I do not think the bill is a disaster, but it would be much better to fix up the gaps and holes in the Local Government Act as it is than to engage in a sector-wide consultation of two years and probably come up with some sort of model legislation, which might then be taken to a state election and then take 10 years for the sector to bed down. That is time lost in improving the performance and accountability of the sector.

I pushed this reform agenda strongly behind the scenes both in opposition and in government, and I was pleased to see the local government electoral review undertaken by the coalition government to improve the democratic workings of local government and ensure that the electoral system under which we choose our local government representatives is fair and transparent and promotes effective participation. The greatest failing of this government to date, with the approach of local government elections in 2016, is in not reforming — quite simply and without any cost — the local government electoral processes, in particular as they apply to the inclusion of how-to-vote cards in the mail packs of the approximately 69 councils that have postal voting. When people see 30 council candidates in a field, they turn off and unfortunately many of them resort to using party brands to try to predict behaviour.

There has been much deception, and I believe that some of the decisions taken in relation to deceptive material and rolling that into the Defamation Act 2005 were wrong. There is much deceptive material in and around local government elections and we need a proactive and effective way of dealing with it, because at the end of the day, when voters are misled through lies and misrepresentation, it perverts the system. Taking how-to-vote cards out of postal packs is the right thing to do. Then, if a candidate wishes to direct preferences, they can do so at their own expense by having them letterboxed. The biggest failing of this legislation, which focuses on improving governance, is that it does not make sure that the best candidates, the most genuine candidates, are elected through council elections, which will occur next year.

The bill considers councillor conduct and governance, and I will come back to the substance of that. It considers improved performance reporting, and a former Minister for Local Government, Jeanette Powell, did substantial work on that. In fact substantial work was done under the Kennett government, when the then minister, Robert McClelland, and I behind the scenes — and I know that bureaucrats may not have applauded the action — pushed for a performance matrix that could be published so that we as ratepayers could use it to judge the relative performance of our councils. Of course Labor got rid of that. I place on the record that the Kennett government introduced rate capping plus CPI, and that that was opposed by Labor. Learning from that experience, we felt that the most important thing to focus on when it comes to improving the performance of local governments was to improve their efficiency and effectiveness.

The lack of leadership in the local government sector, in particular by some of the lead agencies, including the Municipal Association of Victoria (MAV) and the Victorian Local Governance Association, has let this sector down. The office of local government could have been more proactive as well. No-one has been providing leadership on how to improve the capacity of local councils. What leadership has there been, apart from the work by the Essential Services Commission, which Mr Davis referred to? What work has been done to help our councils deal with the challenge of CPI rates, whenever the government chooses to implement them in whatever convoluted and confected way it is approaching it? What leadership has been shown? Even when it comes to councillor conduct, what templates and what draft models have been devised to guide some of this development work? What we do is wait for disasters to happen and then try to take some lessons from it, and I will come back to the substance of that. We have failed to progress improved performance reporting.

Coming back to the Labor Party's rate capping policy, it is popular because people do not want to pay higher rates. They want to see value for their rates, they want to see efficiency and they do not want to see waste, and that cuts across all sectors, not just local government. People do not like to see their money wasted. At the end of the day, as Mr Davis has explained, CPI does not reflect the cost of doing business in local government. It is based on a basket of goods that has no bearing on the local government sector. What is interesting, though, as I mentioned before, is that many of the marginal seat Labor MPs used electorate office budgets to promote rate capping and also to criticise Tony Abbott, which now would not pass the sniff test. It passed the sniff test at the time, but I still believe each one of those MPs should be returning that money.

In relation to reducing unnecessary red tape, I was involved in the all-party inquiry into local economic development initiatives in Victoria, and every business we spoke to and every submission we received identified local government as being a significant block

to economic activity. We heard horrendous stories of people waiting years on end to get a permit just to increase their car parking spaces. When I look at the agenda of the Kingston City Council — and I had the opportunity of serving as a local councillor on its predecessor council, the City of Moorabbin — I see that some of the issues that we debated when I was a councillor are still being debated. It is absolutely appalling that such slow progress is being made in a sector that could make a huge difference.

Another point I would like to make is that a problem with the Local Government Act is that there are breaches of it that carry no penalties. The inspectorate decides that it will not proceed with poor conduct because it has little opportunity of getting a conviction. In my view the start of the review of the Local Government Act should have been to identify those breaches that carry no penalty and to impose penalties. Unfortunately I think this legislation — and I will find out during the committee stage — introduces new breaches that still do not carry penalties. I am not sure how that will make it easier to enforce.

I would also like to find out the cost of implementing this measure. Have additional funds and resources been made available to help the local government sector improve its performance? There is a huge hole in the lead role to support local government. The MAV has failed dismally, and I am glad to see that the composition of councillor conduct panels will be broadened beyond just those approved by the MAV.

I will go to the specifics of the bill because I have little time left. This is something I could speak on for hours on end. There is a new offence of disclosing confidential information. Concerns have been raised with me that this could criminalise or discourage the legitimate disclosure of confidential council information by a councillor, perhaps by cooperating with a police investigation or a council order, and I hope this is addressed. There should be greater separation between the chief municipal inspector and the principal councillor conduct registrar. Given that one is appointed by the other, there is concern that that person may lack the independence to be able to undertake their duties fully. The bill amends the current rules for managing councillor conduct issues, with a focus on supporting councils to manage behaviour internally where possible, and I agree with that direction.

However, there are substantial costs for councillors who find themselves under some sort of allegation where they cannot access legal advice, and there is a lack of understanding of what constitutes an informal process and a formal process. In this space the office of local government could take the lead by creating some flowcharts and designating some characteristics of what constitutes a process that I think in many instances occurs as a result of sensitivities and flashpoints in a democratic process.

There are concerns about improper direction of staff by councillors. I know what that has meant in the past when I was a councillor: picking up the phone to a council officer three tiers down and saying, ‘Look, I want this footpath fixed’ or, ‘I want this done’ and so forth, which has huge implications for the council budget and council operations. But in the instance of a councillor acting as a chair in a committee and interacting with a council officer who serves on that committee, there need to be some guidelines about how those interactions are managed.

I know there are typically councillor codes of conduct. They are reviewed and councillors are expected to sign up to them, but I think in many instances the council staff codes of conduct, which I understand are governed by federal legislation, are not reviewed to reflect the changes made in the councillor codes of conduct. The two need to be effective — they need to protect councillors and council officers — and at the moment I think the situation is unfortunately uneven.

The bill also provides a mechanism for the minister to intervene and suspend individual councillors in instances of misconduct that amount to a threat to health and safety or obstructing council business. We do not want to see this abused or misused. The minister has a large capacity to intervene, and there is a risk that this will be used politically. I would prefer to see a councillor suspended than see an entire council that may be otherwise effective dismissed. I do not think that is workable for the system. I do have concerns that this can be used, especially when you might have a totally Labor-dominated council confecting processes — —

**Mr Dalidakis** — Or a totally Liberal-dominated council, like Wangaratta.

**Mrs PEULICH** — There has been bad behaviour. There has certainly been bad behaviour by some of those councils, but I am also aware of many others. The reason I am aware is that sometimes people from one faction of the ALP come to me with concerns about the conduct of another faction of the ALP. In fact I have two whole filing cabinets of documents about the misconduct of Labor councillors across the south-east. I am happy to revisit them.

All I am trying to say is that these processes need to be fair, they need to reflect due process and there needs to be a clear understanding of what constitutes an informal process and a formal process. I certainly support the ability of a minister to take appropriate action, but I stress that it must not be misused politically. The clarification of appointment and employment arrangements and of certain functions and reporting obligations of the chief municipal inspectorate in investigating and persecuting breaches of councillor conduct is, I think, generally supported. Lastly, I wholeheartedly support the amendment Mr David Davis will be moving. Most councillors do not understand the ramifications or the process.

I have concerns about contracts of chief executive officers being rolled over from one term to another excessively. I do in principle agree that perhaps one rollover may be appropriate. I do not believe it should be in perpetuity — that is my view, it is not a reflection of a party position. I believe that, whilst some of those salaries are huge, an outstanding chief executive officer will be worth his weight in gold and save a lot of money for a council. I highlight one person: John Bennie, chief executive officer of the City of Greater Dandenong. If we had a John Bennie in every council, this sector would be very different. He is professional, he leads his profession, he is a person who inspires confidence amongst council officers and councillors, and he is a person who I believe acts enormously as a leader in the sector. A scientific mechanism for spreading best practice in the local government sector is something that would strengthen the sector itself. With those few words, I thank the house for the opportunity to speak on this bill.

**Mr EIDEH** (Western Metropolitan) — I am pleased to make a brief contribution to the debate on the Local Government Amendment (Improved Governance) Bill 2015. This is a very important bill that delivers on the Andrews Labor government's commitment to integrity, improved councillor standards and good governance. I commend the Minister for Local Government, who has been very proactive and passionate about improving the standards of governance across our state, for bringing this bill to the Parliament.

This bill is just another example of the government getting on with the job by ensuring that councillors across the state will also be getting on with the job of effectively governing and improving their conduct for the good of their communities. I doubt anyone in this chamber would deny the importance of local governments in Victoria, particularly highly functioning ones. Currently there are 624 councillors across 79 municipalities in Victoria who, aside from doing what people assume councils are only used for — delivering maternal and child health care, collecting waste and upholding local laws — ensure that their communities receive exceptional service delivery. They also ensure that community infrastructure and services are continuously being developed to match constituency growth and expectations.

Being a councillor is a privilege not a right, which is why it must be protected. Being a councillor is an opportunity to be democratically elected by the community to represent their concerns and hopes for their neighbourhoods in chambers — it is not an opportunity for misbehaving councillors to destroy the goodwill of the community or the majority of other councillors and staff. At the moment it is too easy for this to occur. This bill will start the process of fixing the current system.

This bill is about getting tough on bad behaviour, and it will allow councils to get back to the business of being highly functional without the distraction of a few bad apples. This is an urgent and much-needed change. The current processes, which were implemented under the former Labor government in 2008, enabled the Municipal Association of Victoria to manage councillor conduct; however, over the past seven years clear evidence suggests that this has not worked as expected and, based upon the opinion of the local government sector, it is obvious that the current legislation does not appropriately deal with councillor misconduct. Too often I have heard stories of chamber meetings where abhorrent behaviour has been shown towards both constituents and council staff, from bullying and intimidation to discrimination. This has to stop.

I will make one more point. The members of the then Labor opposition did not support the previous government's attempts at so-called reform because we had many concerns, in particular about giving mayors the ability to eject councillors, a power which we saw could easily be abused to rig votes. Unlike the reforms of the previous government, our reforms will encourage councils to take responsibility for resolving conduct issues immediately by strengthening internal codes of conduct.

This bill will also ensure that all councillors know and understand in black and white what is required of them and, as such, will ensure that their behaviours are in line with the appropriate standards and expectations from the outset of their term. This bill is an important step in the right direction for reforming councillor conduct in Victoria. I hope to see changes such as this one once the government fulfils its promise to fully review the Local

Government Act 1989. I commend this bill to the house and wish it a speedy passage.

**Ms DUNN** (Eastern Metropolitan) — I rise to speak in the debate on the Local Government Amendment (Improved Governance) Bill 2015. This bill is designed to improve governance standards for our municipalities across Victoria, and certainly those municipalities should be based on robust democracy and open and transparent government and be accountable to their communities. Our councils and shires are the voices of our local communities and perhaps work more closely with local communities than any tier of government. Our councils and shires form a critical component of our representative democracy. Although having strong yet appropriate regulatory settings to support the good conduct of elected councillors is vital, supporting local government as a democratic institution is also vital.

As we know, and as we have heard already in other contributions to the debate, there are 79 councils across the state and several hundred councillors. It is very important that the members of the public have confidence in our councillors and the institution of local government, for local government across Victoria is responsible for the delivery of over 100 services to its community, for billions of dollars of local infrastructure and for providing human services to communities across the state.

Another critical role played by local government is that councillors are local leaders, a role that is particularly elevated in times of crisis and of natural disaster. Councillors play a key role in representing their communities. Most councillors do fine work the majority of the time, but a small handful have behaved inappropriately or sometimes illegally, and sadly, those councillors bring the entire sector down and mar the entire sector by bad behaviour.

This bill makes certain changes to continue to improve the governance requirements and procedures for councils. The Greens are not opposed to this and encourage representative democracy defined by integrity, transparency and accountability. However, it is equally important that appropriate checks and balances are implemented.

In terms of the bill before us, the Greens have some primary concerns. We are concerned that the proposed amendments have not been accompanied by sufficient consultation with the sector or with its peak bodies. In terms of the representation of local government, it is really important to bring local government peak bodies on the journey and consult with them in relation to this. There is a feeling in the sector that there has not been an appropriate level of consultation in relation to this bill. In terms of the bill, procedural fairness and natural justice may not be applied to investigations of councillors, and the Greens are concerned about that.

The importance of interpretation and due process in the definitions of misconduct, serious misconduct and gross misconduct are a critical element of this bill and in fact define those very matters into which councillors may stray. There are concerns around the interplay between the breaches of the code of conduct and definitions of misconduct, serious misconduct and gross misconduct; the impact on councils of the Victorian Electoral Commission's election and enforcement expenses; the impact on councils and the community of an election period policy; and the legal protections for councillors who are the subject of claims of bullying. These are the overarching concerns that the Greens have with the bill, and I will certainly be exploring them further in the committee stage of the bill.

In terms of the bill, it will require newly elected councillors to make a declaration that they will abide by the councillor code of conduct. The bill clarifies the role of the chief executive officer; modifies the definitions of misconduct, serious misconduct and gross misconduct; provides additional obligations relating to the preparation and content of councillor codes of conduct; clarifies and extends the role of councillor conduct panels, including the capacity for panels to hear serious misconduct matters; increases the powers of the chief municipal inspector; allows the minister to seek an order in council to stand down problematic councillors; and makes changes to electoral processes for the forthcoming local government general elections scheduled for October 2016. In terms of some of the specific matters raised, there are a number of key issues for the Greens which will require further explanation during the committee stage of the debate.

Clause 6 of the bill provides a list of the three roles of a councillor and limits a councillor's roles to the matters listed. However, clause 7 inserts new section 73AA into the principal act and takes a different approach in relation to the role of mayor, which is a more inclusive and not prescriptive list, so the Greens are interested in exploring that matter further.

Clause 12 of the bill amends section 3(1) of the principal act to insert a definition of bullying. The Greens support that insertion, and we note that the definition matches the definition at section 789FD of the commonwealth Fair Work Act 2009. However, there is an element of that definition that is different to the Fair Work Act in that it does not include an

exception from the definition of bullying for reasonable management action carried out in a reasonable manner. We are concerned that that may impact on councillors in a way that it does not when it is applied in relation to employees under the Fair Work Act.

In terms of clause 12, the definitions of gross misconduct, misconduct and serious misconduct have been significantly modified. The overall effect of what the bill proposes is to remove the reference to a breach of the councillor code of conduct and the principles of councillor conduct from the definitions, and the Greens ask why anyone would do that when the code of conduct is such a critical part of the Local Government Act in terms of defining how councillors behave in representing their municipalities and their communities.

Clause 13 modifies the existing period of preclusion from being a councillor from seven years to eight years for councillors convicted of offences which would be punishable by a term of imprisonment of two years as opposed to five years under the current definition. The Greens are interested to understand why that change has been made.

In relation to investigating matters prior to the minister exercising the power to stand down, the Greens looked to clauses 36 to 44. We note the particularly short time frames involved and have some concerns about whether there will be proper resourcing in relation to the investigation of those matters because ultimately people's reputations will be on the line. We would not like to see them impacted on in relation to untimely investigations or lack of resourcing in relation to that.

The Greens are also concerned about clause 36 of the bill, in particular the insertion of new section 219AC(5)(a) into the principal act, which only allows a councillor five days to respond to the findings in a municipal monitor's report. During the committee stage of the debate the Greens will be exploring whether that accords with procedural fairness in relation to the bill.

Lastly in terms of the specific clauses I want to raise is clause 65, which deals with the preparation of an election period policy. The Greens certainly support the implementation of an election period policy. We have seen in the past bad practice in relation to councillors and publications. However, we have concerns about the decision-making of councillors in relation to land use planning during the election period and whether they may be impacted adversely. As we know, planning is often an incredibly contentious issue. It is a matter that often raises the concern and detailed interest of community members, and we would not like to see that impacting negatively on a councillor or a community during the election period.

In terms of the code of conduct, we certainly agree that it is completely appropriate for councillors to sign on to a code of conduct. It is a very good physical way for councillors to understand that there is a code of conduct. We also support the notion of reviewing codes of conduct, particularly so that new councillors can own their code of conduct and understand the criteria around it.

In looking at codes of conduct generally I draw on my time as a Yarra Ranges shire councillor. The code of conduct at Yarra Ranges Shire Council stretched, I think, to some 12 pages and also included a code of ethics because governance was of great concern to us. I note curiously that the code of conduct for members of Parliament is one and a half pages of text. Perhaps we just need to bear in mind the impost we put on local government that we do not actually embrace ourselves.

In terms of the ability to stand down individual councillors, we support that as a good way forward because in the past we have seen good councillors sacked along with bad councillors. There have been three councils sacked in recent times, and I particularly want to draw attention to the case of Brimbank City Council. When Brimbank council was sacked, we lost a very fine community councillor, Geraldine Brooks. Cr Brooks was the Greens councillor there. She was a fine councillor. She did not do anything wrong, but by the nature of the legislation there was no option other than that she be sacked along with the rest of the Brimbank councillors. In her time at council she was often the only councillor asking questions about issues and officer recommendations such as contract submissions and policies. She constantly suffered a barrage of 'Does the Greens councillor have another question?'. She was often the only councillor contributing to discussion and debate. She would speak to most issues while other councillors would either remain silent or use scripts that had been prepared for them. In the nine months she was a councillor at Brimbank she put at least 15 motions to the chamber stretching across a whole range of issues. However, at least two-thirds of these motions failed because no-one would second them, effectively blocking debate on them.

**Mr Finn** — They were too busy punching people in the gallery.

**Ms DUNN** — I can assure Mr Finn — —

**Mr Finn** — No, not her. I'm talking about the other councillors.

**Ms DUNN** — That is quite all right then. I am glad you clarified, Mr Finn, because I do not think the Greens councillor would be having a swipe at anyone in the gallery.

*Honourable members interjecting.*

**The ACTING PRESIDENT** (**Mr Ramsay**) — Order! I ask members to let Ms Dunn finish her contribution in silence.

**Ms DUNN** — In most cases the vote in the chamber was 10 to 1 against those proposals. Geraldine Brooks was a very good community councillor who was unfortunately swept up in the sacking of the Brimbank council, and that was to the great loss and detriment of that community. The Greens certainly support the ability of the minister to stand down individual councillors because it is often the case that an individual councillor is the root cause of problems. When we look at what councillors have been found guilty of, the reality is that of the hundreds of councillors in Victoria, one councillor has been found guilty of gross misconduct and two have been found guilty of misconduct.

I turn now to the amendments circulated by Mr Davis. Amendment 1 proposes that the council must establish a CEO employment matters committee; that it is an advisory committee; that the chairperson of the committee must be qualified and cannot be a councillor or a member of council staff; that the committee is to make recommendations to council on the appointment of the CEO, the pay and conditions of the CEO and the extension of the appointment of the CEO; and that the committee is to conduct performance reviews and perform other prescribed functions.

In relation to the amendment, the Greens have consulted with other stakeholders, including the three peak bodies that represent local government: the Municipal Association of Victoria, the Victorian Local Governance Association and Local Government Professionals. We have some significant concerns about the amendment. We believe the amendment is an overreach. Councils generally appoint appropriately skilled consultants, lawyers or individuals. Those appointed prepare performance criteria as well as evaluating CEO performance. The additional costs and tensions that may arise with more than one expert are of concern.

The amendment does not take into account contractual obligations already in place. Most CEO employment contracts provide for a performance review committee that advises council, and it is difficult to understand how current contracts and arrangements would be reconciled with the circulated amendment. We are concerned about the impact of the creation of this committee with an independent paid chair on the most critical relationships in the council, those being of the mayor, councillors and CEO.

In terms of the cost impact, that concerns us greatly. Local government will really feel the heat when it is under a new regime of rate capping, there is no doubt about that, and I would be very concerned about making anything that puts a cost impost onto local government mandatory at this stage. This amendment has the potential to have the perverse effect of weakening the relationship between councillors and the CEO. This relationship is a critical one in terms of a high-performing, high-functioning council. The relationship and interplay between councillors and the CEO is similar to a board of directors setting strategy which is delivered through a CEO. It is fundamental and critical, and I really think the amendment would muddy rather than enhance that relationship. The reality is that councillors should be able to make up their own minds about how they appoint, remunerate and review their CEOs, and the Greens will not be supporting the amendments circulated by Mr Davis.

In relation to the contributions we have heard, Mr Davis said his amendments are modest, will improve governance, are responsible in relation to costs and will restore confidence in the community. I do not think his amendments would do any of those things. I think they would be a cost impost. The bill at hand seeks to improve governance. The Greens do not take issue with that. In terms of confidence in the community, the best way the community can articulate their confidence in local government is every four years when they get the opportunity to vote for the councillors of their choice to represent them.

In their contributions Mr Ramsay and Mr Leane raised the matter of dress code and the mayor of the City of Greater Geelong as an issue. It is certainly not something I was going to talk to in my contribution, but I will now. I do not know what is in the code of conduct of the City of Greater Geelong. I have not checked what is in there, but I am sure it does not talk specifically about dress codes.

**Mrs Peulich** — Or hairstyles.

**Ms DUNN** — It probably does not talk about hairstyles either. What it probably would talk about is bringing council into disrepute. We need to recognise

that mayors have a really important role. They are leaders in their community, and they need to set a good example. That many women out there — of all political persuasions, not just one political persuasion — were highly offended by a T-shirt is surely a message that if you are in that position of leadership, you need to think a little bit harder about what you are wearing and your presentation to the public. I would be very surprised if there were not something in the code of conduct for councillors in the City of Greater Geelong that talks about bringing the council into disrepute.

In relation to the contribution of Mrs Peulich, there is leadership to help councils. In fact the peak bodies do a great job in providing leadership to help, educate and support councils through a range of processes. Their workload is large. When you look at the amendments to the Local Government Act 1989 — I have lost count; I cannot remember if this is the 92nd or 93rd amendment bill — it is no wonder that the peak bodies are kept busy in terms of building the capacity of local government. There is an enormous amount of work and effort put into codes of conduct. I have seen many in my time. As I said earlier, I was proud to be part of a council that also included a code of ethics so there could be even higher standards required.

For the Greens what is most important is that there is an increase in transparency and accountability. This is very important in relation to all tiers of government, including local government. We want to make sure that the disciplinary measures are fair, the penalties are balanced and opportunities are still provided for education and support of local government. If we truly want to improve governance arrangements in the sector, we need to build the capacity of councillors; we cannot use just a punitive approach in terms of councillors understanding their roles in relation to managing what can be enormous responsibilities and workloads.

The Georgiou review provided some opportunities to increase the transparency of local government elections. It is sad that this is probably a lost opportunity in relation to increasing transparency around them. I and others who have been around local government for some time have seen a number of what are colloquially known as dummy runners, and in some cases those dummy runners actually get elected. That makes it a really critical issue, because is the community then getting the best representation?

I would like to acknowledge the work of local government councillors. They work very hard and have enormous workloads. Theirs can be a thankless task at times, particularly with controversial issues that need to be considered in the future. I think that into the future local government councillors will have significant pressures placed on them in relation to getting the best outcomes for their communities, particularly under a rate capping scenario, especially councillors in those small rural councils which already have enormous financial constraints.

Lastly, I would like to thank the peak bodies we have consulted in relation to the bill: the Municipal Association of Victoria, the Victorian Local Governance Association and Local Government Professionals. The Greens thank them for their contributions. I also thank the councillors and CEOs in the local government sector whom I have spoken to. With that, I can report that the Greens will not oppose the bill.

**Mr FINN** (Western Metropolitan) — I rise this evening — it is almost — to speak on the Local Government Amendment (Improved Governance) Bill 2015. As somebody who has taken an interest in local government for a bit over 30 years — perhaps 35 years now — it is always of interest to me to see a piece of legislation of this kind come before the house. If there is one thing that we can take for granted, it is that a good local council is a blessing for a community. If you can get a good local council, comprised of councillors, a CEO and officers who actually care about their community and the area they are charged with looking after, that is something you can celebrate. That is something that will be of enormous benefit to everybody in that community.

I recall that some years ago when I was first elected as the member for Tullamarine in another place there was a council called the Bulla Shire Council. It comprised Sunbury, Bulla itself, Greenvale and Craigieburn. That was probably the best council I have ever seen operate in my life. It was an exceptionally good council. I still know some of the councillors who were on the council at that time. They really put their communities first, and that is something that perhaps we do not see as much of now as we used to. It probably reflects a little why the people of Sunbury are so keen to have their own council. It tells us why the people of Sunbury are so keen to break away from the Hume City Council, which they say does not care about Sunbury at all.

The people of Sunbury are very keen to have their own council — the Sunbury City Council — and it should have been up and operating on 1 July this year.

Despite the pre-election promise of the Labor Party last year, that has gone the way of the flesh, and we are now in a situation where it would appear that Sunbury city council will not happen at all. That is something that a

lot of people in the Sunbury area are mourning, and they are very angry that they were lied to and that they have been deprived of their own council. They do not wish to stay within the City of Hume any longer. Some of them have been fighting hard for that for 20 years and will continue to do so. I am very pleased to say that Matthew Guy, the Leader of the Opposition in the other place, said during a recent visit to Sunbury that he would make sure that within 12 months of becoming Premier the Sunbury City Council will come into being. That is a very good thing indeed, and the people of Sunbury will be very excited, and indeed are very excited, at the prospect of the election of the Guy government in 2018, as indeed we all are.

On the opposite side — almost a parallel universe, one could say — we have those councils that are not so good. We have those councils that trash their communities. We have those councils that are a disgrace to the name of local government; indeed they are a disgrace to the name of any government in this state or indeed this nation. Whenever I think of a council of that nature my mind immediately goes to the former Brimbank City Council. Ms Dunn, a member for Eastern Metropolitan Region, made reference to that council during her contribution. I recall that shortly after being elected as the member for Western Metropolitan Region I said to a local in the Sunshine area, 'Is this Brimbank council as bad as everybody says it is?', and he looked at me and said, 'They got the Sunshine council and the Keilor council and put them together. What do you reckon?'. I soon worked out that indeed that was very much the case. The Brimbank council was so bad that even its comrades in the Labor Party — the Brumby government, as it was then — felt the need to dismiss that council and appoint administrators.

It is interesting to note that the so-called improved governance that this bill is all about is very different to what the Labor Party actually practices, because what we have seen is that the mayor of the council that led to the dismissal of Brimbank — then councillor Natalie Suleyman, who is now the member for St Albans in the Assembly — has been rewarded for her nefarious activities as mayor of Brimbank City Council by her election to the state Parliament and by being given one of the safest Labor seats in the state. If anybody wants to know what the Labor Party really thinks about maladministration, about activities which some might even regard as corrupt, about activities which bring local government into disrepute and about activities that see local councils mistreating and abusing their ratepayers and residents, they need look no further than the other house and the member for St Albans. They will see what happens if that is the sort of activity you get involved in. You too can get a safe Labor seat — that is the Labor way.

I still shake my head when I recall the debates we had in this place over a two-year or three-year period when some of the activities of that Brimbank council and Natalie Suleyman, when she was mayor of that council, were raised in this house. The activities of the council I am referring to led to the dismissal of the subsequent Brimbank council. I am sure, Madam Deputy President, you will recall some of the debates we had in this place at the time. It is a bit of a laugh for the Labor Party to talk about improved governance when it holds out a safe seat in Parliament as reward for somebody who has been involved in far from improved governance — quite the opposite.

When I was first elected to this place, back in 2006, probably the best council in Melbourne's west was the Wyndham City Council. My recollection is that Cr Shane Bourke and his team really had Wyndham humming along very nicely. Things have changed since then, it has to be said. We have had the politicisation of that council. Way back in 2006 there was very little party politics in Wyndham City Council. Everybody was working for the community. Some were Liberal, some were Labor and some were nothing at all, but they all worked for the good of the community. That was to their credit. But of course wherever the ALP goes it sticks its nose into local government. We have seen the near downfall of the Wyndham council because of the activities of the ALP in that council.

Mr Dalidakis is very sad, but it is very sad that Wyndham City Council, once a very proud and effective council, has turned into a bit of a rabble — a bit of a circus. There is a situation where if somebody dares say something against the mayor or the CEO, they will go on report. Somebody will make an official complaint about their behaviour. It is a bit like Melton, next door. I understand Melton City Council has recently introduced laws or by-laws whereby councillors cannot publicly express a view contrary to the policy of the council. Anybody who thinks free speech is alive and well in local government should go to Wyndham or Melton. and they will be disavowed of that view very quickly indeed. It is deeply regrettable that certain councillors — —

**Mr Ramsay** — A good mayor, though, in Melton.

**Mr FINN** — Yes, she is a good mayor. I agree. She is a very good mayor. Are you related?

**Mr Ramsay** — She is with an E.

**Mr FINN** — Sophie Ramsey is a good mayor. The council itself is a little bit strange, but not as strange as Wyndham. They are doing some very odd things in Wyndham at the moment, and I am receiving constant complaints from people who live in Wyndham about that council. As a local member and representative in this place of the people of Wyndham, I am simply informing the house and members of the government what the people in Wyndham are telling me.

It is very sad what party politics does to local government. Despite the fact that caucusing before council meetings is supposed to be illegal and something that is just not done, we all know we have councillors elected as Independents who are members of the ALP, and who, once elected, all gather to form a Labor caucus. They have hoodwinked the voters, their constituents, to get elected and once elected they then act as a Labor caucus. We all know that goes on in any number of councils right across the state, and that in itself is a very unfortunate thing.

There are a number of exceptional people in local government, and I want to pay my compliments to one who has recently retired — that is, Bill Jabour, who was the CEO of Hobsons Bay City Council for some years and in recent years has been the CEO of Brimbank City Council. What he has done as CEO, particularly in Brimbank, is something he can be exceptionally proud of because, despite the difficulties that the former Labor-controlled council gave the people of Brimbank, the administrators with Bill Jabour as the CEO have really dragged Brimbank out of the hole it was in. I particularly want to compliment Bill Jabour on his career and his work. I am not just saying that because he is a very strong Richmond fan, a very good man indeed, but he has done a tremendous job as the CEO at those two councils that I have mentioned. He should be very proud in particular of the role he has played in rebuilding Brimbank.

I support this bill and hope it will have some impact in improving governance in local government in this state, but I have a suspicion, as we stare at local government returning to Brimbank next year, that the ALP will ensure that improved governance is something we will not see.

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — I wish to exercise my right of reply because unfortunately those opposite have chosen to rewrite the truth of the pages of history, and it is absolutely imperative that I put that on the record as I go through a range of the mistruths and inaccuracies of a number of the speakers.

I will start with Mr Davis's contribution. Firstly, in relation to the bill before the chamber, Mr Davis made an inaccurate assertion that the Liberals were somehow frustrated by the then Labor opposition, but the Liberal Party in government never put the bill on the government business program. Mr Davis breathtakingly misled the house, because the bill was never put on the government business program. A bill cannot be debated in the Parliament if it is not put on the government business program. Whatever problems those opposite had in government with the former member for Frankston in the Assembly, Mr Shaw, they were their problems and not the opposition's. I wish to very clearly refute such a ridiculous claim by Mr Davis and some of his colleagues who repeated such a nonsensical assertion.

Secondly, Mr Davis referred to recommendations made by the Georgiou review, but nothing was done in regard to those recommendations to which Mr Davis referred; the then Liberal government did nothing to implement any of the recommendations of the Georgiou review. Those opposite have only themselves to blame and nobody else. They had an opportunity in government and did nothing, and that is why they are now in opposition: because of four long years of them doing nothing on every policy — economic, social and now council. They have the gall to stand up and lecture this house about the fact that their own review was not implemented when they were in government. It is breathtaking.

Mr Davis then talked about cuts in the budget. Mr Davis was again misleading the house, because those cuts were in the budget because the federal Liberal government cut the money to the state, and because of constitutional issues where money flows through the state to local government. It directly flows through; it is constitutionally required. Mr Davis again misled the house in an attempt to grandstand and put that on the *Hansard* record for some reason unbeknownst to me.

This is my opportunity to tell the truth and stop Mr Davis from peddling his mistruths and inaccuracies. It is quite outrageous that a member of Parliament would stand up here and misuse his time in the house to mislead the people forevermore through *Hansard*. He should know better because he has been in this Parliament for nearly 20 years. He is now out of touch with society and with the requirement of common decency to tell the truth. Mr Davis should know better than to use Parliament in such a fashion.

In Mr Ramsay's contribution — —

**Ms Crozier** — It was excellent.

**Mr DALIDAKIS** — No, unfortunately it was not excellent. The fact remains that the legislation the opposition put forward when it was in government but did not put on the business program was actually as a result of matters at Wangaratta Rural City Council. Funnily enough those opposite have not really spoken about the Wangaratta council. To give Mr Finn his due, he acknowledged begrudgingly that there were other councils that may have had an issue or two, but he refused to name Wangaratta. I will name Wangaratta because that was the reason the then government chose to think about doing something, but then it never put the bill on the government business program — I thought I would just stress that once more. Members of that government wrote their legislation because of Wangaratta but will not talk about it now.

In terms of other contributions, staff fall under the Fair Work Commission as employees, so I do not understand the point that was brought up by Mr Ramsay. Nonetheless, I am happy to refute it.

We are doing the review. The review in the act is the Victorian Electoral Commission (VEC) review of electoral representation in Greater Geelong. That is happening in November. The dates are on the VEC website. During question time I had to school Mr Ondarchie on doing some homework, and unfortunately I have just had to do it again for Mr Ramsay.

**Mr Ramsay** interjected.

**Mr DALIDAKIS** — There you go, Mr Ramsay. Just use the computer at the side of the house, check the VEC website and you will be able to get the dates for yourself. I am happy to help out.

**The DEPUTY PRESIDENT** — Order! Through the Chair.

**Mr DALIDAKIS** — Deputy President, I am happy to help the member out.

Mrs Peulich said the Local Government Act 1989 has hardly had any alterations or amendments to it. In fact since 1989 — —

**Mrs Peulich** — On a point of order, Deputy President, the minister clearly was sitting on his ears. What I said was that the local government sector was largely unreformed.

**The DEPUTY PRESIDENT** — Order! That is a debating point, not a point of order.

**Mr DALIDAKIS** — Let me correct Mrs Peulich and put on the record that there have been almost 100 amending bills to the act since 1989. In relation to the issue Mrs Peulich raised about former Premier Jeff Kennett, the rate cap was below CPI.

**Mr Davis** — No, it wasn't.

**Mr DALIDAKIS** — Yes, it was, Mr Davis. You will no doubt have your opportunity during the committee stage to peddle your mistruths and mislead the house once again, and I will be there to pull you up on it again.

**The DEPUTY PRESIDENT** — Order! Through the Chair.

**Mr DALIDAKIS** — I will be there during the committee stage to pull Mr Davis up on every mistruth and inaccuracy that he tries to put in *Hansard*.

**Mr Ramsay** interjected.

**The DEPUTY PRESIDENT** — Order! I can see that the minister is tempted, but through the Chair.

**Mr DALIDAKIS** — As I said, I look forward to speaking, through the Chair, during the committee stage, and pulling Mr Davis up on every mistruth and inaccuracy he tries to put on the record because *Hansard* is there for eternity to prove that what he is saying is incorrect. I will also make sure that we have *Hansard* corrected at the point we are at right now. I look forward to going into the committee stage.

**Motion agreed to.**

**Read second time.**

**Committed.**

*Committee*

**The DEPUTY PRESIDENT** — Order! As I understand it, Mr Davis has circulated his amendments, which consist of one substantive amendment proposing a new clause relating to chief executive officer employment matters. Mr Davis's further amendment involves consequential renumbering, subject to his amendment 1 being carried.

**Clause 1**

**Mrs PEULICH** (South Eastern Metropolitan) — I wish to ask just one question. Can the Minister for Small Business, Innovation and Trade, who is at the table, on behalf of the minister in the other house, list all of the legislation that impacts on the operations of

local government, including staff and councillors, and the various codes of conduct and other protocols that may exist so that we can scrutinise more thoroughly the interface between different legislative tools and whether indeed this legislation is adequate?

**The DEPUTY PRESIDENT** — Order! Which clause does that question relate to?

**Mrs PEULICH** — Clause 1.

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — The bill before us is very clear that its primary purpose is to amend the Local Government Act 1989 to enhance the understanding of councillors in relation to the standards of conduct expected of them, improve the governance standards of councils, provide for the appointment of the chief municipal inspector and municipal monitors, provide for the resolution of allegations of councillor misbehaviour and strengthen the integrity of municipal elections. I suggest that all of the other matters raised by the member do not actually add anything to the debate in the committee stage of this bill.

**Mrs PEULICH** (South Eastern Metropolitan) — It is my understanding — and again I invite the minister's response, and if he is not able to respond I invite him to seek advice from the advisers in the box — that the conduct of council officers is largely under the jurisdiction of the Corporations Act 2001. Indeed there are codes of conduct developed for staff under that act, many of which have not been reviewed for a long time. By contrast the councillor codes of conduct have been regularly reviewed and councillors are expected to sign up to them, so I want to understand how the proposed bill will work to achieve the overarching objective — that is, to improve governance — when there is clearly an interplay between council officers and councillors, especially at the senior council officer level.

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — The bill before us seeks very specifically to talk about the behaviour and conduct of the mayor and the councillors. There is no attempt by this bill to deal with the issue of council staff, which is the purview of the management of the council.

**Mrs PEULICH** (South Eastern Metropolitan) — Whilst we all endorse the major thrust of the legislation — after all, we did draft it when in government — in being able to deal with single councillors whose conduct has been found in breach of more serious provisions rather than dismissing an entire council, we also have to make sure that the processes are fair, that councillors are afforded procedural fairness, that the provisions achieve the overarching objective and that they interface. There are provisions in the act that deal with councillors instructing council officers, so that the way that council officers' behaviour is governed, apart from being managed by the chief executive officer, is pertinent to the consideration of this bill. Clearly the minister is unable to answer the question. If he is unable to answer the question, he should either seek advice or promise to provide the information to the chamber after the dinner break.

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — Again I reiterate that there is a very clear differentiation between councillors, the mayor and staff. Councillors are not employees of the council and as such are dealt with in a very different way, which is what we are doing here. Given that the member acknowledged that apparently those opposite believe this bill is in large chunks a direct result of their own drafting from the time they were in government, I would have thought that the member, having been part of that government, would be across the detail of this legislation. Otherwise I am very comfortable with the answers that I have provided to the chamber.

**Mrs PEULICH** (South Eastern Metropolitan) — On page 7 of the bill, after section 94A(3) of the principal act, a new section 94A(3A) to be inserted states:

> … The Chief Executive Officer is responsible for managing interactions between Council staff and Councillors including by ensuring that appropriate policies, practices and protocols are in place defining appropriate arrangements for interaction between Council staff and Councillors …

If we have no understanding of what governs those protocols, it is very difficult to form an assessment as to whether the appropriate protocols and codes of conduct are in place. If councillors are going to be held responsible for being in breach of particular protocols and policies, they need to know what they are and they need to know which governing legislation, apart from the Local Government Act 1989, comes into play. If the minister is clearly unable to answer, he should just admit that and undertake to provide information after the dinner break.

**The DEPUTY PRESIDENT** — Order! Mrs Peulich specifically referred to page 7 of the bill, which deals with clause 9. The committee of the whole is dealing with clause 1 at the moment.

**Mrs PEULICH** — I understand that. Obviously I am speaking to the general purposes of the bill — that is, to understand the interplay and interface between the different legislative tools that govern and impact on the

operations of local government so that we can assess whether the measures in this legislation will be adequate and appropriate and afford everyone concerned procedural fairness. That includes assessing how the protocols apply to council staff as well as to council officers. Unfortunately the minister is not able to answer, and he should admit so and — —

*Honourable members interjecting.*

**The DEPUTY PRESIDENT** — Order! Can I have an indication from the member whether this is a matter that she wishes to raise in terms of the general scope of the bill or whether it is a general line of questioning on this very point? If the latter is the case, I suggest we deal with it under clause 9, but if it is a general matter she is raising then obviously the committee should deal with that now.

**Mrs PEULICH** — Deputy President, thank you for attempting to assist. I think it is important to understand the interplay of the various types of legislation that impact on the operations of local government and the conduct of councillors, as is the case with this legislation, as well as that of council officers. The minister has not been able to find that information — —

**Mr Dalidakis** — That's not true!

**Mrs PEULICH** — You have not. You clearly have not been able to provide that information. You are out of your depth. That will not preclude me from raising other matters during the consideration of other clauses, but I just make a note that the minister has not been forthcoming with providing the answers.

**Ms DUNN** (Eastern Metropolitan) — I have some questions in relation to clause 6. Clause 6 is in relation to inserting a new section providing for the role of a councillor. It goes on to say what the role of a councillor is and lists a number of matters in relation to the role. It is a very prescriptive approach and is different from the approach taken in relation to clause 7 — I realise this crosses over a couple of clauses — which talks about what the functions of the mayor include. It is not a prescriptive list in relation to the mayor, but it appears to be a prescriptive list in relation to the role of a councillor. I am wondering what the reasoning for that is and also about the interplay between that new section 65(1) providing for the role of a councillor and the existing section 76B, which is around performing the role of a councillor in relation to councillor conduct.

**The DEPUTY PRESIDENT** — Order! Before the minister deals with Ms Dunn's question I will put the question that clauses 1 to 5 stand part of the bill.

**Clause agreed to; clauses 2 to 5 agreed to.**

**Clause 6**

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — I thank the member for her question. In relation to clause 6, the reason the role of a councillor is outlined in the bill is that there is currently no description of the role in the act. As the bill attempts to deal with the role of a councillor in terms of standdown provisions for acting inconsistently with that position, there is a need to have that description of the role in order to have the clause for standing down a councillor.

**Mrs PEULICH** (South Eastern Metropolitan) — In relation to the same clause and to further understand the interplay between councillors and chief executive officers, I note that in paragraph 3 of new section 65 there is a reference which says:

> The role of a Councillor does not include the performance of any functions that are specified as functions of the Chief Executive Officer under section 94A.

If we refer to section 94A, there is a limited definition of the function of the chief executive officer — again it straddles a couple of subsections — and clause 6 of the bill inserts the following new paragraphs:

> (da) ensuring that the Council receives timely and reliable advice about its legal obligations under this Act and any other Act; and
>
> (db) supporting the Mayor in the performance of the Mayor's role as mayor …

and so on.

So there is a reference to other legislation. If the role of a councillor does not include the performance of any function as specified as the function of the chief executive officer under section 94A and indeed if the chief executive officer is obliged to provide reliable and timely advice in relation to legal obligations under this act and any other act, it supports my request for information as to what other legislative tools or frameworks apply to the operation of local government. The minister has unfortunately not been able to shed light on that.

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — Again, I wish to unequivocally state that the assertion made by the member is factually incorrect. I have in fact provided

answers. Mrs Peulich may not like those answers, but nonetheless I have answered her queries. In relation to section 94A, councillors do not interact with the CEO other than if they are the mayor.

**Mrs Peulich** interjected.

**Mr DALIDAKIS** — The mayor has that relationship in relation to the links between the operational staff and the councillors, being the chosen, elected official leading the council. It is not about other acts; it is about relevant legal advice in relation to the matters before us, which deal with the specific conduct of both mayors and councillors.

In relation to the issues raised by Mrs Peulich, councils are an independent level of government. That is why councillors are being treated in this fashion with this legislation. It is very important to note that they are not staff, and that is why the government is treating them differently with this legislation. Given that Mrs Peulich believes that this legislation is an exact copy of legislation the previous government wanted to put forward but never did, I would have thought that she would have been across this detail and am somewhat surprised that she is not.

**Mrs PEULICH** (South Eastern Metropolitan) — I find it extraordinary that the minister at the table would say that the chief executive officer does not interact with councillors. Let me tell you — —

**Mr Dalidakis** — That is not what I said. You're verballing me.

**Mrs PEULICH** — *Hansard* will show that to be the case. Let me tell you that if indeed that were the case, 95 per cent of the councillors in the local government sector would be sacked.

**Mr Dalidakis** — They do not give directions. You're verballing me.

**Mrs PEULICH** — That is not what you said. Just get your — —

**The DEPUTY PRESIDENT** — Order! What is Mrs Peulich's question?

**Mrs PEULICH** — My question goes back again to understanding clearly the distinction between the roles of chief executive officers, councillors and mayors so that we can make sure that there is a system where there is clear understanding of roles, obligations and which legislation they operate under so that all concerned — council officers, councillors, mayors and chief executive officers — are treated fairly and of course with procedural fairness, that being the whole object of my questioning, which unfortunately has not borne fruit.

**The DEPUTY PRESIDENT** — Order! Does the minister wish to respond?

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — Only to say, as I have repeated, that councillors are not staff. Apparently this seems to escape Mrs Peulich in her comprehension and understanding of the legislation before this chamber. The fact of the matter is that the legislation deals with the conduct of the mayor and councillors as elected officials of our third tier of government. They are not treated as staff either in a legislative and prescriptive way or otherwise, and I will continue to repeat that as many times as Mrs Peulich wants to ask it.

**Mrs Peulich** interjected.

**Mr DALIDAKIS** — And I am happy to be here for as long as she feels the need to grandstand and somehow act in a way that is unbecoming of a member of this chamber.

**Sitting suspended 6.30 p.m. until 8.03 p.m.**

**Clause agreed to; clauses 7 and 8 agreed to.**

**New clause**

**The DEPUTY PRESIDENT** — Order! I ask Mr Davis to formally move his amendment 1, which inserts a new clause after clause 8 relating to the establishment of a chief executive officer employment matters committee. I consider this amendment to be a test for all of Mr Davis's remaining amendments.

**Mr DAVIS** (Southern Metropolitan) — I move:

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

'**A New section 94AA inserted**

After section 94 of the Principal Act **insert** —

"**94AA Chief Executive Officer Employment Matters Committee**

(1) A Council must establish a Chief Executive Officer employment matters committee.

(2) A Chief Executive Officer employment matters committee is an advisory committee.

(3) A Chief Executive Officer employment matters committee is to be constituted by the chairperson and at least 2 Councillors.

(4) The chairperson of a Chief Executive Officer employment matters committee must —

(a) not be a Councillor; and

(b) not be a member of Council staff; and

(c) be suitably qualified.

(5) The functions and responsibilities of a Chief Executive Officer employment matters committee are —

(a) to make recommendations to Council on contractual matters relating to the Chief Executive Officer or the person appointed to act as the Chief Executive Officer including the following —

(i) the appointment of the Chief Executive Officer;

(ii) remuneration and conditions of appointment of the Chief Executive Officer;

(iii) any extension of the appointment of the Chief Executive Officer under section 94(4); and

(b) to conduct performance reviews of the Chief Executive Officer; and

(c) to perform any other prescribed functions or responsibilities.

(6) A Council may only pay a fee to the chairperson of the Chief Executive Officer employment matters committee.”.’.

That is my first amendment. The purpose of the new clause, as I outlined during the second-reading debate, is to introduce a committee with an external chair. The purpose of that is to ensure that the greatest transparency and the best outcomes are achieved with respect to the appointment and/or reappointment and matters dealing with the conditions of the chief executive officer. We believe this is an important step.

Other parts of the bill deal with audit committees, and the analogue of an audit committee is a good one. Having an external audit committee or external members of an audit committee — an external chair, for example — is an important part of having a better outcome in terms of transparency and accountability. We welcome the change that is in the bill. Again, that was part of the changes that were discussed in 2014. But this change goes to the central matter of the appointment and reappointment of the chief executive officer. There have been a number of processes that have gone astray in this regard. I am not proposing to run through a catalogue of those, but I believe the process will lead to better and more transparent appointment outcomes and greater community confidence.

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — I have great sympathy for the amendment that the member has moved, and I understand the spirit and the context in which he has moved it. The government’s position is that the role of councillors is to set the strategic direction for the council, and it is up to the chief executive and his or her staff to then go about the business of implementing that strategic plan in a way that is consistent with the ideals, goals and objectives set out by the councillors for the municipality and the residents.

The government will not be supporting the amendment — although it has sympathy for it — on the basis that the councillors have the role of appointing the chief executive and are accountable to the residents as a result of whether the council succeeds or fails. Therefore introducing an independent chair for the process dilutes the role of the councillors in that very process, of which they have and should have the only responsibility in relation to the ongoing operations of the municipality in question. As such, as I said, the government’s view is that it does not support the amendment for that reason alone. However, I reiterate that we believe that the amendment has been moved in good faith and in the spirit of seeking the very goals that the member has put forward in his statement.

**Committee divided on new clause:**

*Ayes, 15*

| | |
|---|---|
| Atkinson, Mr | Morris, Mr (*Teller*) |
| Bath, Ms (*Teller*) | O’Donohue, Mr |
| Carling-Jenkins, Dr | Ondarchie, Mr |
| Crozier, Ms | Peulich, Mrs |
| Davis, Mr | Ramsay, Mr |
| Drum, Mr | Rich-Phillips, Mr |
| Finn, Mr | Wooldridge, Ms |
| Lovell, Ms | |

*Noes, 21*

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

*Pairs*

| | |
|---|---|
| Dalla-Riva, Mr | Pulford, Ms |
| Fitzherbert, Ms | Melhem, Mr |

**New clause negatived.**

**Clauses 9 to 11 agreed to.**

**Clause 12**

**Ms DUNN** (Eastern Metropolitan) — My question for the minister is in relation to clause 12, which introduces a number of definitions, including the definition of bullying. That definition matches a piece of commonwealth legislation — namely, the Fair Work Act 2009. In the commonwealth act there is also an exception from the definition of bullying for 'reasonable management action carried out in a reasonable manner'. My question is: is it possible that a councillor may be involved in a management action, and if so, why does a councillor not receive the same legal protection from a bullying claim as a council staff member if they are covered under that exemption of 'reasonable management action carried out in a reasonable manner'?

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — In relation to bullying, the reason the definition is not the same for councillors is by virtue of the fact that councillors are not management and should not have any role in directing staff. That definition is specifically in relation to staff with a management function. Councillors do not have such a function in their role.

**Ms DUNN** (Eastern Metropolitan) — I thank the minister for his answer, but just to explore that further, could a councillor possibly be involved in a management action in an interaction with the CEO?

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — As I understand it, the answer to that should be no. The reason it should be no is of course because while the councillors — as we discussed when looking at Mr Davis's amendment — have a role in appointing the chief executive, they have no role subsequently in relation to demands between a staff and manager relationship. The councillors and the mayor have a governing relationship with the council, but from the point in time the chief executive is appointed to the role it is still not the same as a manager-staff relationship.

**Mrs PEULICH** (South Eastern Metropolitan) — On the same point, at a council meeting — perhaps not at an ordinary council meeting but some other meeting — it is possible for a council officer to take exception to the normal interaction of a democratic discussion; that may actually trigger a concern about the behaviour of a councillor. It is not entirely true that you need to necessarily direct a council officer in the way that perhaps a layperson may interpret that — picking up the phone or perhaps on a person-to-person level when you are actually giving instructions for the undertaking of a particular task. It may well be during an interaction or, as we often see in all-party committees, in a dispute over points or perhaps over the taking of minutes that there may be flashpoints of difference to which ostensibly a staff member may take offence. In that sort of instance, and for the purposes of the Occupational Health and Safety Act 2004, councillors are treated as employees, so it seems to me incongruous that a councillor would not be afforded the same opportunity to access legal representation as a council officer.

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — I thank the member for her question and/or point in relation to the issue. Again I come back to the primary role for the councillor. It is the government's view that because there is no direct manager-staff relationship in this, the definition of bullying should differ, and that is why the protection is not afforded, because there is not that direct employee relationship that would have occurred in, for example, a normal workplace.

**Mrs PEULICH** (South Eastern Metropolitan) — On a further point, the definition of bullying by a councillor is that:

> … the Councillor repeatedly behaves unreasonably towards another Councillor or member of Council staff …

Do you take the 'repeatedly behaves' as a sequence of events on different occasions or could it be construed as a cluster on a single occasion?

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — I am not in a position to answer the question on the basis that it would be up to the person at that point in time to look at either a pattern of behaviour or the incidents before them, because they would obviously be unique to that situation. It is not up to us to predetermine what that view would be at the time.

**Ms DUNN** (Eastern Metropolitan) — In relation to gross misconduct, misconduct and serious misconduct, their definitions have been significantly modified in the bill. The overall effect of those modifications is to remove reference to a breach of the councillor code of conduct and the principles of councillor conduct from those definitions. I am wondering if the minister can provide a response around how the disciplinary process can work without breaches of the code of conduct being included in those definitions.

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — As I understand it, misconduct is dealt with as per a code of conduct, and as it gets elevated in its seriousness, so does the way it is dealt with, whereas gross misconduct deals with the character of the councillor in question, which is much different from the issue of misconduct, which deals with the behaviour at its instance.

**Ms DUNN** (Eastern Metropolitan) — In relation to those definitions and making complaints in a timely manner, regardless of what definition they fall under, can the minister advise why there is no obligation on councillors to make complaints in a timely manner? Our concern is that if there is not a time constraint around complaints, it opens up the potential to keep dossiers or dirt files on political opponents.

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — We are getting into a delicate area, so the easiest way to explain that is to say that should somebody feel as though they are the victim of a complaint, we need to be very careful about sanctioning a time frame of which they would feel comfortable to make that complaint or to have that complaint heard. As it currently stands, the law deals with a range of issues in an appropriate way. We need to be careful to make sure that those people do not have any rights taken away from them and that this is dealt with, as my colleagues on both sides of the chamber have said, in relation to the existing statutes.

**Clause agreed to.**

**Clause 13**

**Ms DUNN** (Eastern Metropolitan) — Clause 13(2) amends section 29(2) of the Local Government Act 1989. It provides that a person is not capable of becoming or continuing to be a councillor for a period of time, and substitutes a period of five years for two years. What is the rationale behind that change to the act?

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — As I understand it, the government's view is that dropping the length of conviction that disqualifies a councillor is due to a range of behaviours that have otherwise not been able to be dealt with in recent years, and so by bringing it down to a two-year period of disqualification enables those issues to be dealt with.

**Ms DUNN** (Eastern Metropolitan) — In relation to those behaviours that have not been able to be dealt with in the past, could the minister provide some detail on what types of behaviours these might be?

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — I wish to be very careful about this, because of the reasons that the period has been dropped from five years to two years. At this point, if the member is satisfied, I would prefer not to outline those behaviours so as to not provide a very clear prescription that makes it black or white as to what should or should not be considered appropriate and allow that to be dealt with at the time by the appropriate process.

**Ms DUNN** (Eastern Metropolitan) — I thank the minister for his answer. In terms of my question in relation to behaviours, I do not want a prescriptive list at all, and I certainly do not want to lock in any particular examples or case studies. I would like to get a clearer understanding of the types of things that would be included now that the threshold is to be reduced to two years. I certainly do not expect an exhaustive list, but just an outline of maybe some of the types of things that might be captured as part of this amendment?

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — One such example may well be the issue of firearm offences. Hopefully that should satisfy Ms Dunn.

**Clause agreed to; clause 14 agreed to.**

**Clause 15**

**Mrs PEULICH** (South Eastern Metropolitan) — Clause 15 amends section 76C of the principal act in relation to the councillor code of conduct:

> (1) For section 76C(1) and (2) of the Principal Act **substitute** —
>
> "(1) a Council must review, and make any necessary amendments to, its Councillor Code of Conduct within 4 months after the commencement of section 15 of the Local Government Amendment (Improved Governance) Act 2015.

Is there a similar requirement — I am trying to find it here — for consequential reviews of staff codes of conduct as a result of reviews of councillor codes of conduct?

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — This clause very specifically deals with a councillor code of conduct, and it would be the expectation of the government that the chief executive of the council would put in place an appropriate staff code of conduct for their staff.

**Mrs PEULICH** (South Eastern Metropolitan) — That sort of goes back to what I was trying to ask. For

example, I am aware that a number of councils review their councillor codes of conduct, but the staff codes of conduct have not reflected that, and personal development has not been put in place, or a regular refresher, to remind the respective parties of their obligations. For example, for councillors to be protected from the accusation of improper direction, it is very difficult if the council officer is the first one to engage a councillor. What I am trying to say is that there is an onus, in terms of good governance, for a chief executive officer to ensure that all current policies and protocols are sympathetic and effectively interface. I am not of the belief that that is the case at the moment, and I raise that because I think this good governance improvement to the Local Government Act does not quite go far enough.

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — I have some sympathy for the member and the point that she raises. I am happy to take that point back to the minister in question; however, I just wish to reiterate that the purpose of this bill is to clearly show that there is separation of the councillors and the staff and that the issue the member raises is an operational issue. Given that the issue has been raised, I am happy to take it to the minister in the other place to see what can be done to assist and remediate should the need arise.

**Mrs PEULICH** (South Eastern Metropolitan) — I thank the minister. I certainly appreciate that. Again, in the normal conduct of council business it is human for people to engage one another in discussion, whether it is via a set of minutes or by clarifying a point and so forth. Where there is the opportunity for someone to take offence at something that may be more robust in a democratic environment there is an onus that those people be protected accordingly, and that is with relevant protocols and codes of conduct being in place. I would appreciate your relaying that to the minister.

**Clause agreed to; clauses 16 and 17 agreed to.**

**Clause 18**

**Mrs PEULICH** (South Eastern Metropolitan) — New division 1AB, 'Internal resolution procedure of Council', goes back to my comments in my contribution to the second-reading debate about the lack of clarity in the minds of, often, chief executive officers' staff as well as councillors about the difference between a formal process and an informal process in terms of the internal resolution procedure of council. A lot of it relies on legal advice, and as soon as you engage legal advice it becomes a formal process. I think it would be very useful to have the office of local government develop some templates — some models — which outline the characteristics of formal and informal processes with a view to maximising the opportunities for internal resolutions to be successful. In most institutions and organisations if there can be an effective resolution, amendment of practice or amendment of procedure, that is the desirable outcome.

Is the minister able to comment on whether it would be possible to get some sort of assurance that there will be some further work done on teasing out and informing local government about the characteristics of formal and informal processes of internal resolution?

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — As I offered to take a request from the member to the minister regarding clause 15, I am happy to again take the member's request to look into the issues surrounding the internal resolution process to the minister so that she can have a further look at that. Again I wish to stress that this is about creating an opportunity for there to be an internal process to try to resolve a situation before it is escalated, but in order to try to assist the local government and municipality shires to ensure that they have best practice I am happy to ask the minister's office and the minister herself to look into that matter.

**Mrs PEULICH** (South Eastern Metropolitan) — On the basis of a number of conversations I have had with various councillors it is my understanding that even simply sharing the contents of a complaint can trigger a formal process. I would have thought that if you wanted even an informal process to be successful, you would need to know the nature and substance of that complaint. Is the minister able to comment on that?

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — No. At this stage I do not wish to put forward a comment in relation to that other than that I will ask the minister to look into that issue.

**Clause agreed to; clauses 19 to 35 agreed to.**

**Clause 36**

**Ms DUNN** (Eastern Metropolitan) — My question is in relation to new section 219AC, 'Municipal monitor to conduct investigation and prepare a report', which is on page 34 of the bill. There is a time line included in this new section stating that the municipal monitor must investigate within 10 days after the day they receive the referral. My question is in relation to resourcing of the municipal monitor and whether the municipal monitor will have adequate resourcing to ensure that that 10-day time line is always met.

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — I thank the member for her question. It is important to note that the standing down provision is expected to apply only in extreme situations where a councillor is a threat to a person's safety or is indeed obstructing the work of council. It is actually not a final determination or a judgement on their behaviour. It is certainly the intention of the government that, because of the extreme situation as just described, it would be very easily dealt with in that time frame. The time frame ensures that all parties to the issue at hand have the appropriate resolution without the matter being extended beyond what is regarded as a fair time, which is why that 10-day limit has been inserted. It is expected, of course, that obviously the inspector — to get to the nub of the question — will be resourced appropriately so they are able to deal with such serious situations as they arise.

**Mrs PEULICH** (South Eastern Metropolitan) — Could the minister comment on proposed section 219AC in relation to the municipal monitor conducting investigations and preparing a report. It does all seem to be one-sided. Certainly concerns have been raised with me and by other members of Parliament and councillors in that we all know that sometimes the fix kicks in. It is possible to stitch up a councillor who has been undertaking his or her duties diligently. There seems to be nothing about vexatious or confected complaints or processes. Is the minister able to comment on what the recourse would be for a councillor to have those types of concerns addressed in relation to the municipal inspector's role?

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — I thank the member for the question. My understanding in relation to both those issues is that a vexatious complaint is actually dealt with by the registrar, and in relation to the issue of the councillor, that in fact they will get a right of reply prior to the issue going to the minister in question.

**Ms DUNN** (Eastern Metropolitan) — My question for the minister is also in relation to proposed section 219AC. Section 219AC(5)(a), which is on page 36 of the bill, refers to providing a report to the councillor and states:

> that the Councillor may give a response to the report to the Minister within 5 days of receiving the report.

I am wondering if the minister can explain to the chamber whether the time lines in relation to this accord with procedural fairness.

**Mrs PEULICH** (South Eastern Metropolitan) — Sorry, on the same point, Deputy President, I would agree with the member that often five days is not even long enough to secure an appointment with a lawyer in order to prepare a response. So I certainly do not see this being consistent with procedural fairness.

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — I appreciate the point and the question raised and asked by both members. It is important to reflect that at the point in time that the councillor gets an opportunity to respond to the report, they have in fact been part of a process for a considerable period leading up to the time that that report is finalised. So in terms of procedural fairness, the view of the government is to ensure that all parties are dealt with in an expeditious manner that is not unfair to them, and that provides for the ability to respond. Given that it is the view that a councillor will have been part of a process already to this point, and not starting that process from the beginning, the view is that having an additional five days to then respond to whatever report is provided to them is sufficient time.

**Mrs PEULICH** (South Eastern Metropolitan) — I would like to place on the record that I do not believe that five days is sufficient, but I thank the minister for the response.

**Ms DUNN** (Eastern Metropolitan) — I thank the minister for his answer. I take up the issue of five days and procedural fairness, which I believe comes out of a report referred to the municipal monitor, who has 10 days to then refer a complaint or investigate a complaint. The real test in relation to this is, I guess, when it happens, when it starts operating on the ground. I am concerned about whether five days is enough, and I am concerned around procedural fairness. I take the minister's point that the councillor would be involved, but ultimately I would be very surprised if they would see the content of the report before it was officially issued to them. Is there an ability as part of the review of the Local Government Act 1989 to perhaps amend this or revisit it once there is some experience on the ground of how this is working?

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — Again I thank the members for their questions. I refer back to Mrs Peulich, because of course Mrs Peulich has put on the record that she also, like Ms Dunn, believes that five days is insufficient. It is important to note for Ms Dunn that a person who is involved in the process at this point in time is highly likely to have sought advice or guidance in relation to the process in question. As such I also, in responding, suggest that if the person has been part of the process and had advice and/or guidance in relation to that process to that point in time, in fact an extension

of five days in order to respond to a subsequent report that is provided to them is in fact an appropriate length of time.

However, as with all government legislation, whether it is in this portfolio or any other, the government always, constantly, reviews its legislative program and what is prescribed in a way that ensures that Victorians always can be confident that the legislation that is enacted for them and that they are effectively working under has a degree of workability, should I use that term. I think the member will find that if, for example, something occurs that proves otherwise, then whether it be this government or another government, I would be sure that they would look at dealing with that issue, if it arose.

**Mrs PEULICH** (South Eastern Metropolitan) — I would hope the points that we have raised in committee — notwithstanding the fact that I do not believe we need a full-blown rewrite of the act — would be taken up by the process and the commitment to actually review the Local Government Act.

**Mr DAVIS** (Southern Metropolitan) — Further to the five-day point, I take the minister's point that on many occasions there will have been a longer process involved and the person, the councillor, involved will be well aware of the issues and probably will have taken legal advice and so forth. But it does seem to me there may be occasions where the five-day trigger might be a very harsh one. I am thinking of cases of illness or of where the councillor may be overseas — there may be a whole range of different points.

**Mrs Peulich** — They may be unwell.

**Mr DAVIS** — Yes, I have alluded to some of that. Is there some capacity in the implementation of this for exceptional circumstances to be taken into account?

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — Again I appreciate the issue that the member has raised. As I read the statute, new section 219AC(5)(a) and (b), which we are discussing, do not necessarily preclude the minister from providing additional time. They simply state that the councillor may give a response to the report within five days of receiving it. At no stage do the new subsections 5(a) and (b) preclude the minister from exerting a degree of discretion in the types of situations the member has expressed concern about.

**Mrs PEULICH** (South Eastern Metropolitan) — I would take advice on that. Clarification of the word 'may' would be appreciated.

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — I am happy to put on the record that the reason the word 'may' was used was to provide the minister with a degree of discretion. For example, in the issue of sickness, one would expect a minister to use the discretion available to them.

**Clause agreed to; clauses 37 to 40 agreed to.**

**Clause 41**

**Mr DAVIS** (Southern Metropolitan) — I would be interested to hear the minister explain the process by which the appointment of the chief municipal inspector would occur, the process that the government is intending to undertake and the checks and balances that would be in place to ensure that this occurs with the highest level of integrity.

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — I thank the member for his question. The clause sets out the functions of the chief municipal inspector. I will outline those first, and then I will come back to the actual role of the appointment process, because the inspector obviously has a very serious role. The functions of the chief municipal inspector are primarily to investigate and prosecute possible offences under the act. In terms of the issue at hand, the clause specifically provides that the secretary may appoint a chief municipal inspector. Given that the government delegates to secretaries a high degree of responsibility across the functions of government, this is not inconsistent with the serious role that a chief inspector would be undertaking.

**Mr DAVIS** (Southern Metropolitan) — Understanding that the secretary will do the appointment, will the appointment go through cabinet?

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — Let me clarify, because I may have misled the house — my apologies. It is in fact the Special Minister of State, not the secretary, who appoints the chief inspector. I wish to correct myself on that point.

**Mr Davis** — The integrity minister.

**Mr DALIDAKIS** — Yes, as the integrity minister. In relation to Mr Davis's very specific question about whether it is a cabinet process, there is nothing in the act that prescribes that it must be a cabinet process. Of course on previous occasions such appointments, as the former minister would appreciate, usually have gone through cabinet, but there is nothing to prescribe that they must.

**Mr DAVIS** (Southern Metropolitan) — I think the minister for his response, which I take to mean that it will be a cabinet process, almost certainly. In that context, is it intended that a current municipal monitor, one of the cluster already employed, will be appointed, or will this be an open process that will involve an international search? How will this operate?

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — I thank the member for his question. It is the expectation of the government that the search for such a person would be undertaken as per normal government searches. In the first instance we would expect to search for someone capable within either the Victorian jurisdiction or other Australian jurisdictions. Of course if the position could not be filled that way, then obviously we would need to broaden the search.

**Mr Davis** interjected.

**Mr DALIDAKIS** — We would need to broaden the search. The point remains that we would undertake the same search process as we do for most positions of a similar type.

**Mr DAVIS** (Southern Metropolitan) — I thank the minister for his response. I am only being partially flippant when I say it is not off Fiona Richardson's list. This is a central and key appointment, and to politicise the position would weaken local government in the state very significantly. In that respect I would be reassured if the government was to give an indication that the highest standards of probity will be observed and that the Richardson list will not be employed.

**Ms Shing** interjected.

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — Firstly, bless you! Secondly, I say to the member that I appreciate his very flippant remarks about Minister Richardson's so-called list, which represent an assertion I reject entirely. Filling the role is expected to involve the standard appointment process for a statutory position. Given that the legislation clearly states that the person will be appointed by the integrity minister, in this case the Special Minister of State, I would hope that irrespective of whichever political party is in power, due deference will be shown in making such an important appointment in terms of both the integrity provisions and the minister's role as Special Minister of State.

**Clause agreed; clauses 42 to 64 agreed to.**

**Clause 65**

**Ms DUNN** (Eastern Metropolitan) — My question is in relation to the adoption of an election period policy and in particular proposed section 93B(3)(b). Subsection (3) talks about what the election period policy must include, and paragraph (b) highlights 'limits on public consultation and the scheduling of Council events'. The Greens certainly agree with that in terms of most council events, but I do want clarification on whether this would apply in relation to public consultation on planning matters, because in relation to planning matters there are also the statutory time periods that must be adhered to as part of the planning process.

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — I appreciate Ms Dunn's question. In relation to the member's concern it is certainly the view that councils must continue to make decisions on planning permit applications as the responsible authority. As such, under the Planning and Environment Act 1987 they must obviously discharge their obligations within the statutory time lines, so any caretaker policy adopted by a council cannot override those obligations they are currently required to meet.

**Ms DUNN** (Eastern Metropolitan) — I thank the minister for his answer. In terms of discharging their obligations under the Planning and Environment Act 1987, public consultation around planning applications is not prescribed in the act; however, many councils do undertake that as part of good consultative process and particularly around those planning applications where there may be a number of objectors. I just want clarity on whether, even though this may not be an event or a consultation prescribed under the act, given that it relates to a planning application, it would not be captured as part of this election period policy.

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — I thank Ms Dunn for her question. I can confirm that planning will take priority over the act, which is why, as I said, the councils must discharge the obligations within statutory time lines, and any caretaker policy adopted by the council cannot override those obligations, very specifically, and I bring that back to the Planning and Environment Act 1987.

**Mrs PEULICH** (South Eastern Metropolitan) — My question goes to the general point of clause 65 to adopt new section 93B, headed 'Council to adopt an election period policy'. Is it not required as practices currently stand that there be a caretaker period policy, and how do the two differ?

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — I thank the member for her question. The existing legislation provides for councils to not make what would be regarded as large decisions

in terms of awarding contracts and the like. This is seen as complementing the existing legislation to provide governance arrangements for how people within council should conduct themselves during that caretaker period at a more general level as well.

**Mrs PEULICH** (South Eastern Metropolitan) — If I may continue, I have a number of smaller questions on that point. Is it anticipated that the caretaker period will be extended beyond what is stipulated now? How much consultation has there been surrounding this? Is there an intention by the department to assist with fleshing out what ought to be the components of this election period policy? As the caretaker policy stands now, it is not currently being enforced. What are the penalties for not complying?

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — I might answer the questions in reverse. There are no penalties provided. In relation to the length of time, the existing statutory period is 32 days. Should a council wish to extend that, they can do so. There is no requirement restricting them or otherwise. In relation to consultation, obviously when the legislation went out for broad consultation, of course this was included as part of the provisions when feedback was sought.

**Mrs PEULICH** (South Eastern Metropolitan) — It seems to me that one of the failings of the Local Government Act 1989 over successive governments is the fact that there are provisions for which, when they are breached, there are no penalties. It basically makes it a toothless tiger. I make that point and again urge the minister when there is a review of the act to make sure that whatever is in there, if there is a breach, it has to have a consequence.

I would just like to raise a last point in relation to new section 93B(5)(a), which is inserted by clause 65. It talks about inappropriate decisions being made by a council during an election period, including:

> decisions that would affect voting in an election;

Why is that not being enforced currently and how does its inclusion in this bill change the status quo?

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — Probably in a similar vein to the request by Mrs Peulich — and I thank her for the question — that we include clause 65 for the minister to look at in greater detail, I am happy to take the question in relation to new section 93B(5)(a), which is inserted by clause 65, and add that to that list.

**Clause agreed to; clauses 66 to 96 agreed to.**

**Reported to house without amendment.**

**Report adopted.**

*Third reading*

**Motion agreed to.**

**Read third time.**

## PUBLIC HEALTH AND WELLBEING AMENDMENT (NO JAB, NO PLAY) BILL 2015

*Second reading*

**Debate resumed from 8 October; motion of Mr JENNINGS (Special Minister of State).**

**Ms WOOLDRIDGE** (Eastern Metropolitan) — I am pleased to rise to speak tonight on the Public Health and Wellbeing Amendment (No Jab, No Play) Bill 2015. Let me say from the outset how important the coalition believes immunisation is for our children. There is no doubt that immunisation saves lives.

As a child I remember people being very nervous about polio, and I remember having classmates who had polio and having to deal with that. Amazing work has been done through polio vaccination to largely eradicate polio in Australia and in many countries right round the world, and I know that Rotary has played an incredibly important role in achieving that.

When you think about smallpox, the vaccination for smallpox has led to its eradication as well — once again, just in the late 1970s — and around the world so many people now live instead of die from measles as a result of the vaccinations that are in place. We still do have, unfortunately, outbreaks from time to time of measles, which just reminds us that while we have the knowledge, the technology and the vaccines, we must remain ever vigilant in terms of vaccinating and protecting our children and young people from diseases that can have a dramatic effect.

Worldwide there are still too many people without access to vaccination, but in Australia we can be very proud of our history of vaccination and what we achieve in terms of the rates. In Victoria as well we have had exceptional engagement and support from parents in relation to the vaccination of their children. A number of people have ongoing concerns, but the science is genuinely in: we know vaccinations save lives and they are absolutely vital. While concerns are raised, the issue of a supposed connection between vaccination and autism, for example, has been well and

truly disproven. Vaccinations prevent outbreaks of disease and save lives.

When a critical proportion of the community is immunised against a contagious disease, it means that most members of the community are protected against the disease because there is little opportunity for an outbreak or for the issue to get away. Even those who are not vaccinated, whether it is infants, pregnant women or medically contraindicated individuals, are covered by a level of protection by those who are already vaccinated because the spread of the contagious disease is contained. This is known as herd immunity, and as efforts to strengthen vaccination rates increase, so too will we have a sustained level of herd immunity, which gradually contributes to the elimination of the vaccine-preventable contagious diseases.

I say very clearly from the outset how important immunisation is for our children's health and for our community's health across the board. While in government the coalition was very supportive of vaccinations, taking a number of measures in relation to extending further immunisation, particularly around education campaigns and ensuring that there was ongoing research, so that it could successfully control and possibly eliminate vaccine-preventable contagious diseases.

As I mentioned earlier, Victoria has some reasonably strong rates of immunisation. If we look at the rates for children aged 1, there are 74 440 registered children, of which approximately 68 000 are fully immunised — a rate of 91.9 per cent. In the Aboriginal community, it is about 85.3 per cent. When we look at children aged 2, the rate is 93.5 per cent, with about 68 600 now immunised. The Aboriginal and Torres Strait Islander rate has increased to 91.5 per cent. The rate for children aged 5 — these are the three levels of data that are collected — is 92.7 per cent, with a 91.6 per cent rate in the Aboriginal community. Once again these are high rates but they are not yet necessarily at that herd immunity rate, which is often thought to be 95 per cent. Clearly there are opportunities to do more in relation to improving those immunisation levels both in the general population and of course in the Aboriginal population as well.

A number of alternative strategies have been suggested when you look at the research that is being conducted. Healthcare education experts suggest there are four categories that improve immunisation rates within the community. There are initiatives that increase the community's knowledge or awareness of vaccination, those that reduce the cost or increase the convenience of accessing vaccination services, those aimed at the vaccination service providers and those that establish guidelines, policies, regulations or laws to increase compliance or mandate vaccination. Clearly the evidence shows that things can work at all those different levels in relation to increasing the rates.

There have been a number of studies and some good work circulated by the minister's office and some research circulated by the library — I certainly appreciate that work. A study by Kirsten Ward and others called 'Strategies to improve vaccination uptake in Australia, a systematic review of types and effectiveness', published in the *Australian and New Zealand Journal of Public Health* in 2012, suggests that for enhancing access, catch-up plans for those overdue for vaccination are particularly effective, often reducing the percentage of those overdue by more than 50 per cent, so it targets those directly and individually. The same effectiveness has been observed for expanding access in hospitals and vaccination clinics in public settings. Interestingly that study found that regulatory intervention showed limited effectiveness in improving the vaccination update rate.

That is then countered by two other studies — one titled 'Increases in vaccination coverage for children in child care, 1997 to 2000: an evaluation of the impact of government incentives and initiatives', published in the *Australian and New Zealand Journal of Public Health* in 2002, and 'Effectiveness of the linkage of child care and maternity payments to childhood immunisation', published in *Vaccine*, 'the pre-eminent journal for those interested in vaccines and vaccination'. They both provide good evidence of the effectiveness of legislated parental incentives for maintaining up-to-date vaccination of their children.

Clearly there is a range of views on what can be addressed and how to address that, and there is evidence at different levels for success or otherwise. I would certainly argue that you need to progress these issues on all fronts in order to make sure that you are engaging in strategies with parents and families across the board in a mechanism that works for them.

That brings us to the bill we are debating this evening. The bill essentially seeks a legislated mechanism mandating a requirement for children to be vaccinated before they can be enrolled in child care or kindergarten. The purpose of the bill is that any parent or guardian seeking to enrol their child in an early childhood service in Victoria will be required to provide evidence that the child is either fully immunised for their age, on a vaccination catch-up program, unable to be fully immunised for medical reasons or within one of the exclusion categories.

Essentially, from 1 January next year, these laws will apply to all early childhood education and care services in Victoria providing child care, kindergartens, occasional care or family day care. A child cannot be enrolled unless they are immunised. A child can be enrolled if they have a medical exemption, as covered, and fines of up to $20 000 can apply for non-compliance with record-keeping requirements by the early childhood service provider.

The legislation does not apply to enrolment in primary and secondary school. It does not apply to outside school hours care, such as after care, before care or vacation care or to casual occasional care services that offer care of less than 2 hours per day or less than 6 hours per week. It also does not apply to playgroups.

For parents whose children are fully immunised, there is no change in terms of their experience because the existing legislation already requires that the immunisation information is provided on enrolment. Where the change is now is for parents of children who have not been fully immunised. The crux point is the point of enrolment in those early childhood services when children are not fully immunised.

Interestingly there are a number of exemptions. This is one area where the bill gets quite interesting. It is obviously different from how it has been portrayed and what was expected. New section 143C(1) provides exemptions for certain disadvantaged and vulnerable cohorts of children, and new section 143C(2) places an obligation on the person in charge of the early childhood service to take reasonable steps to ensure that an immunisation status certificate in relation to the child is provided by a parent of the child within 16 weeks of the date on which the exempted child first attends the early childhood service.

There are seven categories of exemption. They include children evacuated from their usual place of residence, children who are in emergency care and children who are in the care of an adult other than their parent due to illness or incapacity. I would have thought that the groups one would reasonably expect to be exempted would be relatively small and only exempted in quite unusual and exceptional circumstances.

The bill excludes children who are descended from, identified or accepted as an Aborigine or Torres Strait Islander; children who are in the care of a parent who is the holder of a healthcare card, pensioner concession card, veterans gold card or veterans white card; and children who were one child of a multiple birth — that is, the birth of triplets or more. There are also circumstances where the secretary can make a determination in terms of a specific exemption. It is interesting to note these exemptions and the issues they throw up.

Both ministers' offices were represented in the briefing, and I thank the advisers and the departments for the really positive engagement in the briefing process. It was greatly valued. Through that process they identified that the exemptions are largely driven by the group of children who are eligible for the kindergarten fee subsidy. It makes a lot of sense that if a group is to be exempted, that is characterised around a group which is already eligible for another element of support so that it is not necessary to go through another set of processes to determine who they are. The kindergarten fee subsidy exempts children who are Aboriginal or Torres Strait Islander, children from multiple births and children in the care of parents or guardians who hold concession cards.

These three exemptions are unusual in terms of legislation found anywhere else in the country. When you compare them to the first few exemptions, which are small in number, occur in unusual or exceptional circumstances and are often excluded in other contexts, it is these three that are additional and unique to Victoria. If there is a group that is exempted, what order of magnitude are we talking about in terms of the numbers exempted? It is impossible to know an exact number but it is possible to undertake a bit of a proxy and extrapolate from that how many children will be exempted. There is data available on children who are eligible for the kindergarten fee subsidy but that only includes children who are enrolled in four-year-old kindergarten, whereas the criteria for the 16-week exemption relates to all children.

Approximately 26.5 per cent of children attending four-year-old kindergarten receive the kindergarten fee subsidy each year, totalling about 19 500 children last year. The largest group in that cohort are children of healthcare card holders. The group of concession card holders dominate those figures. Using that number to extrapolate from, the second-reading speech estimates that about 260 000 Victorian children attending over 3000 early childhood services will be impacted by this legislation.

It is reasonable to assume that if 26.5 per cent of kids in four-year-old kindergarten are eligible for the kindergarten fee subsidy, then roughly 26.5 per cent of the 260 000 children impacted by this legislation will be eligible to be exempted under the no jab, no play policy. Acknowledging that the largest group of that are concession card holders, that means nearly 70 000 children will be potentially exempted under the

criteria. Obviously 92 per cent of the population are immunised, but potentially there will be roughly 5500 children — if you take 8 per cent of the 72 000 — in kindergartens and childcare centres who may not be immunised as a result of the exemptions being put in place. It is interesting to put a context to and a number on the potential impact of the exemptions we have.

I think it is important to go through that because I believe there has been quite a disconnect between the rhetoric of the government and the reality of the policy. I will give the house a few examples. In a media release of Sunday, 16 August, headed 'Enhanced "No Jab, No Play" to protect more children', the Minister for Health, the Honourable Jill Hennessy, says:

> The only exemption will be for children who have a documented medical reason that they cannot be fully immunised.

That is a very clear and definitive statement about those who are exempted.

Similarly, in the Assembly on 18 August the minister said in a ministers statement:

> Under our plan, only those children whose doctors have supported the fact that they cannot be immunised due to medical conditions will have a legitimate exemption from this policy.

Indeed even the question-and-answer sheet from the Department of Health and Human Services headed 'Q&A — No jab, no play' states in its first sentence that all children will be required to be fully vaccinated in order to be enrolled in child care and/or kindergarten in Victoria. All children!

The government got a lot of credit for having a very strong stand on this issue. In fact in an article headed 'Smart, safe and to the point' the *Sunday Herald Sun* of 16 August states:

> As the *Sunday Herald Sun* today reveals, every Victorian preschooler will soon need up-to-date immunisations under tough 'no jab, no play' laws set to apply from January 1.

Having talked about a medical certificate from a doctor being required for an exemption, it goes on to state:

> No other excuses will be allowed.

I think it is very interesting that we have had incredibly strong rhetoric from the government in relation to this policy, but when you look at the detail of the legislation the reality of the policy is that a very significant cohort — 70 000 children — will be exempted from the policy. Therefore a significant proportion of them — over 5000 — will potentially not be immunised because of the exemptions provided under the bill. Those exemptions are not medically connected. Those exemptions are based on economic or cultural circumstances. The main thing is making that connection between the two.

Let me go on with some of the concerns we have in relation to the bill. These exemptions would be understandable if the grace period was a genuine grace period. The bill provides for a 16-week period — which is described in the bill as a grace period — where parents are provided with information in order to fulfil the requirements of having their children immunised. The issue at hand is that if you look at the bill in more detail, the grace period is not just a grace period — it actually does not provide any requirement for immunisation to happen at all.

In fact new section 143C(2), which is introduced by clause 5, obliges the person in charge of the early childhood service to take reasonable steps within 16 weeks to encourage a parent to have their child vaccinated and to procure the immunisation status certificate. There is no requirement for the early childhood service to exclude or remove a child from that service on the grounds of not having been appropriately immunised. When you look at what happens if a child is exempted, new section 143C(2) states:

> Within 16 weeks after the date on which the child first attends the early childhood service, the person in charge of the early childhood service must take reasonable steps —

as I have said —

> to ensure that an immunisation status certificate in relation to the child is provided by a parent of the child.

When you then look at the explanatory memorandum — and you have to trace the steps here — it explains that:

> Section 143C(2) provides that, despite the exemption —

in the earlier section, for a variety of reasons —

> … the person in charge of the early childhood service attended by the child must take reasonable steps …

It goes on to say:

> Reasonable steps may include providing the parent of the child with information about immunisation and referring the parent of the child to a recognised immunisation provider who can provide information concerning vaccination schedules and administer any necessary vaccines.

So we have a situation where a group of people who are exempted have what is called a grace period. In reality the grace period only requires, at a minimum, that an

information brochure or pack is provided to the parent who has not immunised their child, and a referral — let us say the telephone number of a local service, be it a local council, a maternal and child health service or a GP — is provided. That is the total extent of the requirement for this group of 70 000 children who are exempted from the policy to be immunised.

I understand the logic of that exemption, and certainly in consulting with the sectors there is support for that leeway, but I wanted to highlight once again that the rhetoric of the government does not match the reality. That leeway is provided because people do not want children from an Aboriginal background or children whose parents are concession card holders to be limited in not being able to access early childhood services, because we know how important that is to their being school ready and setting themselves up for the rest of their lives. But the point that is important to make is that the government's rhetoric — 'no jab, no play' — is not matched by the reality of the bill.

In fact, on 13 October in an article in the *Herald Sun* headed 'Andrews can't back away from no jab no play policy', Susie O'Brien states:

> What's the point of having a no jab, no play policy if there is no enforcement? Children aren't sent home, or banned from kinder.
>
> In other words, it's no jab, keep on playing as long as you like.

What has clearly happened is that people have realised that the rhetoric does not match the reality of the bill.

Our second concern in relation to the bill is that it is not what was promised. A Labor press release of 3 February 2014, headed 'Labor commits to "no jab, no play" at child care' states:

> The 'no jab, no play' policy will require parents to provide an immunisation status certificate which states their child is fully immunised for their age. This will require an amendment to the Public Health and Wellbeing Act 2008.
>
> Children who are not fully immunised will not be able to enrol in child care unless they have an approved exemption for a medical reason or their parents have a conscientious objection. To receive this exemption, parents must receive counselling from a medical practitioner and state they have been advised of the risks of not immunising their child.

Earlier this year the government announced with much fanfare that it was tightening the bill and it would not allow conscientious objection. I have to say the coalition is supportive of conscientious objectors not being exempted under this policy. However, once again the promise the Andrews Labor Party made in opposition does not match what is being delivered in government. The data is available, and once again from some information provided by the library, that about 1.36 per cent of all children are conscientious objectors in Victoria. That relates probably to about 3500 children.

I have had, as many members will have had, many emails from people who are anti-vaccine. In fact I did a bit of a tally of some commentary on my Facebook page because it got fairly active in relation to this. For a lot of people, the main issues were that the state should not control medical decisions of parents, that the pro-vaccine science is incorrect or disputed, that vaccines are poisonous or dangerous and that children have been injured by vaccines. These are the arguments they put. It is important to note for the record that there have been many emails, much commentary and much concern from the group which makes conscientious objection in relation to not getting immunised. As I have said, we in the coalition support there not being an exemption for conscientious objectors and those who reject vaccination for their children; however, it is a group for whom an expectation was set by the government in opposition which has now been turned around in terms of the reality of this bill.

It is also important to comment on the Scrutiny of Acts and Regulations Committee (SARC) report, because a lot of the emails have been commenting that the SARC report was not addressed in the lower house debate. Once again, it is for the Minister for Health and the government to defend the management of the process in relation to those issues, but for the purposes of the debate and in response to many of those concerns it is important to note that the minister provided a comprehensive response to SARC, that SARC accepted the minister's response and that SARC is comfortable with the minister's response in relation to the issues she was asked to comment further on when the SARC report was released in the last sitting week, when the bill was debated in the lower house.

I will quote a couple of paragraphs from *Alert Digest* No. 13 and the letter from the minister, where in relation to the issue of medical contraindication for one or more vaccines she says:

> New section 143B does treat unimmunised differently from immunised children. However, in my view the different treatment provided for under section 143B is not simply based on the likelihood of a child having disease-causing organisms in their body in the future. Rather, the basis of the different treatment is the failure to take a step which may prevent or minimise the impact of a disease.

She goes on to say:

> Particularly relevant in these circumstances is the importance of the purpose of the limitation, as contemplated by section 7(2)(b) of the charter. The Parliament has explicitly recognised in section 86 of the EO act that measures taken for the protection of the health of individuals and/or the public generally is a purpose which justifies a limit on the right.

Many concerns have been raised in relation to the SARC report and its status last sitting week. The minister has now responded to those questions asked. SARC has accepted the minister's response and believes it is then a matter for the Parliament to decide, so that process has been completed as is expected.

As I said, we support the lack of exemption for conscientious objectors, but the interesting thing here is that we have a government that is prepared to say at every opportunity that it delivers on each and every election commitment. Here is a government that is prepared to vary election commitments where it clearly got it wrong in opposition, and that is a decision that has been made. This is one example of that happening, whereas we get inflexible rhetoric on other issues where the government also got it wrong in opposition but is not prepared to be flexible. So we see a variation in this case, which is obviously a change we support, but it is a change which shows that the government was wrong in opposition and that when it suits it, it does not deliver on election commitments as articulated in opposition.

I also want to comment in relation to some very thorough feedback we had from the Victorian Aboriginal Community Controlled Health Organisation (VACCHO), and I thank its representatives for the advice they have provided to the coalition in relation to the bill. VACCHO raised a number of concerns, and they may be concerns that perhaps the minister can address in her response, or perhaps we can go to some detail in committee. I have not spent much time on the early childhood providers, and I am sure that my colleague, the shadow minister responsible for that area, will spend some time on it, but they raise their concern with some of the obligations that the amendments to the no jab, no play bill impose on early childhood education services, including VACCHO and Aboriginal early childhood services. They say:

> In particular, the aligned failure to comply court penalty of up to $20 000, which Ms Hennessy's second reading of the amendment clarified is exclusively directed at these services. Our concern is that this disproportionately targets these services as enforcers of the no jab no play bill, omits effective mechanisms to support them in this capacity and fails to distribute the burden through accountable services such as the authorised officers, local council or other immunisation providers.

The penalties that are part of this bill are solely imposed on the early childhood services providers. They are the ones that bear the penalties and obviously VACCHO is raising some concerns in relation to that. The early childhood providers go on to request that the bill be examined prior to being passed, and a number of issues are being raised in that context.

We are not proposing to delay the bill, but we think there are some important questions that need to be asked — things such as: what work has been and will be done to identify and understand the barriers to accessing appropriate vaccinations and responding with appropriate strategies to reduce these barriers? What are effective strategies to support collaboration between early childhood education and care services, local council immunisation providers and authorised officers so that vaccination rates could be improved? What is best practice in relation to strategies to support families to access and take up age-appropriate immunisations? What resourcing is being provided to ensure that there is the capacity to allow access to vaccination at all relevant providers and services that meets an expected increase in demand that may flow from this policy? How do we ensure timely reporting of vaccination to the Australian childhood immunisation register so that up-to-date reports and information can be accessed by providers and by parents and carers? How are we going to review the impact of this bill in terms of the compliance, and how will the service providers be able to interpret the certificates provided from multiple sources — and there may be issues where there are overseas or interstate sources. How do we monitor, review and respond to the effective age-appropriate vaccination rates, including the disadvantaged and vulnerable groups allowed exemptions to vaccination under sections of this bill?

The issues raised by VACCHO are very worthwhile and worth contemplating, because what they say, as I stated at the beginning, that mandating the requirement for immunisation in terms of access to services needs a context around it in terms of why people are not accessing immunisation in the first place and what strategies help them to do that, rather than just having the blunt instrument of a law itself. What resourcing will be provided? How will we learn from that? How do we then take this forward into the future? It would be helpful if the minister responsible were able to respond on some of those issues and, as I said, perhaps we can touch on a few of them in committee.

The last issue I want to raise is a specific one from a lady named Helen Jurcevic, who does incredible work in our community. She works on behalf of women, particularly from multicultural backgrounds, so they

can engage in their local communities. She has done incredible work with a village in Kenya to provide services and has also worked with families who have come from Kenya who are seeking to settle here in Australia.

One of the interesting and unusual situations she has is that one of the families she works with and supports has young children aged two and four, and because they are currently on temporary visas they do not have access to the free immunisation that everyone else does. It took some hunting around and some help from the minister's office as well, which I appreciate, but to be eligible for free vaccines in Victoria you have to hold a Medicare card, hold a permanent visa, have applied for a permanent visa, hold Australian citizenship or be an asylum seeker. This woman does not fit into any of those categories, because she holds a temporary visa and is seeking to apply for a permanent visa, and for a variety of reasons that process is taking a lot longer.

This means that for her four-year-old, who she is seeking to access early childhood services for, she has to pay $300 every time she gets an immunisation. She is absolutely prepared to do that — and it is the same for her two-year-old, who is coming through, and for any other children she may have — but it is not free and it is not easy. For some immigrants on temporary visas, $300 a time for immunisation is a very high hurdle.

I raise her issues because eligibility is dependent on the commonwealth government, but how it plays out is very much in the context of the Victorian environment. People on temporary visas in Victoria want to access early childhood services and want to do the right thing, but they do so at an incredible cost. She has had to borrow money and go into debt to make sure that her children can be immunised. She has been prepared to do that, but this may be another group where the government should either advocate to the federal government that they also be eligible for free vaccination or contemplate some way to add support for this group to do the right thing. They want their children vaccinated, but they find the cost prohibitive. It is important to raise this case for Helen in the context of the incredible work she has done and to highlight that there is a disparity for a particular group.

I come to the conclusion of my contribution to the debate on this bill. Essentially we have said clearly that immunisation is absolutely vital. It saves lives, and we continue to support a broad spectrum of measures that further enhance what is an already good, but could be better, immunisation program in Victoria.

I have highlighted a number of concerns in relation to the bill. There are a wide range of exceptions, which include as many as 70 000 children who will not be required to be immunised under this bill. The grace period in place is not a grace period but in fact an open-ended period in which children who are not immunised under the exemption categories are not required to get immunised; it is only required that some information be provided to them. The bill does not match the rhetoric of the government over the last 18 months in terms of those exempted groups, and it also does not match the promise it made in highlighting that it is prepared to change its election commitments when it realises it gets it wrong. VACCHO has raised a number of concerns in relation to how the bill will be implemented and what support will be provided to families and service providers to make sure that the full benefits of the legislation are realised through further resourcing and support.

For all those reasons the coalition is not opposing the bill. We believe that not only legislated measures such as this but also more support and initiative across the board will ensure that Victoria continues to be well immunised and that we can increase our current rate from about 92 per cent to the level of herd immunity, at 95 per cent, a target that is well supported across the board. I commend the bill to the house.

**Business interrupted pursuant to standing orders.**

**Sitting extended pursuant to standing orders.**

**Ms HARTLAND** (Western Metropolitan) — I rise to speak on the Public Health and Wellbeing Amendment (No Jab, No Play) Bill 2015. Before I begin my speech I would like to thank the minister's office staff, who organised quite a comprehensive review for me and were also able to answer a number of questions during and after that briefing.

I want to begin by stating that the Greens join health and scientific experts in absolutely supporting vaccination as a safe, proven and critical preventative health measure. The elimination of horrific diseases such as polio in Australia is testament to the incredible effectiveness and importance of vaccines.

Unfortunately vaccine coverage rates in Australia, including Victoria, are not what they should be. Health organisations recommend vaccination rates of around 95 per cent to prevent outbreaks of most vaccine-preventable contagious diseases. Over the past decade in Victoria that rate of immunisation has remained at around 92 per cent. However, in some localities vaccination rates are below that average, with

the lowest statistically reliable rate being about 82 per cent to 85 per cent coverage in a few suburbs, depending on the age of the child.

As vaccination coverage rates drop, there is an increased risk of disease outbreak. These outbreaks can affect every young child who has not yet been fully vaccinated, pregnant women, who put themselves and their foetus at risk, and other non-vaccinated children. Many of the diseases we vaccinate against are just horrible. They can leave people with lifelong disabilities or health problems, and some of the diseases can be life threatening. From a public health perspective there is a clear need to boost vaccination rates. The question is how best to do this.

To answer that question it is useful to understand why some parents have not vaccinated their children. In Victoria about 1.4 per cent of the population are conscientious objectors. These people make up the minority of those who have not vaccinated their children. Other reasons why someone might not vaccinate include that some people, perhaps genuinely, have not got around to it due to a range of life circumstances. There is a group of quite disadvantaged people who have not got their children vaccinated due to their difficult life circumstances or chaotic home environment. There are those people who have not got their children vaccinated for genuine medical reasons, such as being allergic to an ingredient in a particular vaccine or having a serious medical condition where vaccination is delayed until the child has recovered.

There is also a group of people who might be called 'hesitaters'. They are not strongly opposed to vaccination, but they have heard that there might be some risks and they are thus unsure about vaccination. These people do not perceive a strong risk of their child contracting any of the horrible diseases that immunisation prevents, so they think that on balance it might be reasonable not to vaccinate or to delay vaccination until their child is older or they simply have not yet made a decision either way. Hesitating parents may not realise that in some areas the local vaccination rate is getting well below safe levels and thus the risk of an outbreak is increasing.

It is in this context that the government has proposed the no jab, no play bill. The bill requires a child to be age-appropriately vaccinated in order to enrol in virtually all public and private childcare and kindergarten services. Upon enrolment parents must provide an immunisation status certificate to the childcare centre or kindergarten showing that the child is age-appropriately vaccinated. Those with genuine medical reasons for not vaccinating are required to provide a certificate of medical exemption.

The bill creates a 16-week grace period in relation to the requirement to produce an immunisation certificate for low socio-economic and disadvantaged households. This critical part of the legislation will enable parents to get their child into child care while giving them time to organise the vaccination for the child or to have the paperwork completed. This is important because it recognises that some families can be under pressure and have multiple stresses. This provision enables time for support to be provided to get things in order.

The Greens believe that this legislation could be an effective trigger for hesitaters and the disorganised to arrange an appointment with their GP or child and maternal health nurse and to have that conversation, get the information they need about the importance of immunisation and hopefully have their child vaccinated. It is for this reason that the Greens are willing to support the bill. However, we do have concerns about the bill, including its implementation, and we call on the government to monitor this legislation with a first review during mid-2017 when the second start-of-year enrolment period ends.

The reasons we believe the legislation needs to be reviewed are as follows. Firstly, a number of people have raised concerns about the issue of those opposing vaccinations losing access to early childhood education and child care, which is essential for mothers to return to work. The Greens, along with other parties, have been clear about our strong support for universal access to kindergarten in the year before school, and we strongly support continuing to professionalise and increase access to child care. We remain very committed to this.

In deciding to support this bill we have carefully considered its implementation in relation to the small number of people who oppose vaccination under any circumstances. Unfortunately conscientious objectors are unlikely to vaccinate their children even if this bill passes into law. These families will thus lose access to child care and early childhood education, which is of concern to us. However, we had to weigh up our concern about this with the risk posed by low rates of vaccination coverage and the risk of an outbreak of a terrible life-threatening but vaccine-preventable disease. We had to think of very young children who are not yet fully immunised. We had to think of pregnant women and their foetuses. We had to think of those who cannot be vaccinated due to medical conditions.

We cannot afford to put pregnant women and children at risk due to the choices of others not to vaccinate, which is why we have chosen to support this bill. Vaccinations are a collective social responsibility that the Greens believe we should all accept to protect ourselves and our communities. We must minimise the risk that those who choose differently — those who choose not to vaccinate — pose to others. Childcare centres are a likely place for contagious outbreaks and are frequented by at-risk people such as pregnant women and very young children. These children are of an age at which vaccinations are scheduled to be administered, so it makes sense to target these environments with this legislation.

However, our concern about full access to child care remains, and thus we believe the full impact of the legislation will need to be closely monitored. Given that this legislation is likely to have negative impacts on some families, we must be careful to verify that it is achieving what it set out to do and that it is effective at increasing immunisation rates. We also need to ensure that any potential negative impacts on families are minimised and that children and their families are not being excluded from child care unnecessarily.

This takes me to my second reason for the need to monitor and review the legislation and its implementation. While the government has provided a 16-week grace period after the enrolment of a child from a disadvantaged family into child care, we are concerned that it has not announced any funding and that it has not been clear enough about the additional resources and support it will make available to childcare centres and local councils to provide targeted assistance to low-income and disadvantaged households to get their children immunised.

We know that some households are chaotic or parents are under significant strain and need extra support to get vaccinations organised, even with a 16-week grace period. It is not enough to give those parents an information pack and expect that they will get it sorted. These households need support to make and keep appointments. They may need a child and maternal healthcare nurse to go to them and to provide the paperwork directly to the childcare centre, as well as to parents.

The burden of responsibility for adhering to this legislation is fully on the shoulders of the childcare centre, but it is not the body that can administer vaccinations. Nor would a childcare centre necessarily be able to put on extra staff. Already stretched staff would not have time to provide support to disadvantaged households to organise their immunisations and the paperwork. This could mean centres might be forced to expel children who do not comply after 16 weeks. I think the government would agree that this is not a desirable outcome, so appropriate steps need to be taken to minimise the risk of this happening.

Alternatively, this legislation may be poorly enforced, and that would be a bad outcome if the objective is to increase vaccination rates. To be effective, the implementation of this legislation needs to be well thought through and administered. Childcare centres are not experienced in this area and need support to understand the barriers to vaccinations and to develop best practice strategies and communication channels between the centres, councils, immunisation providers and government departments if the aim is to improve vaccination rates.

For those areas and childcare centres with large numbers of low-income families and disadvantaged children enrolling, or high levels of objectors, targeted funding will be necessary for council and childcare centres to provide support to parents and to undertake the required liaison between health professionals, parents and childcare centres to ensure that children are in fact vaccinated. Local governments might also need additional funding to put on extra staff to deal with a big boost in demand for vaccinations in the pre-enrolment period. This is particularly true of many of the councils in growth areas, such as the City of Wyndham, where I think approximately 70 babies are born a week. Are those councils going to be getting extra support, without having a lengthy wait period? They will also need timely reimbursements from the government for the costs of providing this service.

This situation needs to be monitored closely so that children are not unnecessarily excluded from child care. This is particularly important in the Aboriginal early childhood services area, where it may even be more critical that no child is left behind in their educational opportunity.

To conclude, I would like to say that the Greens will support this bill in the interests of public health, but the implementation will be critical. We are seeking a commitment from the government in relation to monitoring and review, so that it can and does deliver the best possible outcome for all. I would also like to say to those who are unsure or hesitant about vaccines, the science and the evidence are absolutely clear. Do not let doubt stop you from giving yourself and your children potentially life-saving healthcare. Vaccinations are safe and proven. Do not believe everything you read on the internet. Please see your GP or your health

professional, whom you trust, for expert advice on why vaccinations are so important.

**Debate adjourned on motion of Ms SHING (Eastern Victoria).**

**Debate adjourned until next day.**

## ADJOURNMENT

**Ms MIKAKOS** (Minister for Families and Children) — I move:

That the house do now adjourn.

### Tower Hill Wildlife Reserve

**Mr MORRIS** (Western Victoria) — My adjournment matter this evening is for the attention of the Minister for Roads and Road Safety and relates to the Tower Hill Wildlife Reserve in western Victoria and in particular in the Assembly electorate of South-West Coast. The Tower Hill reserve is located on the Princes Highway, some 14 kilometres north of the great city of Warrnambool, and is a very popular tourist attraction.

For those who have not had the good fortune to have visited Tower Hill, it is an extinct volcano of national and international significance for its geological forms. It is also a most beautiful place with an abundance of native flora and flora. However, the signage to this spectacular natural treasure is, in my view and in the view of many, manifestly inadequate, such that visitors looking for Tower Hill can drive past without being aware they have missed the turn-off or they can perform a late and dangerous traffic manoeuvre to make the turn into the entrance to the road to Tower Hill.

I request that the minister work with VicRoads to install larger signage that forewarns tourists and drivers with regard to the location of the Tower Hill reserve and of the distance to the turn-off to the reserve.

### Caroline Springs railway station

**Mr EIDEH** (Western Metropolitan) — My adjournment matter is for the Minister for Public Transport, the Honourable Jacinta Allan, and it is a matter I have raised in this house on many occasions. It concerns the building of the Caroline Springs train station, something that the community in that area has been calling for for quite some time. Finally under the Andrews Labor government the sod has been turned to mark the beginning of construction.

Access to public transport is vital, but the 65 926 people living in the area — a population that is expanding daily within the eastern corridor of the City of Melton — have gone without a train station for many years. The government is changing that. No longer will residents need to drive to either Deer Park or Watergardens stations, a drive which, depending on traffic, could take more than 20 minutes. The Caroline Springs station is needed to improve the public transport options available to the growing community in the west. The new station will give current and future residents improved access to jobs, study and other important services. It will include ramps to make accessibility easier, CCTV cameras and facilities for protective services officers to make the station safer for commuters. To cope with demand the station will also have a car park with 350 spaces, bus bays, a taxi rank and a drop-off zone. Caroline Springs train station is expected to be used by a staggering 1500 commuters per day, which highlights how important this new development is.

My office has been inundated with messages of thanks to the government for making this much-needed resource a reality, something that those opposite committed to only once they had upgraded and constructed stations in the inner east. I ask the minister: when can the residents of Caroline Springs, Burnside and Plumpton expect the station to be completed and fully functional?

### Commercial fishing licences

**Mr RAMSAY** (Western Victoria) — My adjournment matter is for the Minister for Agriculture and Minister for Regional Development, the Honourable Jaala Pulford. The matter I raise concerns the current treatment of the holders of 43 commercial fishing licences, whose families have been operating in Port Phillip Bay for over 170 years. Since 2000 the number of licensed fishers entitled to operate has reduced by 63 per cent, and those who are left are fourth and fifth generation fishers who, thanks to the Andrews government's election commitment, will now be bought out, losing their livelihoods and a chance to pass their fishing traditions on to their children.

The eight-year buy-out plan with sliding catch caps and a $20 million compensation fund, using three-year catch histories, differs from the position the coalition took to the last election, but both parties responded to the strong advocacy of the recreational fishing industry, the members of which provided strong arguments to all political parties that the current commercial fishing in Port Phillip Bay was not sustainable and that depleting fish stocks was hampering the catches of the

recreational fishers in the bay. Whilst this was a popular view, the science and data collected by Fisheries Victoria did not show this but in fact showed that fish stocks are currently sustainable in Port Phillip Bay with the commercial licences operating.

The Andrews government policy is to increase the number of recreational anglers in Victoria from 720 000 to 1 million by 2020. Given that policy, the commercial fishers are slowly being squeezed out, even though the catch of snapper is approximately 120 tonnes to commercial netting and 650 tonnes to recreational fishing, and for King George whiting it is 85 tonnes compared to recreational fishing of 156 tonnes — nearly twice as much, or three-quarters as much in relation to snapper. While commercial fishers use a mix of net and longline, depending on target species, time of season, market prices and so on, fish like whiting, garfish, flounder, flathead and tommy rough cannot be caught on longline and will be caught in the netting ban. Consequently, supplies of local fresh fish in the Geelong and Bellarine region will slowly dry up.

Given the short five-week period of consultation, from 25 September to 1 November, the review of individual catch caps by government appointee Craig Ingram, who has a conflict of interest given his role as coordinator of Target One Million for recreational fishers, the fact that the science indicates sustainable compatibility of commercial and recreational fishing in Port Phillip Bay with the ongoing voluntary buyback of licences, and, as has been the case in the past, the fact that commercial fishers have been wrongly maligned over the Andrews government policy, I ask that the minister call for a review of the current policy and delay any decision until such time as the outcomes of an environmental and social impact study on the Port Phillip Bay and Corio Bay fishery, its health and its sustainability, have been evaluated.

## National disability insurance scheme

**Ms TIERNEY** (Western Victoria) — My adjournment matter is for the Minister for Housing, Disability and Ageing. It is in relation to the national disability insurance scheme (NDIS). The action I seek from the minister is that he host a forum regarding the rollout of the national disability insurance scheme in the south-west in the near future.

As members in the chamber will be aware, last month the Premier of Victoria signed a bilateral agreement with the commonwealth government that will allow for the full rollout of the NDIS in Victoria over the next three years. This means that into the future the state of Victoria will support people living with a disability with a contribution of $2.5 billion per year, matching the commonwealth government's contribution. This equates to a doubling of the funds currently committed to support people living with a disability.

More than 105 000 Victorians living with a disability will benefit from the NDIS, a system that will give people the control to live the life they choose and provides access to the support they need, when they need it. With Victoria's trial sites being in Geelong and Colac, in my electorate, I have had the opportunity and pleasure of being regularly updated on the progress of the NDIS. I am extremely proud of the work that has been undertaken to date and of how the wider community of Geelong and Colac has embraced this once-in-a-generation initiative.

I have no doubt that the rest of the Victoria will embrace this important program. However, there will undoubtedly be many questions as well as feedback from constituents in the south-west before the rollout takes place. The minister is in the best position to team up with representatives of the NDIS and host a forum for people in my electorate, and I request that he do so in the near future.

## Better Together alliance

**Ms LOVELL** (Northern Victoria) — My adjournment matter is for the Minister for Education, and it relates to the Greater Shepparton schools Better Together alliance's application for funding of $300 000 per annum to fund a coordinator and cover other costs associated with the program. My request of the minister is that he provide the alliance schools with the $300 000 in funding they seek to ensure that they are able to continue providing the highest quality of education to students in Greater Shepparton.

The Better Together alliance is a collaborative effort of the four government schools in Greater Shepparton — McGuire College, Mooroopna Secondary College, Shepparton High School and Wanganui Park Secondary College — which have united with the aim of achieving education excellence for their students. Part of this alliance is the alignment of timetables among the schools so that it is possible for students to go between them and access different subjects.

Representatives of the alliance met with the minister recently and came away from that meeting with the impression that the minister had received the program well and that they stood a good chance of getting funding. At the meeting they outlined to the minister that they would need $300 000 between the four

schools to continue to run this program. The $300 000 needs to be in addition to and a separate line item to the current student resource package funding the schools receive. Of that sum, $130 000 would be used to fund a project coordinator and the remaining $170 000 is needed for professional development, to upgrade ICT infrastructure and to transport students between schools to expand their pathways options.

To the surprise and disappointment of the alliance members, funding has not been forthcoming from the government. This rejection has been even more keenly felt as the minister and the Premier have spent the last week touting their rhetoric of Victoria as the education state. The Minister for Education has been quoted in media releases as saying the Andrews Labor government is investing:

> … to make Victoria the education state, so every community has access to great local schools and every child gets the chance to succeed.

I cannot see how the minister can make this claim when he has refused to provide the innovative Better Together alliance with a moderate figure to achieve his stated aim.

Greater Shepparton is one of the most disadvantaged areas in the state. We have a high number of new settlers, including children, who require additional support. We have a relatively low percentage of school leavers who go on to higher education. Our youth unemployment rate of 15.4 per cent is higher than the state average.

Greater Shepparton schools need the government to fund the Better Together alliance so they can provide better outcomes for their students and break the cycle of disadvantage in our community. My request of the minister is that he provide the alliance schools with the $300 000 in funding they seek to ensure that they are able to continue providing the highest quality of education to students in Greater Shepparton.

## Cobains and Ellinbank primary schools

**Ms SHING** (Eastern Victoria) — The action I seek is for the Minister for Education, Mr Merlino, to address the water supply issues at Cobains Primary School and Ellinbank Primary School. Currently Cobains Primary School has a water supply arrangement that relies upon the goodwill of a neighbour and pipes which lie across adjacent land. On a number of occasions the school's water supply has been interrupted as a consequence of this arrangement. Ellinbank Primary School has water pumped from Bear Creek through a neighbouring property, and the pipe that is used is old and frequently bursts, which costs the school hundreds of dollars each time a repair is required to be undertaken. The school has a tank that collects water, but the water is continually contaminated with bird faeces and I understand it is unfit for human consumption.

The previous government did nothing to address these serious issues despite the fact that they were well on its radar. Both schools desperately need water tanks to provide them with a safe and reliable source of water. On that basis I call upon the minister to take the action necessary to remedy the current situation, which is unsanitary and unsafe.

## Waverley Park powerlines

**Mr DAVIS** (Southern Metropolitan) — My matter is for the attention of the Minister for Planning. It concerns the Waverley Park powerline situation. I know the minister is familiar with this, given it is within his electorate. I know Mrs Peulich is also familiar with the issue and a great advocate for it. The Waverley Park residents are still awaiting a decision by this government, and the reality is that this matter goes back a long way — in fact, it goes back to 2002.

**Mr Jennings** — I have heard you criticise Mr Guy before.

**Mr DAVIS** — I have never criticised Mr Guy. I have criticised Mr Andrews, the member for Mulgrave in the Assembly, who has been the local member since 2002 — around the time that Mirvac received its first planning permit on this matter requiring a 34-metre high-tension powerline to be put underground. Thirteen years later Mirvac has still not done what it undertook to do under the original permit. Many residents were sold properties in this area with this explicitly in their contract. I have seen one of those contracts. They are completely clear that the powerlines are to go underground, and these were properties sold on the basis of underground powerlines.

Mr Guy refused an application in April last year. He later called the case in near to the time it was to be heard at the Victorian Civil and Administrative Tribunal and referred it to an advisory committee, which reported in February 2015. It is many months later and Daniel Andrews has still to act. The Minister for Planning has still to act. This, I have to say, has gone on long enough: 2002 is a long time ago. It was the time Mr Andrews came into Parliament, and he has done nothing in his time to resolve this issue. I am not sure how many planning ministers there have been since then, but it is quite a number. What is clear is that

the advisory committee reported in February 2015, and it is now time for the planning minister to act. I am asking that the planning minister ensure that the residents have an outcome here that sees the powerlines go underground, as they were promised, and that he and the Premier stop their dithering and delays.

## Abbotsford Convent

**Ms PATTEN** (Northern Metropolitan) — My adjournment matter is for the Minister for Small Business, Innovation and Trade. One of the first institutions I visited in my region after being elected was, unusually, a convent — the Abbotsford Convent. I have always loved the space, regardless of its history of cruelty to women and children and the other nefarious things it was host to. It is beautiful. Since the CEO of the Abbotsford Convent Foundation, Maggie Maguire, made me aware that this not-for-profit community-run venue was being hit by a congestion levy, I have been campaigning for the levy's removal.

The convent attracts 1.3 million visitors every year and is a major cultural and tourist hub in the electorate of Northern Metropolitan Region. It does not charge an entry fee, so it is a great option for families in my region. A few weeks ago I joined thousands of those families — music lovers enjoying the sun and an amazing range of music. It is a wonderful place for musicians, both those who are established and those who are emerging. There is lots of space for children and plenty of room for even grown-ups to roam. It also provides a great incubator for artisans such as jewellers, potters and so on.

The convent receives no ongoing state funding. In fact under its contract it must produce a modest profit every year but must not receive ongoing funding — although I do acknowledge the generous donation by the previous Labor government for restoration works at the site. The car park at the convent is its main income stream, but it is eaten away by an annual congestion levy of $288 000. I understand that municipal councils, religious bodies, charitable or benevolent institutions, libraries, museums and zoos are exempt from this levy, so I think extending it to the convent, even though there are no nuns there anymore, just makes common sense.

In May the minister advised me that the government was reviewing the congestion levy. The action I request is that the government now exempt the convent from this unfair and unwarranted congestion levy.

## Level crossings

**Mrs PEULICH** (South Eastern Metropolitan) — The matter that I wish to raise is for the attention of the Minister for Public Transport in her role as providing oversight to the level crossing removal program, in particular as it affects the south-east. From reading the *Level Crossing Removal Update 02*, issue no. 2 of September 2015, I note that:

> The Caulfield to Dandenong package has two short-listed bidders who are currently developing designs and construction methods for removing nine level crossings and rebuilding four stations along the Cranbourne-Pakenham rail corridor.

It also says that as part of the process the authority is working with the bidders to integrate community feedback as well as providing input from key stakeholders, including councils, utility providers and government agencies, presumably to get a design that meets the needs of each site.

The concern I wish to raise is the nature of the information sessions or consultations that have been scheduled. Most of them have now passed, but I note that five out of seven were scheduled during work hours, including 10.45 a.m. to 1.00 p.m., 11.00 a.m. to 4.00 p.m., 10.30 a.m. to 12.30 p.m., 10.30 a.m. to 3.30 p.m. and then one from 6.00 p.m. to 8.00 p.m. It seems to me, given the nature of this area, that many members of these families would be workers — —

**An honourable member** — Commuters.

**Mrs PEULICH** — And commuters, but also workers. Therefore it seems odd to me that so many of these consultation sessions would be held during work hours. I urge the authority to extend this consultation so that the bidders can benefit from the input of a broader range of those who are either commuters or would be impacted by the grade separations and developments and design, in particular as a number of options that are being considered include rail under road, rail over road, road over rail and road under rail. The concerns about the impact on visual amenity and property values and on the division of communities and so forth are substantial in terms of the implications of the design.

I urge the authority to consider extending with more sessions so that proper input into the design of the level crossings that have been identified along this corridor is considered as part of the bidding process.

## Destination Rosebud

**Mr MULINO** (Eastern Victoria) — My adjournment matter tonight is for the attention of the

Minister for Local Government, Natalie Hutchins. The matter relates to Destination Rosebud, a project that has recently received funding from the government's Interface Growth Fund following the submission of an application by the Mornington Peninsula Shire Council. In particular the action I seek from the minister is that she come down to the Mornington Peninsula and meet with council, the community, businesses and environmental stakeholders early in 2016 to discuss the early progress towards the completion of this complicated and interesting project so that we can learn from its successes for any future Interface Growth Fund rounds, should there be further rounds, and so that we can best direct the completion of this particular project.

This is a really interesting project. It contains a number of elements. It includes streetscape works at the gateway entrance to town; the creation of a shared street and car park, and a forecourt on Jetty Road; public wi-fi access at the pier; public toilet improvements; event infrastructure, which includes soundshells; improved beach access; and many other facilities. It was these many disparate and yet interconnected elements of the project that were part of the successful bid.

The project as a whole is going to cost in the order of $5.5 million to complete. The council will contribute $1.35 million, and $4.15 million will be contributed from the Interface Growth Fund. I see a great deal of potential for this particular project to add to life and amenity for the community. It will add to the capacity of the community to handle tourism and it will add to the environmental amenity of the area.

It would be very useful for the minister at some time during the course of the completion of the project to come down to Mornington Peninsula to consult with the community, with all the relevant stakeholders and with council. I would welcome a visit from the minister in early 2016 so that she can see this wonderful project taking shape.

## 123Read2Me

**Ms CROZIER** (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Families and Children. Recently I met with a group of committed individuals who are all working toward improving literacy among some of the most disadvantaged children in our community. Melinda Shelley, along with her husband, Jeff, has been working on a Lions Club project, 123Read2Me, which aims to be 'Changing the future, one book at a time'.

I met with Melinda, Jeff and two academics from the faculty of education at Monash University, Dr David Zyngier and Dr Denise Chapman. This group presented to me a draft proposal for:

> Building community capacity by enhancing educational opportunity for children from 'communities of promise' through early intervention in literacy practices.

In the group's draft proposal discussion paper it highlights that:

> Children who have been read to for just 10 minutes a day from birth will have heard the equivalent of 3 million words by the time they start school. By age 3 economically advantaged children know 1100 words, with economically disadvantaged children knowing only 500 words.

The program this group is presenting will expose our youngest children and their parents to the joys and techniques of effective reading. They would like to undertake an important pilot project that would involve students from Monash University at Frankston reading to vulnerable children in Frankston North, Carrum Downs and surrounding areas.

As I said, the group has put together a proposal and some costings, and it has outlined a budget that I believe it wants to speak to the government about. A one-year pilot program has been budgeted for in this proposal, but it is believed that there will be more benefit from a three-year program, which would follow children through the kinder, preschool and primary school environments.

My request of the minister is that she meet with the group that has put this proposal together and commit to funding this innovative and important pilot program so that it gets off the ground and sees these students participate. It will assist some of our most disadvantaged children, as I stated at the outset of my contribution.

## Firefighting aircraft

**Mr LEANE** (Eastern Metropolitan) — My adjournment matter is directed to the Minister for Emergency Services. It concerns the aircraft available for firefighting, keeping in mind that many parts of Victoria are already dry and we are assuming that we will have a hot, dry summer.

I understand that Victoria has quite a comprehensive fleet available to it, but there is also a federal fleet based in New South Wales that is available to all states, in particular Victoria and South Australia, when needed. In that fleet there are two large appliances for which the contracts with the commonwealth are due to expire this

summer. I know the minister is concerned about this, and the action I seek is that she continue to advocate to her commonwealth counterparts for the leases on those aircraft, which are so important to Victoria, South Australia and New South Wales, to be extended as soon as possible so they will be available for the whole firefighting season.

**The PRESIDENT** — Order! I counsel Mr Leane to urge the minister to 'secure' the continuation of those leases rather than to 'advocate'. I get concerned about the word 'advocate' because that is where we get into tricky territory in the adjournment debate. I think Mr Leane actually wants this to happen, so it is not a matter of advocacy, it is a matter of the minister trying to secure the continuation of those leases. Is Mr Leane happy to amend his action?

**Mr LEANE** — I am happy with your guidance, President, and I do appreciate it. I was trying to get the action right; I knew it was a bit tricky. The action I seek from the minister is that she work with her commonwealth counterparts to secure these assets for Victoria for summer.

## Local government funding

**Mr DRUM** (Northern Victoria) — My adjournment matter is for the Minister for Local Government. It concerns the financial viability of local councils, especially that of our regional and country councils. As we know, in the short time that this government has been office, it has already abolished the Local Government Infrastructure Fund, a $100 million funding program that went directly to our 48 smallest councils.

On top of losing that $100 million, those councils have also lost another $100 million that was part of the Putting Locals First program. That was a program that offered councils as well as community groups and sporting organisations an opportunity to contribute to their local communities. The Bendigo Bank would involve itself, and many other partners leveraged the Putting Locals First program. They were in effect local government projects that added to the amenity of many of our local government areas, the funding for which came directly out of state government coffers — $100 million. On top of that, $160 million has been ripped out of local councils with the withdrawal of the country roads and bridges program.

When you start to add it up, there was the first $100 million and the second $100 million, and now there is $160 million. You start to see that these local councils are going to be looking for funds just so they can operate in the same way they have operated for the past four years, let alone trying to improve the services they might wish to offer their ratepayers and their constituents. There were a range of other smaller programs that I will not mention, but I am happy to do so if anyone wants to quiz me.

On top of all of this, our smaller councils have been caught up in a push for the Melbourne vote in relation to rate capping. I do not think there is anybody in Victoria who thinks rate capping is a necessity for our smaller rural and country councils. However, if members of the Labor Party also wish to question me on this one, I am happy to have that conversation as well.

With this inherent push to look after and try to jump on the back of some of the larger Melbourne councils that were seeming to be wasteful with their finances, the smaller regional and country councils have been caught up in this policy, which will have a cumulative effect. Not only will rate capping have a cumulative effect but also not having the $100 million for local government infrastructure and not having all the other funds year upon year will have a huge effect. I call on the minister to either put back the funding or provide a financially viable strategy that will give everybody some confidence that local government will remain viable into the future, especially country and smaller councils.

## Responses

**Mr JENNINGS** (Special Minister of State) — I indicate at the beginning of my responses that I have 26 written responses to adjournment debate matters, raised by Mrs Peulich on 15 April; Mr Ramsay on 6 August; Ms Crozier and Mr Mulino on 18 August; Ms Lovell on 19 August; Mr Finn and Ms Tierney on 1 September; Mrs Peulich on 2 September; Ms Lovell and Mr Ondarchie on 3 September; Mr Finn, Ms Lovell, Mr Morris, Ms Pennicuik, Mrs Peulich and Ms Symes on 15 September; Ms Crozier, Mr Davis, Ms Fitzherbert, Mr Leane and Mrs Peulich on 16 September; Ms Crozier, Mr Finn, Mr Morris and Mrs Peulich on 17 September; and Ms Shing on 7 October.

On the matters that were raised on the adjournment this evening, Mr Morris raised a matter for the Minister for Roads and Road Safety, seeking yet further support for the Tower Hill reserve outside Warrnambool. Probably by the end of the adjournments during the course of the year just about everything will be replaced at Tower Hill, because Mr Morris is hoping beyond his last adjournment matter that this time the minister will deal with signage at the facility.

Mr Eideh raised a matter for the attention of the Minister for Public Transport seeking her advice so that he can inform his community about when the service that will support the Caroline Springs and Burnside community in relation to rail development will actually occur, open and be available for community benefit.

Mr Ramsay sought from the Minister for Agriculture and Minister for Regional Development a review to be undertaken simultaneously with the review — that he identified in his contribution as not yet even completed — in relation to the implementation of the government's policies. Mr Ramsay is very concerned about the scientific basis and the yield basis on which recreational or commercial fishers may take from our waterways. He wants a further examination of those matters, so I think literally a review on top of an incomplete review, which he already identified is going to be completed by November.

Ms Tierney raised a matter for the Minister for Housing, Disability and Ageing seeking his attendance at a forum in the south-west to discuss with families and communities who are concerned about supporting people with disabilities in our community the important national disability insurance scheme rollout and the transitional arrangements, which will see great support provided by agreement and with the support of state and federal governments, to allow for greater opportunities for people with disabilities. Despite the greater opportunities that may be available, there is still some anxiety about the quality of the service provision and the timeliness of the rollout. Ms Tierney is hoping the minister can convey firsthand to members of her community the way in which the government will make sure that those outcomes are secured in those transitional arrangements.

Ms Lovell raised a matter for the attention of the Minister for Education seeking his support for the Better Together alliance, which supports schools within the Greater Shepparton area. In particular she requested a funding allocation of $300 000 to support the ability of those schools to work collaboratively.

Ms Shing also raised a matter for the attention of the Minister for Education seeking his support for an appropriate, safe, secure and reliable water supply to be provided to school communities in Cobains and Ellinbank. She drew attention to the unreliability and costliness of supplying water to those school communities, and she believes that support is urgently required to provide better and safer drinking water for children in these schools.

Mr Davis raised a matter for the Minister for Planning seeking his action to resolve a longstanding matter in relation to the undergrounding of powerlines at Waverley Park.

Ms Patten raised a matter for the attention of the Minister for Small Business, Innovation and Trade seeking his support regarding the effect of the congestion levy on the Abbotsford Convent. The story Ms Patten told illustrated that her support for Abbotsford Convent is not dependent on nuns being there. Nonetheless, she is keen to ensure that appropriate support is provided. The Minister for Small Business, Innovation and Trade may be acutely interested in this matter, but it is possible that it falls within the responsibility of the Treasurer. I foreshadow this to the chamber and Ms Patten, but I am certain that we will fit it in.

**Mr Leane** — Nun the less.

**Mr JENNINGS** — Yes, that will probably be the recurring theme of every contribution I make from here on in. Nonetheless, I am committed, notwithstanding that slight distraction, to continue on with adjournment matters this evening.

Mrs Peulich raised a matter for the attention of the Minister for Public Transport reminding the chamber of the government's significant undertaking in its extensive level crossing removal program in the south-east in particular.

**Mrs Peulich** interjected.

**Mr JENNINGS** — The member referred to the nine level crossing removals and the four station redevelopments, so she did acknowledge the breadth of the quite extensive work that is being undertaken. She called upon the government to try to make sure that the consultation and information sessions that are made available are scheduled in a way to maximise the input of the community. That is a valuable message, which I am certain the minister will respond to.

Mr Mulino sought the support of the Minister for Local Government and asked her to go down to Rosebud and discuss with Mornington Peninsula Shire Council, community and businesses the implementation of a funding program that has involved a partnership between the Victorian government and the Mornington Peninsula council. This project involves a significant streetscape redevelopment, which includes a plaza, public amenities and a soundshell. It will reinvigorate this important part of Victoria, both for the local community and people who go there as part of tourist activity. This is a significant partnership with

significant contributions from both the local council and the state government, which has provided support through the Interface Growth Fund. The member hopes the minister can help create community momentum early in 2016 to give life to this program.

Ms Crozier raised a matter for the attention of the Minister for Families and Children seeking her support for a pilot program developed by Monash University and supported by other individuals who are active advocates for reading programs to support children from disadvantaged backgrounds who may not in the normal course of their family and school lives be exposed to extensive one-on-one reading. Ms Crozier outlined the value of that program and the benefits that it will provide to children, and she encouraged the minister to support that program.

Mr Leane raised a matter for the attention of the Minister for Emergency Services. He sought that she not only use her best endeavours to secure but that she actually secure, if she can, on behalf of the Victorian community the appropriate allocation of aircraft to support our firefighting effort. In particular Mr Leane drew attention to the fact that the state of Victoria may need to undertake successful negotiations with both the commonwealth and/or the South Australian government to secure that aircraft to support our firefighting effort in the months ahead.

Mr Drum raised a matter for the attention of the Minister for Local Government. I can say on the minister's behalf — and I am sure that the minister will be very responsive to Mr Drum's call to be mindful of the ongoing financial viability of small rural councils — that I am certain that is an issue that has exercised her mind greatly in terms of bringing forward to the Parliament legislation to deal with rate capping. I am sure that she is very mindful of — —

**Mr Drum** — Why would you say that?

**Mr JENNINGS** — Because I know what is in the bill. I cannot pre-empt what is in the bill, but I certainly know there is a recognition of that in the structure of the bill. By the end of the week the Parliament will know she is mindful of it.

**Mr Drum** interjected.

**Mr JENNINGS** — Mr Drum obviously does not like me recognising the value of his argument by noting that the government is responding to the issue. I am indicating to Mr Drum that the government is going to act in accordance with his concerns — —

*Honourable members interjecting.*

**Mr JENNINGS** — I believe that in the Legislative Assembly today a bill was first read which relates to the legislative basis on which the government will be introducing a rate capping mechanism. In that bill the very issue Mr Drum has identified is allowed for. Within the week Mr Drum should have a read. Beyond the listening — and he is obviously very good at listening — he should have a look as well and then work collaboratively with the government, which is very mindful of the ongoing economic viability of local government and very supportive of the outcomes Mr Drum is seeking through his adjournment matter.

**The PRESIDENT** — Order! The house stands adjourned.

**House adjourned 10.57 p.m.**

# WRITTEN RESPONSES TO QUESTIONS WITHOUT NOTICE

***Responses are incorporated in the form provided to Hansard***

## Wyndham police resources

**Question asked by:** **Dr Carling-Jenkins**
**Directed to:** **Minister for Training and Skills**
**Asked on:** **7 October 2015**

**RESPONSE TO SUPPLEMENTARY QUESTION:**

I am advised as follows:

The Andrews Government recognises that Victoria Police requires appropriate facilities to support police in the work they do in keeping our communities safe. That is why in the 2015-16 State Budget we provided additional funding to see Victoria Police record its largest ever budget.

I am advised by the Minister for Police that the operational need for new and upgraded police stations is established by Victoria Police. Where police determine a need for additional police infrastructure, they will raise this with Government and we will consider through the Budget process.

The Government works closely with the Chief Commissioner to ensure Victoria Police is appropriately resourced to tackle law and order issues facing the Victorian community.

While the Government determines the level of funding required to resource Victoria Police, the Chief Commissioner is responsible for determining how such resources are allocated, based on assessed operational need.

## Medicinal cannabis

**Question asked by:** **Ms Patten**
**Directed to:** **Minister for Training and Skills**
**Asked on:** **7 October 2015**

**RESPONSE:**

I am advised as follows:

The government remains committed to reducing the impact of road trauma in Victoria, and will not be making any changes to the current regime regarding the use of illicit drugs and driving.

As we have previously noted, the prescribed concentration of zero for THC and the other illicit drugs is risk based. A person driving with THC or stimulant type drug at any level is at least twice the risk of being involved in a fatal collision than a drug free driver.

VicRoads, Victoria Police, and the Department of Justice and Regulation will be working with the Department of Health and Human Services to ensure that the legislative scheme surrounding the use of medicinal cannabis is appropriately administered with regards to road safety.

Decisions regarding whether to charge an individual for an offence are properly determined by police.

## Bushfire preparedness

**Question asked by:** **Ms Wooldridge**
**Directed to:** **Special Minister of State**
**Asked on:** **7 October 2015**

**RESPONSE TO SUPPLEMENTARY QUESTION:**

The grand final eve public holiday had no bearing on staffing levels at the planned burn in the Cobaw State Forest.

DELWP firefighters, like all firefighters, work 365 days a year regardless of public holidays.

Planned burns are staffed according to risk and those operational decisions are made by local DELWP fire management.

## Multicultural affairs grants

**Question asked by:** **Mrs Peulich**
**Directed to:** **Special Minister of State**
**Asked on:** **7 October 2015**

**RESPONSE TO SUPPLEMENTARY QUESTION:**

The Victorian Government has committed $25 million over four years to strengthen Victoria's social cohesion, and build community resilience to violent extremism of any form.

The Ministerial Taskforce is Chaired by the Deputy Premier and Minister for Education and includes the Minister for Multicultural Affairs, Minister for Police and Corrections; and the Minister for Youth Affairs.

The work involves a complex set of issues. There are no easy or quick solutions, the Taskforce is therefore adopting an approach to co-create solutions with communities and other stakeholders, based on the best-available evidence.

Funding is allocated based on evidence and community knowledge. Funding for grassroots projects are currently being negotiated with the Victorian communities tailored to the needs of each community.

As an example, the Taskforce has also approved the further development of pilot projects at a number of locations which will be community based and managed in partnership with parents and other community leaders to support at risk young people.

## Infrastructure Victoria board

**Question asked by:** **Mr Rich-Phillips**
**Directed to:** **Special Minister of State**
**Asked on:** **8 October 2015**

**RESPONSE:**

Section 14 of the Infrastructure Victoria Act 2015 establishes the following qualification requirements for members appointed by the responsible Minister to the Infrastructure Victoria Board:

**14 Qualifications and eligibility**

(1) The Minister must not recommend a person to be appointed as an appointed director unless the Minister is satisfied that—

(a) the person is not employed by a public entity or public service body; and

(b) the person has appropriate knowledge or experience in relation to one or more of the following —

(i) policy and strategy; or

(ii) infrastructure planning; or

(iii) infrastructure funding; or

(iv) infrastructure delivery.

(2) When making a recommendation under section 13(1), the Minister must have regard, as far as is practicable, to the need for the appointed directors collectively to have appropriate knowledge or experience gained in the private sector, within Australia or internationally.

On 7 October 2015 I announced the appointment of four members to the inaugural Infrastructure Board; Mr Jim Miller (Chair), Ms Maria Wilton (Deputy Chair), Ms Margaret Gardner AO, and Ms Ann Sherry AO.

**Chair – Jim Miller**

Jim Miller was an Executive Director at Macquarie Capital from 1994-2015, with experience across a range of sectors, working with both government and private sector clients. Jim has extensive experience in the infrastructure sector having worked in the areas of regulated assets, transport, energy, utilities and resources and social infrastructure. Mr Miller has both a Bachelor and Masters of Economics from Macquarie University. He is currently a Deputy Chair of Infrastructure Partnerships Australia, an independent group across both the public and private sectors providing policy and research to the Australian infrastructure sector. Mr Miller is a Fellow of the Australian Institute of Company Directors and a Fellow of the Institute of Actuaries Australia.

**Deputy Chair – Maria Wilton**

Maria Wilton is the Managing Director of Franklin Templeton Investments Australia and is also a director of the Financial Services Council of Australia and the National Breast Cancer Foundation. Ms Wilton has previously held board roles with Melbourne Water, the Australian Government Employees Superannuation Trust, Emergency Services and State Super, and Victoria Legal Aid. Ms Wilton has a Bachelor of Economics from the University of Tasmania and is a Chartered Financial Analyst Charterholder, Fellow of the Australian Institute of Company Directors and a Fellow of the Australian Institute of Superannuation Trustees.

**Margaret Gardner AO**

Professor Margaret Gardner AO is the current President and Vice Chancellor of Monash University. Prior to this Professor Gardner was the President and Vice Chancellor of RMIT from April 2005 to August 2014. Professor Gardner is currently the chairperson of the Museum Victoria board, as well as a director of Universities Australia and the Fulbright Commission Advisory board. Professor Gardner has a first class honours degree in economics and a PhD from the University of Sydney, as well as a Fulbright postdoctoral fellowship.

**Ann Sherry AO**

Ann Sherry AO is the Chief Executive Officer (CEO) of Carnival Australia, the leading cruise ship operator in Australia. Prior to this role, Ms Sherry was the CEO of Westpac New Zealand, as well as the CEO of the Bank of Melbourne. Ms Sherry has several non-executive roles including with ING Direct (Australia), The Myer Family Company Holdings Pty Ltd, Australian Rugby Union and Jawun. Other roles include the Chair of Safe Work Australia, Australian Indigenous Education Foundation (AIEF) and Deputy Chair of the Tourism & Transport Forum. Ms Sherry also has extensive experience in the public sector, including as the First Assistant Secretary of the Office of the Status of Women in the Australian Government. She holds a Bachelor of Arts and a Graduate Diploma of Industrial Relations.

I am satisfied that all members appointed to the Infrastructure Victoria Board satisfy the requirements of the Infrastructure Victoria Act 2015 including direct personal experience in the policy and strategy, planning, funding and delivery of infrastructure projects.

## Stronger Country Bridges program

**Question asked by:** **Mr Morris**
**Directed to:** **Special Minister of State**
**Asked on:** **8 October 2015**

**RESPONSE TO SUPPLEMENTARY QUESTION:**

I am advised strengthening the ten earmarked bridges on the Monash Freeway will reduce transport costs for the freight industry. These works will increase the productivity of the industry by allowing the operation of High Productivity Freight Vehicles (HPFVs) between Melbourne and Eastern Victoria.

I am advised by VicRoads that currently the following trucks cannot use the ten bridges earmarked for upgrade.

– A- Double (79 tonne GML and 85 tonne HML)

– B-Triple (82.5 tonne GML and 90.5 tonne HML)

– AB- Triple (102.5 tonne GML and 113 tonne HML)

– Quad-Quad B-double (78 tonne HML)

This works programme will strengthen the ten bridges to allow their use by the above listed high productive vehicles up to 113 tonne (AB-Triple HML).

## Water policy

**Question asked by:** **Mr Ramsay**
**Directed to:** **Special Minister of State**
**Asked on:** **8 October 2015**

**RESPONSE TO SUPPLEMENTARY QUESTION:**

The existing infrastructure of the North South pipeline currently only supports the transfer of water one way — from the north to the south. Additional infrastructure would be needed to allow water to flow from south to north. The development of, and consultation for, the Victorian water plan will assess options to get the greatest benefits from the water grid as a whole. The Government currently has no plans to reverse the flow to deliver water to the north of the State.

## Swinburne University of Technology former Lilydale campus

**Question asked by:** **Mr O'Donohue**
**Directed to:** **Minister for Training and Skills**
**Asked on:** **8 October 2015**

**RESPONSE TO SUPPLEMENTARY QUESTION:**

Prior to being elected, Labor committed to re-opening the Lilydale campus and restoring the delivery of vocational training and higher education from the site.

On Monday 19 October we delivered on that commitment, when I joined the Premier and Deputy Premier to announce that Box Hill Institute was the preferred respondent to the Request for Proposal that was released earlier this year. The Government is working closely with Box Hill Institute to make the Lilydale Campus bigger and better than ever. Box Hill Institute will reopen the Lilydale Campus in time for the 2016 school year.

A permanent home will be provided for Melba Support Services, and the Institute will establish an integrated childcare centre, a state of the art Tech School, a Bio Security Centre of Excellence and industry research. Once again Melbourne's Outer East community will have access to high-quality training and higher education at the Campus.

## Environmental watering

**Question asked by:** **Mr Young**
**Directed to:** **Special Minister of State**
**Asked on:** **8 October 2015**

**RESPONSE TO SUPPLEMENTARY QUESTION:**

Decisions about Victoria's environmental water allocations are made by the Victorian Environmental Water Holder (VEWH), in its role as an independent statutory authority. The VEWH decides whether to use, carryover or trade Victoria's environmental water allocations to maximise environmental benefits for the whole State. Carryover and trade are critical tools to help the VEWH manage variable water availability across years.

Under the Victorian Water Act, the VEWH can buy or sell water allocation where it is in line with the VEWH's statutory objectives - essentially, if it benefits the environment. Proceeds from the sale of allocation are used to invest in future environmental watering priorities. This may include water purchases to meet shortfalls in any Victorian system, or investment in measures to improve the performance of Victoria's environmental watering program.

Since its commencement, the VEWH has bought and sold water allocation in water systems around Victoria, including the Murray, Goulburn, Loddon, Werribee and Maribyrnong systems. In northern Victoria, since 2012, the VEWH has sold over 37,000 ML in the Murray and Goulburn systems (including 12,975 ML in 2014-15), and bought 300 ML in the Loddon system.

Like other water users, the VEWH can also conserve its water and carry it over from one year to manage risks in the next. Water carried over from 2014-15 has been, and will continue to be, critical to managing risks from low water availability in 2015-16 to waterways and their environments. If conditions remain dry, carryover from this year will also play a crucial role in preventing critical loss and irreversible degradation next year.