PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Tuesday, 6 October 2015

(Extract from book 14)

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By authority of the Victorian Government Printer

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The Honourable LINDA DESSAU, AM

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

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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

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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, 6 OCTOBER 2015

Tuesday, 6 October 2015

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

The PRESIDENT — Order! On behalf of the Victorian Parliament I wish 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.

CONDOLENCES

Vernon Thomas Hauser

The PRESIDENT — Order! I take this opportunity to advise the house with some sorrow of the death of Vernon Hauser, a former member of this place who had a distinguished career here between 1970 and 1982. Mr Hauser was well known to me. In fact he was quite a close friend of mine. He represented an area in which I was active in the Liberal Party at a very young age. He had a distinguished career in the armed forces before becoming a very successful stockbroker. He was a stockbroker by day, and he would come up to the Parliament in the afternoon for the sittings of the Parliament, as it was then timetabled. Vernon Hauser was a great contributor, particularly in the Bolte and Hamer governments. He was married to Beverley Hogan until 1989, when she passed away, and he has one son who survives him, Simon. He lost another son, Stephen, in 2010.

On the basis of his service to this Parliament, I formally advise the house of the death on 11 September 2015 of Vernon Thomas Hauser, member of the Legislative Council for the electoral province of Boronia from 1970 to 1976 and member of the electoral province of Nunawading from 1976 to 1982.

I ask members to rise in their places for 1 minute as a mark of respect to the memory of Mr Hauser.

Honourable members stood in their places.

ROYAL ASSENT

Message read advising royal assent on 22 September to:

Corrections Legislation Amendment Act 2015
Crimes Amendment (Child Pornography and Other Matters) Act 2015
Emergency Management (Control of Response Activities and Other Matters) Act 2015
Firearms Amendment (Trafficking and Other Measures) Act 2015
Heavy Vehicles Legislation Amendment Act 2015
National Electricity (Victoria) Amendment Act 2015
Resources Legislation Amendment Act 2015.

QUESTIONS WITHOUT NOTICE

The PRESIDENT — Order! I wish to make a brief statement with respect to questions regarding the employment of casual staff in electorate offices. The statement I wish to make is to provide members with some guidance in relation to questions that may arise regarding the employment of casual staff in electorate offices. I would advise that police have been in contact with the Speaker and me to advise that they are inquiring into this matter. While this matter is only the subject of police inquiries and is therefore not currently subject to the sub judice provision we apply in the Council, I advise the house that I will be taking a cautious approach towards question time in terms of the scope of questions I will allow.

Questions on this matter have been canvassed during question time over the last two sitting weeks, and in that respect I do not intend to limit the ability of members to pursue lines of inquiry that have been the subject of questions so far.

Electorate office staff

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Families and Children, and I refer to standing order 8.01, providing specifically that questions may be put 'to ministers of the Crown relating to public affairs for which the minister is directly connected'. I also refer to advice provided to ALP caucus members, which states:

> Advice from PwC, Parliament's internal auditors, categorically indicates that reallocation of staffing resources from electorate offices to party political activity, or the 'cashing in' of partial electorate office EFT to party activities, would not survive either an internal audit or scrutiny from the Auditor-General.

I ask: when was this advice provided to the minister?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question. The matter she is asking me about relates to a media report that has been published. It referred to a report purporting to be to Labor Party members. In fact I have not received or read that report.

Supplementary question

Ms CROZIER (Southern Metropolitan) — The minister has not received any advice, so my supplementary question is: given that the minister did not receive this advice from the Department of Parliamentary Services or her caucus secretary, did she receive any advice at all prior to her decision to provide staff hours to Labor's Community Action Network, and who was it from?

Ms MIKAKOS (Minister for Families and Children) — The member has jumbled a whole lot of things into that supplementary question. Firstly, the Presiding Officers and joint services are able to advise members around their entitlements. As far as I am aware, members of Parliament have not received any formal notification from the Presiding Officers or joint services in relation to these matters. I do not know if Ms Crozier has — about pooled staff arrangements the opposition rooms might have in place. I certainly have not received any advice from the Presiding Officers or from joint services in relation to the matters, nor, as I said in answer to the substantive question, have I received the report that is the subject of media reports today.

Mrs Peulich — On a point of order, President, I believe the minister has deliberately narrowed the scope of the supplementary question by referring only to the Department of Parliamentary Services rather than to advice from within her own party in relation to this practice, and I ask that you take that into consideration in your determination on whether or not to solicit a written response to the supplementary question.

The PRESIDENT — Order! I do not want to intervene in a debate situation in these circumstances, but my understanding of the circulation of that document is that it certainly did not extend to ministers in this house. Indeed I am not sure that any members of this house received that document when it was originally circulated.

Mrs Peulich — On a point of order, President, I think there has to be a distinction between the document that may have been referred to and the advice or information contained therein.

The PRESIDENT — It is the same thing.

Mrs Peulich — No, President, I do not believe it is, but I will happily discuss it with you following question time.

Electorate office staff

Mr DRUM (Northern Victoria) — My question is to the Deputy Leader of the Government, and I also refer to standing order 8.01, specifically that questions may be put to 'ministers of the Crown relating to public affairs for which the minister is directly connected'. I also refer to advice provided to all parties within the Parliament, which states:

> Advice from PwC, Parliament's internal auditors, categorically indicates that reallocation of staffing resources from electorate offices to party political activity, or the 'cashing in' of partial electorate office EFT to party activities, would not survive either an internal audit or scrutiny from the Auditor-General.

I ask: when was this advice provided to the minister?

Ms PULFORD (Minister for Agriculture) — I have to say, when grain farmers in the north-west of Victoria are dealing with extraordinarily difficult conditions, this week in particular, it is quite extraordinary that the Leader of The Nationals comes in here and asks the exact same question that Ms Crozier just asked of Ms Mikakos, for which you, President, have provided an answer. I have read the newspaper article that opposition members seem to be referring to in which a number of claims are made, but the advice that the article speculates about or reports on is not advice that I have received.

Supplementary question

Mr DRUM (Northern Victoria) — My supplementary statement is that I am not the one in this Parliament who was stupid enough to tweet to Victorian farmers how great it was — —

The PRESIDENT — Order! Either Mr Drum has a supplementary question or I will move on.

Mr DRUM — Given that the minister has not received this advice from the Department of Parliamentary Services or from her caucus secretary, did the minister receive any advice at all prior to her decision to provide staff hours to the Labor Party field organisers program, and who was it from?

Ms PULFORD (Minister for Agriculture) — There is a good old leap from the substantive question to the supplementary question. As I have indicated in the

house on previous occasions, my electorate office staff have always been employed in accordance with the guidelines that are provided to members of Parliament and no casual or permanent staff from my office have contributed to the Community Action Network. This is advice I have provided in the house in question time before and in written responses to questions from Ms Wooldridge. I would welcome a question from the Leader of The Nationals about drought preparedness.

Electorate office staff

Mr RAMSAY (Western Victoria) — My question is to the Leader of the Government, representing the Premier. I refer to media reports that whistleblower Jake Finnigan has said he was employed as a casual electorate officer for the member for Lara in the Assembly, John Eren, but in fact was campaigning in the Assembly Bellarine electorate for Lisa Neville. Given Mr Finnigan's statement, what action is the Andrews Labor government making in response, specifically regarding these two electorates?

Mr JENNINGS (Special Minister of State) — I thank Mr Ramsay for his question, although the question seemed to peter out and ended up in a place that I thought was very odd in relation to the government's response to conditions in electorates, which does not seem to be what would have been the major thrust of his interest and inquiry.

Mr Ramsay — You don't have to interpret the question; just answer it.

Mr JENNINGS — In that case there is no response, based upon the issues in the electorates that Mr Ramsay referred to.

Ms Wooldridge — On a point of order, President, I go to the point of relevance and being factual in relation to the response that the Leader of the Government gave. It was a clear question linked to the preamble by asking: given this statement, what is the Andrews Labor government doing in response to it? There is a clear linkage to the two electorates of Bellarine and Lara, and the Leader of the Government has failed to provide a response to a simple and direct question that is specific to both the preamble and the question asked.

The PRESIDENT — Order! In respect of the point of order raised by Ms Wooldridge, the question sought to ask what action the government might have taken in respect of some claims that have been made by a whistleblower. The minister has indicated that effectively there has not been a need for the government to act in that matter, and in that sense I think his answer was responsive to the question.

Supplementary question

Mr RAMSAY (Western Victoria) — In lieu of the Leader of the Government's response I will make it a bit simpler and clearer. Given the seriousness of the allegations now under investigation by the Victoria Police fraud squad and that both the member for Lara and the member for Bellarine are ministers in the Andrews government, will the government seek that both ministers step down, as was the case with another former Labor minister, until the police investigation is concluded?

Mr JENNINGS (Special Minister of State) — When these matters were discussed during question time in previous weeks I on behalf of the government in this chamber indicated that the government will participate in any inquiry that is undertaken by any appropriate body in Victoria. We stand by that commitment, we will be measured by that commitment and we are happy for the consequences of those investigations to take their course. At this point in time, with the scrutiny applied by the audit committee within the Parliament and with the scrutiny applied by the police or any other entity in Victoria, we will comply, be ready to be measured by it and be accountable to it. In fact until any inquiry actually warrants further action, the government will wait for the responses of those inquiries that are underway.

The PRESIDENT — Order! I indicate that I was particularly lenient in allowing the supplementary question to go through, because I believe it did canvass new territory to the substantive question.

Trade union training programs

Mrs PEULICH (South Eastern Metropolitan) — I direct my question without notice to the Minister for Training and Skills, and I ask: can the minister assure the house that his office or department has fully investigated matters arising out of the testimony of the Honourable Bill Shorten to the Royal Commission into Trade Union Governance and Corruption regarding union training programs, and if not, why not?

Mr HERBERT (Minister for Training and Skills) — I think that is drawing a huge bow about corruption and Bill Shorten's testimony, and quite frankly I reject the substance of the member's question. I can say, though, that if there are actual cases of corruption or fraudulent activity, then the department will investigate, just as it has in beginning the long task

of cleaning up some of the fraudulent activities that flourished under the previous Liberal government.

Mrs Peulich — On a point of order, President, the minister is now engaging in debate. But if he has concluded, I am happy to ask my supplementary.

Supplementary question

Mrs PEULICH (South Eastern Metropolitan) — Given that the audit to which the minister refers — into questionable practices within the private sector — was undertaken with such zeal, will he now commit to investigating union training programs to ensure that no state training funds were used as part of the rorts referred to by Mr Shorten in his testimony to the Royal Commission into Trade Union Governance and Corruption? Frankly I am surprised the minister has not made sure that his department has investigated the information contained in that testimony.

Mr HERBERT (Minister for Training and Skills) — As always Mrs Peulich starts by talking the talk, not walking the walk. If there is factual information rather than made-up information, rather than hypothecating information, about any training provider, whether they are a union, a private or a community training provider, whether they are a for profit or a not for profit, if there has been a misuse of state funds — —

Mrs Peulich interjected.

The PRESIDENT — Order! It is question time, where Mrs Peulich asks the question and the minister gives the answer. You do not shout at one another, especially when you are the person who presumably wants the answer.

Mr HERBERT — As I was saying, if there is information about any fraudulent activity in accessing Victorian government training guarantee funds, then it will be investigated. In fact, as you know, we have just given a $9 million boost to a blitz for this year and we have committed an extra $10 million a year for the next three years to ramp up compliance. That is a substantial increase on the $4 million to $5 million annual spend by the department that occurred under the previous government.

Ordered that answers be considered next day on motion of Mrs PEULICH (South Eastern Metropolitan).

PrimeSafe board

Mr DRUM (Northern Victoria) — My question is to the Minister for Agriculture. The minister announced three replacement appointments to the board of Victoria's meat regulator, PrimeSafe: Nelia Varcoe, Janette Bowman and the National Union of Workers lead organiser, Belinda Jacobi. Given the minister's declared membership of the National Union of Workers, an organisation that paid over $175 000 to the Victorian Labor Party last year, did she endorse and sign off on Ms Jacobi's appointment, or did she exempt herself from the entire process and the appointment decision?

Ms PULFORD (Minister for Agriculture) — I thank Mr Drum for his question, and I note in responding that the PrimeSafe board has recently been reappointed. Around half the members on the PrimeSafe board are new, and I note Mr Drum's observations that we have greater female presentation on the PrimeSafe board.

PrimeSafe has in recent times been undertaking a review following some concerns, particularly around small producers, and I am considering that work at the moment. But I am confident that all members of the new board will properly acquit their responsibilities as members of the board.

As for the mechanism for appointment, PrimeSafe board appointments are a matter for cabinet, and the processes that ensure appropriate appointment and selection of high-quality candidates for all of our government boards were followed.

Mr Drum — On a point of order, President, I seek some clarification. Can a minister simply talk around a question, a very specific question — whether she exempted herself from the decision — and then simply refuse to answer? It is just a point of clarification. The minister spoke around the issue, but she simply refused to address a very specific point of the question.

The PRESIDENT — Order! The minister has indicated that it was a cabinet decision. Mr Drum is right, the minister has not indicated whether she made the recommendations to cabinet, but he has a supplementary question where he could pursue that matter.

Mr Drum — My specific question was: did the minister exempt herself? Did she clear the room? Did she take herself out of the room while that decision was discussed at cabinet or not? That was the substantive question, President.

A very simple question was asked of the minister, and she is able to talk around the issue. However, when it comes to answering the question, she very clearly and very deliberately refused to answer the question.

The PRESIDENT — Order! I will think about it.

Mr Drum — For the supplementary question.

The PRESIDENT — Order! That is the supplementary question, is it not?

Mr Drum — No, that was just a point of clarification for the main question.

The PRESIDENT — Order! There is no such thing as a point of clarification, so do not test me. Mr Drum made a point of order, and I am thinking about it. I will come back to Mr Drum.

LOOKOUT education support centres

Ms SPRINGLE (South Eastern Metropolitan) — My question is for the Minister for Families and Children. Last month the government announced that four new LOOKOUT education centres would be established to help with the support and education of vulnerable children and young people in out-of-home care. From the press release dated 22 September we learnt that these four centres will be expected to help 6000 children who are in out-of-home care. I understand the LOOKOUT centres will be staffed with specialist teachers, psychologists, psychiatrists and principals, but they will not have any children. Can the minister inform the chamber about the evidence base that support specialist educational support staff being located on a site that is away from a young person's school campus as opposed to being located, as additional educational support staff, actually on school campuses?

Ms MIKAKOS (Minister for Families and Children) — I thank Ms Springle for her question. I am very excited about this new initiative the government has recently announced. I should make it clear that this is in fact an initiative that sits with the Deputy Premier as the Minister for Education. However, I was involved with the genesis of this initiative. Earlier in the year I held a round table with educators, CEOs who work for child and family welfare agencies, local government representatives and academics to discuss how we can lift the educational outcomes of children in out-of-home care.

We know that children who are in out-of-home care, because of the fact that they are in temporary placements — they can move from one placement to the other — have their education disrupted, and this does impact on educational performance and outcomes. I want to see a situation where every Victorian child, irrespective of their background and circumstances and whether or not they have been placed in out-of-home care, has the same opportunities to achieve and obtain an excellent and quality education. This is a very welcome initiative, and I congratulate the Deputy Premier on it.

What the member is asking I think misunderstands the concept behind the LOOKOUT schools. Essentially the LOOKOUT schools are not replacing schools. We want to ensure that children are attending school, either mainstream schools or an alternative educational setting, but the LOOKOUT schools will act in the same role as a pushy parent would. Essentially they will be acting as an advocate for these children. If, for example, a child is having difficulties in being enrolled in a government school, the LOOKOUT school will act as an advocate for that young person and ensure that they are enrolled. If they are experiencing problems and issues within the school — and we know that young people who have been traumatised can exhibit challenging behaviours — the educationalists and other allied health professionals who will be working at these LOOKOUT centres will be able to advocate as champions for these young people.

What is intended is that we will have a rollout of these LOOKOUT centres across each of the four Department of Education and Training regions right across the state by 2017. We are going to trial this as a pilot initially, with a view to rolling it out right across the state. Each centre will be staffed by a principal, leading teachers and allied health professionals like social workers or psychiatrists to work with these very vulnerable young people and ensure that they can access that quality education.

I welcome the member's interest in this particular program. This is something that has come out of listening to the sector, listening to those people who act as advocates for young people, who have identified to me and to the Deputy Premier the need to do more in this space. I am very proud of the fact that we have responded very quickly as a government to make sure that we are able to provide educational settings that are supportive and encouraging of all people, including young people in out-of-home care.

Supplementary question

Ms SPRINGLE (South Eastern Metropolitan) — I thank the minister for her response. There is obviously substantial investment in these centres, and I am just

concerned to ensure that the centres are the best way to use those funds to ensure the outcome that we all want, which is to make sure that children and young people in out-of-home care remain in education. An amount of $4.8 million ongoing annually equates to $1.2 million per centre per year. That would possibly pay for 10, maybe 12, specialist staff at the very most. I would like to get a sense of how these staff will be expected to support 1500 children in out-of-home care. Many of those children in out-of-home care already have educational support staff within their care teams. Can the minister explain precisely how having an additional support worker or team based off site, as opposed to on site, is going to help vulnerable children and young people stay or re-engage in education?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her supplementary question. Just to be clear, the children will not be attending an off-site location. The LOOKOUT centres are acting as support mechanisms to advocate for these very vulnerable young people to attend other school settings. They will be working very closely with school principals and with teachers, whether in the mainstream government school setting or another school setting that the young person may attend. As I said, initially it is being trialled; it will be piloted in one region and then rolled out progressively right across the state.

We are not replacing the government school system, we are supporting it, and we are supporting all young people who are of a school age, hence the numbers that the member referred to in her substantive question, which was about 6000, which is all school-age children in out-of-home care. This is a really positive initiative, and one that I am really proud of.

PrimeSafe board

The PRESIDENT — Order! In respect of Mr Drum's point of order on the minister's answer to the substantive question, the matter that I wished to think about was whether or not he was pursuing deliberations of the cabinet that might well have involved cabinet-in-confidence provisions. I am of the view that that would not be the case in terms of that question where Mr Drum sought to establish whether or not the minister had exempted herself from the process. I do not believe, on reflection, that that would impose on the provisions of cabinet in confidence. Mr Drum, on a supplementary question.

Supplementary question

Mr DRUM (Northern Victoria) — Thank you, President, and you will possibly rule that the minister might give me a fulsome answer to that question before tomorrow.

The PRESIDENT — Order! I will give consideration to that.

Mr DRUM — Thank you. I will go straight to the supplementary. Days later than when the minister made the first three appointments, a secret appointment was made to PrimeSafe of a second union organiser, in Australasian Meat Industry Employees Union secretary Paul Conway. Why was this appointment not made public with the same fanfare as the earlier appointments?

Ms PULFORD (Minister for Agriculture) — I thank Mr Drum for his further question and his interest in pursuing unionist conspiracy theory over any of the other questions about PrimeSafe that he might care to ask, some of which have been matters canvassed in the press, some of which Mr Drum may have heard about from stakeholders or members of the community.

I can indicate that it is not unusual for appointment processes to run not entirely seamlessly when there are final checks that need to be acquitted in the running, and I certainly reject the notion that there was a 'secret' appointment. There was one member of the board who was appointed a week or two after the other members, and if Mr Drum would like me to put out a press release to confirm that, because I know that name was not in the initial release, we can do that, but there are certainly no secrets.

LOOKOUT education support centres

Ms SPRINGLE (South Eastern Metropolitan) — My question is for the Minister for Families and Children, and again it is about the LOOKOUT education support centres. The government is committing the $4.8 million ongoing annual funding, which equates to $1.2 million per centre per year; therefore each centre will be expected to support an average of 1500 children and young people in out-of-home care. I am not quite clear about whether those support staff will be working directly with children or with the schools themselves, but if they are working directly with children, it suggests that the educational needs of some children and young people will be prioritised over the educational needs of others, given the volume of children that they are working with. Can the minister inform the chamber as to what sets this apart from every other out-of-home care program that ends up with all the resources going to the most acute cases, with everyone else missing out?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her further question on what is a really exciting initiative of the government in supporting young people in out-of-home care get access to a quality education. The member, in the preamble to her question, said that she was unclear as to who the staff in the LOOKOUT centres will be working with. They be working with both children and young people, with teachers and school principals and with other support staff who are in the school environment.

It is really important that these LOOKOUT centre staff act as advocates for these very vulnerable young people, and it is important that they also help to convey the message to our entire education sector that the educational needs of these young people are very important and should not be overlooked. So they will be working with everybody who is in a position to influence the educational outcomes of a young person, and as I said earlier, this program will be starting in one region and eventually rolled out right across the state so that every school-age child across Victoria who is in out-of-home care will be able to access this support.

I make the point also that there are other programs that both of my departments provide to support better educational outcomes for children in out-of-home care. For example, the Department of Education and Training has funded Anglicare to run an excellent program called the TEACHaR program, which provides tutoring in a residential care setting for young people who need additional support for their educational outcomes. The department has provided $600 000 to support the operation of this program to the end of the year. This is a program that was recently recognised through the Robin Clark Protecting Children Awards, so it is one that is hopefully setting an example for other child and family welfare organisations to also look at in the future.

There are a range of programs apart from this one, such as the Springboard program that the Department of Health and Human Services funds and that we provided further funding for in the budget this year. It supports young people who are leaving care to access training pathways and employment programs so that they can leave out-of-home care and go on to a secure education and training or employment footing and give themselves opportunities in life.

There are a range of programs, but I think the LOOKOUT centres are a really exciting new initiative that it is clear the member is very interested in from the number of questions she has asked about it. As I said right at the outset, it is a program that sits under the Deputy Premier's portfolio, and whilst I have been happy to provide the member with additional detail about this particular initiative, if she has further detailed questions about the matter she really should be directing those questions to the Deputy Premier as the responsible minister.

Supplementary question

Ms SPRINGLE (South Eastern Metropolitan) — I thank the minister for her answer, and I acknowledge that perhaps the questions would be better suited to the Minister for Education. However, I have one last question. I did quite not get a sense of what the answer was to my initial question, so I will put it in a different way. Given that we know that about one-fifth of school-age children in out-of-home care do not attend school at all, will the LOOKOUT education centres prioritise children in out-of-home care who are disengaged from education, or will the centres prioritise children in out-of-home care who are already engaged in education?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question. Clearly the program is about supporting young people to have access to educational outcomes, and the member is correct in saying that currently young people in out-of-home care achieve poorer educational outcomes than the general school-age population. That is something that disappoints me and disappoints many people who support and advocate for these young people.

That is what the whole initiative is about. It is about ensuring that we can provide those additional supports for young people who are in many cases disengaged from attending school. They may have attended school in the past and had problems with the school, whether it was bullying or whether it was teachers who may not have understood the particular vulnerabilities of those young persons. Therefore we need to ensure that all young people, whether they are currently engaged or not engaged in education, have the same opportunities. The centre will be supportive of all of these young people.

Firearms

Mr BOURMAN (Eastern Victoria) — My question is directed to the Minister for Training and Skills, Mr Herbert, in his capacity representing the Minister for Police. Firearms crime is an ongoing problem, with criminals making their own firearms and illegally obtaining firearms, apparently on an unrestricted basis. Section 31A of the Crimes Act 1958 creates an offence

for the use of a firearm in the commission of an indictable offence. The section provides for an extra five-year prison term that cannot be served concurrently and cannot be reduced. This would appear to be a good deterrent. Could the minister inform me how many individuals have been charged under section 31A of the Crimes Act 1958?

Mr HERBERT (Minister for Training and Skills) — That is an excellent question, but unfortunately this time around my knowledge of how many have been charged is absolutely zilch. I have no idea, and I will come back to the member with that answer.

Supplementary question

Mr BOURMAN (Eastern Victoria) — I thank the minister for his answer, and I suspect my next answer will be taken on notice too. I ask the minister: how many convictions have been obtained for individuals charged under that section?

Mr HERBERT (Minister for Training and Skills) — Once again I thank Mr Bourman for his question and his passion for the area that his party was elected on. I have no idea how many individuals have been charged under section 31A, but I will seek that information, if it is available, and get it back to him within the time frame.

School buses

Mr PURCELL (Western Victoria) — My question is also directed to the Minister for Training and Skills, in his capacity representing the Minister for Education. Recently we have been approached by the press and many parents whose children currently attend local schools that are not the closest school to their residence. These children travel by bus to their chosen school, and their extremely concerned parents are now being informed that they will be charged exorbitant bus fees for any future children who travel by bus to get to school. The fee is enacted when children do not attend their nearest school, but the school they choose to attend may be only a few kilometres further along. I ask the minister to review this charge and instead consider charging the cost of transport from the nearest school to the school they choose to attend, rather than calculating the fee from home.

The PRESIDENT — Order! What is the question?

Mr PURCELL — It is basically whether the minister has considered charging from one school to the next rather than from home to school.

Mr HERBERT (Minister for Training and Skills) — I am not quite sure I can answer specifically, but I thank Mr Purcell for his question. The issue of school buses is always vexatious. When I first joined former education minister Lynne Kosky's office as chief of staff way back in 1999 in those early years of the Bracks government, the Honourable Theo Theophanous, a former member of this chamber, did a review of school bus policy. It is always contentious, and people are passionate about it. There have been a number of reviews since, and it is an important area.

Some 65 000 students catch something like 1500 buses every year to school. It is quite costly and getting the policy settings right is important. However, the premise, as I understand it, through most governments has been that the state provides transport to your nearest school as part of an obligation — a right. This is an important provision to enable children to get to school if they cannot get there otherwise. That is kind of where it is. It does not provide buses for people to go to whatever school they want. If you live in Portland and you love a school in Geelong, that is beyond the parameters of the school bus policy.

In regard to Warrnambool, where I understand the issue is currently, I have been advised that the education department conducted what is called a policy compliance review of the Warrnambool school bus network earlier this year and it identified that there were aspects of the school bus policy that were not being correctly applied — that is, some students who were ineligible for free travel through that network had not been asked to pay fares. That had been part, as I understand it, of a local agreement which had gone on for many years.

It is pretty important that you get fairness and consistency across the state in these matters. In regard to the Warrnambool network, students who are still at their schools are not being asked to pay the fare but, as the member has identified, the correct application of the policy will apply to new enrolments in 2016. I am assuming that the policy for the fees charged is a standard policy that has been there a long time, and that is the amount the students have to pay.

Supplementary question

Mr PURCELL (Western Victoria) — I thank the minister for his reply. Considering the impact of this — many of the fees are going to be far in excess of what the school fees are; I understand that they are going to be over $1000, and $1200 to $1500 in many cases — I ask the minister: if the proposal in the substantive

question is not workable, would it be possible to phase in the charges to reduce the burden on the families?

Mr HERBERT (Minister for Training and Skills) — As I said, this is a policy that applies across the state. There has been some compassion in terms of enacting the policy as it should have been in that existing ineligible students who use these buses will not be asked to pay to travel to their schools. I understand that the department is working with all schools accessing the school bus program to ensure that the policy is correctly applied, so this is not just a Warrnambool issue — there are others in the state.

However, I understand that the Minister for Education's office has been in contact with the member's office seeking to get further details of the people the member is referring to, because this is a particular local issue that follows the review of the Warrnambool school bus network. I am also advised that the minister's office is happy to follow up any concerns regarding this issue and get back to the member.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) — I have written answers to questions 26–8, 59, 823, 831–42, 885–1091, 1098, 1103, 1120–4, 1127–1218, 1233, 1239–64, 1284–8, 1291–4, 1300–4, 1310–2, 1318–20, 1322, 1323–5, 1329, 1331–3, 1335, 1336, 1346, 1347, 1352–3, 1360–2, 1364, 2018 and 2091–5.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT — Order! With regard to questions raised today, in respect of Mr Drum's substantive question to Ms Pulford asking if she had exempted herself from the appointment process, I ask that the minister provide a written answer. The question goes to objectivity in terms of the appointments. In respect of Mr Bourman's substantive and supplementary questions to Mr Herbert, I ask that written answers be sought from the Minister for Police. Ms Pulford's response would be due tomorrow. Mr Herbert's response in respect of the questions from Mr Bourman would be in the two-day position.

I note that Mr Herbert has also indicated that in regard to Mr Purcell's supplementary question he will provide some further information.

Mr Herbert — It is a complex issue.

The PRESIDENT — Order! I will let that lie.

Mrs Peulich — On a point of order, President, I believe that as this relates to a current by-election, that information should be publicly available. I ask that you reconsider and ask that the information be provided to everyone as part of a supplementary answer.

The PRESIDENT — Order! I am not persuaded by the politics of the situation. I am only interested in the actual answers. It is Mr Purcell's question; he has sought the answer. He is happy with that consultation, so I am happy with the consultation.

CONSTITUENCY QUESTIONS

Eastern Metropolitan Region

Ms DUNN (Eastern Metropolitan) — My constituency question is for the Minister for Energy and Resources. I have been approached in relation to the proposed installation of solar panels on the roof of Box Hill North Primary School. This would reduce the school's power bills by 30 per cent, and assist with student curriculum in mathematics, science and sustainability, as well as reducing the school's consumption of energy, helping the environment. Recently the Essential Services Commission proposed to reduce the 2016 feed-in tariff by 20 per cent, meaning the school would get 1.2 cents less for every kilowatt hour pumped back into the grid. That has made the proposed installation non-viable by increasing the cost by $4000 per year. Will the minister assist the school to progress its solar installation — a cheaper, educational and more sustainable power system than it currently has — without being financially penalised?

Western Victoria Region

Mr MORRIS (Western Victoria) — My constituency question is directed to the Minister for Education and is in relation to the proposed removal of classrooms from Bolwarra Primary School. I have been fortunate enough to visit Bolwarra Primary School and have spoken with school community members who are most distressed at the proposition of losing their classrooms. I have also been informed that the school community has been told that if it continues to advocate for the retention of the classrooms, not only will they not remain but the dilapidated classrooms students will be forced into will not be upgraded with appropriate heating and cooling, as has been suggested by the minister. They are basically being told, 'Be quiet or you will get nothing'. Does the minister condone that intimidation and bullying of a school community?

Eastern Metropolitan Region

Mr LEANE (Eastern Metropolitan) — My constituency question is to the Minister for Public Transport, Jacinta Allan, and it concerns a question that came to me from a constituent via Twitter, which is an interesting way to interact with the electorate. The question is with regard to a second entrance to the Lilydale train station, and I understand the community is very keen for that election commitment to be fulfilled. I understand there has been some progress, but I ask the minister if she can produce a timetable for me to get out to show people when this second entrance might be opened.

Northern Victoria Region

Ms LOVELL (Northern Victoria) — My question is to the Minister for Mental Health, and it is regarding the unacceptable time mental health patients in the Goulburn Valley are waiting for assessment for an independent client support package after being referred. A mental health professional in Shepparton has advised me that prior to November last year a priority 1 patient was being assessed within seven days of referral. This time has now blown out. At the time I was contacted there were 19 patients waiting for assessment. Of the 19, 8 had been waiting 42 days or less, 5 had been waiting between 50 and 70 days, 3 had been waiting between 70 and 100 days and 3 had been waiting more than 100 days. Mental health professionals fear that category 2 patients may never be seen.

This is clearly an unacceptable situation that has developed under the current government and could be caused by two things: a lack of staff to do the assessments or a shortfall in the number of packages available. I ask the minister: will he provide additional funding to ensure that all mental health patients in the Goulburn Valley are assessed within acceptable time lines?

Eastern Victoria Region

Ms BATH (Eastern Victoria) — My question is to the Minister for Environment, Climate Change and Water, and it is about the concern over the proposal for a massive landfill at Leongatha South. Veolia's proposal is for 200 000 tonnes of waste per year to come from south-eastern Melbourne. This equates to around 20 A-double trucks per day travelling through our country towns. adding pressure to road infrastructure and possibly impacting on public safety. Gippsland already receives 52 000 tonnes of Melbourne's waste at Dutson. It generates only 4 per cent of the state's waste compared to Melbourne's 73 per cent.

My constituents are asking why we have to be Melbourne's dumping ground. The main concern is the impact on groundwater, which is used by local farmers and surrounding townspeople. Given that the purpose of the Statewide Waste and Resource Recovery Infrastructure Plan (SWRRIP) is to 'ensure that impacts on the community, environment and public health are not disproportionately felt' and that part of its vision is 'to protect the community, environment and public health', I ask the minister whether this landfill proposal meets the SWRRIP's objectives.

Western Victoria Region

Mr RAMSAY (Western Victoria) — My constituency question is to the Minister for Environment, Climate Change and Water, Lisa Neville. The minister sacked all the water board members when she gained her ministry, regardless of the then current contractual terms. To avoid legal ramifications she demanded board members resign. She then replaced them, using her captain's pick, with board members aligned to Labor's climate change policies. Barwon Water, a water authority in the lower house electorate of Polwarth, traditionally has good representation of skills and knowledge from the local area. For reasons only known to the minister, not one new board director is from the Polwarth electorate or the Barwon Water catchment, and in fact they all live in Melbourne.

My question to the minister is: could she explain to the clients and communities of Barwon Water why the skills, knowledge and calibre of those living in the catchment were not acceptable for them to be appointed as board members for Barwon Water through the selection process?

Southern Metropolitan Region

Mr DAVIS (Southern Metropolitan) — My constituency question relates to correspondence I have received from the West of Elgar Residents Association. The association has written to the Minister for Planning about Whitehorse planning amendment C174, which relates to the neighbourhood residential zone schedules. My concern about neighbourhood residential zones is that this has been going on for a very long period and the government, under Mr Wynne, has not taken the step of proclaiming those neighbourhood residential zone schedules. This is important because it is now beginning to affect the quality of planning decisions across the metropolitan area, in particular in the City of Whitehorse. What I seek with respect to my electorate

is an indication from the minister as to when he will proclaim the schedules and an explanation on why he is dithering on their proclamation.

South Eastern Metropolitan Region

Mrs PEULICH (South Eastern Metropolitan) — My constituency question is to the Minister for Education, James Merlino. It is in relation to his response to an earlier constituency question surrounding Parkdale Secondary College student zoning and some problems that have arisen where the local community cannot go to their closest high school. The minister responded by saying that there is going to be a review of schools in the region with a neighbourhood enrolment boundary. He talks about the review process being designed to provide greater clarity and transparency in the student placement process. However, my concern is that the review process needs some greater clarity and transparency and needs to be broader than just consulting with this school and with feeder schools. A proper review should consult all the relevant stakeholders, school communities, feeder schools, other key stakeholders, families, political leaders, the local government areas and in particular business.

I ask the minister to inform me of the details of the process and to ensure that all the stakeholders can be involved so that we have the best answers for the provision of school education in my region.

Western Metropolitan Region

Mr FINN (Western Metropolitan) — My constituency question is to the Minister for Roads and Road Safety. Last Friday was a public holiday. As a result traffic levels were significantly lower than normal on roads in Melbourne's west. These lower levels, however, did not prevent an accident on the Princes Freeway causing gridlock on the West Gate Freeway back to and onto the West Gate Bridge and for many kilometres on the Western Ring Road. Public holiday or working day, this is not an irregular event. Given the government's decision to scrap the east–west link, the apparent loss of the Premier's shovel-ready West Gate diversion and no apparent decision on the western distributor, what will the minister do to assure motorists in Melbourne's west that they will not have to spend half of the rest of their lives stuck in traffic?

Eastern Victoria Region

Mr O'DONOHUE (Eastern Victoria) — I have a constituency question for the Minister for Roads and Road Safety. I have been contacted by constituents from Mornington who are concerned about the exit from Peninsula Link onto Bungower Road, particularly at night due to the lack of lighting and when the weather is inclement. They seek that additional lighting be implemented at that intersection.

As members would be aware, traffic on Peninsula Link is increasing all the time. The popularity of Peninsula Link is helping to drive tourism on the Mornington Peninsula. Having safe access to and egress from Peninsula Link is most important. I know the federal member for Dunkley has raised this matter with the Minister for Roads and Road Safety, with no success at this stage. I ask the Minister for Roads and Road Safety to further investigate the provision of additional lighting at the intersection of Peninsula Link and Bungower Road.

PETITIONS

Following petitions presented to house:

Police numbers

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that Premier Daniel Andrews has failed to commit to providing additional police officers as Victoria grows.

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

By Mr O'DONOHUE (Eastern Victoria) (82 signatures).

Laid on table.

Grand Final Friday

To the Honourable the President and members of the Legislative Council assembled in Parliament:

We, the undersigned citizens of Victoria, call on the Legislative Council of Victoria to note the harmful impacts of the decision by the Daniel Andrews Labor government to declare new public holidays in Victoria.

At a time of high and rising unemployment and when many businesses are already doing it tough, Daniel Andrews has imposed a major new cost that will see many businesses close their doors for the day, employees lose much-needed shifts and inflict significant damage on our state's economy.

The Andrews government's own assessment of the grand final eve parade public holiday put the cost of the holiday to Victoria at up to $898 million per year with additional salary costs.

The impact of these additional costs will not be restricted to businesses, with local government and hospitals also affected leaving ratepayers and the community to foot the bill.

We therefore call on the Daniel Andrews Labor government to reverse its decision to impose the grand final eve public holiday.

By Mr DAVIS (Southern Metropolitan) (39 signatures).

Laid on table.

Route 8 tram

To the Legislative Council of Victoria:

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

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

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

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

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

By Mr DAVIS (Southern Metropolitan) (193 signatures).

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 12

Mr DALLA-RIVA (Eastern Metropolitan) presented *Alert Digest* No. 12 of 2015, including appendices.

Laid on table.

Ordered to be published.

PAPERS

Laid on table by Clerk:

Adult Community and Further Education Board — Report, 2014–15.

Australian Centre for the Moving Image — Report, 2014–15.

Council of Trustees of the National Gallery of Victoria — Report, 2014–15.

Crown Land (Reserves) Act 1978 — Minister's Order of 6 August 2015 giving approval to the granting of a licence at Corinella Foreshore Reserve.

Energy Safe Victoria — Report, 2014–15.

Glenelg Hopkins Catchment Management Authority — Report, 2014–15.

Goulburn Broken Catchment Management Authority — Report, 2014–15.

Health and Human Services Department — Report, 2014–15.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to the Pipelines Amendment Regulations 2015.

Mallee Catchment Management Authority — Report, 2014–15.

North Central Catchment Management Authority — Report, 2014–15.

North East Catchment Management Authority — Report, 2014–15.

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

Ballarat Planning Scheme — Amendment C173.

Banyule Planning Scheme — Amendment C71.

Colac Otway Planning Scheme — Amendment C83.

Corangamite Planning Scheme — Amendment C36.

Glen Eira Planning Scheme — Amendment C130.

Greater Geelong Planning Scheme — Amendment C203.

Maroondah Planning Scheme — Amendment C98.

Melbourne Planning Scheme — Amendment C261.

Mitchell Planning Scheme — Amendment C56.

Monash Planning Scheme — Amendment C123.

Moreland Planning Scheme — Amendment C130.

Stonnington Planning Scheme — Amendments C175, C184 and C206.

Warrnambool Planning Scheme — Amendment C73 (Part 2).

Whitehorse Planning Scheme — Amendment C162.

Yarra Planning Scheme — Amendment C190.

Yarra Ranges Planning Scheme — Amendment C175.

Port of Hastings Development Authority — Report, 2014–15.

Queen Victoria Women's Centre — Minister's report of receipt of 2014–15 report.

Road Safety Camera Commissioner — Report, 2014–15.

Roads Corporation (VicRoads) — Report, 2014–15.

Statutory Rules under the following Acts of Parliament —

Improving Cancer Outcomes Act 2014 — Nos. 106 and 107.

Subdivision Act 1998 — Transfer of Land Act 1958 — No. 105.

Supreme Court Act 1986 — No. 103.

Supreme Court Act 1986 — Adoption Act 1984 — No. 102.

Transfer of Land Act 1958 — No. 104.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rules Nos. 108 and 112.

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

Ministerial Order No. 860 — Fee for temporary approval to be employed or engaged as an early childhood teacher 2015–16, 11 September 2015, under the Education and Training Reform Act 2006.

Industrial Waste — Classification for Drilling Mud under the Environment Protection (Industrial Waste Resource) Regulations 2009 and Environment Protection Act 1970.

Industrial Waste — Classification for Unprocessed Used Cooking Fats and Oils under the Environment Protection (Industrial Waste Resource) Regulations 2009 and Environment Protection Act 1970.

Approval of the transfer of the King Valley Community Memorial Hall from the Whitfield RSL Sub-branch Building Patriotic Fund to King Valley Community Memorial Hall Inc., 29 September 2015, under the Veterans Act 2005.

Sustainability Victoria — Report, 2014–15.

Victorian Catchment Management Council — Report, 2014–15.

Victorian Curriculum and Assessment Authority — Report, 2014–15.

Victorian Law Reform Commission — Report on Medicinal Cannabis, August 2015 (*Ordered to be published*).

Victorian Regional Channels Authority — Report, 2014–15.

Victorian Registration and Qualifications Authority — Report, 2014–15.

Victorian Small Business Commissioner — Report, 2014–15.

Victorian Veterans Council — Minister's report of receipt of 2014–15 report.

West Gippsland Catchment Management Authority — Report, 2014–15.

Wimmera Catchment Management Authority — Report, 2014–15.

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

Education and Training Reform Amendment (Registration of Early Childhood Teachers and Victorian Institute of Teaching) Act 2014 — Remaining Provisions (except section 79) — 30 September 2015 (*Gazette No. S278, 22 September 2015*).

Associations Incorporation Reform Amendment (Electronic Transactions) Act 2015 — 1 October 2015 (*Gazette No. S285, 29 September 2015*).

Energy Legislation Amendment (Publications of Retail Offers) Act 2015 — 1 October 2015 (*Gazette No. S285, 29 September 2015*).

Infrastructure Victoria Act 2015 — 1 October 2015 (*Gazette No. S285, 29 September 2015*).

PRODUCTION OF DOCUMENTS

The Clerk — I have received the following letter from the Attorney-General headed 'Production of documents — South Yarra underground railway station':

I refer to the Legislative Council's resolution of 2 September 2015 seeking the production of all documents in relation to an underground railway station located in South Yarra.

The Council's deadline of 6 October does not allow sufficient time for the government to respond to the Council's resolution. The government will endeavour to respond as soon as possible.

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, 7 October 2015:

(1) notice of motion 149 under the name of Mr Davis, requesting documents on the City of Port Phillip draft planning scheme amendment C107;

(2) notice of motion given this day by Mr Ramsay on supporting improved rail services to Warrnambool;

(3) notice of motion 166 standing in the name of Ms Pennicuik referring to a reference to the Electoral Matters Committee on political donations;

(4) notice of motion given this day by Mrs Peulich on Labor's Community Action Network;

(5) order of the day 15, resumption of debate referring a matter relating to Victorian gun laws to the Law Reform, Road and Community Safety Committee; and

(6) notice of motion given this day by Mr Morris on Victoria's regional road network and the country roads and bridges program.

Motion agreed to.

MEMBERS STATEMENTS

Government performance

Ms WOOLDRIDGE (Eastern Metropolitan) — From the party that brought Victoria the desalination plant, myki budget blowouts, pokie licence sell-offs and secret health waiting lists, we thought it could not get any worse, but this Labor government takes the cake. After just 10 months the Andrews Labor government is falling apart. In just 10 months under Labor we have seen a government spend more money not to build a road than its entire transport spend so far. In just 10 months under Labor we have seen a government cut cancer treatment beds and cave in to union demands. In just 10 months under Labor we have had more ministers removed than level crossings. In just 10 months under Labor the number of full-time jobs in Victoria has gone backwards, small businesses have been struggling and a $1 billion public holiday burden has been imposed on all Victorians.

We now see under Labor more leaks than in an old episode of *Water Rats*, the latest being that if you want to be appointed to a board, make sure you are a card-carrying member of the Labor Party earning a decent wage. This is a government now in disgrace, with all Victorians asking themselves did its members cheat and rort to be sitting on the government benches today and what disasters are still to come. This is the Andrews Labor government.

Sunshine Lantern Festival

Mr EIDEH (Western Metropolitan) — On Saturday, 19 September, over 30 000 people made their way to Hampshire Road in Sunshine to attend a festival showcase of dance, music and culture at the Sunshine Lantern Festival. This is an important occasion for not only the large Asian community in my electorate but Asian communities elsewhere. Families who attended were treated to street performances, live entertainment, children's games and rides, market stalls, lantern making and lion and dragon dancing, as well as a lantern parade to observe the full moon, which ended with fireworks. This festival in Sunshine is the largest lantern festival in Victoria, and I am aware that attendance this year was triple that of last year's festival, which is phenomenal.

I congratulate the Sunshine Business Association for its hard work to make this year's event such a success and also the Brimbank City Council and local businesses for their support.

Williamstown Football Club

Mr EIDEH — I extend my congratulations to the Williamstown Seagulls, who on Sunday, 20 September, played in the Victorian Football League (VFL) grand final, defeated the Box Hill Hawks and won the 2015 premiership. This is indeed a very special victory for the Williamstown Seagulls as it is the club's first VFL premiership title since 2003.

I congratulate all teams that competed this season and wish them all the best for 2016.

National Police Remembrance Day

Ms BATH (Eastern Victoria) — On Tuesday, 29 September, Victoria Police commemorated National Police Remembrance Day in memory of and to honour the 159 brave Victorian men and women who in performing their jobs made the ultimate sacrifice and were killed in the line of duty.

Policing is not an easy job at the best of times, and currently police face grave dangers on a daily basis while conducting their tasks. Each time police members respond to a call-out there is a potential risk of physical danger as well as emotional and mental abuse. Over the last five months I have visited a number of police stations in my electorate and have witnessed firsthand the positive differences our police men and women are making in their communities.

At Morwell police station Senior Sergeant Howard Jones had high praise for Indigenous community liaison officer Laurie Marks, who has worked for many years to be a positive conduit between the Indigenous community and police and has achieved fantastic results. At Warragul Inspector Chris Major spoke of how members of the police had become intrinsically involved in their community through such initiatives as coaching sporting teams and participating in men's shed activities and Koori smoking ceremonies to break down barriers and create positive relationships. At Moe Senior Sergeant Cameron Blair spoke of improved community connections through engagement with schools, sporting groups and the retail community.

I personally thank police members for all they do on behalf of our communities.

St Mary's House of Welcome

Ms HARTLAND (Western Metropolitan) — Last Friday I had the unique opportunity of assisting St Mary's House of Welcome, which will be known to many members, at a fundraising event. St Mary's offers the unique service of providing breakfast and lunch, and it does it with a great deal of dignity. What strikes you when you visit St Mary's is that people consider it a second home.

On Friday night St Mary's had its major fundraising event. Instead of going to the fundraising event as a guest I decided I would volunteer in the kitchen. I was a kitchen hand and cook for the day. It reminded me why it is that I no longer cook: it is hard work to stand on your feet all day peeling vegetables. Recruiting volunteers was a great way of including a lot of people in this function. The staff also had fantastic support from local wine merchants, from a number of large hotels, who donated food, and from a number of chefs, who helped.

I received an email and photos from St Mary's on Monday. The staff told me that the event had a fantastic turnout, and it raised a great deal of money for a very good service.

Aunty Marlene Gilson

Ms TIERNEY (Western Victoria) — It gives me great pleasure to speak about Aunty Marlene Gilson, a Wadawurrung elder who was recently voted the people's choice at the 2015 Victorian Indigenous Art Awards. A self-taught artist, Aunty Marlene seeks to share Aboriginal culture and history to encourage our younger generation to keep stories alive through their own art. Aunty Marlene received the $5000 award for her large-scale painting *Bunjil's Final Resting Place, Race Meeting at Lal Lal Falls*. The piece depicts life in the early 1900s for Marlene's ancestors and early European settlers in Lal Lal, a township 20 kilometres out of Ballarat. Aunty Marlene is a descendant of King Billy, an Aboriginal elder from the Ballarat region, who was alive at the time of the Eureka Stockade.

As part of the 2015 Victorian Indigenous Art Awards exhibition, Aunty Marlene's work is currently on display at the Art Gallery of Ballarat. Over 15 000 people have visited the gallery since the exhibition opened in August. Unfortunately I was unable to attend Aunty Marlene's twilight talk at the gallery, as it was during the last sitting week. However, I would like to take this opportunity to congratulate her on this wonderful achievement.

Aboriginal flag

Ms TIERNEY — On another matter, I take this opportunity to reflect on the official raising of the Aboriginal flag above the Victorian Parliament during the last sitting week. As it should, the Aboriginal flag is permanently flying alongside the Australian and Victorian flags above the Parliament of Victoria. This is about the recognition and acknowledgement of the traditional owners of this land. With its rich and strong history — —

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

Methamphetamine control

Mr DAVIS (Southern Metropolitan) — My matter today concerns statements made by the Minister for Housing, Disability and Ageing, Mr Foley, in recent days, particularly in the *Geelong Advertiser*, with respect to the decriminalisation of ice. I note that there was a debate in the town, which was reported in the *Geelong Advertiser* in two articles. The debate was led by a local senior sergeant who is involved in the government's ice task force. That senior sergeant said Australia had to take the possibility of decriminalising illicit drugs, including ice, as a significant priority. He elicited a response from Martin Foley, who said we are all 'obliged to sit up and take notice'.

In looking at Mr Foley's comments in the article in the *Geelong Advertiser*, it is clear he has not ruled out the decriminalisation of ice. However, when he was challenged by the *Port Phillip Leader* on this matter, Mr Foley ran for cover. He has to come clean, because the two statements he has made — one to the *Geelong Advertiser* and one to the *Port Phillip Leader* — are at odds. They cannot both be right, and the fact is that many people are calling for the decriminalisation of ice.

Mr Foley is sending a mixed signal. Mr Foley's coded words are irresponsible. I have to say that the federal leader of the Greens, Senator Di Natale, a person I generally respect, has also put on record his views on decriminalisation. The Greens in this Parliament will need to put on record their views. That includes Sam Hibbins, the member for Prahran in the Legislative Assembly. He will have to be clear with the community about whether he supports Martin Foley's position or which of Mr Foley's positions he supports.

Multiculturalism

Ms SPRINGLE (South Eastern Metropolitan) — This weekend there is the ugly possibility that a small number of misguided people will stage protests at one or more mosques in Victoria. This is in line with an equally misguided global anti-Muslim call to action. I would like to take this opportunity to do something that should not need to be done, and that is to affirm the freedom of everyone in Australia to practise their religion and their culture, and to emphasise Victoria's virtues as a state that fully welcomes people of all backgrounds, cultures and religions.

It is not just because I am the Victorian Greens' spokesperson for multicultural affairs that I want to do this; it is because, as a Victorian and as an Australian, I am proud of our multiculturalism — not just our policies, but the way we live. I am not only proud of the multiculturalism we have created; I am also grateful for it. The many opportunities I have had to work with and befriend people from hundreds of backgrounds and religions has indescribably enriched my own life. So while it is a shame that some ill-informed individuals will express bigoted views this weekend, what is much more significant is the overwhelming majority of people who, through their daily activities, stand proudly for our multicultural Australian way of life.

Whittlesea citizenship ceremony

Mr ELASMAR (Northern Metropolitan) — On Monday, 21 September, it was my pleasure to witness the ceremony for the newly naturalised citizens of the city of Whittlesea. I am always pleasantly surprised by the number of people lining up to become citizens of our beautiful country. The ceremony was officiated by Whittlesea's former mayor, Cr Mary Lalios, together with its CEO, Mr David Turnbull, and his council officers. I thank Whittlesea Shire Council for a well-organised evening. As always, after the event I was happy to share my own experiences as a migrant with our new citizens.

La Trobe University sculpture

Mr ELASMAR — On Thursday, 24 September, I was invited to attend a stunning La Trobe University event that involved the unveiling of the *Run for Your Life* sculpture. The sculpture is magnificent. It depicts life-sized rhinos in full flight. The artists, Gillie and Marc, donated their work to the university for the enjoyment of all visitors to the La Trobe Centreway Lawn. I was invited to have a ride. I said I would think about it. I congratulate both of these talented sculptors on their visually beautiful artistry.

Grand Final Friday

Ms CROZIER (Southern Metropolitan) — On Friday I listened to the Premier, Daniel Andrews, when he appeared on Melbourne's 3AW radio, trying to justify the $1 billion grand final eve public holiday. On that day I travelled around my electorate and saw business after business with notices on their front doors saying, 'Closed due to the grand final public holiday'. I also visited the Prahran Market on that day. I usually shop there on Saturdays, but I went down on the Friday. I spoke to one of the stallholders I regularly buy from, and I asked him about the impact on him of the grand final eve public holiday. He said it had been very quiet and that stallholders had voted to stay open because they had a loyalty to their customers. Clearly he and the other stallholders at the market were not going to benefit from the grand final eve public holiday.

Mr Dalidakis — Not true.

Ms CROZIER — They were working, Mr Dalidakis.

Mr Dalidakis — That is not true. That is the first time on any public holiday ever.

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

Ms CROZIER — Could I start again, Acting President?

The ACTING PRESIDENT (**Mr Elasmar**) — Order! No, the member cannot. She had better continue.

Ms CROZIER — The Premier said the most important thing you could be doing is spending time with your family. Those stallholders at the Prahran Market could not do that because they were working and they were paying their workers.

Mr Dalidakis interjected.

Mr O'Donohue — On a point of order, Acting President, there is a clear protocol in this house that during members statements members are to be heard in silence, without interjection. Minister Dalidakis is continuing to interject during Ms Crozier's contribution. I ask you to call the minister into line and ask him to desist, and I ask you to provide Ms Crozier further time to complete her members statement.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! I am aware of the protocols of this house, but unfortunately Ms Crozier's time has expired. I advised

Ms Crozier to continue. She should have continued and ignored the interjections.

Mr O'Donohue — On a further point of order, Acting President, when I raised my first point of order I believe Ms Crozier had 15 seconds remaining for her members statement. Clearly the clock was not stopped.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! I am happy to give Ms Crozier another 15 seconds.

Ms CROZIER — As I was saying, those stallholders who were working on Friday did not see the benefits of the grand final eve public holiday, and they had to pay penalty rates to their employees.

Bushfires

Ms SYMES (Northern Victoria) — My members statement today, which I will get to shortly, will be on the football, but it would be remiss of me not to make note of the fact that we have some significant fires burning at the moment across Victoria. Many of us in the house will be refreshing our Country Fire Authority updates and waiting for information on the fires in Lancefield, so I hope we get some advice that things are not looking too bad later on this afternoon.

Benalla Saints Sports Club

Ms SYMES — I pay tribute to the Benalla Saints Sports Club, which had a drought-breaking win in the Goulburn Valley Football League on Sunday. The last time Benalla won a senior premiership Gough Whitlam was Prime Minister and Dick Hamer was Premier of Victoria. It was 1973, and the then named Benalla Demons won the flag in the Ovens and Murray league. My father Ian and my uncle Brian were members of that premiership team — —

Mr Finn interjected.

Ms SYMES — That was 42 years ago, Mr Finn. It was a great day for Benalla on Sunday, especially following the heartbreaking 3-point loss in last year's grand final. It was a wonderful long weekend to spend in Benalla. I extend my congratulations to Benalla club president Bruce Biggs, coach Luke Morgan, captain James Martinello and all the players and supporters who have waited a long time for this win. Special mention also goes to Wally Armstrong and his under-18 team which has won back-to-back premierships.

Benalla was not the only town in my electorate that tasted Goulburn Valley football — —

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

Hawthorn Football Club

Mr MORRIS (Western Victoria) — I begin by congratulating the Hawthorn Football Club on its fabulous grand final win over the weekend. It was great to see the team winning its third premiership in a row; let us hope for the fourth.

Portland Bay School

Mr MORRIS — I would also like to speak on the Portland Bay School, a school that is over 20 years old and that has gone from having just 7 students to having over 40 students and one that is in desperate need of state support. One of the most significant issues is the site of the current school. It is located on just 0.23 hectares and, based upon its population, the school is in need of a site of the order of 2.5 hectares. All the buildings are portables, and some are in a very poor state of repair and well past their use-by dates. The previous coalition government recognised the need for two new classrooms and provided them; however, what is really required is a new site for the school. The previous coalition government planned to undertake a widespread stakeholder consultation, including with all Portland schools as well as the community of the Portland Bay School, to develop a plan to provide the right site for a new Portland Bay School. I therefore call upon the Minister for Education to consider the needs of the Portland Bay School as a matter of urgency.

Climatic conditions

Mr RAMSAY (Western Victoria) — My members statement today is to draw to the attention of this chamber and of the public at large the drought-like conditions affecting regional Victoria. Whilst the Minister for Agriculture was revelling in the new public holiday and the unseasonably high temperatures and tweeting the delights of the Dunkeld pub, small business has been forced to shut its doors and farmers are battling bushfires and watching crops shrivel up and water supplies dry up. It was a sad indictment of this city-centric government, which is dominated by affiliated unions, and on an agriculture minister totally out of touch with her ministerial constituency that the government spent the state's two hottest October days since 1914 congratulating itself on the success of the public holiday, the football crowd and the warm weather but not referring to the disaster that is unfolding on farming land in regional Victoria.

Low water supplies and a serious fire yesterday at Wensleydale, which is near Winchelsea, demonstrate the precarious nature of our environment, something confirmed by the declaration of a total fire ban day across most regions of Victoria today. Whilst many crops are lost in the north of the state, without immediate rain many of the crops across the rest of the state will not fill and will be cut for stockfeed, resulting in the loss of millions of dollars of export value. Water storages are drying up, and farmers are being forced to sell stock. Paddocks shut up for hay and silage are drying off and will yield little.

This fairly bleak picture of rural Victoria under a significant challenge because of severe climatic conditions is for the benefit of the Minister for Agriculture, who appears to be oblivious to what is happening in the bush. Hopefully Ms Pulford will step off the public holiday train and out of the comfort of the Royal Mail Hotel at Dunkeld and start talking to — —

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

Koroit Football Netball Club

Mr PURCELL (Western Victoria) — I am pleased to rise today to congratulate the Koroit Football Netball Club on winning back-to-back premierships in the Hampden Football Netball League. It was a pleasure to be one of the 6500 who turned out to watch the Saints march to glory, a fantastic reflection on country football and the vital role it plays in rural communities.

While the town celebrated the win in true style, the victory comes after 12 months of sadness for the tight-knit town of Koroit. Last year the club was rocked by the tragic death of its popular under-16 captain, Jack Lynch, whose brother Tom played exceptionally well in Koroit's winning team. I know Jack's parents, Terry and Helen, well, and the loss of this fine young man was a tragedy that devastated the club and community as a whole. Then in September dedicated trainer Cindy Lehmann died following a car accident the previous month. Cindy was an amazing woman who had been a foster carer for 26 years, welcoming more than 300 children into her home with her husband, Rob. Our thoughts are with both Jack and Cindy's families as well as with the Koroit Football Netball Club. We congratulate the club on its success and wish it well as it goes for a three-peat in 2016.

Government performance

Mr FINN (Western Metropolitan) — It is not surprising that there is such little faith in the integrity of politicians — particularly state senators — when we look at Labor's treatment of Melbourne's west recently. Fresh from misleading the Sunbury community on the subject of V/Line services to the town, Labor has set up a process which will almost inevitably break its election promise of less than 12 months ago to support the establishment of a stand-alone Sunbury council. We know Labor does not like Sunbury; we just wish it would stop shafting us.

Add to that the sideshow put on by assorted Labor rabble in St Albans last week. There they were, all celebrating the beginning of works on the Main Road level crossing, and there was no mention of the fact that it was state and federal Liberal governments that had allocated the funding for this level crossing's removal. There was no mention of the almost four decades of Labor neglect that saw the safety of locals overlooked on an annual basis. Indeed the member for St Albans in the Assembly — perhaps I should say the infamous member for St Albans — tweeted, 'We did it'. There is no doubt that she, as former mayor of the disgraced Brimbank City Council, is responsible for much, but the removal of this level crossing is not among that. Fortunately not a living soul in St Albans believes a word she says. I can totally understand why. I am sick of Labor lies in Victoria, particularly in Melbourne's west.

Labour hire industry

Dr CARLING-JENKINS (Western Metropolitan) — I rise today to speak about the Victorian government's inquiry into the labour hire industry and insecure work, which was announced last week. I am pleased the government has responded to the call I made for it to undertake such an inquiry. Once again this shows the important results that minor parties like the Democratic Labour Party (DLP) and others here on the crossbench can achieve in Parliament.

In May this year I called on the Treasurer to examine the current tendering system to ensure that Victoria's construction companies and contractors are given a fair chance at winning a contract on a level playing field. We know of the impact that phoenix companies have had, with the loss of money and jobs for contractors, suppliers and employees in the building industry. Unscrupulous operators have avoided providing their employees with their correct wages, entitlements and conditions by getting them to set up their own Australian business numbers. This has enabled those operators to win tenders by putting in much cheaper bids. This has come at a huge economic and social cost for hundreds, if indeed not thousands, of Victorian workers.

Many Victorian construction businesses have been suffering badly as a result of this practice, and many of their representatives have come to see me in my electorate office. As a labour party, the DLP believes in the importance of bringing justice and fairness to Victorian workers who have not had the dignity of their work respected by their employer. We commend the government for taking action and launching the inquiry.

RACING AMENDMENT BILL 2015

Second reading

Debate resumed from 3 September; motion of Mr JENNINGS (Special Minister of State).

Mr DRUM (Northern Victoria) — It is with great pleasure that I have the opportunity to talk on the Racing Amendment Bill 2015 before the house today. This bill enables Harness Racing Victoria (HRV) to appoint people with a range of skill sets to its board — a flexibility it does not currently enjoy and something it is very much looking forward to. Obviously the bill will help bring HRV into line with other forms of racing here in Victoria and in other states, but it is also going to help put in place the skills it needs that these other jurisdictions already have. We must realise that these racing bodies have enormous responsibilities in carrying out the duties that everybody insists they should be able to do. These responsibilities and duties obviously require a substantial set of skills, which are desperately needed within those boards. Therefore a lot of the provisions in the bill are common-sense ones as we move into a more contemporary era setting up these boards for today and for the future.

With the introduction of this bill we are also going to see the introduction of the Harness Racing Advisory Council. The advisory council will be able to give advice to the board and expertly assist it with some of the more industry-based issues, as opposed to many of the skill sets required for board members, which may be in relation to marketing, advertising, finance and event management. The advisory council will have a range of industry-based expertise that will effectively help it give pertinent advice to the Harness Racing Victoria board. It would therefore be expected that members of the advisory council will have extensive and expert understanding of the industry.

The proposed composition of the advisory council led the shadow Minister for Racing, Tim Bull, the member for Gippsland East in the Assembly, to realise that the draft bill that was released was ambiguous in relation to the make-up of the advisory council. In his detailed analysis of that draft bill Tim Bull pointed out to the Minister for Racing, Mr Pakula, that a house amendment was going to be necessary if the government was going to achieve the outcomes it was trying to reach. To the government's credit, it was able to quickly rifle together the appropriate amendments and introduce those house amendments, along with the bill, when it was introduced into the lower house. Therefore the opposition is in the situation where it is happy to not oppose this legislation now that those amendments have been made.

The house amendments went to the point that the members of that advisory council will have representation that reflects the industry and they will also have current knowledge, involvement and participation in the industry. It will mean that upon receiving advice from that advisory council the board members of HRV can do so in the comfort and knowledge that the expertise they are receiving is what was planned for in the first place.

We all understand that the house amendments should not have been necessary, but the fact is that racing clubs from all around Victoria are going to be appreciative that these changes have been made. The legislation stipulates that membership of the advisory council requires a certain level of expertise and currency in the industry today, and that will materialise as a result of these changes. That is very important.

Enabling the minister to put in place the advisory council and ensuring that the board has the right skill set are two of the major aspects of this bill. The third aspect of the bill will allow the board, in the event it needs to do so, to appoint an administrator.

In relation to the greyhound live baiting scandal we have seen governments in some of the northern states effectively moving in to completely abolish greyhound boards. Therefore, whilst we hope it will never happen here in Victoria with Harness Racing Victoria, we have a live analogy right here in Australia where a whole state board for one particular brand of racing has been stood down pending those investigations. Whilst it is something we hope will never happen, we see that it can occur in the contemporary world, because there are many pressures on the racing industry, particularly with gambling becoming such a monstrous industry.

We understand the necessity of putting more control into the hands of the board members. This bill will give the board of Harness Racing Victoria the opportunity to put in an administrator, if it believes that is warranted. These legislative changes arise following the commissioning of a report by Dale Monteith.

Mr Monteith previously held the position of chief executive of the Victoria Racing Club.

He delivered his report in April this year, and it contained 18 recommendations. All the changes in this legislation arise out of that report. The government has said that it will adopt all the recommendations in the report, although many of them are not part of this legislation. It has been thought that the government may be able to introduce many of the other recommendations through regulation and simply by them being adopted as part of the board's own powers, and that the changes will not have to necessarily come before the Parliament.

It is also worth noting what an enormous industry harness racing is in Victoria. It is an industry that employs around 4000 people and has around 25 000 active participants. It is an incredibly big industry. It also has an extremely large percentage of its operations based in regional and country areas. Around 85 per cent of all harness races are held in regional or country Victoria and 70 to 75 per cent of the state's turnover on harness racing actually comes from regional Victoria.

It is not just the jobs — and the jobs are critically important — and it is not just the industry itself that matters; it is really about the social fabric that surrounds harness racing in Victoria. It is incredibly important for many small towns. Under the previous Labor government, which was in power for 11 years, seven regional centres were shut down by the Labor Party in the early part of those 11 years because it did not believe those centres to be significant or important enough.

I know Wedderburn, Boort, Wangaratta, Ouyen, Gunbower, Hamilton and a range of other places, including some very small tracks in provincial centres, were shut down. Despite the holding of numerous rallies and attempts to hold meetings with the racing minister at the time, including with delegations from regional Victoria, there was no relaxation of that policy. The then government was simply hell-bent on shutting down those seven tracks. In opposition we gave our word that if we were elected, we would try to bring back to those country tracks as many meetings as we could, and even today many of those tracks operate a range of meetings. None of them have been returned to the number of races those communities were previously able to enjoy, but certainly Hamilton and Boort have cup meetings. Also the Ouyen club is running a couple of meetings per annum.

It is important to understand the role this area plays in the social fabric of a community. Five or six members have just made statements about the football finals in their local regions. The harness racing cup meetings that are held once a year are also incredibly important social events for those areas of regional Victoria. It is an opportunity for the service clubs to get in there to work to help raise money for the community. That money then gets funnelled back into the community in other charitable ways. Parents and friends groups and various schools all take on roles within harness racing to raise money for their projects as well, and it is amazing how many harness racing venues around the state are in fact in shared arrangements with football grounds, cricket grounds, hockey fields and netball courts. They are all using the same facilities.

It is not just the 4000 jobs that are important or the fact that there are 25 000 people who are actively involved in this sport, because the sport is much greater than that. We need to make sure that the right administration and regulatory scheme is put in place so that we are able to run the sport in the way that everybody expects it to be run. Also, the minister will now have a fair degree of power over the make-up of the board because the board can now comprise no less than five and no more than seven members. That gives the minister a fair degree of flexibility, not only in terms of the board numbers, but also in terms of the necessary skill sets on the board. Therefore it is crucial that when the minister and the board consider the types of people to fulfil roles on the board, they look for a strong regional and country representation so that it is not just filled up with people from metropolitan Melbourne. With so much of the harness racing product taking place in regional Victoria, there will be no shortage of talent, stakeholders and people purely interested in the running and administration of the sport, so we will be able to find high-quality applicants from around regional Victoria to fill the positions on both the board and the advisory council.

As I mentioned earlier, the minister will now have the power to appoint the persons with the appropriate skill set to the board, as well as appoint an administrator if things turn pear-shaped, and that will be critical. The minister will decide whether there are five, six or seven board members, and at least two members of the board will sit on the advisory council, one of whom will chair the advisory council, which should create a strong and robust conduit between the two bodies.

The bill also allows for a range of agencies associated with the industry to share information around integrity issues. The integrity of racing is critically important. We continue to see issues in relation to the three codes

of racing in Victoria, not just within the racing sector but with sport in general. The issue of integrity in sport is a crucial issue. When I was a minister we allocated hundreds of thousands of dollars to an integrity unit to effectively tell the government what it did not know and what the situation was right here and now in relation to integrity in sport. Racing Victoria has its own integrity arm, as does the AFL within its organisation. Harness Racing Victoria has also seen that it needs to strengthen its regime to ensure that the various racing integrity officers will deal with many agencies, share information and maintain a tight rein on any participant who may blur the lines of proper behaviour and integrity within harness racing.

The opposition does not oppose the bill. The provisions within the Monteith report have been supported in principle by the government, which will accept each and every one of the 18 recommendations. They are not all included in the legislation but some of the main ones are, and we are grateful that an amendment was added to ensure that we get the right expertise within the advisory council. We would expect that a large proportion of members of both the Harness Racing Victoria board and the advisory council will be effectively from regional Victoria. With those additional amendments, we expect the bill to proceed and hope it quickly passes through the house.

Mr ELASMAR (Northern Metropolitan) — I rise to contribute to the debate on the Racing Amendment Bill 2015. I was pleased to hear that the opposition is not opposing the bill, and why should it? This is a good bill. The bill arises out of the recommendations of the *Report on the Audit of Harness Racing Victoria* by Dale Monteith. Mr Monteith was tasked with producing a series of recommendations arising out of his independent audit into the harness racing industry. He provided a comprehensive picture, together with 18 recommendations that are supported by the Andrews Labor government. It is critical to the survival of the Victorian racing industry that integrity in its operations is transparent and paramount to its ongoing financial success.

Amendments in the bill provide for the appointment of a new board with a widened scope that incorporates additional skill sets to those already provided, and will provide for the establishment of the Harness Racing Advisory Council. This advisory council will provide a necessary formal consultative link between the industry and the board.

The bill also allows for the appointment of an administrator to manage the harness racing industry in the event of a breakdown of good governance between the board and the industry. The administrator is there to safeguard the racing industry and protect the public interests of the community.

The bill also adds a stronger transparency mechanism by adding Racing Analytical Services Limited, which is a further weapon in the arsenal of the racing integrity commissioner.

Racing is an integral part of the Australian way of life. It offers pleasure, excitement and memorable family outings in wonderful surroundings. We are a nation of punters and racegoers, both in metropolitan Melbourne and country Victoria, so it is essential to its ongoing productivity that these amendments are agreed to and implemented. The industry generates more than $421 million a year. It also delivers community and social benefits. It promotes and fosters community advancement through its support of local charities and contributes to the health and wellbeing of individuals employed or participating in the industry, and their families.

The racing industry has been in decline of late, and the bill will help to revitalise and re-establish the public's confidence in its operations. I commend the bill to the house.

Ms PENNICUIK (Southern Metropolitan) — The Racing Amendment Bill 2015 will amend the Racing Act 1958 in relation to governance arrangements for Harness Racing Victoria (HRV) by making changes to the composition of the board of Harness Racing Victoria and setting up an advisory body. It will also specify bodies to which the racing integrity commissioner may disclose integrity-related information, such as racing bodies around the country and the Australian Border Force, and it makes amendments to appoint an administrator in the event that governance arrangements are not operating as they should.

It also makes minor and technical amendments such as changing the reference to the general post office in the act so that it will now refer to the north-east corner of Elizabeth and Bourke streets. That is because under the act what are known as metropolitan racecourses are identified by their distance from what used to be known as the General Post Office Melbourne but now will be known as the north-east corner of Elizabeth and Bourke streets. This is not really about the bill, but it is a bit of a shame that we lose the reference to the general post office and we are now referring to the corner of two streets. I have lamented the closure of the general post office. I can remember going there when it was the general post office, and it was a fabulous building. It

still is a fabulous building but it does not have the same ambience. It is now full of clothing shops, and it is not what it was.

But I digress and will now return to the bill. The bill is in response to a report commissioned by the Minister for Racing on the audit of Harness Racing Victoria conducted this year by Mr Dale Monteith. It was a high-level review of Harness Racing Victoria and reviewed more generally the key components of the harness racing industry. It would be fair to say that the review concentrated on sustaining the industry, improving governance and integrity, and improving the viability of the industry, if I can put it that way.

The report contains 18 recommendations, and this bill implements recommendations 1 and 5 of the review regarding the board and the advisory body. Other recommendations regarding what the board should be doing to improve harness racing are not in the bill but supposedly will be overseen by the board, the minister and the racing integrity commissioner.

There was little or no focus on animal welfare in the review. Therefore the Greens have prepared amendments to ensure that a person with animal welfare expertise is added to the advisory body. I am very happy to have those amendments circulated.

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

Ms PENNICUIK — I read the April 2015 *Report on the Audit of Harness Racing Victoria* on which these amendments to the Racing Act are based, and I have to say that it was very interesting to read what the report covers. For example, it covers issues such as governance, integrity, administration, the stewards, swabbing of animals, the racing appeals and disciplinary board, income streams, sponsorship, debts, breeding et cetera. Quite a lot of concerning findings regarding Harness Racing Victoria are included in this report.

For example, the issue of governance was raised by many people, and appendix D of the report covers many of the issues raised by those who were consulted. There are concerns about governance and about the appointment of the CEO and the chief operating officer without due process. On the issue of risk management the report finds that:

> HRV's risk management practices fall short of those recommended by AICD and organisations with which I — Mr Monteith — have been involved.
>
> …
>
> It is a concern that risk management is not a standing item on the board meeting agenda … this does not accord with best practice for boards or directors, which should be responsible for embedding a culture of managing both risks and compliance.

Other issues raised include conflicts of interest with regard to Harness Racing Victoria and its activities in sponsoring and holding racing events. Concern is also expressed about:

> the potential for conflicts of interest with two HRV board members sitting on the integrity council (IC) relating to HRV commercial interests and/or any horse ownership they might have;
>
> HRV's ability and preparedness to fund integrity to best practice levels;
>
> the decision taken some time ago by the government to abolish the Racing Appeals Tribunal and for VCAT to be the final body for appeal by aggrieved industry participants for all three codes.

This raises the issue of integrity. One of the recommendations in this report is that the government should consider establishing a separate integrity body for Harness Racing Victoria and not leave it to the board or Harness Racing Victoria itself to deal with integrity issues. It has been in raised publicly that there needs to be a separate integrity body for all of the racing codes, and that is an issue I believe the government still has not addressed in full.

Issues were raised with regard to the drug testing of horses and the fact that it was not done often enough — for example, in 2014 only 53 competition samples were taken on the advice of the investigators, with very little input from the stewards. The report recommended that competition testing should be increased.

In the conflict-of-interest issue that I mentioned before, one integrity council member had ownership of harness racing horses and Mr Monteith said that is not desirable. During the audit it has also become clear that there is no formal training program in place for stewards or investigators, and in addition HRV does not employ a dedicated form analyst to assist stewards and no formal bet monitoring is undertaken other than through a memorandum of understanding with Betfair. Those tasks are generally performed by the stewards who are officiating at a particular race meeting. The report is peppered with concerns about governance, conflicts of interest and integrity. It is concerning when you read through the whole report.

The Greens will not be opposing the bill in terms of what it will establish, which is a board appointed by the Governor in Council on the advice of the minister. Mr Drum raised the issue of the minister having some power with regard to the appointment of the board. I also hope that recommendation 2, which would establish an appointments panel to assist the minister to identify appropriate candidates for appointment to the board, and recommendation 3, which would require members of the board and senior executives to complete the Australian Institute of Company Directors course, or a similarly approved course, which focuses on high standards for directors and corporate governance, will be followed by the government.

If those two recommendations, as well as the amendments to the act regarding the board are followed, certainly that will improve the board. However, one would have to say that clause 8 of the bill, which inserts new section 44B creating the Harness Racing Advisory Council, where that advisory council will consist of two members of the board, at least three members who are nominees of organisations or persons who are representatives of the Victorian harness racing industry and — now with the government amendment that Mr Drum referred to — up to two persons who have experience or interest in the Victorian harness industry, the constitution of the board is very insular. As outlined in this clause, it basically consists of people who have something to do with the harness racing industry and two people on the board.

The issues of integrity and animal welfare have been raised in all the racing codes. In the Monteith report the issue of horse welfare, although not the focus of the report, has been raised once or twice. Page 11 of the report states:

> Horse welfare is addressed in the plan —

that is, the Harness Racing Victoria strategic plan —

> particularly the rehoming of retired horses under the 'Raising the Standard' program. With the current level of resources available to the program, up to 30 horses can be rehomed each year. This is a long way behind the animal welfare and rehoming initiatives of the other two codes through Off the Track and the Greyhound Adoption Program (GAP). In 2013–14 alone, GAP rehomed 536 greyhounds.
>
> The board needs to provide adequate funding to expand the program if it is serious about the finding homes for retired horses. In the past, government has provided funding from VRIF to assist with establishing the program.

In fact one of the other recommendations of this report is that the government reinstates the funding for rehoming of retired horses. Even though Mr Monteith makes those comments to improve rehoming in harness racing, and contrasts that with thoroughbred racing and greyhound racing, that is not to say that there are not ongoing problems, in particular in thoroughbred racing, with the lack of rehoming of horses, and ongoing problems in greyhound racing as well. The fact that harness racing falls so far behind those other codes just goes to show how behind the eight ball it is with respect to those issues.

It is disappointing that none of the recommendations really go to animal welfare, a matter that was raised quite a lot in the submissions and consultations. Page 55 of the report comments on Harness Racing Victoria operational issues and says that there be:

> … an increased focus on horse welfare —

and —

> A business case to expand this program is urgently needed.

At page 58 the report states that the:

> … welfare of horses is an important integrity matter.

At page 59 it states that many people:

> … saw a need for balance to promote the industry, educate participants, and concentrate more on integrity and welfare issues.

At page 61 it was identified that:

> … many farms are of poor quality for breeding, agistment and rearing of foals.
>
> … the clamping down on the use of anabolic steroids on yearlings has led to smaller sized yearlings which indicates many were being subjected to such treatment —

that is, treatment involving the use of anabolic steroids. One can see a lot of animal welfare issues in harness racing if one reads through the details of this report.

I am concerned that in putting together the Harness Racing Advisory Council made up of members of the board and people involved directly in harness racing there is not broader representation. You would think that a board would need an advisory committee with much broader representation than just people involved in the industry. Mr Drum raised a point with regard to the improved administration. As I said before, this looks like a very insular type of arrangement, and broader representation from the community, in particular with regard to animal welfare, is needed on the advisory committee to make sure that the animal welfare performance of Harness Racing Victoria is improved and to prevent the sorts of problems we have seen with animal welfare, particularly in greyhound racing with the terrible live baiting practices that have

been going on all around Australia under the noses of Greyhound Racing Victoria, Greyhound Racing New South Wales, Racing Queensland and the racing integrity commissioner, all of which seemed to have had no idea it was going on. We need outside representation on these advisory bodies that can have an eye on these types of issues. We should not forget that racing is about animals. Animals are the key participants in the racing industry, and their welfare needs to be much more prominent than it has hitherto been.

The other point I want to reiterate is the need for the government to move the monitoring of the integrity of harness racing out of Harness Racing Victoria, Racing Victoria and Greyhound Racing Victoria and to establish a separate body to look after integrity. If you look through the report and the recommendations, you see it is about promoting the industry. There is mention of increasing wagering and involving people in the industry. If your role is to promote the industry, it is very difficult for you also to regulate or look at the integrity of the industry.

While the Greens will not oppose the measures in the bill, which are an improvement on the current situation, we would like to improve it by ensuring that someone with animal welfare expertise is on the advisory body. We should not rest on our laurels with regard to integrity in the industry.

Ms BATH (Eastern Victoria) — I am pleased to rise today to speak on the Racing Amendment Bill 2015, which makes important reforms to the Racing Act 1958. The amendments have been made following an independent review and subsequent report by Mr Dale Monteith, which makes 18 recommendations to better position Harness Racing Victoria (HRV) to ensure a growing and viable industry. I would like to thank and acknowledge Mr Monteith for his efforts. He has vast experience in the industry, including his work with Victoria Racing Club. These recommendations are very sensible, and I am pleased the government is committed to adopting them. I note that not all the recommendations have been integrated in this bill, however, and I understand they can be implemented in other ways. I look forward to the government adopting all of the recommendations as soon as possible.

We can all agree that harness racing is a valuable industry in Victoria. We have heard today that it contributes more than $421 million annually to the Victorian economy, supports nearly 4000 jobs and involves more than 25 000 active participants. Not only does the industry provide economic benefits, it also contributes to the social fabric of Victoria, particularly in country areas.

In my electorate of Eastern Victoria Region we have a great facility at Warragul, with regular harness race meetings drawing many spectators. A refurbished racetrack was unveiled last year after over $400 000 was spent to improve the circuit. At the time the coalition government contributed $434 000 to a comprehensive overhaul of the existing 835-metre track to make it one of the best of its kind in the country. The Warragul track at Logan Park was the first to be built with European-style cambered bends, which have since been replicated at other venues around Australia.

The industry in West Gippsland has a rich history, with harness racing beginning at Drouin in 1885, run by the Buln Buln Turf Club. Trot events then featured at various thoroughbred meetings throughout the district, and the Gippsland Trotting Association ran a full trotting program, the first in Warragul, at the present location in 1920. A Warragul and District Trotting Club was formed in the late 1930s. The course used the grass gallops track at the Warragul Showground, which is the location of today's venue. The first race meeting was held in November 1939, and the club conducted the first country derby in Australia three months later, with the Warragul Derby for pacers and trotters. The club now conducts nine race days from December to August the next year.

Along with the great track at Warragul is the Gippsland Harness Training Centre, which was established in 1997. This fantastic facility is a fully operational racing stable as well as a training facility, offering courses in training, driving and stablehand duties. The centre is a joint venture between the fantastic Community College Gippsland's McMillan campus and the Warragul & District Light Harness Horse Club. I was pleased to hear recently that the centre is overseeing a record enrolment of students, who learn all aspects of the training and education of horses in a racing stable environment. Students are given the opportunity to work with both trotters and pacers, developing skills and using modern training aids. The centre caters for those with little and those with loads of horse experience and utilises all forms of industry input, including visiting vets, chiropractors, nutritionists, farriers and other industry experts — and that is just for the horses!

If I can digress, I would like to congratulate the hardworking staff and students at the Gippsland Harness Training Centre on their first double win at Cranbourne on Sunday 6 September. That was a fantastic effort, with two winners for the centre.

The Warragul trots are very important to the town of Warragul and the greater Gippsland region, but it is not just a place where races are held; it is also a social gathering for many Gippslanders.

It is important that the government support such a valuable industry, and the bill before us today works on making improvements and strengthening the harness racing industry. The bill modernises governance arrangements for Harness Racing Victoria by amending the board appointment provisions to allow for the appointment of board members with skills beyond the current requirements of business, marketing or industry experience. This is a positive amendment which will allow a wide range of experience on the board to expand its current skill base, and that has to be a positive thing. It has also been recommended that the board be made up of no fewer than five and no more than seven people. This will allow a bit more flexibility and give the minister of the day the ability to complement the core skills of the board with expertise in specific disciplines that may be required at the time.

This bill also provides for the establishment of a Harness Racing Advisory Council. The council will engage in a formal consultation process through which the board can receive advice from industry representatives with expertise on a broad range of harness racing matters. The council is to be approved by the minister and will include at least two members of the Harness Racing Victoria board, one of whom will be appointed the advisory chairperson. I feel it is important that the council include members who are working at the forefront of the industry, and I hope this provision will ensure that that happens.

On the make-up of both the HRV board and the advisory council, I think it is very important that we see representation from our country harness racing clubs, not just city ones. Country harness racing is a huge part of the contribution this industry makes to the Victorian economy. In fact country clubs contribute 85 per cent of racing product to our harness racing industry in Victoria and generate 75 per cent of our harness racing industry turnover, as Mr Drum has mentioned. Given the huge contribution made by country clubs, it is important that we see regional representation on both the board and the advisory council.

This bill will amend the act to allow for the appointment of an administrator to manage the harness racing industry in circumstances where the board has failed to competently manage the industry or where it is in the public interest. Of course we hope it never gets to the point where such an administrator is required. Nevertheless it is important to have such a safeguard in place. The bill strengthens integrity assurances in the Victorian racing industry by adding other bodies, including Racing Analytical Services Ltd, to the list of those to which the racing integrity commissioner can disclose information. This is important for ongoing integrity.

I acknowledge and respect the Greens for the amendments they have put forward today. However, I believe that this bill deals solely with harness racing matters, and I note that the Monteith report does not recommend specifying a board member with expertise in animal welfare. I believe HRV works very closely already with the RSPCA in relation to animal welfare. We will be opposing the Greens amendments at this point.

Harness racing is certainly an important industry in our state, particularly in regional Victoria. Tracks such as the one at Warragul provide a social hub, draw visitors and provide economic benefits. It is with this in mind that I do not oppose the bill before us today.

Ms SYMES (Northern Victoria) — It is a pleasure to stand to speak on the Racing Amendment Bill 2015, which provides yet another example of the Andrews Labor government saying what it will do and doing what it says. It is fantastic to be able to speak on a racing bill, being fresh from a long weekend in Benalla, where I attended the successful Benalla Gold Cup — so recently that in fact my fake tan is still in place. It was a great day. There was record attendance, with 4352 people through the gates — a massive increase on last year. Attendees included the Minister for Racing, and it was great to have him in Benalla for the day. Martin Pakula is a very passionate racing minister, and he has attended many events in and around my electorate in his capacity as minister. But he is more than just a spectator and a punter. He has really saddled up and mounted a strong program for development across his portfolio whilst working to rein in the more unsavoury aspects of the industry, which have been well noted.

This bill will aid in delivering a stable industry that can fully maximise its potential, moving beyond a trot and a canter to a full-throttle gallop toward a bright and solid future. Despite the puns that flowed as I prepared to make a contribution on this bill, it is a serious piece of legislation with serious intent. I concur with Mr Drum and Ms Bath, who pointed out that harness racing is a significant economic and social driver in many towns across country Victoria. In my electorate of Northern Victoria Region there are harness racing venues in Shepparton, Gunbower, Bendigo, Boort, Kilmore, Wangaratta, Mildura, Cobram, Echuca and Ouyen. I

hope I have not missed anyone out. I cannot stress enough the significance and value of this industry and how important it is that we ensure that it is a dynamic and robust industry with integrity. This bill is a critical step in that process.

I wish to congratulate Mr Monteith, as many speakers before me have done, for his outstanding work on the audit of Harness Racing Victoria, which was no doubt aided by his in-depth knowledge of the industry. The *Report on the Audit of Harness Racing Victoria* was presented to the government in April and was the trigger for the debate taking place today. Mr Monteith met with more than 60 individuals and groups and received 35 written submissions. It is fair to say that it was an inclusive, far-reaching and open process that engaged with many of the key stakeholders. Those stakeholders brought with them all their interest and passion; of course their livelihoods depend upon the harness racing industry. I congratulate and commend all those who contributed to the development of the recommendations, which will help us to improve and build this vibrant sector of the regional economy. In the report Mr Monteith stated:

> … there was an overwhelming message of a need for change in the Victorian industry.

His 18 recommendations have been received, and their enactment begins with this legislation.

This bill modernises the government's arrangements for Harness Racing Victoria by amending the board appointment provisions. It will enable the appointment of board members with skills beyond the currently specified business, marketing or industry experience. The amendments will also provide flexibility as to the size of the board, allowing the minister to recommend the appointment of at least five but no more than seven members. This will give the minister the ability to complement the core skills of the board when expertise in specific disciplines is required at different times. This is about engaging a significantly wider pool of talent and a diversity of skills to ensure that the board — which represents a more than 4000-strong workforce and 25 000 active participants associated with the industry — is well served by a broad spectrum of abilities.

Harness racing contributes more than $421 million annually to the Victorian economy and is responsible for generating $226 million per annum of household income, so something is amiss when the current requirements for board appointments make no mention of financial skills or for that matter legal, media or technology skills. A diversity of expertise is almost a prerequisite in a modern economy, and the industry can now recognise this in its practices. Racing is in a competitive market — a market in which it must thrive and grow in the 21st century amidst the lure of massive growth in the development of technology-based entertainment and an increasingly difficult-to-engage generation Y market. Reaching out and seeking to incorporate the skills, expertise and talent that can help to address these issues on the board is an imperative.

The bill also provides for the establishment of the Harness Racing Advisory Council to ensure ongoing collaboration, communication and engagement with industry. It will be established as a consultative forum through which the board can receive advice from industry representatives with expertise across a variety of issues related to harness racing.

The bill amends the Racing Act 1958 to allow for the appointment of an administrator to manage the harness racing industry in circumstances where the board has failed to competently manage the industry or where it is otherwise in the public interest. This will provide a level of comfort across the industry and introduce some rigour to the operations of the board. Knowing that there exists a mechanism to remove an incompetent or negligent board and protect the industry from the damage it may inflict is important.

The bill further strengthens the integrity of the industry by adding Racing Analytical Services Limited as a body to which the racing integrity commissioner can disclose integrity-related information, and it formalises within the legislation the disclosure arrangements for a number of other bodies.

The harness racing market is an extraordinarily competitive one in this country and nowhere more than here in Victoria, our nation's sporting capital. The associated sporting spend is equally competitive, and harness racing must compete not just with its stablemate, thoroughbred racing, but across the sporting spectrum. It must engage, capture and grow its market if it is to continue not simply to exist but to thrive into the future, and it must do so with the utmost integrity and the most diligent governance processes.

The Andrews Labor government has made a genuine commitment to work with the harness racing industry, and this bill is testament to that. It will deliver on the changes needed to protect the industry from decline and position it strongly for the 21st century marketplace. I note Ms Pennicuik's circulated amendments, and I understand that we will go through these with Minister Herbert in the committee stage. I commend the bill to the house.

Mr ONDARCHIE (Northern Metropolitan) — I rise today to speak on the Racing Amendment Bill 2015. I have to say at the outset that I love racing. I love racing, pacing and chasing — all three forms in fact.

Mrs Peulich — Chasing?

Mr ONDARCHIE — Yes, racing, pacing and chasing, otherwise known as thoroughbred racing, harness racing and greyhounds. I like all three forms. I say at the outset that the opposition will not be opposing this bill, but I will be opposing Ms Pennicuik's amendments because I think they are already covered in the elements of the bill.

There are three key provisions to this bill. It provides for the appointment of Harness Racing Victoria board members with skills beyond the board's current representation, and that is as a result of Dale Monteith's wonderful set of recommendations. The bill also provides for the establishment of the Harness Racing Advisory Council, which is another finding from Dale Monteith's report, and allows for the appointment of an administrator to manage harness racing should things go belly up. We hope that never occurs.

Before I get into the elements of the bill, I take the opportunity to acknowledge the life of James Bartholomew Cummings. J. B. Cummings, known to many as Bart, will be remembered mainly of course for his great work in thoroughbred racing. He trained 12 Melbourne Cup winners, 266 group 1 winners — about 7000 winners all up. He trained 32 Victoria Derby winners, 24 Oaks winners, 7 Caulfield Cup winners and 5 Cox Plate winners. I love the Cox Plate.

Mr Herbert interjected.

Mr ONDARCHIE — I have had an involvement with a Cox Plate winner already and hope to have involvement very shortly with another one as well. He trained 13 Australian Cup winners, 11 winners of the Mackinnon Stakes, 8 Newmarket Handicap winners and 4 Golden Slipper winners. It is a wonderful record. I pay tribute to Mr Cummings, who I had the great pleasure of meeting on many occasions as he was connected to my late father. I got to meet him individually, and I also introduced my eldest son to him. He was a very humble, polite and well-respected man, and he will be certainly missed by all associated with racing and sport generally. I know Mr Herbert has an affection for J. B. Cummings as well.

This bill modernises the governance arrangements for Harness Racing Victoria by, firstly, amending the provisions of the Racing Act 1958 to allow it to appoint board members with a set of skills beyond current requirements. In a sense that goes to Ms Pennicuik's point about finding people with the right skills to sit on the board. This bill does that. The second element is to establish the Harness Racing Advisory Council, from which the board can receive specific industry advice from representatives who have a broad range of expertise in the harness racing industry and beyond. The third component of the bill allows for the appointment of an administrator should the need ever arise, and we hope that it does not.

The elements of the bill have been well outlined by previous speakers, so for the sake of the efficiency of the house I choose not to repeat them other than to say I pay tribute to the former CEO of the Victorian Racing Club, a well-respected racing administrator, Dale Monteith, who has done a great job in coming up with this report and its 18 recommendations, which I support. We are pleased to hear the government is committed to adopting those recommendations.

I pay tribute to the members of the Harness Racing Victoria board, including chair Ken Latta, Neale Wheat, Geoff Kay, Ian Delmenico, Elizabeth Clarke, Ken Latchford and Wendy Greiner, as well as CEO John Anderson, who I have had the pleasure of spending a lot of time with at Tabcorp Park Melton, supporting this great sport of harness racing. I commend the bill to the house.

Mr FINN (Western Metropolitan) — I rise to speak today on the Racing Amendment Bill 2015. Following on from my dear friend and colleague Mr Ondarchie, I cannot help but begin by offering a few words of praise for the late Bart Cummings, a man whose name will live forever in racing immortality, as they say. The contribution he made to racing in this country will not be forgotten.

Whilst Mr Ondarchie ran through a long list of extraordinary achievements of Mr Cummings, my memory of him is of an occasion on which I met him a couple of years ago, and he was a delight. You would be hard put to find a more humble individual. He did not put on airs, even though he was somebody perhaps entitled to. He did not see himself as being important in any way. He was there because he loved the races, and he did not do a bad job. He did not bung it on, as some in his position might do.

To his wife and family I offer my condolences and say it will be a long time before we see another Bart Cummings. He was one of the best. They say nobody is irreplaceable. That may be so, but if somebody is, it is Bart Cummings in the racing industry. He was an

extraordinary contributor and an extraordinary individual when it comes to racing in Australia.

Racing is one of the great things about Australia, and we are approaching one of the most exciting times, particularly here in Melbourne, with the Spring Racing Carnival kicking off soon. We are just a month or so away — maybe even a little bit less — from seeing the greatest race in the world.

Mr Ondarchie — The Cox Plate.

Mr FINN — The Cox Plate may well be one of the great races in the world. I am not sure whether it is the greatest, but it is certainly one of the greatest races. I have spent many a pleasant time at Moonee Valley Racecourse, which of course is in the electorate of Western Metropolitan Region.

Mr Ondarchie — Money Valley?

Mr FINN — Sadly it has not been for me, I have to say. For me it has been Loss-of-Money Valley on most occasions. The people around me who were smiling most were the bookies. I like to make people happy, and I particularly like making them happy. They are always pleased to see me. The last time I was at Moonee Valley for the Cox Plate was on one of those occasions. It is a very good thing that I am not a gambler. I am not somebody who bets on races on a regular basis. I do it maybe once or twice a year. Otherwise I would be in more strife than the early settlers. I do not think that would be — —

Mr Ramsay interjected.

Mr FINN — Coming in here is sometimes a gamble, but apart from that I do not indulge.

When I first started work, very early on, I took a fancy to the dishlickers. My first job was at Radio 3DB.

Mr Ondarchie — Did you call the races?

Mr FINN — I did not call the races. I worked with luminaries such as Bill Collins and Ray Benson.

Mr Ondarchie interjected.

Mr FINN — If you want me to start, I could go on all day. At that time, at the age of 17, I started work at 3DB putting the races through to the country stations. I would push the button to make sure that they got their races when they should have. It was quite extraordinary. If you wanted a tip, Ray Benson was the bloke to listen to, because if Bill Collins had a tip, he would keep it to himself. He was the accurate one, but he would not let on. If he had a good thing, he would put more than just a few bob on it. He was a great part of the racing industry in this country.

Irrespective of the Melbourne Cup and the glamour, money, party atmosphere and international attraction it has for so many thousands, harness racing has its own identity in this state. As a child I would sit down every Saturday night and watch *The Penthouse Club* with Mike Williamson and Mary Hardy. I would watch the red hots, as they were referred to in those days, at the showgrounds. That was very much a part of my childhood.

I have a certain affection for harness racing, and of course I have been to Moonee Valley on a number of occasions to watch the harness racing there. I have been very lax in that I have yet to make it to the new home of harness racing at Melton, which is not far out of my electorate.

Mr Ondarchie — Tabcorp Park.

Mr FINN — Tabcorp Park. I must do something about that very soon.

I am delighted that Dale Monteith came up with this report. He clearly is a man with enormous knowledge and an enormous passion for harness racing. He has put forward a number of recommendations the government has acted on. I heard Ms Symes say earlier that this is another example of the government fulfilling its election promises.

Ms Symes interjected.

Mr FINN — She said words to that effect. She said this bill is an example of the government doing what it said it would do. That is the same as saying that it is fulfilling an election promise, I would have thought. Anyway we will not argue that point at the moment. Can I just say that if you want a debate with somebody on election commitments, you will very easily get one out in Sunbury, where before the last election the government lied to people left, right and centre. That is certainly coming home to roost now for the people of Sunbury.

Back to the bill, the harness racing industry is an important one. It attracts a certain passion or a certain sort of person with a passion for harness racing. It runs deep in their bones. It is wonderful to see that it is now going strong after it went through a few difficulties not so long ago. Hopefully this bill will ensure that it will be in a strong position for a long time to come. I commend the bill to the house. We on this side of the chamber certainly do not oppose it. I can only wish all those involved in the harness racing industry and the

racing industry generally all the very best as we approach a very exciting part of the year here in Melbourne.

Mr HERBERT (Minister for Training and Skills) — It is a pleasure to speak on this bill. I must say that like many here I have owned racehorses. I have owned a dishlicker, Mr Finn might be interested to know. Perhaps in his early days he may have even punted on Saki Royal as it went around the track. It won quite a few races. I have not had a huge amount to do with harness racing, as important as this sport is.

This bill is part of an election commitment this government made to undertake a full audit of Harness Racing Victoria and implement reform. I am not going to speak at great length, because we have had some excellent contributions to the debate on this legislation. I thank all those who made them and acknowledge the spirit in which they made them.

This is summed up by a visit I made last week to the Gippsland Racing Training Centre, which is run in Warragul by Community College Gippsland. I was doing a road trip, looking at TAFEs and speaking to students and staff. At the centre I met Sue Geals, CEO, Jenny Carmichael, deputy chair, and a young lady by the name of Abby Orchard, who was a student there. The passion they had for training, particularly in the harness industry, was outstanding. The facilities were great. They were nothing flash, but they were really appropriate. The young lady, Abby Orchard, had an absolutely positive spirit. She was doing a certificate III in racing to be an advanced stablehand and a certificate IV to be a harness racing driver. These are formalised qualifications.

I managed to pat some of the horses, do some photos and talk to people. One great thing became clear there: some people think harness racing is not going strong, but I can tell members that what people say in that region is that it is going very strong. The number of people who want to get involved in it — who want to be drivers or want to be otherwise involved in the industry — is growing. I guess that highlights the need to make sure that the integrity structures around this industry are as strong as we can make them.

In brief, as people have said, the bill improves the governance arrangements of Harness Racing Victoria. It establishes the Harness Racing Advisory Council, a technical expertise council to advise Harness Racing Victoria. It provides the minister with the capacity to appoint an administrator if needed — if their opinion is that the board has failed to competently manage the industry or that doing so is otherwise in the public interest. The bill also strengthens integrity arrangements by ensuring that section 37E of the Racing Act 1958 is amended to enable Racing Analytical Services Ltd to be a body to which information can be disclosed in terms of the integrity arrangements of the industry.

It is a good bill, and there is no doubt it is widely supported in the harness racing community. The people in that community are waiting for this bill to come through and want it to be enacted as quickly as possible. We will be debating, of course, Ms Pennicuik's amendment in terms of the composition of the council.

As a general comment, one thing that has not been given much air is that the government has a strong commitment to animal welfare. One of the problems, of course, in this industry is what happens to the animals, whether they be horses or greyhounds, when they have finished their racing lives. In terms of horseracing, we are committed — as we are with greyhound racing — to doing all we can to provide a great life for horses after they finish their working life, so to speak.

One of the projects we have funded this year is Harness Education & Rehoming Opportunities for horses, to which we provided $150 000. It involves greater coordination, promotion and marketing of rehoming for ex-trotters and ex-pacers — practical assistance to help with getting these horses new lives and providing enjoyment for people after the animals have finished racing. It is a good initiative. I think the whole issue of animal welfare is one that is broader than perhaps has been debated. This is just one initiative that I think is well worth pursuing.

I look forward to the debate on the amendment, but the government will not be supporting it, and I will outline the reasons why when we get to that point.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Ms PENNICUIK (Southern Metropolitan) — I have a question with respect to recommendation 2 of Mr Monteith's report, which is:

> That an appointments panel … be established to assist the minister to identify appropriate candidates for appointment to the board.

Has this appointments panel been established, or is it to be established following the imminent passage of this bill?

Mr HERBERT (Minister for Training and Skills) — I thank the member for the question, which is an important one. I am advised that the appointments panel has not been established yet; it will be established as soon as this bill is passed through the chambers and has received royal assent.

Ms PENNICUIK (Southern Metropolitan) — I am not sure if the minister could advise how the appointments panel will be established. That is not outlined in the recommendations, and if the minister had any information on that, I would be interested to hear it.

Mr HERBERT (Minister for Training and Skills) — I am advised that there has been some thought about appropriate people, but the minister will be appointing those by letter. That will not require legislative change; they will be straight ministerial appointments.

Ms PENNICUIK (Southern Metropolitan) — Does the minister know how many people will be on the panel?

Mr HERBERT (Minister for Training and Skills) — I got that one right: there will be three members on that panel.

Ms PENNICUIK (Southern Metropolitan) — Recommendation 9 of the report asks:

> That the government consider the removal of integrity as a function of HRV and the establishment of a separate integrity body for Victorian harness racing.

I notice also that the racing integrity commissioner has spoken about this as well and conducted a survey earlier this year and that a significant number of people responding to that also said that there should be a separate organisation for the integrity functions in racing. Could the minister update me as to where the government is on that particular issue?

Mr HERBERT (Minister for Training and Skills) — I am delighted to update the house on that point. The government has engaged well-respected racing administrator Paul Bittar to provide recommendations on the structure of integrity for all three racing codes. Mr Bittar will consult with the industry in Victoria and other jurisdictions to look at what they are doing to determine a structure that will improve integrity outcomes in Victoria. That is what we all want. He will report by March 2016, and all options are on the table, including the recommendations made by Mr Monteith in his report.

Clause agreed to; clauses 2 to 7 agreed to.

Clause 8

The DEPUTY PRESIDENT — Order!
Ms Pennicuik has circulated amendments to clause 8, and I ask her to formally move her amendments 1 and 2, which relate to the composition of the Harness Racing Advisory Council.

Ms PENNICUIK (Southern Metropolitan) — I move:

1. Clause 8, page 8, line 16, omit "industry." and insert "industry;".

2. Clause 8, page 8, after line 16 insert —

"(d) one person who has expertise in animal welfare.".

Amendment 1 is a consequential amendment to the main amendment, which is amendment 2, which seeks to insert a new line in clause 8 regarding the appointment of people to the advisory council. The bill provides for the appointment of two members of the board, nominees of organisations or people who are representatives of Victorian harness racing and people who have experience or interest in harness racing, and my amendments add another person — that is, 'one person who has expertise in animal welfare'.

I am aware that the report by Mr Monteith does not make recommendations about animal welfare, but the terms of reference did not instruct Mr Monteith to look into that issue. The report is about governance arrangements, integrity arrangements, the composition of the board, administrative arrangements, strategic planning, debt and debt recovery, plans to manage debt better, managing conflicts of interest et cetera. They are the sorts of things covered in the report, many of which I covered in my speech during the second-reading debate.

However, in the body of the report Mr Monteith includes comments made by people who were consulted and who said that there needs to be more focus on animal welfare issues. In particular, page 11 of the report says that Harness Racing Victoria's consideration of horse welfare and the rehoming of retired horses is a long way behind best practice. Animal welfare issues are currently being raised with regard to thoroughbred racing, the amount of horse wastage and the lack of rehoming, and even though Greyhound Racing Victoria has a rehoming program it still requires a lot of improvement.

It would be a good initiative — it would be good for the other racing codes as well — for the advisory council to include people with animal welfare expertise and not have an advisory council that is made up only of people who are interested in promoting the industry. It would be good to include people who are interested in promoting the welfare of horses while they are competing in the industry and after they leave the industry.

That is why I am moving these amendments. The inclusion of such a person in the advisory council will provide a preventive approach and a welcome focus on animal welfare issues. I know it is possible for the board to consult with the RSPCA and other welfare bodies, but it is not quite the same as having someone with expertise on the advisory council. It is something that has been lacking in racing and something we can fix with these amendments.

Mr HERBERT (Minister for Training and Skills) — I thank the member, and I acknowledge the genuineness of her concern for animal welfare. Everyone in this house who has anything to do with any of the racing codes — Mr Ondarchie talked earlier about his love of the various codes — knows that you have to love these animals and look after them in the best way you can. They are fabulous creatures. You really do love them, and everyone in this chamber who is involved wants to maximise welfare while animals are running, before they are running and after their racing life is over.

However, the government will not be supporting the amendments for a number of reasons. Firstly, the council is like an addendum to the board. It provides technical expertise in areas where the board needs specific experience and technical knowledge. It could be that animal welfare is part of the set of expertise, but it is a small component of the council's work. That is the truth of it. Having said that, I would not say that the government would not appoint someone with expertise in animal welfare. We have done that in greyhound racing even though it was not a part of it. It can be a useful complementary skill, but we do not see it as appropriate for a stand-alone position on the council.

The welfare of animals, as has been stated, is regulated under the Prevention of Cruelty to Animals Act 1986. The act and regulations set out a range of offences, including cruelty, aggravated cruelty, prohibited procedures and other serious offences, and they have significant penalties attached to them where a person is found guilty of an offence. It is an important piece of legislation, and it is about enforcement. There are serious penalties for cruelty. The Australian harness racing rules also include a number of rules that relate to animal welfare, and persons who fail to comply with the provisions are guilty of an offence.

Lastly, regarding the more contemporary part of this issue, Harness Racing Australia has only recently established the standard breeds welfare advisory group. The group is a national body that includes two previous Victorian chief vets and representatives from each of the Australian jurisdictions as part of its membership. It is intended that this group will play a strong and key role in developing further rules, procedures and guidelines for the harness racing industry in Australia and provide directions to each principal racing authority, including Harness Racing Victoria, about the very issues that the amendments address. There are a range of measures in place.

The government does not support the amendments because they are too narrow and there are a whole range of issues. However, expertise in animal welfare may be one of the criteria for appointing people to the council.

Ms PENNICUIK (Southern Metropolitan) — When the minister started he was almost making the case for why the amendments should be supported in that the board needs to concern itself with the technical aspects of administering harness racing, and one of those is animal welfare. He then went on to say it is a small component, and that is why I am moving the amendments. There needs to be a cultural change in the racing industry so that animal welfare becomes more front and centre than it has been, which is why we have ongoing problems.

I heard the minister say there is nothing in the changes to the act that will preclude a person with expertise in animal welfare being appointed to the advisory council, but this would be preventive. The minister went on to talk about the Prevention of Cruelty to Animals Act 1986. Of course I understand that act very well — I know my way around that act — but it is about prosecution after the event. The measure I am trying to introduce into the bill and into the act is a preventive measure. It would also signal to the community that the racing industry is including people with animal welfare expertise and that it is going to concentrate more on animal welfare.

As the second-reading speech outlines, the way the Harness Racing Advisory Council is constituted and laid out at the moment — under proposed section 44B — is very insular. It is about people with racing experience rather than other experience. I do not accept all of the minister's reasons for not accepting the

amendment, and I still commend the amendment to the committee.

Committee divided on amendments:

Ayes, 5

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

Noes, 34

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

Amendments negatived.

Clause agreed to; clauses 9 to 12 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

ENERGY LEGISLATION AMENDMENT (CONSUMER PROTECTION) BILL 2015

Second reading

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

Mr DRUM (Northern Victoria) — I am very pleased to have the opportunity to rise to speak in relation to the Energy Legislation Amendment (Consumer Protection) Bill 2015. This bill very much falls into the basket of a consumer protection bill. This bill will hopefully add a range of consumer protection regulations that will enable us to arrest a trend that has seen an ever-increasing number of Victorians having energy, and particularly electricity, disconnected from their residences.

I think we all agree that everything that can be done should be done by energy retailers when it comes to outstanding consumer accounts, whether that be the implementing of hardship provisions or giving the opportunity to people who do not understand why their energy costs can sometimes spiral out of control to discover the causes. I think all MPs at some stage in their careers will have constituents come into their offices who are unable to deal with an energy provider or to source the reason their energy costs have spiralled out of control. It could be caused by a leaking gas pipe, which could see gas consumption go through the roof; or it could be a faulty electrical appliance that causes electricity bills to increase.

I recently had a hot-water service go through the roof — it went through the roof on the way down and ended up in the laundry! It had been using electricity at a ridiculous rate, because unbeknownst to us it was stuck up in the ceiling, rotting away and operating at full power 24 hours a day, 7 days a week. We are hoping that the next electricity account might be a little more gentle. These are the issues that strike everyday mums and dads — everyday families. Most of us will at some stage or other experience a huge spike in our accounts. The same thing happens in relation to water usage — although that has nothing to do with energy. Utility costs at times go through the proverbial roof.

The three acts to be amended with the passage of the bill are the Essential Services Commission Act 2001, the Electricity Industry Act 2000 and the Gas Industry Act 2001. Over the last financial year in the vicinity of 58 000 residences have had either their electricity or their gas disconnected for one reason or another. Also around 34 000 subscribers have shut down their accounts. I imagine that included in that number are people moving house, selling their house and so forth. In these cases closing your energy or gas account is a normal part of everyday life.

The legislation also abolishes exit fees. Unless you are on a contract for a fixed price and a fixed term that needs to be honoured by consumers, the government will abolish the charging of an exit fee. This has the express aim of giving customers the ability to find the best deal available out of all of the energy retailers. The exit fee will not be charged unless it is a fixed-price and fixed-term contract.

The bill will have an enforceable undertaking for energy licensees which will be enforced by the Essential Services Commission. It will create increased reporting obligations on the energy sector, but that is what the bill stipulates as being necessary. If it means more red tape to give our consumers the protection they

need, so be it. We wish there were other ways to afford protection, but we need the right balance to be struck.

The bill's changes are mirrored across the different energy sectors in the Electricity Industry Act 2000 and the Gas Industry Act 2001, so the changes will apply equally to gas and to electricity. It is worth noting that Victoria has been blessed with an abundance of energy through the decades, which has enabled us to lead a privileged life in relation to all of the energy options and energy-saving appliances with which we adorn ourselves in our everyday lives. We have been able to avail ourselves of cheap energy with which to cook, to cool ourselves and to heat our homes. We have an endless array of electrical appliances that we have been able to provide power for, and we have been able to light our homes and also our gardens.

Furthermore, for those people lucky enough to have a pool, I imagine that some have been able to heat them in winter, keep the filters going and clean the pool as well. For those people who have a back shed, the appliances stored in it require power. Even the lawnmower requires a form of energy. People on farms have been able to provide power for their farm machinery with relatively cheap energy costs. In the commercial and industrial property areas, access to cheap energy has enabled us to be competitive with all of our overseas competitors through the decades, giving Australia and Victoria an enormous kick-start. We need to understand the role it has played in enabling us to be one of the leading countries in the developed world.

We have been able to take advantage of our coal reserves as well as our Bass Strait gas reserves. These natural fuels have given us a financial advantage. Many businesses have remained competitive purely because their energy costs have been relatively low compared with overseas competitors. Over the years we have seen an ever-increasing percentage of renewable energy coming onto the market, and one would expect that trend to continue. Along those lines, the bill contains a provision to ensure that those producing renewable energy are paid at a rate comparable to those producing non-renewable energy. Therefore on my understanding of the bill — and it is not as clear as I would like it — it will put more money in the pockets of those who are producing renewable energy. Again, this causes concern because the middle and upper classes of Victoria who are able to afford solar panels on their roofs or to be part of a co-op in wind energy will be paid for the excess power they produce, while those within our society who simply do not have the money to do these things and who are battling simply to pay the monthly power bill receive nothing. If this provision makes energy more expensive, the poor will be subsidising the middle class, and we need to be clear about this if that is the end result.

In relation to disconnections, it is worth putting on the record the statement by Russell Northe, the member for Morwell in the Legislative Assembly, who was the previous Minister for Energy and Resources. He was very clear that disconnection of supply relating to those people having trouble paying their accounts should be the absolute last resort. Mr Northe went on to say that there are thousands of reasons why people may find themselves in financial difficulty. It could be a faulty appliance, gas leaks or a whole range of reasons why Victorians find themselves in financial difficulty when it comes to paying for their energy.

However, in terms of what is fair and reasonable and how much grace the energy retailers should give their consumers in relation to their inability to pay, the fine has been doubled from around $250 per day for wrongful disconnection to a fine of $500 per day in the case of a Victorian residence. Should it be proven that it was a wilful and more serious breach of the law, the fines now range up to $100 000, which certainly puts the energy companies on notice. However, at the same time we need to urge the minister to establish a reasonable framework within which these penalties for disconnection can operate and within which customers and companies in the energy market can interact.

It is critical that the minister continue to liaise with the energy sector. We want serious competition within the energy market, and the best way to get it is to bring additional companies on board. We want to drive down the price of Victorian energy. We want real competition. We want to see as many of our families as possible being able to pick and choose which of the energy companies are offering them the best deal.

We all know now that we have an option. You can go to the energy planning website and enter your own energy consumption pattern and it will give you the preferred provider so you can access the best deal. The website covers issues such as your ability to pay on time, and many companies will offer discounts for prompt payment. Many have lower prices and special offers for off-peak usage. If you cannot avoid using peak electricity, the costs are different. All the energy companies have a wide range of commodities on offer with different pricing structures.

This is a very complex industry, and we need to ensure that Victoria is seen as a welcoming state for energy retailers. If we want to have a large range of retailers offering their services and products, and creating genuine competition and low prices, we need to make

sure that we do not slug them. Unfortunately that is the impression we have received from some of the energy companies. They are starting to make noises that Victoria is not a welcoming state, that it is not the best place to come and set up a business and that it is becoming too regulation driven, which makes it difficult for companies to have a proper dialogue with the government.

I understand there is a balance here. It is not just one side or the other. We need to understand — —

Mr Barber interjected.

Mr DRUM — That could very well be, Mr Barber, but maybe you are not listening. What I am saying is that there is a real balance here. If we are going to look after Victorian households, be able to offer them the products they need and drive prices down, then we are going to need a business environment for these electricity retailers that will make them want to set up and do business in this state. That is critically important for the future of Victorian households.

If we can ensure that everyday Victorians are protected by regulation, with severe penalties for breaches of contracts, whilst at the same time giving energy retailers the comfort they need so that they are prepared to come here and set up, create competition and lower prices, we will achieve the balance we are all looking for in the energy sector. At the moment it seems to be a bit the other way, and companies will simply go and set up in other states. They will work out that Victoria is too regulation driven and that the regime is too cumbersome, and we will end up harming the Victorian families we are trying to help.

This bill is predominantly based on consumer protection. It is a worthwhile piece of legislation because we need to put safeguards and provisions in place. There are a range of initiatives in the legislation, and once it is passed we will be able to gauge where the sector is at. Most importantly, we need to strike a balance to ensure that we continue to make Victoria a place that companies feel it is good to come to and set up. The savings generated will flow on to consumers.

In relation to the area of consumer protection we do not oppose this bill. We think it has much to offer and is likely to bring benefits to Victorian families. This legislation will put pressure on energy retailers to ensure that they treat disconnection as a last resort, as opposed to using it as a big stick to threaten everyday Victorian households. If the bill has that effect, we will support it. However, we need the other part of the balancing act to be played out as well.

Mr BARBER (Northern Metropolitan) — As Mr Drum has ably explained, this bill contains a couple of minor tweaks in the area of consumer protection, but I really have to ask myself: is this seriously all there is from a government that had four years in opposition to think about it and the best part of 12 months to do something about it? The 'it' I am referring to is the massive changes that are going on in the energy market; never mind the increasingly pressing concern around climate change.

Frankly our energy and climate change ministers in Victoria are a couple of snoozers if this is the best they can come up with. In the meantime we have a Premier who is out there doing photo ops. The rest of the time he is dealing with the internal politics of his own party. No wonder these people have not been able to get their arms around the problems of the energy market.

There is no doubt that things are changing rapidly, and Mr Drum has also referred to the surging increase in disconnections that is going on in Victoria. In fact we knew all about this a year ago. I was at the exact same launch event where the energy and water ombudsman laid it out for us in graphic detail, and the minister herself — then in opposition and now the Minister for Energy and Resources — actually attended.

The *Age* of 16 October last year reported:

> Complaints about gas and electricity disconnections have soared in Victoria as energy retailers take a harder line against households struggling to pay their bills.
>
> The energy and water ombudsman's annual report reveals concerns about essential services being cut off have overtaken gripes about high bills for the first time, to top the list of complaints.

We are now up in the tens of thousands of disconnections, and this bill deals only with those that are found to be wrongful disconnections and increases the penalty — the compensation, if you like — that the power company will have to pay back in order to settle the matter.

Just have a look at the Essential Services Commission (ESC) report on this matter that came out on 1 September this year, which says:

> We should not be surprised, therefore, that retailers are still confused after 10 years —

that is, 10 years since privatisation —

> about their obligations and the regulator's expectations of them. Similarly, it is not surprising that customer representatives continue to allege retailers' treatment of customers is often inconsistent, inadequate and unfair. Further, our findings shed light on why policymakers remain

> uncertain about whether retailers pursue disconnections only as measure of last resort. Inadequately functioning regulation results in disappointing outcomes while still imposing costs on regulated entities and, ultimately, on all customers.

That was a month ago, and I would be mighty surprised if this bill has appeared in a month and a few days since reading that. In fact this bill in no way faces up to the challenge that both the energy and water ombudsman Victoria and the ESC have been talking about. We can only hope that the government has something else up its sleeve on disconnections, but let us just remember the ESC's description of the way these policies work now: 'inconsistent, inadequate and unfair'. Hopefully this government wants to be able to correct that sometime before the next election.

Another measure in the bill — it will be no surprise that the Greens are in support of this one — attempts to prevent retail power companies from penalising those who have solar panels on their roof. Back during the last state election we became aware in my office that one company had published a tariff proposing to hit those with solar panels on their roof with higher charges — effectively, if you like, a tax on the sun — and amazingly the then Minister for Energy and Resources, The Nationals member for Morwell in the other place, came out and backed it and got into quite a stoush with me and various other solar customers on Twitter. It was quite an amazing thing for a minister to do, really — to leap to the defence of these big power companies. Here we see today that the government has decided to at least legislate against that particular practice, and The Nationals are now meekly coming along, finally joining the party and supporting what the Greens were calling for back then.

That is the absolute least of it in terms of what this government needs to do if it is going to fix this broken market that has been left for the most part intact since Jeff Kennett dreamt it up, and a series of governments that have come along ever since then — including both Labor and Liberal, and now again Labor — have left this architecture fundamentally in place. Is this seriously all there is from the government in the face of a major crisis with climate change? We are not heading for a climate crisis, we are in a climate crisis.

Members might want to walk outside the door and get a weather report if they really need to understand it any better. Emergency management commissioner Craig Lapsley said today that we have not experienced these types of temperatures or wind speeds in the first week of October in the history of Victoria. All the predictions of a longer and more severe fire season are here right now. As we speak in here, fiddling around with this and tweaking around with the regulation-making power in the legislation, there are hundreds of home owners out there at risk and waiting for a change in the wind to know whether they are out of danger or thrown very rapidly into it.

In fact we have been reading comments from the Country Fire Authority over a number of years that it has concluded on the best available advice that the effects of global warming are already impacting the fire weather environment that it faces in its daily environment. Of course, Deputy President, you and I would be well familiar with these challenges as we just spent a night, the night before last, at the United Firefighters Union annual ball, which was an amazing event and the first one I had ever been to. No doubt the Deputy President has been there many times. I did see one lone Liberal, the federal member for McMillan, Russell Broadbent, who had come up from central Gippsland. He and other MPs were given special mention for the work they have done in protecting those firefighters at a commonwealth level from the effects of their daily exposure to smoke and other chemicals at work. We are confident that here in Victoria we will get that same legislation very soon, otherwise we will very soon be the last state in Australia that is not protecting its firefighters with presumptive legislation.

We have seen the impact of global warming, with increasing ferocity, as each season has gone by, and now unfortunately here we are in the first week of October and we are seeing it again. In only a month's time various world leaders — and who knows, maybe some state and federal environment ministers — will be off to Paris. There they will talk about how to limit the world's global warming to less than 2 degrees. The extreme fire weather that we are experiencing right here and now, today, is as a result of global warming of less than 1 degree. It does not bear thinking about what sort of world we will be in if we heat it up by 2 degrees or, worse, go on to burn more fossil fuels and heat it up even more.

To achieve the 2-degree target alone would require us to leave 90 per cent of all fossil fuels in the ground. Forget about it if you think you are going to be mining coal and drilling for gas in Victoria for years and years to come. That puts a huge burden on us to scale up our renewable energy very quickly. That is not happening here in Victoria. It is not happening as a result of this government. It has brought in a little bit of legislation here to stop retailers from introducing a tax on the sun, but at the same time it has cut the payment that was made for exporting electrons from those who have solar panels on their roofs from 6.2 cents down to 5 cents, an effective 20 per cent cut or, if you like, about $12 a tonne for the green electricity that would have been fed

into the grid and thereby pushed out other generators that are more polluting.

We saw it on grand final day quite spectacularly. I am a rugby fan, so while others were glued to their screens I was checking, as is my wont, the numbers coming out of the Australian Energy Market Operator and the electricity grid. What did I find there? On grand final day, which was a fairly low demand day for power usage, it was somewhere down between 3000 and 4000 megawatts. Being a sunny and blowy kind of day we saw a huge amount of our electricity being provided by renewables. Just below 30 per cent was being met by wind, sun and solar around the middle of the day. In fact the power stations, which were probably operating at about 80 per cent capacity, were selling their excess electrons into other states and even down into Tasmania.

That just goes to show what can be achieved with even some modest measures — measures that have been voted through this Parliament quite often by Labor, Liberal and even Greens members; measures to reduce our energy demands through energy efficiency programs; and measures to encourage solar — and yet we have a long way to go. We brushed that number just briefly on one day, but we need to massively ramp up our renewable energy target.

Is that what this government plans to do? No, it does not. We heard an announcement from the Premier, including a photo opportunity involving a windmill, that the government is going to get its state renewable energy component up to at least 20 per cent.

Mr Ramsay interjected.

Mr BARBER — No. I am sorry, but Mr Ramsay is wrong. The bill is about, amongst other things, banning the tax on the sun that retailers wanted to introduce and that the energy minister from Mr Ramsay's government 12 months ago was fully willing to back. It is about giving consumers two tiny toothpicks of a weapon to fight against the massive power companies. That includes not just retailers but are also increasingly the owners of generators. They are gentailers. They are remonopolising a market that former Premier Jeff Kennett tried to break up. How do you compete in either the retail or generation space when you are up against this 800 pound gorilla that involves great chunks of both?

So much for the level playing field that some on the opposition benches have called for. They say that we could not have one group of consumers with solar panels being subsidised by those others. In fact it is those who have solar panels on their roofs who are the generators. They represent David up against the Goliath of a bunch of coal-fired power stations that were built with public money and are now owned and run down by privateers, some of whom have said that there is no rational strategy for exit and have asked whether the regulators can come up with a rational strategy by which a certain amount of coal-fired power can exit the market as renewables come in. I do not know whether they fall into the same category that Mr Drum was talking about. He was talking about those who want a balance of regulations. Coal-fired power operators are begging the regulators to come in and bring some rationale back into the market.

The Andrews government's non-commitment on renewables has been exposed through an article by Tristan Edis in *Business Spectator* headed 'The Andrews government's renewable energy target trickery'. It is an absolute doozy. I reckon even Mr Ramsay is going to get a chuckle out of this, though he has somewhat of a love-hate relationship with renewables. But he will like this. The article states:

> Another Labor state government's renewable energy target has been revealed as a token joke. This time it's Victoria.

Tristan Edis refers to the South Australian 50 per cent target that was going to be achieved by doing nothing. Then there is the similar approach taken by Queensland — that is, to set a very ambitious target but then just ride on the coat-tails of the federal government. According to the article the Victorian government has produced figures that show in 2014 the amount of renewable energy from Victorian projects was about 12 per cent — more precisely 11.7 if you quote Ric Brazzale from Green Energy Markets, who produced this critique. That would suggest to an average ordinary layperson, who is not as excited about electricity as I am, that there would need to be some significant additional effort to get from 12 per cent to 20 per cent.

First of all we find out that the Snowy Hydro Murray generator, which had an off year in 2014, is likely to turn around and deliver an extra 900 gigawatt hours next year. That increase is just off the bat of the renewable share by about 2 per cent. Tristan Edis also said:

> Also, rather conveniently, several wind farms were already committed to construction prior to the Victorian government's target announcement, that over the next few years will boost the share of renewable energy above levels in 2014. Bald Hills, Chepstowe, Coonooer Bridge and Ararat will add 372 MW —

an estimated 1218 gigawatt hours, and that will boost renewables share by another 2.3 per cent. That was for wind farms that were already committed to and in many cases under construction. The article continues:

> Then under the radar there is also the fact that the rooftop solar industry is busily churning away installing panels on home and business rooftops —

even as this government cuts the incentive to do so. Against all odds they are still going to put in another 206 megawatts of solar per annum. That adds another 4.2 per cent to the target.

Mr Drum interjected.

Mr BARBER — No, wait there is more. Mr Drum has to understand that we have now taken into account the fact that the Anglesea power station closed in the same month that Dan Andrews made this announcement. That has shaved another 1200 gigawatt hours off the fossil fuel share of the market, and — voila! — the government has pretty much hit its 20 per cent target without lifting a finger. You have to give it credit at least for productivity in that sense. But it really shows that the 20 per cent target was not meaningful.

Despite that, we are getting a rather longwinded discussion process from the government about a renewable energy target. In the same vein, and certainly interlocking with the measures in this bill and the measures that I have just been describing, we are also getting in a review of the Climate Change Act 2010. There have been over 200 submissions to that review, and if I could summarise them, basically they say, 'Get on with it. Show some leadership'. There is an exception. There is a group of self-interested industry players that just want to live in the same world that they have always lived in, and what they are saying is that Victoria should do nothing and that it is not the role of a state government to do something.

Somewhere between getting on and doing what it needs to do and doing absolutely nothing, one can only hope that this government will at some point land. In the meantime we have got this rather tokenistic bill that in no way allows renewables a level playing field. It simply targets one particular tactic that the power companies, all of them deeply invested in fossil fuels, have used to punish people who have solar power. The government itself has given us a few whacks around the head, to the tune of about $12 a megawatt hour, effectively bringing us back to the point where there is no reward for producing clean electricity rather than carbon-polluting electricity.

The power from solar panels that are being put on roofs now is so cheap that it is probably generating electricity at around 13 cents a kilowatt hour. It actually costs 13 cents a kilowatt hour to deliver the electricity to your house from the Latrobe Valley. These solar customers are making electricity cheaper than it costs to deliver coal-fired electricity, never mind the 3 cents or so for the actual generation of the electricity itself. That says that it is game over for coal-fired electricity.

I just saw an announcement as I walked in here that ANZ — —

Mr Ramsay interjected.

Mr BARBER — I heard something. Maybe we will hear more of it; some sort of alternative analysis will perhaps come from Mr Ramsay rather than just the usual ranting against people and things that he does not like and his usual tilting at windmills.

As I was coming in here I saw that the ANZ bank has established a new policy: it will not invest in fossil fuels under the current level of pollution that is occurring. In fact it will be putting aside considerable funds for investment in renewables. It will do this in order to assist with what it calls a 'gradual and orderly transition' from fossil fuels to clean energy. Let us hope it is a lot faster than the pace offered by the Andrews Labor government. Let us hope that the ANZ bank now has a stronger environmental and social conscience than the Andrews government does. Let us hope that technology, social change and changing consumer demands hasten this transition even more.

In this piece of legislation from the government we are not seeing any leadership. We are certainly not seeing any vision. We are not seeing any awareness of the scale of the problem that it needs to get its arms around. We will support the bill, but we will be the ones in this Parliament continuing to advocate for dramatically faster and more serious action than has been put forward here today.

Mr ELASMAR (Northern Metropolitan) — I rise to speak to a bill that is very close to the hearts, minds and wallets of all Victorians — the Energy Legislation Amendment (Consumer Protection) Bill 2015. Energy consumption is fundamental to our modern existence. Imagine a world without heating, air conditioning, hot water services or cookers; the list of things we consider everyday essential household appliances is endless. But energy is a luxury many Victorians are now struggling to afford.

In the days before deregulation and privatisation of energy companies the Gas and Fuel Corporation of

Victoria and the State Electricity Commission of Victoria had a code of conduct and a charter under which they would provide emergency relief to families who fell behind in their payments. To open up the market to competition is a fine thing, and would in the normal course of events drive prices down, but this has not occurred in Victoria. In the rush to offer more and bigger discounts to consumers, energy companies have managed to muddy the waters. People are now somewhat confused as to which company to stick with and which company will help them if they find themselves faced with unexpected hardship.

Unfortunately, under the previous government far too many Victorians were disconnected from this critically important service and left to fend for themselves. Some Victorian families are still financially distressed and suffering. It is timely that this bill addresses the issue of disconnections. An alarming number of electricity and gas disconnections occurred between 2012 and 2014, and wrongful disconnections doubled. This sorry state of affairs cannot be allowed to continue unchecked. Victorians deserve to be protected from heartless profiteers and ruthless operators. That is why the Andrews Labor government is introducing this bill — to ensure that the Victorian energy retail market produces constructive solutions for consumers.

The bill contains punitive measures to protect the interests of consumers. It amends the Electricity Industry Act 2000, the Gas Industry Act 2001 and the Essential Services Commission Act 2001 to strengthen the ability of the energy sector regulator and the Essential Services Commission to enforce compliance with energy sector consumer protections. The bill amends the Essential Services Commission Act to provide the Essential Services Commission with additional enforcement powers. Penalties of up to $20 000 may be applied in the case of wrongful disconnection, or the energy provider may be fined up to $500 per day.

The bill seeks to protect consumers from arbitrary wrongful disconnections. It allows consumers to change providers without being penalised and provides flexibility to consumers in their choice of provider. I commend the good bill to the house.

Mr RAMSAY (Western Victoria) — I appreciate the opportunity to make a short contribution to the debate on the Energy Legislation Amendment (Consumer Protection) Bill 2015. I want to make some comments in relation to the bill and to reply to some of the comments Mr Barber made during his contribution in respect of what my position might be in relation to energy resources, the renewable energy sector and other things which I am very happy to respond to.

In essence this is a fairly simple bill. As has been mentioned by my colleagues on this side of the chamber, we will not be opposing the bill. Despite what Mr Barber said, the detail of this bill is more in sympathy with providing ongoing consumer protection. On that basis, we support the bill.

Mr Barber interjected.

Mr RAMSAY — Do not worry, Mr Barber. I will have the opportunity to respond shortly. If you wish, I will invite some interjection, and depending on how lenient the Chair is at the time, I am more than happy to have a debate across the chamber if allowed to.

As we know, since 2010 electricity demand has been decreasing while the generators have been spending many billions of dollars investing in network infrastructure. In fact it was suggested that over 51 per cent of the average household's electricity bill is made up of network costs. There has been significant investment in coal-fired electricity generation and network infrastructure but at the same time we have seen a reduction in the demand for electricity. I congratulate the consumer because successive governments have spent a lot of time communicating to consumers about ways they can reduce their household electricity costs. That campaign has been very successful. I think we are all now much more mindful of the need to better utilise energy and to reduce its use during peak times where we can.

We are rewarded for it thanks to the smart meter process which identifies different times of day and even different times of the hour when our electricity usage peaks at the same time that the cost peaks. Through the internet we can follow the use of household energy and where costs are connected to our usage, and obviously consumers are being encouraged to match peak demand in their houses to the off-peak costs of energy supply.

The Labor government, in its own style, botched the smart meter program. In fact when I first became a member of Parliament and took over from a respected former member for Western Victoria Region, John Vogels, I found that he had left on my desk many cases of constituents' complaints about the transition from the old meter boxes to the smart meters. The Labor government of the day had not only provided a business case with significant problems but had also botched the way the transition process was delivered. It left consumers angry, disillusioned and confused about their rights in relation to the installation of smart meters

on their properties and the delivery outcomes from the introduction of the smart meters.

The way the program was rolled out was disappointing, and typically it took a coalition government to take over the program, put improvements in place and provide some consumer confidence that the introduction of smart meters would provide benefits to consumers by giving them information about their usage, their peak times and the costs associated with the peak use times.

Despite what Mr Barber said, I have actually been very supportive of the renewable energy industry. Throughout my time in this place I have certainly encouraged the use of solar power, and I continue to encourage it as a member of Parliament and as a community representative. As far as wind farms go, Mr Barber would know that my farm has many windmills, as he calls them. They are not wind turbines; they are windmills. Their fan provides a pump action to bring water from aquifers or groundwater to the surface and pushes it through a reticulation process for stock use. I notice Mr Barber likes to confuse the community when talking about windmills and wind farms when in fact there is a significant difference between a windmill, which pumps water underground and provides, as I said, reticulation of water for stock use and other purposes, such as irrigation, and a wind turbine, which produces electricity through a generator and delivers it to a power substation from where it then flows out into the networks.

The size and scale of the new wind turbines are such that they impose on the livability and amenity of many rural landscapes. That is the concern I raised when I first came to this place — the fact that there seemed to be little consultation between owners of wind farms and property owners in relation to the planning permit process for wind farms.

Having said all that, I support the use of wind energy in appropriate places, just as I support solar energy. Wind and solar remain a small part of the electricity market — less than 20 per cent; 85 per cent of our energy is still generated by coal. As Mr Drum said, the very important competitive edge Victoria has always had is the abundance of coal we have for our electricity market, and that has certainly put us in a good place in Victoria to be competitive in a whole range of industries, both domestic and export. However, over a period of time there should be a transition across to renewables that is not at a cost to the consumer or a cost to the market itself but a transition where the greater use of both wind and solar complements the coal-fired electricity market. But now I am digressing from the bill itself, as no doubt Mr Barber wanted me to.

I would like to make a few brief points in relation to the market. Amongst other things, the bill allows the Essential Services Commission (ESC) to seek Supreme Court orders if the licensee does not pay a penalty. That is under new section 54S of the bill. The ESC will also have the authority to amend licence conditions if there has been a breach. The bill seeks to increase the compensation scheme, which has been mentioned, from $250 to $500 in cases where there is a wrongful disconnection of services without good cause or due notice or if there has been a serious breach of the energy retail code. This is about consumer protection. It is good to see more powers being given to the Essential Services Commission to protect consumers.

While the demand for electricity has decreased, the price of electricity has significantly increased. Those in country areas are facing significant increases in both water and gas charges. Those increases have been nearly threefold in the last two years, because the gas price has increased significantly. Those in the country do not have the same opportunities to obtain energy for cooking heat and household heat as those who live in the city. Thanks to the Greens the use of firewood is now restricted. It is only to be used as a burning heat. The Greens have made the collection of firewood considerably harder. The renewables market is now an established market, but the cost of the investment into renewables is being subsidised by those who pay for coal-fired energy.

When we talk about balance, I look forward to seeing an equal costing in relation to the use of renewables as against coal-fired energy. This is not about debating the merits of coal-fired energy or renewable energy. It is about providing consumer protection, providing more powers to the Essential Services Commission and making sure that appropriate penalties are imposed on energy licensees if they do not adhere to the energy retail code.

There are a couple of other items I wish to refer to in relation to the aim of this bill. It gives more powers to the Essential Services Commission Act 2001 to strengthen the ability of the energy sector regulator to enforce compliance, but there are also amendments to the Electricity Industry Act 2000 and the Gas Industry Act 2001. As I mentioned initially, the bill gives the Essential Services Commission greater enforcement powers. I talked about the increase in penalties, and I also talked about allowing Supreme Court orders to be sought by the ESC if the licensee does not pay a penalty. In relation to wrongful disconnection, I have talked about the increase in compensation from $250 to $500 a day and the costs associated with other parts of

the electricity market, including gas and some of the renewables.

All in all we do not oppose the bill. It provides good consumer protections in relation to those who are wrongfully disconnected under the code. It provides retailers with a warning that significant penalties will be applied if they transgress the code. It provides greater opportunity for the use of renewables in relation to the solar market, and it encourages the wind energy market to participate in the energy market. Hopefully we will see a more fair and reasonable cross-subsidisation of the current coal-fired energy market, which still provides around 85 per cent of the electricity market to consumers, whereas the renewable energy market ebbs and flows at around 13 per cent. We on this side of the chamber do not oppose this bill.

Ms TIERNEY (Western Victoria) — The Energy Legislation Amendment (Consumer Protection) Bill 2015 is yet another election commitment being honoured by the Andrews Labor government. During the last election campaign we said we would improve consumer protection for the retail energy market, and this bill deals with that. These protections have been developed in response to surges in disconnections of essential services in Victoria. The statistics are very troubling, I have to say. We have the full figures for 2012–13 and 2013–14, where we see that electricity disconnections rose by 36 per cent and gas disconnections by 42 per cent. Wrongful disconnection has more than doubled from about 400 up to 1000. The energy and water ombudsman of Victoria saw an increase of 21 per cent in affordability cases. Households are faced with an increase of about $100 each on their gas and electricity bills.

Small business has been hit even harder with an average increase of $370 for electricity and $490 for gas. What is particularly concerning about these figures is that they were recorded prior to, for example, the car industry leaving Victoria, when tens of thousands more Victorians will lose their jobs, decreasing the ability of those families to pay surging bills. Despite all this evidence that more people are struggling to meet financial requirements, the Liberal federal government is planning and has been insisting on an attack on penalty rates. It should reek of common sense that if people are having trouble now paying their bills, then cutting wages will mean even more Victorians will struggle to do so.

With these two rather formidable obstacles looming in the near future and the previous government's laissez faire attitude in this area, Labor is introducing this bill to put consumers first in the energy market. Too many Victorians have been losing their power. The previous government did very little to stop it. It stood back and watched Victorians have their power disconnected in record numbers. Labor believes that gas and electricity are essential services. The companies that supply these services have an obligation to give Victorians every chance to maintain supply, and this bill provides for that in several ways.

As mentioned by previous speakers, this bill amends three acts: the Electricity Industry Act 2000, the Gas Industry Act 2001 and the Essential Services Commission Act 2001. The bill amends these acts to strengthen the ability of the Essential Services Commission, the regulator, to enforce compliance with consumer protections. Further to that, consumer protections are strengthened. The Essential Services Commission has been given five new enforcement powers. First, there is the energy industry penalty, which will see the commission able to impose a $20 000 penalty if it believes an energy sector licensee has breached its regulatory obligations. The licensee may resolve the case with the commission without admission of liability by paying the penalty. If the licensee fails to pay, the commission may apply to the Supreme Court for an order directing payment or another order as the court considers appropriate.

There is then the wrongful disconnection penalty. The commission will be able to require the payment of $5000 for each breach of the energy retail code that leads to a customer being wrongfully disconnected. This penalty, too, can be paid without admission of liability, or the commission can take it to the Supreme Court. The commission will also be able to accept voluntary undertakings from energy sector licensees to remedy breaches of regulatory obligations. Once again the commission will have the right to take the matter to the Supreme Court if there is a failure to comply with the undertaking.

The bill will also allow the commission to vary the licence conditions of an energy sector licensee to remedy a breach and prevent future breaches. The licensee's consent is not required to use this power. The commission will also have the power to order corrective advertising for regulatory breaches by way of notices explaining that the commission has taken action and why this action has been taken against the licensee. On top of these new powers, the penalty for failure to comply with a civil penalty notice has increased to 680 units, which is $100 000, up from 120 units, which is $17 000. These new powers give the commission a more flexible approach to respond to breaches and to discourage future breaches.

Sitting suspended 6.30 p.m. until 8.04 p.m.

Ms TIERNEY — Just prior to the dinner break I was talking about the new powers of the commission and how the civil penalty notices had been increased to 680 units, essentially meaning $100 000, up from what was 120 units, or $17 000. These new powers give the commission a more flexible approach to respond to breaches and to discourage future breaches. If licensees comply with the regulations, then there will not be a greater compliance cost.

There are also greater consumer protections in the bill for wrongful disconnection. Consumers experiencing a wrongful disconnection have been entitled to a compensation payment of $250 a day from the licensee since 2004, and this has been mentioned by previous speakers. But this amount has obviously not provided an incentive for retailers to prevent these wrongful disconnections, as evidenced by the skyrocketing numbers of wrongful disconnections that I spoke about at the beginning of my contribution. Wrongful disconnections are a massive inconvenience. Obviously food spoils, heating is unavailable and a family may not even be able to cook. If one or several members of a family are in precarious employment, whether they be casuals, labour hire workers or on call, they need to have their mobile phones charged at all times so that they can hopefully take a call which lets them know they will be engaged to work.

Wrongful disconnection is a separate issue from hardship claims. It is when the licensee has jumped the gun on a disconnection, and it is a serious breach of the energy retail code. The code strictly regulates the circumstances and the steps that must be taken prior to disconnection. Despite the requirements of the code, wrongful disconnections are at unacceptable levels in this state. Therefore this bill doubles the penalty and provides for a payment of $500 a day to consumers who are wrongfully disconnected.

On top of these enforcement measures and penalties, the bill amends the Essential Services Commission Act 2001 to require the commission to publish an annual report on compliance and enforcement. Energy retailers will be obliged to report to the commission along guidelines issued by the commission. This report will be updated quarterly and is an important transparency improvement for consumers to make choices about their energy providers.

This bill does not stop there in its quest for greater transparency and consumer protection. It also amends the Essential Services Commission Act 2001 to allow systemic issues to be referred to the commission from the energy and water ombudsman Victoria, the dispute resolution body for energy consumers. The commission will then report to the minister on what action it takes on the referral. A systemic issue is an issue that may not be a breach of energy sector consumer protections but which may adversely affect a number of customers. These can be matters such as the duplication of accounts, confusing pricing, confusing energy offers and transferring accounts without the customer's consent. Whilst these are often resolved immediately without further action, this reporting process allows for ministerial oversight and is another level of protection for consumers, which is an important thing that needs to occur.

I know from direct experience that a hot topic and common experience amongst many households is the constant problem with energy retailers and the high number of calls having to be made to make sense of their billing and to get some accountability.

A further level of consumer protection in the bill is the banning of exit fees on fixed-term contracts. When most people get a contract for a fixed term they are expecting a fixed price, but it seems that this is not always the case. Most people think a fixed-term contract is fixed both ways: time frame for the retailer and price for the consumer. It is not an unreasonable expectation. However, fixed-term contracts can allow for price increases. This bill will rectify that situation and allow consumers to more easily compare offers and seek a better deal. Consumers will have more confidence in dealing with the energy market. It will also create greater competition in the retail market. It should be noted that genuine fixed-term and fixed-price contracts will not be affected by these amendments.

The bill also supports this government's approach to renewable energy. It amends the Electricity Industry Act 2000 to ban discrimination against solar and other small-scale renewable projects. Some retailers offer higher fixed charges to solar users, thus providing a barrier to entry. This bill will remove that barrier.

In conclusion, this bill contains an important set of amendments. They are aimed at making sure that the energy market serves consumers in the best way possible. The amendments put consumers first; they clearly outline the standards we expect in Victoria for participants in essential services markets. They create clear expectations, there are clear reporting requirements and there is a strong compliance phase.

This bill supports renewable energy users. I would definitely argue that this is a long step forward in terms of protecting families. These amendments put Victorian

consumers first. This is another Andrews Labor government election commitment that we see is being honoured. It has been supported by the wider community, and I have the pleasure of commending this bill to the house.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

SAFE PATIENT CARE (NURSE TO PATIENT AND MIDWIFE TO PATIENT RATIOS) BILL 2015

Second reading

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

Ms WOOLDRIDGE (Eastern Metropolitan) — I am very pleased this evening to contribute to the debate on the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Bill 2015. Let me say from the outset that safe patient care is something that we all work towards and all strongly believe in. I do not believe that there is anyone in this chamber — and certainly not in the other chamber, based on the earlier debate — who would dispute that safe patient care is absolutely primary in everything we do in the health services that are provided for Victorians.

Also I think we can universally agree on the vital role that nurses play in our healthcare system. The work that they do every single day, hour after hour, at any hour of the day, right across the state is really exemplary. I think acknowledging, recognising and supporting the vital role that nurses play is something we can universally agree we should do.

We all have our individual experiences in various ways with nurses and the role they play in our healthcare system. I know from my perspective when I think about a number of different situations I have experienced, what I think of overwhelmingly is the trust, the belief in their capacity and the reliance that we have on them at our times of need and how consistently they step up to meet the needs we have, often at very vulnerable times.

However, we do debate how we achieve the outcomes of safe patient care and also support nurses in the vital role they play. There are many measures to achieve these outcomes, and the bill we are debating today is just one aspect of that. The bill is about enshrining in legislation ratios in relation to nurse-to-patient and midwife-to-patient care levels — in other words, the number of nurses that are required for each patient in various settings. In effect the bill is legislating for what is already enshrined in an enterprise bargaining agreement (EBA) that was agreed by the coalition in 2012. In fact these ratios have been enshrined in legislation for close to 15 years, and the bill before us is largely a transition of the EBA that was agreed to by the coalition with the nurses back in 2012 into a legislative framework.

One of the challenges at issue is that a lot of detail has not been provided for in the legislation, and some of that detail to be provided in the regulations is really the crux of how the scheme will work and whether it is a genuine translation of the EBA across to the legislative framework. Given those points, and consistent with what the opposition said in the lower house, we will not be opposing the bill.

I want to run through the details of the bill but also some of the areas needing further clarification, which we hope will happen through the debate in this place. In the context of nurses and the vital role they play, we see from research that not only do nurses support us in our times of need but for them the role can be emotionally very challenging, physically demanding and very stressful. At times it can even be dangerous.

Studies about nurses' experiences of their careers and roles have been conducted. A 2008 study showed that 30 per cent of nurses reported experiencing physical or emotional threats or abuse, and one in five had experienced physical abuse. A 2006 study showed that occupational injuries were currently reported and that morale in the profession was continuously very low. Interestingly, that same study looked at a range of issues and concerns that nurses had, and other things about which they were concerned included a lack of autonomy necessary for professional satisfaction and the fact that they did not feel valued by the health system in terms of their role or valued by the community as a whole. They considered rates of pay to be poor and felt that their skills and experience went unrewarded and that their career prospects were limited.

This shows that there are many issues for nurses, and the issue we are dealing with today in terms of ratios is one of those elements — but certainly not the answer to concerns that nurses have more broadly. The ratios address issues related to staffing levels and the

workload nurses deal with. Obviously, though, in the context of ratios it is about the number of nurses, and in addition to agreeing to the EBA back in 2012, which enshrined these ratios that are reflected in the bill today, the opposition — then in government — was also very pleased to invest in nursing staff. In fact the number of nursing and midwifery graduates employed by public health services went from 1596 in 2010 to 1710 in 2014, an increase of more than 110 graduates employed in health services over that time. The EBA itself added additional nursing workforce, and there was significant funding invested to make sure the number of nurses in the system could meet the ratios as agreed by the EBA and in some instances even exceed them.

It is important, reflecting on some of the debate in the other place, that these ratios and the legislation are a reflection of a concern that had been raised by the nurses union over an extended period of time. In its media release of 30 August 2015 headed 'Ratios legislation announced', the Australian Nursing & Midwifery Federation (ANMF) stated:

> Over the past 15 years, since ratios were first mandated in 2000, Victoria's public sector nurses and midwives have battled every state government to ensure they have been retained and in some instances improved.

What I am clearly saying is that issues related to ratios are not specific to the last EBA negotiation. This issue has been raised time after time. Of course EBAs happened in 2001, 2004 and 2007, all of which were under the previous Labor government, and the negotiation in 2012 was under a coalition government. Interestingly, I did pull a few articles from 2007 — the EBA negotiations before last — and firstly I would like to quote from an *Age* article by Carol Nader headed 'Work bans loom over nurse-to-patient ratios', published on 13 August 2007. The article states:

> Nurses' work bans in public hospitals are growing increasingly likely in coming weeks, with the state government indicating it wants more flexibility around nurse-to-patient ratios.
>
> …
>
> At the heart of the dispute is likely to be nurse-to-patient ratios …
>
> …
>
> But the government's log of claims says senior nurses must be able to roster above and below the existing fixed ratios in times of high need or lesser need, based on the mix of patients.
>
> Australian Nursing Federation state secretary Lisa Fitzpatrick accused the government of trying to abolish the ratios to save money.
>
> 'It's very disappointing that they're trying to do it yet again …

On 13 August 2007 the health minister was of course Daniel Andrews.

An article published in the *Australian* on 17 October 2007 headed 'Brumby challenge to nurses' action' states:

> One in four public hospital beds will be closed at a quarter of scheduled operations cancelled from this morning as part of industrial action the Brumby government believes is illegal.
>
> …
>
> 'Nurses are extremely angry and frustrated about the government's lack of understanding about the work that they do and the lip-service paid', Australian Nursing Federation (Victorian Branch) secretary Lisa Fitzpatrick said.

It is fair to say — and this was not reflected in the debate in the other place — that nurse-to-patient ratios have been a consistent issue in EBA negotiations, regardless of whether it has been a Labor government or a coalition government, and to try to attribute the issues around ratios solely to the coalition, which was clearly the case from practically every speaker from the government in the lower house, is just simply incorrect. This is an ongoing issue, and it has been reflected in EBA negotiation after EBA negotiation. That being said, we are now debating a bill that legislates and seeks to make sure that the ratio discussions are kept separate to the EBA discussions that go on.

I will now go through the details of the bill. The government has stated that its intent in relation to the bill is to apply the nurse-to-patient and midwife-to-patient ratio requirements within hospital wards as required by the Nurses and Midwives (Victorian Public Sector) (Single Interest Employers) Enterprise Agreement 2012–2016, in terms of Victoria's public health system. Absolutely essential to the bill is division 2 of part 2, which sets out the nurse-to-patient ratios for different types of wards, including general, medical and surgical wards within level 1 to level 3 hospitals, acute-level wards in level 4 hospitals, and aged high-care residential wards at level 4 hospitals. The nurse-to-patient ratios are intended to apply only to high-care allocated places whilst specifically excluding any high-care allocated places that are utilised for aged mental health residential care and any low-care allocated places.

One of the things that does differ from the EBA is that for the first time the bill provides a statutory definition of 'ward' as meaning a ward, unit, department or component of a hospital managed by a nurse or midwife acting as a unit manager or equivalent. This is

a welcome definition because it provides some clarity and some flexibility in terms of how a ward may be defined.

To go through the clauses just to outline those details, clause 20 replicates the ratios of the current EBA, reflecting the varying staffing requirements of the larger, busier emergency departments through to smaller rural services with fewer than 5000 patients per annum. Clause 21 sets out the nurse-to-patient ratios for designated coronary care unit wards or parts of wards that contain critical care beds dedicated to acute care, treatment and monitoring of patients with serious and unstable cardiac diseases. Clause 22 sets out the ratios for high dependency units within public hospitals, public health services, publicly operated denominational hospitals and multipurpose services.

Clauses 23 to 28 set out the ratios for palliative care units, rehabilitation wards, geriatric evaluation and management wards, operating wards, post-anaesthetic recovery rooms, special care nurseries and neonatal intensive care services. Clauses 30 to 31 of the bill set out the midwife-to-patient ratios on all multiday inpatient wards within publicly operated hospitals and health services. Clauses 31 to 36 replicate the clause 42 provisions of the current EBA, providing for hospitals or staff to apply for variations to the ratios. This is an area where there is still some detail to be worked through.

Clauses 37 to 44 set out the compliance, reporting and enforcement provisions and include clause 43 which imposes a civil penalty of up to a maximum of 60 penalty units for contravention of the ratios or ratio variations within the bill. Although the government does not through this bill specify or limit the starting time or ending time of shifts or limit the length of shifts, it has sought to codify the minimum ratio requirements to be maintained throughout a particular shift as rostered by the operator of the hospital. There is a fairly comprehensive and detailed laying out and translation of what is currently in the EBA through to the legislation we are debating at the moment.

At this point I want to highlight some of the concerns we have in relation to the legislation before us today. The first thing to say is that a lot of key information is not in the bill. The legislation says that there are procedures or criteria that are still to be prescribed in a number of cases. These are for operating theatres, with quality of care being paramount; redistribution of nursery or midwifery hours; below ratio distributions; alternative staffing models; the varying of local agreements; and local dispute resolution. The sections that relate to all of these issues still have a lot of detail that is to be articulated in the regulations, which are not yet drawn up.

These are matters that are currently prescribed by the EBA and, as I said, will be in the regulations. However, these regulations have not been drawn up. Without this information it is impossible for us, or for that matter the broader health sector, to understand if this bill and the associated regulations will accurately reflect what is in the EBA. There are a lot of questions left open in relation to that. These are some issues we will delve into further during the committee stage.

A second area of the bill that is concerning is the impact of this legislation on small rural hospitals. Currently health services are entitled to staff below the ratios prescribed in the EBA under what is called the current workload management agreement, the CWMA. This is particularly relevant to small rural hospitals that may staff below the ratios because of their service needs or often because of an inability to recruit nurses. In some instances alternative staffing arrangements are implemented. For example, a small rural health service operating a high-care residential aged-care facility that cannot obtain sufficient nurses to meet the ratios may utilise personal care workers. While these arrangements are not secret and generally occur with the knowledge, if not the support, of the Australian Nursing & Midwifery Federation, they are not subject to a formal written agreement.

Essentially the effect of clause 48 of the bill is to provide a 12-month grace period during which small rural health services have a number of options. They can increase nurse staffing to comply with the ratios, but of course if they are operating under those ratios, they will require additional funding for those additional nurse positions; they can make a proposal for below ratio staffing in accordance with clause 34 of the bill, which lays out the process in relation to that; they can make an agreement with the relevant union for a below ratio staffing model; they can reduce services or curb admissions to make sure they can achieve compliance by reducing demand; or they can remain non-compliant beyond a 12-month period and risk a civil penalty.

One of the challenges is that the department and the government are unable to answer questions as to how many health services this will actually affect, and therefore we have no estimate to date — hopefully we may get some through the committee stage — of what either staffing up to those levels or seeking to vary the agreement in order to meet the legislative requirements will actually cost health services. Some of these options represent a divergence from the status quo under the EBA. The effect of the CWMA is to deem such

arrangements as compliant, and it is disappointing that a deeming provision has not been allowed through this legislation to enable those often longstanding practices which have been generally agreed to by the services, given the nature of their patients and the staffing requirements, to continue under this legislation.

It is also unclear whether a 12-month period is long enough. There has been a case that Barwon Health has been pursuing to formalise a proposal that actually brought staffing ratios down from above, not from below — a down to ratio rather than an up to ratio — and that took well over 12 months to get resolved through a resolution process. This bill allows only 12 months for all health services to become compliant, when often the experience has been that it takes longer than that time frame. It is also not clear if it was done with the consent of the union. The bill does not deal with the fact that if a local agreement was struck and the union subsequently withdraws consent, whether that terminates the local agreement. There are some issues in relation to how these actually play out over time.

In relation to the penalties, we may have a situation where a health service needs more funding to comply with ratios, the funding is not forthcoming and the health service is under ratio. Therefore the health service is penalised and has to pay further moneys back to the state government when what it needed was some additional funding to meet the requirement in the first place. It is a very roundabout situation that does not seem to resolve the situation in terms of ensuring that staffing levels are at the level they should be and that ongoing care is provided to people accessing the hospitals and health services. There are a number of issues in relation to small rural health services particularly, and I will refer to some comments from some of them later on in my contribution.

The third area is the issue in relation to dispute resolution. The current process for dispute settlement under the enterprise bargaining agreement in the first instance is addressed internally by a local dispute resolution process, and then by conciliation at the Fair Work Commission. The commission will attempt to conciliate and then arbitrate, and should either or both of the parties not be satisfied with the outcome they can pursue a claim at the Federal Court of Australia. Under the bill, parties would need to go through an as yet undefined dispute resolution process and the usual practice is that mediation would be attempted only if both parties agreed at the Magistrates Court. The full process and procedure for dispute resolution is, once again, in these as yet unwritten regulations. The involvement of the commission could only be retained with the cooperation of the commonwealth government and a question that goes back to the government is whether any cooperation on this front has been sought from the commonwealth by the state government so that the commission could still have a role or whether there are other mechanisms that the state government will be pursuing to try to ensure that these matters can be effectively resolved, given the use of the courts now rather than the Fair Work Commission as has previously been the case.

There is a further question in relation to what happens from here about ratios and what other plans there are and what is the intent of the government. I refer particularly to a release from the ANMF on 2 September headed 'Nurse/midwife: patient ratios legislation' where the ANMF said:

> We believe legislation of nurse/midwife-patient ratios will put nurses and midwives on a much stronger footing when it comes to negotiating for the same standard in other healthcare settings, such as public sector mental health and private hospitals and aged care.

Clearly the objective of the ANMF is for these ratios not just to reflect the current EBA but to be expanded quite broadly to parts of the hospital system that do not currently have ratios enshrined in their EBAs.

Secondly, I would also like to raise a release from the ANMF of 30 August that I referred to earlier, where Lisa Fitzpatrick said:

> On behalf of Victoria's nurses and midwives I would like to thank Mr Andrews for making safe nursing care a priority, and delivering on the first half of his commitment.

Further on in the release she said:

> However, ensuring that improvements are made in some areas is the second half of Mr Andrews's commitment and the ANMF look forward to working with him to finalise these improvements during his first term.

I think it is important for us to understand the detail of the second part of the commitment about improving ratios, given that we clearly have a bill before us now which articulates a detailed set of ratios. Firstly, is there an intention by the government for further legislation which would change these ratios and further enhance them, and secondly, is there an intention in the public sector mental health services, for example, to expand them further to include those groups, which are objectives stated by the ANMF and in some instances alleged to have been committed to by Premier Andrews and are the intentions of the Labor government? It would be very helpful to understand where the government intends to go from here, assuming the success of the passage of this bill in this house.

I thought it would be useful to hear directly from some of the small rural health services. During the consultation process the health sector has been very helpful and very engaged. I would like to thank everyone who contributed in that process; it was greatly appreciated. It is also worth acknowledging the office of the Minister for Health for the bill briefing and the department for the information that was provided. That was exceptionally helpful as well. I will not name the small rural health services because I would hate for them to suffer at the hands of a frank response, but these are quotes from CEOs of small rural health services in terms of how they will be impacted. Let me just run through a few of them. One response states:

> That any changes to ratios or other related staffing issues as a result of the bill be fully funded by the government.

That goes to the issue, if they are operating under ratio currently, of who is going to pay the differential so that they can get up to that level. A couple of these quotes are a bit long. I do not apologise for it, because I think it is important for the voices of the health services who are affected to very much be on the record.

Another response states:

> The government should also factor in future impacts that the bill will have. This bill is unique, the first piece of legislation in Australia to enshrine nurse-patient ratios in this prescribed form. The interpretation of the bill will be on ongoing process and will be tested in the magistrate or other courts. At this time it is not possible to quantify any future costs as a result of the implementation of this bill but as the legislation is rolled out and tested the unintended consequences will become evident. The government should plan and allocate future resources for the bill and not include any additional costs in our already limited block funding grant.

This goes to the points made earlier about the great concern in relation to realising and living under this legislation, should it be enacted, and the further cost impost that it may have on health services that are already operating in a very tight financial environment.

A response from another health service is:

> That sanctions and/or penalties for non-compliance with the ratios clearly need to take into account the issues in recruiting suitably qualified nursing staff in rural areas. Rural areas have existing difficulties in recruiting and maintaining staff and managing sick and carers leave for an ageing workforce.

It says the service:

> … has always been committed to ensuring that we have the correct nursing staff ratios to meet patient needs. Our management and staff have demonstrated their flexibility in managing the staffing requirements but at times when we have unplanned staff leave, don't have available casual staff and cannot get agency staff we have, at times, not been able to fully meet the ratios with the mix of RNs and ENs. We have never compromised patient care, But under the new bill we will be held accountable with a range of escalating sanctions that can apply. The bill seems to lack an understanding of the local conditions and impact that this will have in rural areas.

Effectively what is being said is that there was a flexibility under the previous EBA to reflect those local conditions with the agreement of all those involved and their understanding and knowledge. That is no longer provided by this legislation and so does not reflect the local realities that some health services face.

The final response once again goes to the issues of concern, stating that the service:

> … does have ratios in our acute ward and we roster to ratios 99.99 per cent of the time and on the very odd occasion where we do not have the right staff mix for the ratio we would roster extra numbers of staff recognising we do not necessarily have the perfect skill mix ratio. The ANF do not like it and it is not our preferred position or the position of our staff but we are pragmatic and realise we can at times have no other alternative. What do I do with our patients at 10.00 p.m. at night when suddenly we realise we cannot cover the night shift ratio. Our response in the past has been to increase the number of staff and we would transfer patients out if it was thought clinically necessary.

I think what the quotes signify is a very pragmatic approach, a desire to make the ratios work in the EBA — an absolute commitment to it in fact — but the reality is that at times issues arise, often at short notice and there are solutions that the health services have put together in terms of how to manage those situations. That flexibility is effectively gone under the bill, and that is why we will be seeking further clarity through the committee about what the regulations will contain and whether there will be some capacity to have that flexibility in the process.

I have already flagged with the government that we will be seeking to resolve some of the issues raised through the committee process on Thursday. We were disappointed in the other place. We gave four or five days notice to the Minister for Health, Jill Hennessy, that we would seek to go into consideration in detail, and there was of course a commitment from the government to regularly go into consideration in detail in the Legislative Assembly. There were many speeches, and it is good that so many people were passionately committed to speaking on the bill, but at the end of the day there was no consideration in detail despite repeated requests and even a motion to not adjourn the debate so it could go into consideration in detail. Unfortunately that meant the minister responsible for the legislation, who will be responsible for approving and working through the regulations, was

not able to be questioned at the table in relation to that detail.

In order to seek genuine engagement and response — and the sole objective is to try to get some clarity so the health services can have an understanding, frankly, about whether the rest of the EBA will translate into the regulations in the way that the legislation has been translated across, and acknowledging that Ms Mikakos, who will be the minister at the table, is not the minister responsible — last Thursday I provided to Ms Mikakos a list of detailed questions that I was seeking responses to. I hope that having had a week to be briefed by the Department of Health and Human Services in relation to these issues will mean that the time we spend in committee will elicit genuine responses to legitimate questions about the substance of the bill. I hope the committee stage will provide some confidence and clarity to this place and to the health services about the completion of the detail in relation to the operation of the bill.

With those words I am very pleased to finish where I started, to say that safe patient care, the acknowledgement of the vital work that nurses do and the importance of helping them to continue to be effective in their roles is something which I think is universally agreed is vitally important and something we all support. As I have mentioned, the translation of an EBA into legislation in effect largely does not change the reality on the ground of what is happening on a day-to-day basis. Obviously it is something that has been a priority for the union and for the government, but we must all be committed to the range of work that needs to happen to ensure that patients get the care they need in a safe and effective manner and that nurses are supported to carry out their vital role.

Ms TIERNEY (Western Victoria) — I also rise to speak this evening on the very important Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Bill 2015. This is the second bill I have spoken on today that is an election commitment being honoured by the Andrews Labor government. More than that it is also an Australian first to see the ratio issue bedded down in legislation. We do this because we believe the ratio issue will improve the quality of care for the hundreds and thousands of Victorians who use our public health system. There are 50 000 nurses and midwives in the public health system in this state. They will also now, through legislation, have their work respected.

It is fair to say that the science is settled on improved ratios and patient care. It is true that there have been ratios in Victoria contained in enterprise bargaining agreements since 2000, and they have worked. There has been a 16 per cent reduction in the risk of mortality in surgical patients with high registered nurse staffing. There have also been increased ratios in relation to the rate of falls, deep vein thrombosis and cardiac arrest, to just name a few of the improved outcomes that have come about as a result of increased nursing hours. Hospital stays have become shorter because people are less likely to suffer complications. These findings are not unique to Australia; they are observable around the world.

It is fundamental to a world-class health system that patient safety is the absolute priority. Patient safety is not something to be haggled over at the bargaining table. It is not a workplace condition. Patient safety and optimised outcomes — or, in plain English, coming home safely — are what Victorians expect from their hospital system. Regrettably, in the last round of enterprise bargaining, which took place under the previous government, we saw a very drawn-out campaign over nine months that targeted ratios, amongst other claims. I would characterise that dispute as pointless, in many ways misguided and in lots of ways downright nasty. I am sure many people in this chamber and among those who are listening will remember photos in the newspapers at the time of a well-known Liberal member giving a rather rude hand gesture to nurses. It caused enormous embarrassment for the then Premier, and I am sure for those who are sitting in the chamber tonight as well.

Unfortunately, fraught industrial disputes bring out some very hot-headed elements; that just seems to be the case. But that will not be required under the new principal act introduced by this bill. This bill takes ratios out of the industrial framework. Nurses and midwives will know that work intensification debates will take place in an industrial relations setting. In short, their work will now be respected in law, and that is the key thing. Just as importantly Victorians can be sure that no future government will launch into short-sighted attacks on patient safety under the guise of cost cutting.

This bill does three things. Firstly, it sets out the numeric nurse-to-patient and midwife-to-patient ratios that are already in place, outlining specific requirements for the minimum number of nurses or midwives for a set number of patients. These provisions vary across different hospitals, different types of wards and different shifts and are intended to replicate the arrangements and scope contained within the current public sector nurses and midwives enterprise agreement.

Secondly, the bill retains some important elements of the enterprise agreement relating to the interpretation and application of the ratios. These provisions allow both employers and employees some flexibility to propose and negotiate variations of ratios to allow for a further refinement where required. It is important that the act be flexible enough to factor in local needs and issues, while keeping pace with the evolving nature of health care.

Thirdly, the bill introduces a compliance and enforcement regime. As ratios will no longer be subject to the enterprise agreement, the Fair Work Commission and the commonwealth Fair Work Act 2009 will no longer have jurisdiction to conciliate, arbitrate or otherwise deal with matters relating to ratios. This enforcement regime includes specific direction powers for the Secretary of the Department of Health and Human Services to ensure that health services are compliant with ratios. These powers can be utilised by the secretary either pre-emptively or following the declaration of a court.

The bill sets out an alternative enforcement regime under the Victorian jurisdiction whereby the Magistrates Court of Victoria could be referred a matter that cannot be resolved at a local level. The enforcement regime replicates the enforcement mechanism under the enterprise agreement, and it is intended to have a similar effect to the dispute resolution arrangements under the enterprise agreement and impose no additional burdens on any of the stakeholders. For serious and wilful breaches of ratios or ratio variations the Magistrates Court may, at its discretion, impose a civil penalty of up to 60 penalty points — a bit over $9000. This, combined with reporting requirements, is enough to deter hospitals from breaching the requirements of the act. The health services will also be required to report on any breaches as part of their annual reports. None of this is controversial.

The first two points are what has existed in enterprise agreements for 15 years, and a Victorian jurisdiction has been introduced as it is Victorian legislation. All we have done is remove patient safety from the industrial relations framework and show respect for the work undertaken by nurses and midwives. Much of my electorate is in rural and regional areas, and I noticed the rather strident contributions that were made in the other place about how these changes will have an impact on and will affect rural hospitals. Some of those concerns have been reiterated in this house tonight by the previous speaker, Mary Wooldridge. It is important that I clarify that these concerns are, I believe, quite erroneous.

Firstly, opposition members indicated that they were worried about compliance. The compliance penalties are for ‘serious and wilful’ breaches. The dispute resolution procedure is aimed at local resolution. Hospitals will not be fined if someone is 5 minutes late for work. They will not be fined if there is a natural disaster swamping them. These concerns have no basis in fact, and if there are still concerns, then they will be of a genuine nature and people will be sitting down and working them through.

Secondly, opposition MPs have been worried that lower country ratios are entrenched. The whole object of this legislation is to maintain the flexibility that has been built into the system and tested over the last 15 years through the enterprise bargaining agreements.

Thirdly, opposition MPs have stated that this bill ignores depleted workforce issues in rural areas. To be clear, the bill has been drafted recognising the challenges faced by small rural hospitals in recruiting staff from an often depleted workforce market. The bill includes transitional provisions allowing any ‘below ratio’ arrangements already in place, referred to as a current workload management arrangement, to be continued for one year.

This provision gives hospitals with a below ratio arrangement in place up to 12 months from the commencement of this bill to either propose a variation to the ratio using the relevant provisions in the bill or adjust their rosters to meet the ratio requirements. This will allow the health service some time to consider which of these options is most appropriate to address its circumstances. The ratio variation arrangements within the bill enable these services to address their specific challenges through the utilisation of the flexibility provisions through either entering into a formalised variation from ratios proposal, which is similar to a proposal under clause 42 of the enterprise agreement, or by entering into a formalised local agreement.

In short, this bill is not about reinventing the wheel. It seems that those opposite are intent on coming up with all sorts of excuses to criticise this bill, and I hope this is not a baseless fear campaign that those opposite are trying to stir up. This is an election commitment that respects nurses and midwives and their work. It is designed to stop future governments from attacking the standard of care in our healthcare system. Any attempt to say otherwise by raising unjustified and unfounded fears in rural communities is spurious and ill founded.

The facts are that during the consultation process for this bill we received widespread support from across the health sector. Health services and employees alike

recognise the irreplaceable role that nurses have in our health system and our lives, and patients do too. If life goes wrong and you end up in hospital, nurses are the health professionals at the pointy end of health care who do their best to give you the best care in the world. Conversely, it is midwives who share one of the greatest moments in life — that is, the start of life. The public respects the work of nurses and midwives, and so does the Andrews Labor government.

The Andrews Labor government looks forward to working collaboratively with the Australian Nursing & Midwifery Federation as well as public hospitals, public health services, denominational hospitals and multipurpose services to make sure that these changes are discussed in a clear and timely manner. That is why this bill comes into effect after the new enterprise agreement is arranged. This will ensure and enable a smooth transition. Health care continues to evolve. This bill has flexibility at its heart and can cope with technological changes. The government will continue to work with nurses and the health services to make further improvements to these ratios over time. This bill will help nurses and midwives to provide the very best care they can.

In terms of some of the comments made by Ms Wooldridge, ratios are not new. Labor chose to step up by enshrining them into legislation, but it was the former coalition government that chose to run an ugly campaign against nurses and their unions last year. I commend the bill to the house.

Ms FITZHERBERT (Southern Metropolitan) — I am pleased to be able to speak on the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Bill 2015. Like Ms Wooldridge, I read with interest some of the contributions to the debate on this bill that took place in the Legislative Assembly. I was particularly interested in some of the commentary provided by Ms Wooldridge about the history of enterprise bargaining agreement (EBA) negotiations with nurses and the role of nurse-patient ratios in these discussions, because it has been a hot potato for both coalition governments and Labor governments alike. It has always been an emotional issue. It has been raised in highly emotive terms by the nurses union equally with Labor governments and Liberal governments. Attempts to characterise the issue in a partisan way, as was done in the other place, are simply misleading.

Looking at the contributions to the debate in the other place and listening to what we have heard here this evening, many people have brought into the debate their experience of nurses dealing with family members, their own direct experiences and the experiences of their constituents. I too have had a lot to do with nurses. I worked closely on a daily basis over many years with nurses and with former nurses. I have hired nurses, and, like many in this place, I have memories of being looked after by nurses in good and bad times, in different ways and at different stages of my life. Midwives are the first to come to mind. As was mentioned earlier, they have a very special involvement with nursing. I have been involved with paediatric nurses in the special care nursery.

Maternal child health nurses look after babies and mums and are on the front line of looking for and responding to signs of family violence. Nurses provide vaccinations to hundreds of kids on behalf of local councils. More recently I have got to know nurses with other specialties, including surgical nurses, intensive care nurses and oncology nurses. These very different forms of nursing suit different people. Often nursing is a very time-intensive task that involves a lot of waiting and watching, and this is part of the care. I would often ask nurses, 'What made you want to do this sort of nursing?'. The answers were many and varied. Sometimes they were for personal reasons and often they were issues of practicality and lifestyle, but what they all had in common was a clear commitment to patients and to caring.

It is a difficult and demanding job, and Ms Wooldridge explained very well the sorts of difficult and at times enormously upsetting issues that nurses have to deal with on a daily basis, including experiencing violence in the workplace and dealing with emotional and dramatic events. While nurses are there to look after our bodies, they are also there to look after our mental wellbeing while we undergo treatment and heal. This is part of what nurses do so well. It is why they are so respected by our community, and rightly so.

I was also struck when reading the speeches from the other place that many of the speakers expressed their views in, I think, very simple, black-and-white ways. They said the bill was about respecting nurses. I tend to disagree — I think it involves some other issues. But few members in this place would respect nurses more than I do. I think it is wrong to characterise concerns about this bill as a simple lack of respect for the nursing profession, or as fearmongering, to paraphrase what Ms Tierney was just speaking about. It is part of our profession in this place to analyse legislation and to flag problems and concerns — especially in this chamber, the upper house. To not do so means that we are simply not doing our jobs.

One of the issues, as Ms Wooldridge has explained in detail, is that there is a lot of detail left out of this bill. It

is unclear why the government has chosen to take this approach, particularly given that as I understand it this legislation is appearing later than the government originally flagged. The government has had a long time to get this legislation together. It is unclear why the government has chosen to leave out significant parts of what needs to be addressed in this legislation and asked us basically to take it on trust that this detail will appear in the regulations in some form at a later time and place.

Ms Tierney said that this bill has flexibility at its heart, and indeed it does. I agree with her, but I expect not in the way she intended. It is flexible to the extent that half of it is missing, and these are the issues that I hope we will have some clarity on this evening when we go to the committee stage. The minister has said that the bill is intended to replicate the provisions of the EBA, and I note she used the term 'replicate' in her letter to the Scrutiny of Acts and Regulations Committee about the bill. It does some very useful things; for example, it defines 'award' for the first time. But at its heart is the laying out of ratios for a range of clinical settings that nurses work within every day, including high dependency, palliative care and so on.

It starts on 1 December 2017, which is some way off. I gather that is to slot in with the expiration of the EBA early next year, and I would imagine the government has the expectation that negotiations will take some months, as has been Labor governments' experience of negotiating this EBA with the nurses union on previous occasions.

The regulations need to cover a range of issues. They need to cover the needs of operating theatres, the distribution of nursing or midwifery hours, how to vary local agreements and the dispute resolution process, which is a particularly critical aspect that is missing at the moment from this bill. I note also that clause 48 gives 12 months to fix workplaces that operate under a ratio without formal agreement to do so, and I concur with Ms Wooldridge's comments that given how long it has taken some workplaces, Barwon Health in particular, to come to an agreement on this kind of scenario — some 18 months — it is possible that 12 months is not at all long enough to get this into place in a way that is reasonable for everybody.

I will outline my concerns. Currently the process is that with dispute resolution these are dealt with locally in the first instance. They would then be subject to conciliation by the Fair Work Commission and they would go to arbitration. If that were not to the satisfaction of either party, they could then go to the Federal Court. One of the issues at heart is: can the Fair Work Commission be maintained in the issue of ratios? What the bill does at the moment, it would appear, is take this out of the federal jurisdiction and put it within the Magistrates Court. There, I note, it is the practice to only have conciliation with the agreement of the parties in the Magistrates Court. That is quite a distinct leap from how we have addressed industrial disputes in this country over many decades. It also gives scope for there to be injunctive relief in the Magistrates Court, which brings into play the possibility that you could have a situation where the party that is seeking the injunction is seeking to change the arrangement in the workplace. This is again quite different to the approach usually taken by the Fair Work Commission, which has a longstanding practice of tending to leave arrangements as they are until the matter is formally resolved, so this is a significant change to what has happened in the past.

I note that metropolitan hospitals employ over ratio. The difference for this bill will come in the regions. We do not yet know what the impact is going to be. There have been a range of concerns raised by the sector. I have had a number of concerns raised with me by nurses and hospital staff. One concern was around whether it is likely that beds would be closed because it is not possible to work to the ratio defined within this bill. That would undermine patient care and would be a very unfortunate negative impact of this bill. The same nurse described this legislation to me as being not about nurse-to-patient ratios but actually nurse-to-bed ratios, because that is the way in which these things are measured.

A nurse in one regional hospital explained to me, and again I am not going to mention her name, how her hospital maintains its ratio. She said, 'We always do it. Because we are in a region, it is not always easy to get people to come in to cover gaps. We do not have access to agency staff as you do in Melbourne. You can ring in and get someone to appear'. Commonly the way it happens is that someone will ring in sick and a nurse who is on duty will be asked to do a double shift to cover that shift to maintain the ratio. I asked how long that would be. I was told 14 hours. That nurse would work for 14 hours, which frankly is exhausting with this sort of work. What it means is that staff get run down and sick, and the cycle begins again.

The other way that the hospital deals with this problem is that it has people who were originally nurses who have moved into administrative roles or something similar. When the hospital is, in the words of the nurse I spoke to, desperate, the hospital will call in someone in one of those roles. It operates a shadow or a cover roster of people who are in the building and can step in

if need be. The nurse who spoke to me about this was originally a midwife and has long since moved out of that area of clinical practice and indeed any clinical practice. She said her hospital has a system in which, if the hospital is under ratio, she can step in and perform observations — she can do that sort of thing. She is literally another set of hands there if needed. The problem with that is that she still has tasks that need to be done, the hospital still has tasks it needs her to do and those tasks have to be done at some point either by her after hours or by somebody else. That is not an ideal situation.

Hospitals need to have the capacity to flex, as they put it, depending on the needs within their area of practice. One nurse described to me the way this tends to happen. She said a good example of this is an orthopaedic ward. It is a surgical ward. Typically you might have more patients attending in the afternoon. You do not need extra nursing staff in the morning. Then it depends on what sort of surgery list you have. Do you have really simple orthopaedic surgery, or do you have major stuff like amputations? Do you have a roster made up of highly experienced staff or do you have staff who are less experienced who are going to be asked to deal with areas of practice that they may not have dealt with before or in which they do not have particular skills? Everyone has to learn, obviously, but it goes to show that there are a range of issues that come into play when you are dealing with patients, you are often dealing with the unexpected and you need to provide a workforce that is absolutely equipped to do the work required.

There are a lot of variables in all of this. There are time delays with the orthopaedic surgical ward example I have just given. You have to maintain reasonable coverage so that patients are adequately looked after, so that the needs of staff are also respected in terms of occupational health and safety and so that your staff get work that is challenging and not an unreasonable burden. There has to be a balance in all of that, and that is what good nurse unit managers are very skilled at doing — knowing their workforce, knowing the needs of the patients, knowing the skills of the people they have on board and knowing how they can best be deployed. To some extent this bill does not recognise that skill and that use of good nursing skills and good management by nurses to ensure that these wards are staffed in the way that they should be.

Lastly I want to raise an issue that was raised by rural hospitals, which is the cost issue. As mentioned earlier, we do not know and we cannot yet get a definitive answer on how many rural workplaces might be under ratio. We are told that this is supposed to be a cost-neutral change. If it is the case that additional staff need to be brought on and we do not know where they need to be brought on or how many are needed, I think it is going to be very difficult to say that this is cost neutral. There needs to be a degree of honesty from the government in clearly explaining what the cost is going to be and who is going to carry that cost. In my view it is unreasonable for rural hospitals to be expected to carry that burden in addition to the other financial burdens and challenges that they have and which we respect.

In conclusion, I am looking forward to hearing from further speakers from the government and during the committee phase some details and explanations of some of these issues and concerns, which are not, as was suggested earlier, some kind of political ploy or fear mongering, to paraphrase. These are issues that have been raised with Ms Wooldridge and with me by people who work in the sector, particularly in the regions, and we repeat them for the benefit of those opposite and to get some clarity on what is going to happen going forward. The basic issue is to get a shared understanding of how the healthcare sector is supposed to deal with this bill in the future.

Ms HARTLAND (Western Metropolitan) — The Greens warmly welcome this bill, to say the least. We thank the minister for the detailed briefing we received. We also met with both the union and the Victorian Healthcare Association to discuss this bill. We believe it is highly appropriate that nurse-to-patient and midwife-to-patient ratios be enshrined and protected in our laws. Nurses and midwives have worked hard to achieve appropriate ratios that guarantee minimum numbers of qualified nurses or midwives on each shift to deliver quality, safe patient care and realistic workloads.

In preparing to speak on this bill I looked back on the history of nurses disputes in this state. We can go back to the 1986 strike that was pivotal, when it was said that nurses were no longer going to be handmaidens, but at the heart of every dispute in the 30 years since have been ratios. I think it is time for these issues to be enshrined in legislation rather than having to be negotiated in every enterprise bargaining agreement. Hard-won reform should not be whittled away and should not be subject to enterprise bargaining negotiations. These ratios ensure the ongoing quality of our acute and aged health care, and they should be non-negotiable.

This bill acts to legislate for ratios already in place in the public sector. Specifically the bill requires major metropolitan hospitals to roster safe ratios of one nurse

to four patients during day shifts and one nurse to eight patients during night shifts. Different ratios are also in place for maternity units, regional hospitals, special care nurseries, aged care and emergency departments. The new ratios do not apply to public and not-for-profit hospitals, residential aged care and public mental health services not covered by the public sector enterprise bargaining agreement. This bill will also prevent nurse substitution by unregistered health assistants. I believe this is a great step in securing the long-term quality of our health system.

The Greens note that there may be flow-on costs of implementing this bill for some health services, including small and regional hospitals that are currently under ratio. We call on the government to work closely with these health services to ensure that costs are covered and to actively work with these hospitals so they can recruit more staff to cover these shifts.

I am not going to say a lot more, because I think this is a very straightforward bill. It is bringing in something that should have happened years ago. The Greens are extremely pleased that the bill is going to be passed tonight and that in the 2016 enterprise bargaining agreement process ratios will not be an issue and that the actual industrial issues that need to be negotiated will be negotiated.

Ms SYMES (Northern Victoria) — Tonight we are discussing what will be an Australian first, yet it is long overdue. I am proud to be speaking on a bill which will enshrine in law a practice that has saved countless lives and which we can now be certain will continue to do so in perpetuity. Enshrining nurse-to-patient ratios in law was a key election commitment made by Labor prior to last year's election. It is yet another example of our dedication in government to follow through with what we have promised. As many people would be aware, Labor promised that Victoria would become the first state in Australia to legislate nurse-to-patient and midwife-to-patient ratios, and that is what this bill is about. It is delivering on that promise, and it is going to benefit not only thousands of nurses but the millions of patients that they treat each year. We have a proud history of standing up for nurses and protecting the conditions that enable them to care for their patients at a world-class standard.

Ratios are not some flippant, nice-to-have feature of a nurse's workday. They undeniably protect patient safety. Study after study has come to the same conclusion. There is a 3 to 12 per cent reduction in adverse outcomes and a 16 per cent reduction in the risk of mortality in surgical patients with higher nurse staffing. Adequate numbers of nursing staff also reduce the risk of patients developing pressure ulcers, pneumonia, deep vein thrombosis, upper gastrointestinal bleeds, cardiac arrest and a number of other conditions. Adequate nurse staffing also reduces patient length of stay and improves recovery. Better staffing levels improve nurse retention, morale and job satisfaction and significantly increase the public's confidence in our health system.

In 2000 under the Bracks Labor government Victoria became the first jurisdiction in the world to mandate nurse-to-patient ratios following a recommendation from the Australian Industrial Relations Commission. While nurse-to-patient ratios are already enshrined in current nurses and midwives enterprise bargaining (EB) agreements, there is a need to legislate, and to see that we only need to look at industrial disputes of recent years. Of course there is always colour and movement in industrial relations issues when it comes to EB negotiations, and ratios are a feature of them, but what we saw under the former government was ratios being used as a bargaining chip to a point where it subsequently turned into a farce. Clearly that period galvanised nurses and their families as well as patients and their families and the wider community to deliver a very clear and loud message — that they wanted nurse-to-patient ratios off the table. They wanted them not to be put at risk in any future EB negotiations.

In contrast to what we saw in previous years, the Labor government set about restoring funding, faith and fundamental decency in the system. This legislation, as I have said, is the most comprehensive nursing and midwifery staffing legislation of its kind. That is going to be a key pillar of restoring that faith and decency to the system.

Tonight we may all sleep a little easier knowing that this legislation is one step closer to stopping nurse-to-patient ratios and midwife-to-patient ratios becoming the political playthings of any future government. I doubt there is a person in this house who has not at some stage in their lives been touched by a hospital system and been a grateful beneficiary of wonderful care provided by nursing staff.

Hospital issues are among the topics that come up in most visits across my electorate, but one of the clear messages is that most people have wonderful respect for and appreciation of nurses. People really appreciate that when they or their loved one is unwell, needing care and feeling vulnerable, an attentive nurse with the time to listen as well as to care can make all the difference to the ability of that person or their family to get through that period. In contrast a frazzled, exhausted nurse with too much to do and too little time

in which to do it is not what anyone wants when they find themselves in a hospital environment, no matter what the reason. This is the basis of the Respect Our Work campaign that nurses and midwives embarked on over a nine-month period from 2011 to 2012.

Having had two children in recent years, I have seen firsthand the amazing job that midwives do in juggling competing demands whilst delivering quality, compassionate and professional care. I have deliberately erased much of my memory of many things that are connected to childbirth, but I have fond memories of late-night conversations with midwives, who were able to take the time to sit down and talk me through the shell shock of all of a sudden realising that I was responsible for someone who is very little.

I had a wonderful midwife. She must have been on night shift a couple of nights in a row, because I think she was there every night. She put my mind at ease and made going home that much easier. I wish I could remember her name, but I remember that she was the neighbour of Robert Clark, the member for Box Hill in the other place. I wonder if she is still Robert Clark's neighbour; maybe I will ask him.

The nurse-to-patient and midwife-to-patient ratios that are set out in the bill will protect minimum staffing numbers in Victorian public hospitals, public health services, publicly operated denominational hospitals and multipurpose services that are covered by the Nurses and Midwives (Victorian Public Sector) (Single Interest Employers) Enterprise Agreement 2012–16. No future governments will be able to strip away the nurse-to-patient and midwife-to-patient ratios.

This bill is but a step in a process. We will continue our consultation about how ratios might be improved in the future, because we know that striving for continual improvement and seeking to always do better are the hallmarks of a good government. The Andrews Labor government has taken a collaborative approach in relation to this bill. It has consulted widely with stakeholders including the Australian Nursing & Midwifery Federation (ANMF) and the Victorian Hospitals Industrial Association, and their feedback has been incorporated into the bill that is before the house today. The bill also introduces a compliance and enforcement regime that will replicate the enforcement mechanism and dispute resolution arrangements found in the enterprise agreement and also permits applications to the Magistrates Court where appropriate.

There are many good things in this bill, but we have not finished. Whilst our nurses look after us, we too need to look after them. They deserve our respect, our attention and our protection. That is why the Labor government has committed to publicly report on hospital violence, including endorsing the ANMF's 10-point plan to reduce violence; reviewing the graduate nursing transition to practice programs to increase the opportunities for nursing students to undertake graduate training in hospitals — I understand that this review will include an audit of the $17 000 payment made to hospitals for each graduate registered nurse or midwife they employ; and introducing standardised code grey and code black security responses in health services.

Under a Labor government our nurses and health professionals will always be looked after. Sadly this cannot always be said for Liberal-Nationals governments. The federal government's most recent budget revealed the extent of the cuts that will be inflicted on the Victorian healthcare system to the tune of about $17.7 billion over the next 10 years. The federal government has walked away from key components of the national partnership agreement on improving public hospital services, including $840 million over the next 10 years to fund subacute beds and up to $50 million in reward payments for emergency department and elective surgery waiting list times. It has cut $181 million for public adult dental services, scrapped the Healthy Kids Checks for children aged 3 to 5, axed funding for programs to support young Aboriginal people to access health and sexual health services and cut $90 million for preventive health initiatives which supported Healthy Together Victoria.

The Victorian government will continue to fight back on behalf of Victorians to reverse these cuts and in the meantime it will get on with delivering the improvements that it knows are needed and wanted across the sector. This piece of legislation is but one facet of a comprehensive plan to rebuild and reboot our health system right across Victoria. It proves that the Labor government makes the provision of health services to Victorian families one of its top priorities. I commend the bill to the house.

Ms PATTEN (Northern Metropolitan) — I am pleased to rise to speak to the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Bill 2015. Sadly, having spent quite some time in hospitals over the years for various matters, I did not realise that part of the enterprise bargaining agreement (EBA) was the number of nurses on a ward — it never occurred to me. I am pleased to see that this bill is now going to require that operators of publicly funded health facilities staff certain wards with a minimum number of nurses or midwives. Again I am surprised that this legislation is

an Australian first, that up until now the number of nurses on a ward was part of an enterprise agreement. Those nurses and midwives who are out there doing wonderful things for us were trying to hopefully get a little bit more money in their pocket, but they were also having to argue whether they would have the correct number and safe number of nurses on the ward in ratio to the patients on that ward.

It surprised me because we know nurses certainly do not do it for the money. They do it because quite often it is a very rewarding task, and the nurses who are friends of mine and the nurses who I have met over the years are passionate about the work they do. I am very pleased that when trying to be recognised for that work in talks with governments about the sorts of pay conditions they have, that they are no longer going to have to talk about safe patient ratios in that debate over their working conditions.

Northern Metropolitan Region has a lot of hospitals, including the Alfred hospital, the Austin Hospital, Melbourne Health, the Royal Women's Hospital, the Royal Children's Hospital, the Mercy Hospital for Women and the Northern Hospital, just to name a few in my area. Each of these services provides a different service for different areas of the community. Although the services may overlap, it is important that we note that diversity and the complexity of their needs. I hope that is something this bill addresses, and I wonder if it is something that a straight EBA was less able to do, although I look forward to hearing more about how this will work in the committee stage.

We also need to make sure that these hospitals, as some previous speakers have said, comply with and are able to successfully implement this unique legislation. It carries on from the EBA process but it is different. We need to ensure that these hospitals are able to work with that, and that the legislation is flexible for those hospitals in the variety of services they provide.

It is also worth noting the Scrutiny of Acts and Regulations Committee (SARC) report and the issue it raised in regard to discrimination, and this is pertinent to note in Mental Health Week. It states:

> … clause 9(2) provides:
>
> > Despite anything to the contrary in this Act, a ratio does not apply in respect of any ward that is being predominately used for the care of persons being treated for a mental illness within the meaning of the Mental Health Act 2014.

So it exempts the mental health wards from provisions designed to ensure better patient care and health and safety.

I understand the bill is specifically about the nurses and midwives enterprise agreement and that that agreement is completely separate to the Victorian Public Mental Health Services Enterprise Agreement 2012–2016. Nonetheless it is permitting wards 'predominately utilised' — and these are the words from the SARC report:

> for the care of persons being treated for a mental illness to be staffed with fewer nurses per patient than wards predominately utilised for the care of persons being treated for a non-mental illness, and to exclude mental illness wards from the enforcement provisions …

It is worth considering SARC's question of whether this represents an imbalance in the delivery of these services to those with mental health issues. From what I have been hearing this evening it certainly sounds like there may be more and this type of legislation may be expanded in the future to cover mental health services. From hearing the contribution of Ms Wooldridge and the quote she attributed to the Australian Nursing & Midwifery Federation, it would appear that it would also like to see that. While this may not be discrimination, as SARC flags, it shows that we can extend this type of legislation to other areas of the public health sector.

Just a few weeks ago former Australian of the Year Patrick McGorry was flagging this disparity between how we treat physical health and how we treat mental health. He reported that if the government in Victoria doubled the amount it spent on the direct care of people with mental illness, it would just be enough to resolve the crisis — just enough. According to Australians for Mental Health, less than 7 per cent of health expenditure goes to mental health, even though it accounts for double that of the country's health burden.

While this legislation is being introduced it is important to note that the point that mental health deserves the same level of care as that given to physical health is valid, and that ensuring that these services are well funded and supported and moving towards a patient-nurse ratio for mental health wards in the future would go some way to recognising that we need to provide support for mental health at a level equal to that which we provide for physical health.

Industrial relations law is not a simple thing, and no doubt it will have a lot of grey areas and some tailoring will be required to ensure that the different services will be covered by this legislation. I suspect codifying ratios into law may also have some unintended consequences, which we need to be aware of and reactive to. But I am not entirely sure how that will happen yet. Quite often it seems with legislation introduced into this house that

the legislation provides the objective but the regulations determine how it will actually work and what the meat of the legislation is. Quite often it seems we are asked to vote on something that is a great objective but we never actually vote on how it will happen. In the committee process I will listen with interest to hear about that.

While I know that the intentions with the bill are very sound, from speaking to the Victorian Healthcare Association as well as listening to my colleagues I know that not every situation is the same. I have heard examples of rural hospitals just not being able to recruit people in their area — not being able to meet those patient-nurse ratios purely due to the fact that the nurses are just not there — or hospitals in holiday destinations during the off season, the summer months if they are near the ski slopes, not having the patients there for that nurse-patient ratio. This is obviously something that we are going to need to implement, and quite often black-and-white legislation does not enable us to work with the nuances of our health system. But I was delighted to hear from Ms Tierney that things like natural disasters will not worry us in this nurse-patient ratio; I was very comforted to hear that.

I look forward to hearing more about this, and I have to say — as everybody else has said — that I have had amazing experiences with nurses and with midwives. We all know the incredible work that they do. We know that largely it is an altruistic job. Sometimes it is a thankless job. I think this legislation goes some way towards acknowledging that by taking out of the enterprise agreement the aspect that they had to argue for safe patient ratios while arguing for a pay rise. It is something that was quite unbelievable.

In the process of learning about this legislation and hearing from different areas I was very lucky to meet two wonderful nurses from the Royal Children's Hospital, Romy Fitz and Phoebe McDonagh. They really conveyed to me the importance of contact with patients and the importance of not simply putting a carer in to do washing or feeding, because it is that ongoing contact with the patient — touching the skin to understand where that patient is, understanding what that patient is eating, getting to know that patient — during those times that is really important. It is not necessarily just about bandaging them or getting them ready for theatre. These are some of the most crucial time for nurses, and it is really important that they have that ratio so that they can deliver those services as well.

These were two nurses dealing with premature babies, so you can understand how crucial patient ratios are in that environment. Having been on the other side of the table as a lobbyist, I was also struck by the tool that they used — that tool was eight-month-old twins, Sydney and Summer. I tried to listen while I was being distracted by the babies, but they did enable me to truly understand the great work that nurses do, the importance of these ratios and the importance of acknowledging the work that nurses do. By putting these ratios into legislation, we are going some way towards acknowledging the extraordinary work that these men and women do for our community. On that note, I look forward to hearing more about the bill.

Mr MULINO (Eastern Victoria) — It goes without saying that health care is one of the most important sectors in our society. It also goes without saying that the provision of health care is one of the most important functions of government, but I think the fact that it goes without saying reflects more than anything the fact that too often we take it for granted.

I want to start my comments this evening by making a couple of high-level observations that go to what I believe is one of the rationales for this bill — and an extremely important one. I think health care is a fascinating sector in that it has undergone incredible technological change over the last few decades. It is also an area of service provision which is incredibly capital intensive and innovation driven. We see this in the pharmaceuticals industry; we see this in the various industries that make very complicated medical machines.

It is also important to reflect on the fact that, notwithstanding all these changes and notwithstanding the incredible advances we have seen in all these other aspects of the health sector, it still remains at its heart a people-oriented sector. I believe it is the people in this sector — the nurses, the midwives, the doctors and all the other people in the community and in hospitals who provide care — who do much of the healing. The fact that people are at the heart of this sector drives the importance of this particular reform, which is about ensuring that we maintain the presence of people in treating patients, notwithstanding the fact that we might be making advances in other aspects of treatment.

What is it that people bring? A number of members have talked about this, and Ms Patten, who immediately preceded me, spoke very well about the emotional attachment that a lot of carers bring. They bring human touch and other things that machines will obviously never be able to replicate, including interpersonal care. Individuals, be they nurses, midwives or others in the healthcare sector, can pick up on an individual's needs in ways that other aspects of health treatment never will.

The highly trained people in the healthcare sector, like nurses and midwives, have to exercise judgement. I am sure that just about everybody in the chamber has experienced health issues, whether personally or in their families, and it is worth reflecting on the incredible complexity of what are often seemingly simple cases and on the judgement calls continually made by healthcare professionals. They are incredibly complex judgements that are built on years of experience, seeing many cases and understanding, often at a subconscious level, the differences and patterns across the many cases. That is why it is critical to ensure that we do not allow cost cutting or a reliance on machines and technology to take people away from the heart of our system. That is what drives this reform.

A lot of people have referred to academic studies that point to better outcomes as a result of higher nurse-to-patient and midwife-to-patient ratios. However, as important as those academic studies are, it is the judgement, emotional care and support at the heart of it that are driving those results, and it is important that we quantify those results so we can determine the optimal ratios. I believe it is the human element, which can never be replicated, at the heart of the healing process that drives those results, and that is why nurse-to-patient ratios are critical to maintaining and improving standards of service.

It is critical that ratios are not non-negotiable — there always has to be a degree of pragmatism and flexibility, which is allowed for in this act and the accompanying regulations — but there has to be a degree of firmness in some aspects of the system. Nurse-to-patient ratios are one of those aspects of the system that we need to make firmer. We do not want a situation where, as part of the argy-bargy of periodic negotiations, ambit claims are made in this realm of service delivery. In healthcare systems here and elsewhere nurse-to-patient ratios are one of those things that are constantly put on the table as a pressure point. Even if those putting ratios on the table do not intend to actually change them, I do not believe it is healthy for the system if the people who work in the system have to justify what should be a core element of service delivery.

Imagine if as part of a periodic review of health care we put on the table the rigours of drug testing. I am sure that nobody in this chamber would countenance that. Imagine if every now and then when the federal government decides what kind of funding it will put into the pharmaceutical benefits scheme we were to have another look at the kinds of techniques we use to test the appropriateness of drugs for humans. There are clearly some things we do not want to put on the table when we look at the system. Imagine if somebody suggested that when we have a periodic review of the health system we should look at the qualifications of doctors, nurses or midwives.

Again, I think we need to be careful not to overstate the importance of flexibility in all things. Flexibility often becomes a mantra, an ideological crutch for improvement when often it creates uncertainty for no gain. Therefore just as I think we instinctively would be more than comfortable entrenching things like qualifications and drug-testing regimes and techniques into our healthcare system, I do not think there is anything at all inappropriate — in fact I think it is a very positive move — to similarly entrench nurse-to-patient and midwife-to-patient ratios. To me they are just as important as those other elements of the system in achieving good outcomes for patients. As I said, the reason is that human beings remain at the heart of the system and always will. There will never be a substitute for humans interacting with other humans at this most vulnerable of times. That is why it is important that we firm up the way that these aspects of conditions are treated.

These conditions have been included in enterprise bargaining agreements previously in a schedule, and I think it is appropriate that they are now included in legislation, and that that basically sends a signal to future governments that when negotiations occur around conditions, as they inevitably will, this is not one of those aspects of the operations of the healthcare system that can be subject to ambit claims or put on the table as a pressure point. That is a good thing. It is good for patients and it is good for people who work in the system. As other speakers have alluded to, I believe there is sufficient flexibility in this system and provisions in the legislation and regulations that will allow for ratios to adjust according to different areas of the healthcare system and also to adjust over time as appropriate, and there are also transition arrangements for those hospitals which are currently below ratio and which might face particular challenges.

This is an extremely important bill that relates to solidifying one of the most important aspects of government service delivery. If we were to take a survey of people in the community, it is clear that this constantly rates as one of the highest ranked issues over time, and I commend the bill to the house as a means of strengthening our already strong hospital system by ensuring that something that people in our state have come to expect will not be the subject of inappropriate argy-bargy and future negotiations and that patients and other people who work in the sector can continue with confidence in the knowledge that these basic conditions are entrenched.

Motion agreed to.

Read second time.

Ordered to be committed next day.

ADJOURNMENT

Ms PULFORD (Minister for Agriculture) — I move:

That the house do now adjourn.

Koroit and District Primary School

Mr MORRIS (Western Victoria) — My adjournment matter is for the attention of the Minister for Roads and Road Safety. It relates to the provision of solar-powered electronic flashing 40 kilometre-an-hour school speed zone signs on Commercial Road, Koroit, outside the Koroit and District Primary School. There has been very much a grassroots campaign advocating for the installation of the flashing signs, with Samuel Sutcliffe last year compiling a petition of over 500 signatures advocating for the flashing 40 kilometre-an-hour speed signs. This is why last year the coalition made an election commitment to install these signs.

Our children deserve to be kept safe, and like many regional towns Koroit is growing, with a current population of over 2000 people. Commercial Road, on which Koroit and District Primary School is located, is a busy road, and solar-powered electronic flashing 40 kilometre-per-hour school zone speed limit signs would provide an important reminder to all motorists, whether in cars or trucks, of the need to slow down for the sake of the safety of the children of Koroit.

I call upon the minister to match the coalition's election commitment and install solar-powered electronic flashing 40 kilometre-per-hour school zone speed limit signs on Commercial Road, Koroit, outside Koroit and District Primary School, as a matter of urgency.

Point Cook police station

Dr CARLING-JENKINS (Western Metropolitan) — My adjournment matter is for the Minister for Police, and it concerns the severe lack of police resources in the Wyndham City Council area. Since my election as a member for Western Metropolitan Region, I have become increasingly aware that there are simply not enough police officers and stations to cope with the population growth in Wyndham, which is having a devastating impact on the local community. Figures from Police Association Victoria show that the first-response officer-to-resident ratio in Wyndham is less than half that of the state average. Considering that population, as I understand it, is the best predictor for police resources and that Wyndham is one of the fastest growing local government areas in Victoria, the situation has become nothing short of serious.

This lack of police resources has caused a number of negative consequences in the area. I will give one example: just recently CDC Victoria had to cancel its 496 and 498 bus route services from 6.30 p.m. due to a number of incidents involving rock throwing and driver assault in the Point Cook area. Currently Point Cook is mostly served by police stationed at Werribee. However, the Werribee police station is already stretched above and beyond its limit, and I have been informed that officers there are already overworked and under enormous stress. I believe police should be close to the communities they serve and protect. This is just simple logic. But the situation is getting worse. With its population set to increase by 45 per cent over the next 20 years, Point Cook needs a police station, and the community deserves this sooner rather than later.

I joined the Democratic Labour Party because I believe in putting people first, and that is what I am seeking to do now. I frown upon the political game of strategically positioning infrastructure and services so as to gain votes or increase popularity. A new police station in Point Cook is needed and a significant increase in police resources is needed to catch up with population growth. This is critical to ensure public safety. Police stations should not have to triage important calls, public transport providers should not have to cancel services for fear of violence and Wyndham families should not have to wait disproportionately longer than other Victorians for police assistance. I call on the minister to make a firm commitment to give the Point Cook community the police station it desperately needs and deserves.

Marine search and rescue services

Mr EIDEH (Western Metropolitan) — My adjournment matter today is for the Minister for Emergency Services. The former parliamentary Economic Development, Infrastructure and Outer Suburban/Interface Services Committee handed down a report into marine rescue services in September 2014. I spoke on this matter in an adjournment debate in February of this year. However, my office has been approached by community members and constituents who have been questioning the progress being made in implementing the report's recommendations.

The report identifies that the sector is facing a number of disconcerting issues. It also indicates that in 2014 and prior marine rescue services in Victoria were severely under-resourced, despite the continuous increase in demand for their services. The inquiry found that in Victoria the sector is facing an obvious lack of much-needed statewide regulation. In addition to this, unlike other Australian states such as New South Wales, the Victorian sector does not have a governing body to regulate it. There are ongoing issues with federal vessel and crew certification laws and increasing financial burdens. As a result local fundraising efforts have been used to ease the financial burden and to meet the increasing demand for marine rescue services in Victoria.

During the time of the inquiry, and I suspect this trend has continued, recreational boating in Victoria increased. The report indicated that in Victoria there were nearly 173 000 registered powered vessels across the state and an estimated 40 000 unregistered recreational vessels. This increase will just continue to put pressure on our marine services in Victoria.

The inquiry identified that marine rescue services in Victoria, besides being monitored by a regulatory body, do not have access to legislative and regulatory protections to safeguard their work, as the Country Fire Authority and the Victoria State Emergency Service do. I therefore ask the minister if she could provide an update on the progress that is being made to implement the inquiry's recommendations.

The PRESIDENT — Order! An update is marginal, I have to say.

Multicultural Aged Care Services

Mr RAMSAY (Western Victoria) — My adjournment matter tonight is for the Minister for Housing, Disability and Ageing, Martin Foley.

An honourable member interjected.

Mr RAMSAY — He is ageing and he cares, I know.

I visited Multicultural Aged Care Services (MACS) in Geelong last week and inspected the facility with the CEO, Joy Leggo, and the chairman, Jordan Macros. The facility has a mix of commonwealth and state-funded beds with a mixture of high care to low care, user pays, independent residential, supported residential and home care services. MACS turns over approximately $13 million per year, providing 146 beds and allocating more than 180 staff to service those beds. Amongst those support staff there are 25 nationals. MACS is currently finishing Annie O'Malley House and a piazza, which Governor-General Peter Cosgrove will open on 16 October. I will be attending that function. MACS has been raising money for a dementia wing which requires $2 million in funding. The coalition government through the previous Minister for Health, David Davis, provided seed funding of $25 000 prior to the last election, and with a grant of $500 000 from the commonwealth and the raising of $900 000 in public funding, MACS started construction.

I inspected the works on the 14-bed dementia wing last week with Joy and Jordan, and those works are well underway. However, there is a gap of $400 000 to fully fund the wing. MACS has approached the member for Lara in the other place, John Eren, and the Minister for Housing, Disability and Ageing, and they have both said the facility should be funded by the commonwealth as the state has no money. I understand that the member for Geelong in the Assembly, Christine Couzens, was to meet with MACS last week as well.

There is a good argument that the state should play a funding role in this project, given that it provides a regional service which fills a service gap that is unique to the Geelong region. My recommendation was that we have discussions with the Andrews government about providing gap funding, and I gave an assurance that I would do what I could to support its request.

The action I seek from the minister is that he accompany me to meet with Multicultural Aged Care Services in Geelong to discuss the state government funding opportunities that might be available to support this very worthwhile centre to fill the $400 000 gap in funding which would finish the construction of the dementia wing.

Manningham bus services

Ms DUNN (Eastern Metropolitan) — My adjournment matter is for the Minister for Public Transport. Buses are an essential service within Manningham City Council and the broader Eastern Metropolitan Region, which I represent. For most long-suffering residents, buses are the only form of public transport available to them. Efficient, safe and frequent buses also develop strong interconnected communities by providing access to other essential services such as health and education, employment, community organisations, arts, cultural, sporting or social events.

The minister abandoned plans to increase the frequency and efficiency of Manningham's buses in April of this year. At the time she stated that any improvement

would assist all Victorians. Since then no time frame has been given on any improvements to bus services. Even more astonishingly no public commitment has been made to any such improvements. Public Transport Victoria could not say when such details would be available, only that it is working with the government on a 'revised bus proposal'.

And as the days turn to weeks and the weeks turn to months, the residents of Manningham have had enough. They are demanding to know when the government will be announcing improvements to this ailing part of the bus network. The action I request on behalf of the constituents of Eastern Metropolitan Region is that the minister release funding for the long-awaited improvements to Manningham's bus services.

Invest Gippsland

Ms SHING (Eastern Victoria) — Last Thursday I had the honour of launching Invest Gippsland on behalf of the Minister for Regional Development. Invest Gippsland is an important new program designed to attract and retain investment from international emerging markets, specifically Asia, to Gippsland's booming food and fibre industry. The current industry contributes more than $11 billion to our economy and employs over 87 000 people.

Invest Gippsland will initially focus on the food and fibre sector, one of Gippsland's and the state's critical growth sectors. Within the Future Industries Fund, which is the $200 million pledge as part of the Regional Jobs and Infrastructure Fund, food and fibre will be a significant area for growth and investment. There are clear export opportunities for local Gippsland businesses presented by the Asian food and fibre market, particularly in China, and I note the Premier's comments and those of the Minister for Small Business, Innovation and Trade in this space as well.

In that regard, and this being a high and significant priority for the government, I ask that the minister visit Gippsland and identify the areas in which the priority for food and fibre as part of Invest Gippsland's export guide and launch development as well as the $200 million Future Industries Fund will specifically be targeted to generate jobs, industry growth and future prosperity for the region and that she commit to providing a long-term agenda and strategy in terms of the way this will deliver jobs, investment and returns for the area.

Irrigation sector

Ms LOVELL (Northern Victoria) — My adjournment matter is for the Minister for Environment, Climate Change and Water, and it is regarding the concerns of irrigators about a number of issues they have with the current water system. My request of the minister is that she consider the five concerns and solutions I raise on behalf of irrigators and take both immediate and long-term steps to address these concerns to secure the ongoing viability and future of irrigators and the irrigation district.

I recently met with a number of local irrigators who represented a larger group of irrigators in my electorate. The meeting was detailed and informative, with the overarching message being that irrigators are feeling undue pressure from the current structure of the water system and that they fear for the future of their industry and individual businesses. Five main points of concern were specified and suggested outcomes were provided by the irrigators.

The first was carryover water. As we head into another El Niño irrigators are concerned that speculators in the water market will buy and hold water to drive up the price of temporary water. Irrigators believe that only those who use water for human need, including irrigators and companies like milk factories, should be allowed to use carryover water. They acknowledge that there needs to be some concession for the Victorian Environmental Water Holder to also carry over water, but they are adamant that speculators should not be allowed to carry over water.

The second issue they raised was delivery charges being borne by the irrigators despite the Victorian Environmental Water Holder's and speculators' water holdings being stored in and delivered via the same system. The irrigators believe that delivery charges need to be socialised across all water holders, including the environmental water holder and speculators.

The third issue is transparency of water holdings. The irrigators would like to see a register of water holdings established so that it is obvious who is holding large shares. This would operate in a similar way to the stock exchange, where it is possible to identify who holds shares in a company and the number of shares they hold.

The fourth issue is transparency in the trading of water. The irrigators are concerned that there are currently opportunities for collusion, gouging and manipulation of water trading, all of which drive up the cost of temporary water. They would like to see regulation

introduced similar to that in other industries, such as the share market and the real estate industry, to prevent the manipulation of prices.

Their fifth issue is water held by the Victorian Environmental Water Holder. The irrigators believe that the environmental water holder should be allowed to sell excess water to irrigators on the temporary market and that if sold on the temporary market, there should be no requirement for the environmental water holder to purchase more water to top up its holdings.

In her media release of 29 September regarding the new water boards, the minister said:

> Our priorities include providing investment and security of supply for the irrigation sector …

My request of the minister is that she consider the five concerns and solutions I raise on behalf of irrigators and take both immediate and long-term steps to address these concerns to secure the ongoing viability and future of irrigators and the irrigation district.

Police station security

Mr BOURMAN (Eastern Victoria) — My adjournment matter is for the attention of the Minister for Police. A while ago two police members were stabbed in Endeavour Hills. Last Friday in Sydney there was the tragic murder of Curtis Cheng, who was an unsworn member. What I seek is for the minister to complete the steps that have been started for the protection of our sworn members with safety screens and other measures, but also we need to start looking at protection for unsworn members, who are unarmed and quite vulnerable.

The PRESIDENT — Order! What a wonderful example to everyone.

Oberon High School

Ms TIERNEY (Western Victoria) — My adjournment matter is for the attention of the Minister for Education, and the action I seek is that the minister join with me and visit Oberon High School in Belmont to take in the important work that school is doing and also to look at the future requirements of that school.

Oberon High has been in existence for over 52 years and has serviced the Geelong region exceedingly well. It is an excellent school from year 7 to year 12. At present the school population is around 700 students, and they are drawn from a very wide urban, rural and coastal area. Oberon High offers a diverse range of disciplines for students, including the Victorian certificate of education, vocational education and training and the Victorian certificate of applied learning, as well as school-based apprenticeships.

I have had a number of conversations with the minister regarding schools in my electorate and the work this government is doing to ensure that Victorian schools are of a 21st century standard. I know that the minister will also join me to visit Winchelsea Primary School in early December to discuss maintenance issues at the school, which escalated over three years — —

Mr Ramsay interjected.

Ms TIERNEY — During the previous government, Mr Ramsay. Schools in my electorate have been very pleased with the minister's willingness to listen and act on issues, and now I seek that the minister visit Oberon, which will provide a great opportunity for him to see firsthand the good work that is being done there, the programs it runs and the support the school needs now and into the future.

Truck curfews

Ms CROZIER (Southern Metropolitan) — My adjournment matter this evening is for the attention of the Minister for Roads and Road Safety. The councils of Kingston, Bayside and Port Phillip are fortunate to have the magnificent bayside beaches within their municipalities. They also have a major road route through all three municipalities that provides a major link and thoroughfare for heavy vehicle movement from the south-eastern suburbs and parts of eastern Victoria to the port of Melbourne.

The mayors from those councils consider road safety to be of paramount importance and have raised concerns about the lack of a viable alternative to this route for heavy vehicle traffic. Concerns have also been expressed by many of my constituents in the electorate of Southern Metropolitan Region about the increase in truck traffic, which will lead to more traffic congestion, and the subsequent health and road safety concerns relating to that greater heavy truck movement.

Motions have been moved in the Kingston City Council on the issue of the prohibition of truck movement at particular times along the route that affects the City of Kingston. The mayor of the City of Port Phillip was quoted in the media earlier this year as wanting to have a Saturday curfew by summer. I understand that the mayors have written to the minister about their various concerns. The minister himself has been well aware of these concerns for many months. Beach Road has curfews in place on 10 or more Saturdays due to events.

Constituents have told me that they do not need further delays on this issue. They do not want any more excuses from this government; they want a resolution.

The action I seek is that the minister make a decision as to those concerns raised by councils as well as constituents across the electorate of Southern Metropolitan Region and ensure that the government makes its intentions clear as to what it will do about truck curfew times along Beach Road and Beaconsfield Parade.

Magpie Nest housing program

Ms SPRINGLE (South Eastern Metropolitan) — My adjournment matter is for the attention of the Minister for Housing, Disability and Ageing. The action I seek is that the minister meet personally with public housing advocates Mark Towler and Lisa Peterson to discuss their concerns and provide them with the assurances they are seeking concerning the Magpie Nest housing program.

Twenty properties acquired by the state government to make way for the doomed east–west toll road were recently given to the Magpie Nest program by the minister. The Greens have been vocal in Parliament and in the public domain about the critical importance of public and social housing. We were encouraged by the Andrews government's decision to contribute the 20 houses to social housing for Victoria's vulnerable people. The Greens have been calling for this to happen, and every effort to address the housing crisis in Victoria should be applauded. I would like to see the government make good on the rest of that promise by transferring the remaining properties to public housing as soon as possible.

However, some questions have been raised about the transfer to the Magpie Nest program run by the Salvation Army, particularly with regard to the application of the Residential Tenancies Act 1997 (RTA). The Residential Tenancies Act ensures that all tenants in private and public housing have certain rights, such as the right to private enjoyment of a property, the right to privacy, the right to not be unfairly evicted and other rights. Mark and Lisa, and those they represent, need assurances that the RTA applies to the Magpie Nest program as a whole — to the east–west link properties as well as to other Magpie Nest locations.

While we applaud the government's decision to give these properties over to social housing, I have also heard that there was a lack of consultation and transparency in the decision-making when these east–west toll road houses were given to social housing. Given the importance of a holistic and sustainable approach to building public and social housing in Victoria and the urgency of our housing crisis, it is important that consultations around decisions like this are as transparent as possible.

The government must engage meaningfully with housing advocates, who have lived experience of social housing, and with people in the housing sector, with their collective wealth of expertise. It is essential that decisions like this are made transparently and that the questions key stakeholders raise are answered. I look forward to hearing from Mark and Lisa, and perhaps even from the minister himself, about the outcomes of their meeting.

Wodonga radiotherapy services

Ms SYMES (Northern Victoria) — The matter I wish to raise in the adjournment is for the Minister for Health and is in relation to radiotherapy services in Albury-Wodonga. I add Albury because, like many border communities, Albury and Wodonga have shared arrangements with regard to many services, including health services. However, if my constituents who live in this region do not have private health cover — this includes many vulnerable residents, such as the elderly, single parents and the unemployed — and need radiotherapy, they have no choice but to travel to Bendigo or Melbourne to access treatment.

I know that for some this means they forgo potentially lifesaving or life-prolonging treatment that they would otherwise accept. Those who do choose to travel to access treatment incur an additional cost burden and a source of anxiety at a time when more stress is definitely not needed for the patient battling such illness or for their family. It is simply not right that country people should not be able to access the treatment they need close to their homes, surrounded by support services and family and friends.

It is vital that this much-needed form of public cancer treatment is provided to Wodonga and surrounding regions as soon as possible. I am aware that there are some ongoing negotiations around the establishment of an agreement for the provision of full public radiotherapy services. This is long overdue and desperately needed in this community. As with many cross-border issues, I understand that negotiations like this are very complex and that the issues are many. I seek advice from the Minister for Health on the status of the agreement for the short term, and I also call on her to ensure that there are long-term cancer services in

the Albury-Wodonga region when the new Albury Wodonga Regional Cancer Centre opens next year.

Aitken College

Mr ONDARCHIE (Northern Metropolitan) — My adjournment matter is for the Minister for Roads and Road Safety, Luke Donnellan. It concerns Mickleham Road in Greenvale and in particular Aitken College, the principal of which, Josie Crisara, has had many long discussions with me about the growth of residential areas beyond the college. It is creating quite a problem now. I know Mr Finn has been a strong advocate for that area for a long time.

The growth is creating a problem with parents exiting the school after school time finishes. It can take up to 40 minutes for them to get out onto Mickleham Road because of the traffic on Mickleham Road coming from Greenvale, Craigieburn and beyond. My adjournment matter for the minister is to ask him to get his department and VicRoads to work with the college to find a solution for the safe entry and egress of parents to and from the school. That would probably include duplicating Mickleham Road from Somerton Road to Craigieburn Road.

VicRoads has come up with a solution to the college and said, 'It will cost you $2.5 million to put a set of traffic lights in', which is totally unacceptable for this college. Parents are now parking in the adjoining residential estate, which is causing some grief for the residents as well. I seek the minister's solution to the college's problem as soon as possible.

Kangaroo control

Mr YOUNG (Northern Victoria) — The matter I wish to raise today is for the Minister for Environment, Climate Change and Water. Recently I ignited a debate on kangaroo populations and the damage they do and the danger they pose to people in rural Victoria — that is, those who are outside the ring-road. These concerns have spread throughout regional Victoria. In the meantime many people have contacted me expressing the same concerns and support for some of the suggestions I have made, but not only that, to make sure that the message is conveyed to the government, as it seems the matter is starting to fall on deaf ears.

The very vocal minority that has been having a dig at me from the opposite side of the fence has raised the issue that there is no quantifiable evidence to suggest that what I am saying is actually a problem. By the same token I suggest that it means there is no data or scientific evidence to suggest that it is not a problem. In saying that, I urge the minister to commission a study, a survey or even a count of kangaroo populations throughout Victoria to further determine where the problem areas are and possibly provide further solutions into the future.

Kingston green wedge

Mrs PEULICH (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Minister for Health in relation to what seem to be plentiful rumours about a proposed Kingston memorial park, which according to reports is planned to be developed in the Heatherton-Clayton South area. I have raised the problems concerning this area on a number of occasions because there have been a number of conflicting plans and visions for that area, supposedly the Kingston green wedge. Anyone who drives through there will know that there are largely degraded tracts of land and neglected farms. Many of the former agricultural farms are becoming less viable, and farmers are keen to move to areas where they can get more land. The investment required to make them viable is often in the millions of dollars. The Metropolitan Waste and Resource Recovery Group designates it as a wet waste hub. The City of Kingston wants to build on its dream of a chain of parks.

This is an area that I have pursued long and hard. We have the Dingley bypass, which we funded, and its completion is scheduled for 2016. Overlaid with that is this speculated memorial park, which I understand may be being contemplated by the Southern Metropolitan Cemeteries Trust. It has a very respectable board and a very good community advisory committee, but clearly there are many stakeholders at play here. There are residents and many multicultural communities that are uncomfortable at the thought of having a cemetery close to their homes. There are landowners who believe that the land may be compulsorily acquired at much lower value. There are those who aspire to have more sporting fields built.

There are lots of overlaying plans, and the Minister for Health needs to facilitate some discussions and perhaps also work with the Southern Metropolitan Cemeteries Trust, which is in charge of a number of cemeteries across the southern region — including two or three in my area, including at Springvale — and does a great job. The minister needs to engage with stakeholders to provide some clarity about what the future of this land will be, to address the concerns and clarify the plans for the area — either rule it in or rule it out — and to do it promptly before there is a siege mentality. A level of concern is already being reflected in the emails I am

receiving, and I ask the minister to act at the earliest possible opportunity.

Racecourse Road–Princes Highway, Pakenham

Mr O'DONOHUE (Eastern Victoria) — I have been contacted by Mr Jack Mitchell of Pakenham, who has expressed some concern about the intersection of Racecourse Road and the Princes Highway in Pakenham. In particular heading north the left-turn lane from Racecourse Road into the Princes Highway requires upgrading and expansion to accommodate the additional traffic volumes that are emanating from Racecourse Road onto the Princes Highway. More broadly, Racecourse Road is becoming a major collector and feeder road for that part of Pakenham, and an additional traffic study is required to understand the future traffic volumes that will be accommodated along Racecourse Road.

The action I seek from the Minister for Roads and Road Safety is that in the immediate term he commit to upgrading the left-turn egress from Racecourse Road to the Princes Highway at Pakenham and that in the longer term he work with the Shire of Cardinia to develop a future strategy to accommodate the vehicle volume growth that will come from the surrounding residential area, including from the former Pakenham racecourse redevelopment, which will put pressure on Racecourse Road and associated infrastructure. That study should also investigate pedestrian movements from one side of Racecourse Road to the other. From anecdotal feedback from Mr Mitchell and others, I understand that crossing Racecourse Road is becoming more and more difficult as traffic volumes increase.

Autism Health & Well Being Expo

Mr FINN (Western Metropolitan) — I raise a matter for the attention of the Minister for Housing, Disability and Ageing. In July I was honoured to be asked to open the Autism Health & Well Being Expo at the Darebin Community Centre. This extraordinarily successful event was organised by Amanda Curtis, for whom I have enormous admiration. I will let Ms Curtis's words describe what occurred. She stated:

> One in 100 people have autism. Finding services and products to support children, teens and adults with autism is confusing and difficult. Carers are often forgotten. Educators are struggling with students on the spectrum in the classrooms. I ran Melbourne's first ever Autism Health & Well Being Expo on 25 July 2015 to provide information to people with autism, their carers and educators. With 70 exhibitors, high-profile speakers throughout the day, and around 1500 people through the doors on the day, it was a tremendous success. I'm a single mum, I used my savings to get this event off the ground, and broke even after spending $25 000.

This is a remarkable achievement by Amanda Curtis. Having spent some considerable time there on the day, I know that there was something for everybody. Someone described the expo to me as Disneyland for somebody with autism, because it showed a wide variety of services available to people with autism and their families.

The very great concern that Ms Curtis has — and a number of others share this concern, including me — is that the expo will be a one-off. As members can imagine, for a single mum who has a child on the spectrum and who has put in $25 000 of her own money to get this up off the ground, this can only be a one-off. It is impossible to believe that she would be able to do this on another occasion, let alone every year.

I ask the minister to provide some funding for Ms Curtis to ensure that the 2016 Autism Health & Well Being Expo occurs. My understanding is that the expo is a first for Victoria and probably for Australia. We should be particularly proud of this initiative. I ask the minister to show his pride and to put forward the money necessary to ensure that this expo occurs again next year.

Responses

Ms PULFORD (Minister for Agriculture) — A number of matters have been raised by members, and I will seek responses from ministers.

Mr Morris raised a matter for the Minister for Roads and Road Safety about a school safety zone in Koroit, and in particular solar 40 kilometre-per-hour zone signs.

Dr Carling-Jenkins raised a matter for the Minister for Police about the need for a Point Cook police station upgrade and some of the challenges arising from the significant population growth in the City of Wyndham.

Mr Eideh raised a matter for the Minister for Emergency Services and sought from the minister an update on the implementation of recommendations arising from the Economic Development, Infrastructure and Outer Suburban/Interface Services Committee inquiry into and report on marine rescue services in Victoria, a committee in which Mr Eideh participated.

Mr Ramsay raised a matter for the Minister for Housing, Disability and Ageing and asked that the minister accompany him on a visit to meet with a multicultural aged-care service in Geelong. He spoke in particular about its efforts to attract funding for a new dementia wing.

Ms Dunn raised a matter for the Minister for Public Transport in relation to the government's planned improvements to bus services in the City of Manningham.

Ms Shing raised a matter for my attention, and it follows her recent visit and involvement with Invest Gippsland and agribusinesses in her electorate of Eastern Victoria Region. In particular she asked that I visit Gippsland to meet with agribusinesses to provide information about the opportunities that exist in relation to the Future Industries Fund and the work the government is undertaking to develop a long-term agenda and strategy as we seek to grow our $11.6 billion food and fibre industries. I indicate to Ms Shing that on this occasion I would be more than happy to do that, and we will organise a date and get on to that as quickly as possible. That would be my absolute pleasure.

Ms Lovell raised a matter for the Minister for Environment, Climate Change and Water and sought to bring to the attention of the minister five issues that local irrigators have raised with her around a water market, water trading issues and concerns they have. Ms Lovell wished to bring those matters to Minister Neville's attention, and I will pass that on.

Mr Bourman made everybody else look overly wordy, as the President observed, with a very succinct request that the Minister for Police consider improved safety measures for Victoria's police officers. I am sure that that is of enormous interest to the minister and that he will respond to Mr Bourman in due course.

Ms Tierney raised a matter for the Minister for Education, James Merlino, about Oberon High School in Geelong and facilities and other matters facing that school community. Ms Tierney's request of Mr Merlino was that he visit with her and meet with people at Oberon High School in Geelong.

Ms Crozier raised a matter for the attention of the Minister for Roads and Road Safety. The action she seeks is a response from Mr Donnellan on the question of truck curfews on Beach Road and Beaconsfield Parade, particularly as we enter the summer months. That is of particular interest to Ms Crozier.

Ms Springle raised a matter for the Minister for Housing, Disability and Ageing and sought that the minister meet with two constituents and community representatives on issues in relation to Magpie Nest. I will pass that on to the minister.

Ms Symes raised a matter for the Minister for Health in relation to the status of the agreement between Victoria and New South Wales on the provision of regional cancer services, in particular how people in the Albury-Wodonga region are able to get timely access to radiotherapy services.

Mr Ondarchie raised a matter for the Minister for Roads and Road Safety, in particular issues of congestion at school times in Mickleham Road, and sought that Mr Donnellan ask his department to work with the school community on solutions to the congestion challenges that exist there, particularly around drop-off and pick-up times.

Mr Young raised a matter for the Minister for Environment, Climate Change and Water in relation to the kangaroo population in regional Victoria. Mr Young sought to redefine regional Victoria as the other side of the ring-road. I would urge Mr Young to consider the more traditional definition that we use in the Regional Development Victoria Act 2002, but I do know what he means. What Mr Young is after from Ms Neville is that a kangaroo population study be commissioned, as he has encountered what seems to be a bit of to and fro around evidence to support his concerns and those of many other people in regional Victoria about our kangaroo population.

Mrs Peulich raised a matter for the Minister for Health. She is seeking the minister's engagement with the community in response to rumours about the possible establishment of a Kingston memorial park and alternative uses for an area of land that rumours suggest may be identified for use by the Southern Metropolitan Cemeteries Trust. I will ask Ms Hennessy to provide a response to that.

Mr O'Donohue raised a matter for the Minister for Roads and Road Safety around the intersection of Racecourse Road and Princes Highway in Pakenham. He had a number of suggestions from a constituent of his about some short-term and some longer term opportunities to provide an upgrade to that intersection.

Mr Finn raised a matter for the Minister for Housing, Disability and Ageing. Everybody in this house knows what a passionate advocate for autism services Mr Finn is. He has been raising matters around the availability of and access to services for people with autism for a while now in the Parliament. On this occasion Mr Finn spoke about the remarkable efforts of one Amanda Curtis in organising the Autism Health & Well Being Expo and sought from the minister some consideration of funding so that this event can be held in future years. I am sure the minister will provide Mr Finn with a response to that.

I indicate that I have written responses to adjournment matters raised by Ms Fitzherbert, Ms Lovell and Mr Ondarchie on 4 August; Mr Finn and Mr Ramsay on 19 August; Mr Purcell, Mr Ramsay, Ms Tierney and Mr Young on 20 August; Mr Eideh on 1 September; Ms Bath on 2 September; Ms Crozier, Mr Leane and Mrs Peulich on 3 September; Mr Mulino and Ms Tierney on 15 September; Ms Lovell and Ms Tierney on 16 September; and Mr Drum, Mr Leane, Ms Patten, Mr O'Donohue and Mr Ramsay on 17 September.

The PRESIDENT — Order! The house stands adjourned.

House adjourned 10.38 p.m.

WRITTEN RESPONSES TO QUESTIONS WITHOUT NOTICE

Responses are incorporated in the form provided to Hansard

Kangaroo control

Question asked by: **Mr Young**
Directed to: **Special Minister of State**
Asked on: **16 September 2015**

RESPONSE:

The Department of Environment, Land, Water and Planning (DELWP) does not require authorisation holders to report on how many animals are actually controlled based on an assessment of the impact of the animals on crops, pastures or environment or safety. The Authority to Control Wildlife (ATCW) data represents the maximum number of animals approved to be controlled, not necessarily the actual number of animals controlled.

It is DELWP policy that all practical non-lethal options must be exhausted before an ATCW for lethal control will be considered.

DELWP staff randomly inspect a number of ATCWs each year. ATCWs include strict conditions to ensure animals are controlled in a humane manner. Anyone acting on an ATCW is required by law to comply with the ATCW conditions. Non-compliance may result in cancellation of the authorisation, legal action or fines.

Electorate office staff

Question asked by: **Mrs Peulich**
Directed to: **Minister for Agriculture**
Asked on: **17 September 2015**

RESPONSE TO SUPPLEMENTARY QUESTION:

All of my Electorate Officers have been hired at my discretion, in accordance with standard practices.

Electorate office staff

Question asked by: **Mr Rich-Phillips**
Directed to: **Minister for Agriculture**
Asked on: **17 September 2015**

RESPONSE TO SUPPLEMENTARY QUESTION:

Mr Mintern has been a Ministerial Adviser in my office since 5 December 2014. I continue to have absolute confidence in him, as I did when I first employed him.